



April 12, 2019

Fonseca 94 LLC
1604 S. Cascade Ave.
Colorado Springs, CO 80905

Pure Medical, LLC
207 W. Rockrimmon Blvd, Unit C
Colorado Springs, CO 80919

RE: Approval Letter for 1645 S. Tejon Commercial Center and the Pure Medical Separation Relief
File Number: AR R 19-00118 and AR R 19-00141

Dear Applicants:

The City's Urban Planning Division administratively approved the above-mentioned administrative relief for MMC separation (AR R 19-00118) and non-use variance for parking (AR R 19-00141 – this application was initially accepted as an Administrative Relief application but converted to a Non-Use Variance during the review process) on April 12, 2019. I've provided a record-of-decision describing Staff's analysis and findings for the parking variance. The following is a brief analysis of the Administrative Relief request to allow approximately 961' of separation from the existing MMC at 1530 S. Nevada as well as approximately 975' of separation from the existing MMC at 1433 S. Tejon St.

7.5.1102 requires that the following criteria be met:

- A. Strict application of the regulation is unreasonable given extraordinary or exceptional conditions.
City Code requires separation to be measured from the closest portion of the building where the proposed MMC is located to the property line of the nearest MMC via a route of direct pedestrian access. The proposed MMC is to be located at the rear of the building addressed as 1645 S. Tejon. While Staff has correctly applied the measurement methodology and determined that the required 1,000' separation is not present, if the measurement were taken from the closest portion of the tenant space, over 1,000' of separation would be achieved since the specific tenant space is roughly 100' further away from the existing MMC's than the closest corner of the building. Furthermore, the location of the proposed MMC at the rear of the building, with extremely limited visibility from the public right-of-way helps to address the perception that this area is experiencing a higher density of MMC uses. Lastly, the large building size, and limited parking area is an extraordinary condition in this area, and the owner has worked to find multiple users for the building with off-setting parking demand peaks to mitigate concerns from stakeholders about the modest parking supply on the site.
- B. Intent of the Zoning Code preserved.
The intent of the Zoning Code is to protect property values, to preserve neighborhoods and to protect private property from adjacent nuisances such as noise, excessive traffic, incompatibility of uses, inappropriate design of buildings, and visual obstructions. Staff finds that allowing the proposed MMC use to be approximately 4% short of the required 1,000 separation from the nearest MMC will not affect property values, nor will it damage or destroy the surrounding neighborhood. The use will not create nuisance noise, traffic, uses, or visual obstruction.

C. No adverse impact to surrounding properties.

The MMC proposed for 1645 S. Tejon currently operates approximately 1,000 feet from the proposed location. The operator's lease has been terminated due to the planned redevelopment of the site for the Creekwalk Commercial project – the largest to date within the South Nevada Urban Renewal District. Staff is not aware of any adverse impacts that the existing location created for surrounding properties. The new store location will not increase the number of MMCs in the area as it is just moving from one property to another within the same neighborhood. The new location is at the rear of the existing building and will have limited visibility from the public right-of-way. One intent of the MMC separation requirement is to avoid the clustering of MMCs in specific areas and to allow each MMC to have a better chance of securing customers from the surrounding neighborhood. The proposed relocation should not interfere with the customer bases of other MMCs in the area, as the proposed MMC already exists roughly 1,000 feet to the south.

D. No increase in residential density.

This criteria is not applicable to this request.

This approval is subject to the following conditions:

1. Development must conform completely to the approved site plans.
2. Utility main and service locations on this plan are illustrative only, and are not approved with this development plan.
3. A sign permit through Development Review Enterprise is required for all signage, prior to installation.

Please attach one copy of the approved site plan set to each set of construction drawings submitted to the Regional Building Department in conjunction with the building permit application. A Certificate of Occupancy will not be issued for the development until all private and public improvements shown on the plan are completed or financially secured.

This approval will expire twelve (12) months from the approval date unless a building permit is issued for the construction of the project. If any changes to the approved site or building design become necessary prior to, or during construction, an amended development plan will need to be submitted for City Planning review and approval.

The City of Colorado Springs is committed to excellent customer service. We would like to hear your comments about the service you received during the review of this application and your interaction with our department. Please consider completing the survey through Speak UP COS located at <https://coloradosprings.granicusideas.com/surveys/planning-department-customer-service-survey>. Your response is completely confidential.

If you have questions please contact me at (719) 385-5382. If you have further questions please contact Katie Sunderlin, Neighborhood Outreach Specialist at sunderka@springsgov.com (719)726-1118.

Sincerely,



Ryan Tefertiller, Planning Manager

C: City Planning File Nos. AR R 19-00118 and AR R 19-00141

Page Saulsbury – approval letter via email (csaulsbury@springsgov.com)

Katie Sunderlin – approval letter via email (sunderka@springsgov.com)

Enclosures: Approved Plan
 Record of Decision for the Non-Use Variance