

**Proposed VCA Urgent Care
3703 Bloomington Street
Building Setback Variance Request**

Veterinary Clinics of America (or VCA) is proposing a new animal Urgent Care at 3703 Bloomington Street, in existing tenant spaces within a building at the Springs Ranch Shopping Center.

The VCA Urgent Care would occupy two currently vacant tenant spaces, for a gross area of 3,633 square feet. No changes are proposed to the existing building exterior, this project would entail a complete interior remodel of the existing space.

With their animal urgent care facilities, VCA provides a service to pet owners that bridges the gap between primary and emergency care. Like human urgent care facilities, VCA will provide pet owners with access to non-emergent urgent care services including allergic reactions, vomiting, ear infections, eye issues, skin issues, lacerations, lethargy, limping, etc. VCA does not provide boarding or overnight hospitalization services; all pets will be outpatient, which means they will be seen and discharged the same day.

The existing building is: (1) Approximately 44' from the south property line running parallel to North Carefree Circle; (2) Approximately 121' from the west property line running parallel to Bloomington Street; (3) Approximately 234' from the north property line; and (4) Approximately 300' from the east property line.

The property on which the Springs Ranch Shopping Center is located is zoned MX-M (Mixed Use Medium Scale). A "small animal clinic" is a permitted use in the MX-M zone. The Zoning Code defines the use as "A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases in which the animals are limited to dogs, cats, and other comparable household pets and in which the overnight care of such animals is permitted when necessary for medical treatment. The facility may include a crematorium for small animals as an accessory use."

The newly updated Zoning Code, adopted in June 2023, includes a couple additional zoning standards for "animal care facility," and "small animal clinic" uses per Section 7.3.303 (A)(1)(a) and (b). Subsection (A)(1)(a) states that "Each building and any associated animal run shall be constructed at least fifty-five (55) feet from any property line." Subsection (A)(1)(b) states that "Except in the A zone district, all activities shall be conducted within a totally and permanently enclosed soundproofed building."

As mentioned above, the existing building that VCA would be in does not meet the 55' building setback at the south property line but does meet the setback at all other property lines. All activities for the proposed VCA Urgent Care would be located within a totally and permanently enclosed building. In discussing the soundproofing requirement with WD Partners' Architectural Program Director, the wall of the tenant space will be insulated providing a measure of sound dampening. VCA commits to working with the City should it be found that noises from inside the



business are creating a nuisance for any of the adjacent property owners.

The approved Development Plan for the Springs Ranch Shopping Center, which was approved June 1, 2005 indicates that the required building setbacks for the development were to be a minimum of 25' from the front, sides and rear property lines, which was likely the required setback of the zoning district on the property at that time. A scanned copy of the Development Plan was provided by Planner Ann Odom and is included with the variance application package.

Nonuse Variance Review Criteria:

Applications for nonuse variances must meet all of the criteria listed in the Zoning Code before an application can be approved. As a guide to applying any of the criteria for nonuse variance applications, the applicant may consider any or all of the following circumstances in determining whether the applicable criteria have been met:

- 1) Extraordinary or Exceptional Conditions:
 - a. The physical conditions of the property shall not be conditions general to the neighborhood or surrounding properties. **Not applicable to the building setback variance request.**
 - b. The unique physical conditions of the property may be its size, shape, locations, topography, soils. **Not applicable to the building setback variance request.**
 - c. The unique physical conditions of the property may be the size or location of existing structures on the property if such structures are not self-imposed conditions. **This criterion is applicable to the building setback variance request. The building in which the proposed VCA Urgent Care would be located is an existing building with existing setbacks. The proposed use, "small animal clinic" is a permitted use in the MX-M zone; however, the current Zoning Code, adopted in June 2023, now requires a 55' building setback from all property lines for the "small animal clinic" use. VCA did not develop the property nor construct the existing building, so it could be argued that this condition is not self-imposed.**
 - d. The unique physical conditions may be certain on-site or off-site environmental features which may positively or negatively affect the property in question, including but not limited to, adjacent land uses, traffic, noise, views and location of significant natural, architectural, or historic features. **Applicable to the building setback request are the existing land uses surrounding the subject building, the traffic on North Carefree Circle, and the noise from nearby Colorado Springs Municipal Airport. Springs Ranch shopping center is surrounded by commercial uses, including a multi-tenant retail center to the east, a church to the south (across N. Carefree Circle), a Chick fil-A restaurant to the west (across Bloomington Street), and a Target shopping center to the north. North Carefree Circle appears to be a major arterial road, as it is a six-lane divided roadway with both a right turn lane and left turn lane at the intersection with Bloomington Street making it an 8-lane roadway section in the immediate area of the proposed VCA Urgent Care. Finally, there is an**



existing airport (Colorado Springs Airport) approximately 10 miles to the south of the Springs Ranch Shopping Center. The traffic on North Carefree Circle and the air traffic heading to the municipal airport will contribute much more noise pollution than a fully enclosed animal urgent care facility could possibly generate, and even though potential noise is not part of the variance request, Subsection (A)(1)(b) in Section 7.3.303 of the Colorado Springs Zoning Code does indicate that potential noise is a concern for a “small animal clinic.”

