

NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA
DECEMBER 4, 2019

STAFF: MATTHEW FITZSIMMONS

FILE NO:
CPC CU 19-00136 – QUASI-JUDICIAL

PROJECT: 117 E. LAS VEGAS
APPLICANT: ART C KLEIN CONSTRUCTION, INC.
OWNER: BONICELLI BROTHERS, INC.



PROJECT SUMMARY:

1. Project Description: This application proposes to utilize a 1.52 acre commercial property and the existing 18,075 square foot building for an auto parts warehouse and detailing shop. Using the definitions within Section 6 of the Form-Based Code, the proposed use is considered a

“warehouse/wholesale” use. Section 2.5.1 of the Form-Based Code requires approval of a conditional use for any warehouse within the Corridor Sector.

2. Applicant’s Project Statement: **(FIGURE 1)**
3. Planning & Development Department’s Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Addresses: 117 E. Las Vegas Street
2. Existing Zoning/Land Use: FBZ-COR/CR (Form-Based Zone – Corridor Sector / Condition of Record) / The site was developed as a single-tenant commercial building **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: FBZ-T1 (Form-Based Zone – Transition Sector 1) / Residential and Commercial uses
South: PK SS (Park District/ Stream Side) / Dorchester Park
East: FBZ-COR (Form-Based Zone – Corridor) / Motel and Springs Rescue Mission
PK SS (Park District/ Stream Side) / Dorchester Park
West: FBZ-COR (Form-Based Zone – Corridor) / Retail
PK SS (Park District/ Stream Side) / Dorchester Park
4. Annexation: South End Add Colorado Springs, 1897
5. Master Plan/Designated Master Plan Land Use: Mill Street Neighborhood Plan / Industrial
6. Subdivisions: South End Add Colorado Springs, 1897
7. Zoning Enforcement Action: None
8. Physical Characteristics: The entire 1.52 acre site is level with a large paved parking lot in front (225’x190’) and a single commercial building (1965) located in the rear of the property. The entire property is surrounded by city right of way with alleyways on three sides and fronting on E. Las Vegas Street. Dorchester Park is across the alley to the south and portions of the east and west sides, adjacent to the structure.

STAKEHOLDER PROCESS AND INVOLVEMENT:

One hundred and eighteen post cards were sent to the surrounding property owners to notify them of the proposal shortly after the application was submitted. That notification provided information regarding the proposed project and instructions on how to submit comments. Staff received one (1) formal comment of support for the project from the Downtown Partnership and none in opposition **(FIGURE 3)**. All applicable City agencies and departments were asked to review and comment. All concerns and comments have already been incorporated into the plan or are listed in the technical modifications section at the conclusion of this report. The site will be posted and notices will be sent announcing the public hearing prior to the Downtown Review Board meeting.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The planned warehouse and detailing shop use of the existing building will allow Phil Long Dealerships to supply auto parts to Colorado Springs in a central location that is close to the expressway. The detail shop will apply window tinting and protective film to cars that have been sold at Phil Long Dealerships. The auto supply warehouse and detail shop are expected to produce limited traffic since no customers will be visiting the site. The only traffic will be produced by the six employees on site and the delivery trucks dropping off and picking up parts for the dealerships.

The proposed plan **(FIGURE 4)** illustrates very minor exterior changes to the façade of the building which is over 220’ from E. Las Vegas Avenue. These changes include painting and the addition of two overhead doors. Additionally, the Applicant will eliminate most of the parking in the front of the building except for twenty-nine (29) parking spaces and two accessible stalls/access aisle required for ADA compliance. The stalls that are being removed will allow for the delivery trucks to turn around and back into the loading dock on the property. The twenty-nine parking stalls that are proposed for this development far exceed the amount of stalls required by the Form-Based Code (18 stalls) for the warehouse use.

The zone designation for this property includes a 2001 Condition of Record (CR) that requires the following: "Noise barrier shall be erected along the easterly property line as shown on the plan agreed to by adjacent property owners." The Applicant proposes to place a 6' high and 16' long chain link fence with vinyl slats to reduce the sound created by the business. Since their detailing operation does not create noise that exceeds that of Nevada Avenue on the east side, Staff supports the erection of this fence to satisfy the ordinance.

Staff had significant dialog with the Applicant regarding the landscape design adjacent to E. Las Vegas Street. Currently the amenity zone between the sidewalk and curb is paved with asphalt and cars are often parked on it. Because of the Conditional Use process, Staff believes there is nexus and proportionality to request that the asphalt be removed and limited landscaping be installed. There is currently no irrigation in the front of the property and Staff agrees with the Applicant that extending an irrigation line 225' to the parkway would not be proportional to the application. The applicant has proposed a landscape design that Staff has reviewed and concluded that it meets the spirit of the Form-Based Code and is appropriate for the area.

Conditional Use:

One of the overarching principles of the Downtown Form-Based Zone is that individual land uses are less important than the building forms that establish Downtown's character, architecture, and built environment. However, there are a select number of uses which, if not properly considered, have the potential to negatively impact surrounding properties and the Downtown as a whole. One such use is a warehouse/wholesale, which is defined in the Form-Based Code as "an enclosed building used primarily for the storage of goods and material and which includes a retail/wholesale area at the front of the property for the sale of the stored goods and services."

While warehouses are important for all cities to function properly, they are not always appropriate in downtown settings. That is why the Form-Based Code requires a conditional use application for this use type in the Corridor Sector. The Downtown Review Board must determine if the current application meets the required criteria and should be approved at a public hearing. This review, can be an important step toward ensuring that surrounding properties are not harmed and that the neighborhood is progressing in a direction that will benefit the city.

The three criteria that must be considered by the Downtown Review Board in order to grant the requested conditional use permit are:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

These three criteria are addressed by the Applicant in their project statement and by the following Staff observations and analysis:

Historically, this area of the Downtown has not thrived economically as much as other sectors. Its proximity to Drake Power Plant, I-25, the freight rail, along with the proximity to the Nevada Avenue corridor have all made this area of Downtown more industrial than areas further north. Due to the increased presence of individuals experiencing homelessness in Colorado Springs and the fact that The Springs Rescue Mission, the largest provider of services for that population is just a block away, this area may have the highest concentration of people experiencing homelessness in the City. City resources, specifically increased police presence, are necessary to minimize impacts to the surrounding area and protect citizens. Dorchester Park, which this property abuts on three sides, demands the most resources from the Parks Department due to the fact that drug use, fighting, camping, loitering and littering are common occurrences in this park. In an effort to deter illegal activities, the Parks Department has shut down the bathrooms and removed access to the park shelter.

In short, the activities of those experiencing homelessness are negatively impacting the marketability of the subject property and the neighborhood. The Property Owner has not been able find a suitable tenant since the previous tenant left due to these very issues over two years ago. Staff believes that an occupied building, even if the use has limited positive impacts, is a stabilizing force in a neighborhood.

After careful consideration, Staff has determined that the required criteria have been met and once the technical modifications described below are addressed, the plan can be approved.

STAFF RECOMMENDATION:

ITEM NO: 1 CPC CU 19-00136 – 117 E. Las Vegas

Approve the proposed conditional use development plan based on the findings that the conditional use criteria empowered in Section 2.5.4 of the Downtown Colorado Springs Form-Based Code will be substantially met once the following technical modifications are made:

Technical Modifications to the Conditional Use Development Plan:

1. Label the condition and width of the sidewalk and amenity zone on E. Las Vegas.