



1645 S Tejon Center

APPEAL OF ADMINISTRATIVE RELIEF FOR MARIJUANA SEPARATION

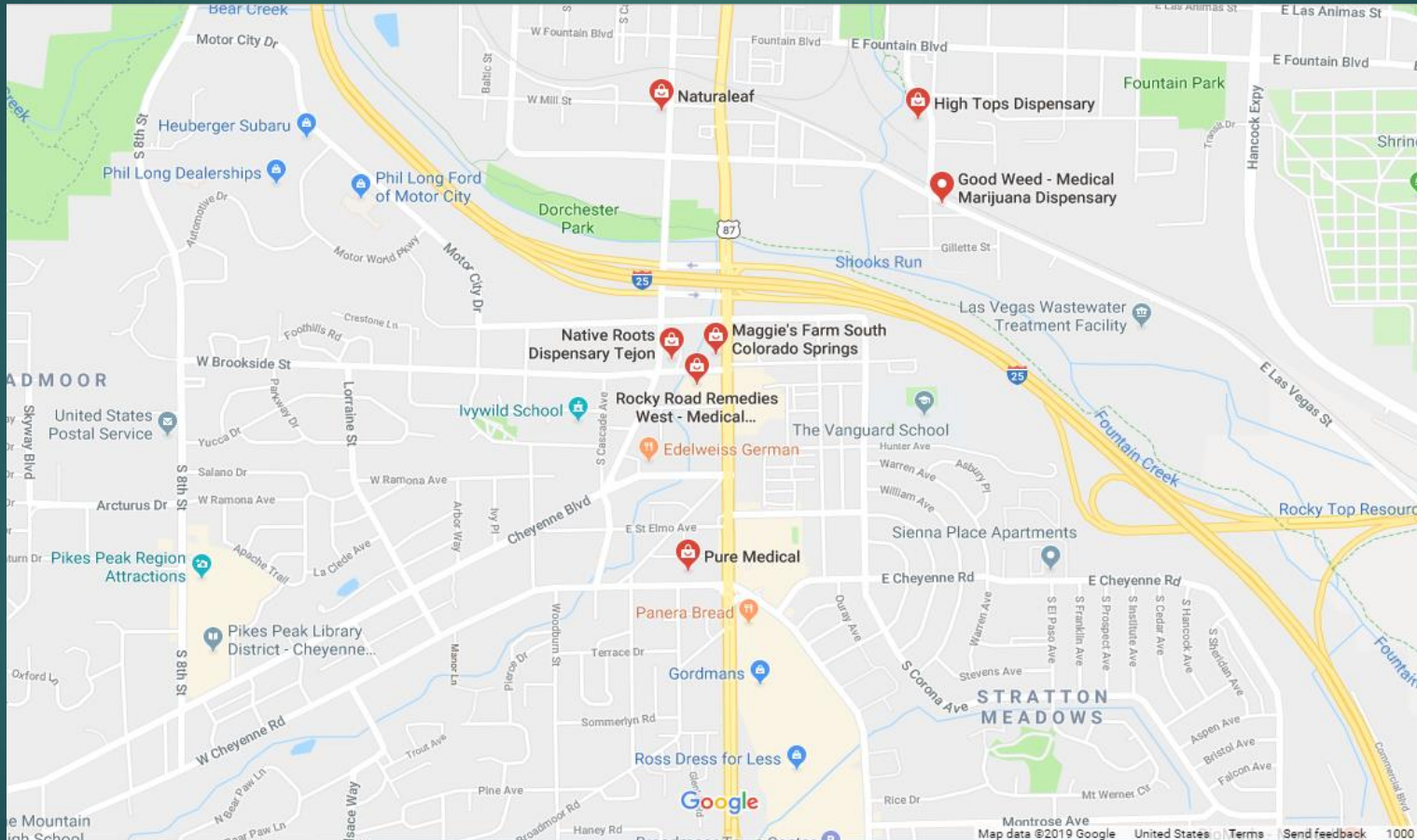
Administrative Relief is Incorrect for file AR R 19-00118 because....

- ▶ 1. It is against the express language of the zoning ordinance.
- ▶ 2. It is against the express intent of the zoning ordinance
- ▶ 3. It is unreasonable.
- ▶ 4. It provides no unique benefits to the residents of the Ivywild neighborhood, however the residents find multiple adverse impacts would be created from the addition of another MMC to the area.

Express Language

- ▶ *“A medical marijuana center (MMC) shall be located no less than one thousand feet (1,000’) from any public or private elementary, middle, junior high or high school, or a residential childcare facility, or a drug or alcohol treatment facility, or any other MMC.”*
- ▶ The relocation of Pure Medical to 1645 S Tejon places it within 1000’ of two existing MMC’s, per the city’s utilization of the measurement procedures. One of the MMC’s, Native Roots, is on the same street and same side of the street as 1645 S Tejon
- ▶ Although not technically a rehab center or childcare facility, it will also be within 1000’ of the Family Life Center, where mothers and children come to rebuild lives often torn apart by drug abuse.

Map depicting MMC cluster & lack of MMCs to the South



Express Intent

Clustering of Medical Marijuana Centers

Relocation of Pure Medical from Cheyenne Rd to S. Tejon creates an MMC cluster in the Ivywild neighborhood, leaving a void to the south.