2) No Reasonable Use:

- a. The demonstrated extraordinary or exceptional physical conditions of the property must directly relate to the inability to reasonably use the property in conformance with the applicable zoning ordinance regulations. **Not applicable to the building setback variance request.**
- b. The concept of less reasonable use may be considered if a neighborhood standard exists and if it is demonstrated that the property in question has a less reasonable use by comparison with proximate and similar properties in the same zoning district. **Not applicable to the building setback variance request.**
- c. The purchase price of the property, the desire for greater economic return on investment or mere inconvenience do not constitute, by themselves, evidence of no reasonable use. **Not applicable to the building setback variance request.**
- d. Self-imposed conditions such as prior voluntary rezoning, platting, or building in violation of City codes and ordinances do not constitute evidence of no reasonable use. **This criterion is applicable to the proposed building setback variance request. When the Springs Ranch Shopping Center was approved in June 2005, building setbacks were established on the approved development plan. The shopping center buildings were then constructed in compliance with the approved development plan, and in compliance with the minimum building setbacks of the zoning on the property at that time.**

When the development plan for Springs Ranch Shopping Center was approved, the building setbacks were the same regardless of the permitted uses that were allowed to occupy the buildings in the shopping center.

The additional zoning standards, applicable to “small animal clinic” that were approved as part of the June 2023 Zoning Code update are now restricting a use that is permitted by the base zoning district; such that for VCA to occupy the currently available tenant spaces in the southwestern most retail building, requires a building setback variance. The additional zoning standards that were adopted 18 years after the Springs Ranch Development Plan was approved, are not self-imposed by either the property owner or VCA who seeks to open a “small animal clinic” at this location.

- e. Knowledge, or lack of knowledge, of zoning restrictions and physical site constraints at the time the property is purchased is immaterial to evidence of no reasonable use of the property. **This is not applicable, because the zoning**



restriction that is causing the need for the building setback variance was not part of the Zoning Code when the current property owner, SREP Springs Ranch LLC purchased the property from the Harris Family Enterprises LLC on March 30, 2022.

3) No Adverse Impact:

- a. The granting of a variance shall not be detrimental to public health, safety and welfare or injurious to surrounding properties. **The building that is the subject of the setback variance is existing and has been in existence since before the current Zoning Code that was adopted in June 2023. The existing location of the building will not be detrimental to public health, safety, and welfare or injurious to surrounding properties.**
- b. The granting of a variance shall not be inconsistent with any plans adopted by the City. **Again, this is an existing commercial building in the Mixed Use – Medium Scale Zone and is not inconsistent with any plans adopted by the City.**
- c. The granting of a variance shall not weaken the general purpose of the Zoning Ordinance or its regulations. **The granting of the variance shall not weaken the general purpose of the Zoning Ordinance or its regulations. The “small animal clinic” use is a permitted use in the base MX-M zone. A variance is only required because the location of the existing building and the tenant spaces that are available to VCA would mean a “small animal clinic” use is less than 55’ from the southern property line. The existing southern building setback is approximately 44’ which represents a 20% variance from the current setback standard for a “small animal clinic” which was approved as part of the Zoning Code Update in June 2023.**

However, if you consider the larger setback standard for the “small animal clinic” use is intended to protect surrounding properties, it is important to consider the distance from the building to the next property. In measuring that distance, the SpringsView map website was utilized, and it was found that the existing building is approximately 178’ from the next property to the south because in between the properties is an 8-lane divided roadway that separates the proposed VCA from the existing Church that is on the south side of N. Carefree Circle. Looking at the closest residential use, the distance from the existing building to the closest building in the First & Main Apartment complex is approximately 411 feet. When you consider these distances, the existing building location, where the proposed VCA would be located, is easily setback more than 55’ from the nearest properties to the south.

- d. The variance, if granted, shall only be to the extent necessary to afford a reasonable use of property. **The proposed variance request is the minimum relief necessary to allow VCA to occupy the available tenant spaces in the southwestern most retail building of the Springs Ranch Shopping Center.**



**3703 Bloomington Street
Springs Ranch Shopping Center**

Exhibit shows the approximate existing building setbacks from each property line



**3703 Bloomington Street
Springs Ranch Shopping Center**

Distance from proposed VCA tenant space to the Church's property line across N. Carefree Circle



**3703 Bloomington Street
Springs Ranch Shopping Center**
Back corner of proposed VCA tenant space is 411.44' from
the nearest residential use (First & Main Apartments)