- ▶ With the addition of Pure Medical, there will be 5 MMC's in a 0.2 square mile area, with other centers less than 0.5 miles away.
- ▶ Clinics existing before the zoning change were not forced to meet the new standard, so adding Pure Medical to Tejon creates an MMC zone where 3-4 clinics in a row have a separation under 1000'.
- ▶ No MMC's exist to the south of the Ivywild neighborhood. Pure Medical will vacate the Cheyenne neighborhood to the south, creating a lapse in coverage area for every neighborhood south.
- ▶ This will create ****the highest concentration of MMC's in the City****

It is UNREASONABLE!

- ▶ It is unreasonable for the Ivywild neighborhood to absorb another MMC simply because they have lost their lease to development.
- ▶ As established, this will create an MMC cluster unlike any other area of the city of Colorado Springs.
- ▶ Colorado Springs, unlike other major cities in Colorado, has followed the lead of Mayor Suthers in creating strict regulations in regards to marijuana access, so violating the MMC separation code is not a reasonable step to take, as a precedent will be set.
- ▶ Due to the current concentration in Ivywild, with no MMCs to the south of the current Pure Medical site, it is unreasonable to believe that this step will preserve their current client base while failing to disrupt the business of the existing centers.

Benefits of Relocating Pure Medical

- ▶ The neighborhood as a whole sees no benefit to locating an MMC at 1645 S. Tejon.
- ▶ 1. At the March 11th Ivywild Neighborhood General Meeting, several residents insisted on taking a straw poll to unequivocally determine the level of support for this project. Over 80 residents expressed opposition to the project, while no attendees voted in support.
- ▶ 2. “Why do we need another marijuana place?” was the overwhelming sentiment.
- ▶ 3. Residents expressed concerns about granting variances to a business owner who has failed to respect the needs of the neighborhood in the past, and who is seen as trying to circumvent regulations.

Adverse Impacts of Relocating Pure Medical to 1645 S Tejon

- ▶ During the public comment period, residents expressed concerns over traffic, parking, public health & safety, and neighborhood desirability. No resident sent in comments of support.
- ▶ Traffic & Parking: The Ivywild traffic study will not be complete until Fall 2019, but the study's author has already concluded parking is not adequate, and that walkability is challenging.
- ▶ Safety: Just this week, LivWell on Tejon was broken into in full view of an intersection. The proposed location of Pure Medical in the rear of the building creates increased safety concerns.
- ▶ Public Health: Ivywild has a growing population of young families. The mayor cites marijuana as affecting graduation rates, yet these children will be in walking distance of 5 MMCs.

Response to City Criteria

1. The strict application of the regulation is unreasonable

- ▶ A. The city claims if measured in a manner outside of the code specifics they would be in compliance, however, the code makes the measurements very clear, so this information is irrelevant.
- ▶ B. The city claims there will be no appearance of a cluster due to the low visibility. This does not disavow the cluster, nor does it take into account modern perceptions which form from online maps, google searches and apps such as WeedMaps.
- ▶ C. The MMC helps create a commercial center, requiring less parking than other ventures, but parking & traffic will still be issues.
- ▶ D. The owner knew the property limitations when he purchased the buildings, yet has managed to house several types of businesses in the rear of the building, and voluntarily moved his businesses out.

Response to City Criteria

2. *Intent of the Code is Preserved*

- ▶ A. The city states that the intent of the code is to protect property values and preserve neighborhoods. Property values, as well as the health and safety of a neighborhood, are affected by the types of businesses represented. This will create an overwhelming representation of Ivywild as a neighborhood for weed shopping, with the highest concentration of MMC's in the city, thus influencing what other types of businesses move to Tejon with redevelopment.
- ▶ B. Many studies show that for every additional MMC per square mile, health and safety concerns increase. Because this is such a new issue with limited research, Ivywild will essentially become a guinea pig for urban planning studies regarding marijuana. We would just like to be a nice, family neighborhood.

Response to City Criteria

3. *No adverse impact on surrounding properties*

- ▶ A. The city claims this relocation will not increase the number of MMC's in the same neighborhood as it is moving only 1000' south. However, it's current location is not on the same street, is in a commercial district, and is not considered by residents to be part of the neighborhood. In the ongoing Ivywild Traffic Study commissioned by the city, the current location of Pure Medical is not included.
- ▶ B. The city presents no evidence to show that adding an MMC will not disrupt the customer base for the established clinics.
- ▶ C. The city claims the position in the rear of the building prevents clustering, which is false from a factual point, and does not address the location of any signage.

Findings: the city has not satisfactorily met the review criteria

- ▶ The city has not been able to conclusively show that it is necessary to violate the city code regarding MMC separation.
- ▶ Health and safety are threatened due to potential for increased crime, increased access to marijuana and related health concerns, and an increase in traffic and parking issues which threaten pedestrians and cyclists.
- ▶ Residents have more than enough access to MMCs, while other parts of the city have none. This leaves many medical patients in Colorado Springs without easy access to their medication.
- ▶ Residents would benefit from a variety of businesses in the Tejon corridor, rather than a concentration of MMCs and bars.