

**DOWNTOWN REVIEW BOARD AGENDA
NOVEMBER 6, 2019**

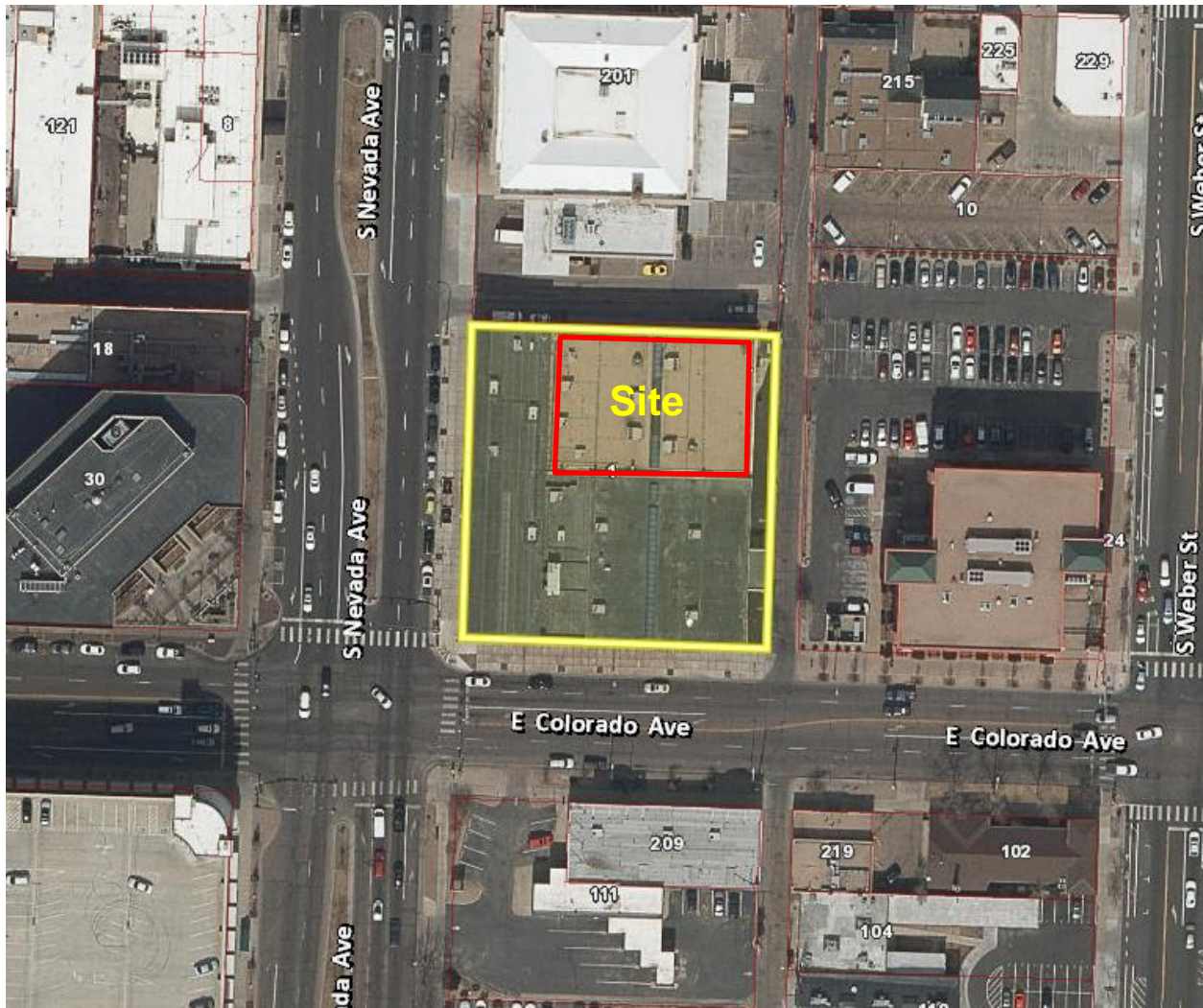
STAFF: RYAN TEFERTILLER

**FILE NO:
CPC CU 19-00129 – QUASI-JUDICIAL**

PROJECT: 1 S. NEVADA COMEDY CLUB

OWNER: RON JOHNSON

CONSULTANT: WAY ARCHITECTS P.C.



PROJECT SUMMARY:

1. Project Description: This proposal is to allow a new comedy club and bar use within a portion of the existing building at 1 S. Nevada Ave. The 37,050 square foot property is

zoned FBZ-CEN (Form-Based Zone – Central Sector), includes a roughly 34,000 square foot commercial building, and is located on the northeast corner of S. Nevada Ave. and E. Colorado Ave. **(FIGURE 1)**

2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning & Community Development Team's Recommendation: **Approval of the application with technical modifications**

BACKGROUND:

1. Site Address: 1 S. Nevada Ave.
2. Existing Zoning/Land Use: FBZ-CEN (Form-Based Zone – Central Sector) / The site is developed with an existing commercial building with internal/structured parking.
3. Surrounding Zoning/Land Use:
 - North: FBZ-CEN / commercial, civic and office uses
 - South: FBZ-CEN / commercial and office uses
 - East: FBZ-CEN / commercial and office uses
 - West: FBZ-CEN / commercial, civic and office uses
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Experience Downtown Master Plan (2016) / Activity Center Mixed Use
7. Subdivision: Town of Colorado Springs (1871)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with an existing two-story commercial building.

STAKEHOLDER PROCESS AND INVOLVEMENT:

At the time of application submittal, the City mailed notification postcards to roughly 130 owners of property that falls within 1,000 feet of the subject property. Those postcards included information about the proposed use of the building. Staff received input from two stakeholders during the internal review stage of this project; a letter of support from the Downtown Partnership and an email of opposition from St. George's Church are included as **FIGURE 3**. The site will be posted and new postcards mailed prior to the Downtown Review Board's public hearing.

Because the application only involved a new use in an existing building, the application was reviewed by a limited number of City agencies. All reviews support the project; any remaining technical concerns are included as Technical Modifications at the end of this report.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The subject property is occupied by a relatively typical two-story commercial building that has primarily been utilized for office uses in the past. The building includes an enclosed parking garage with 35 on-site parking stalls which are accessed through the public alley to the east. The building was expanded and improved in 2007 just prior to the adoption of the Form-Based Code. Even though the project did not require a development plan at that time and C-6 zone district standards and criteria were utilized, the current design of the building is highly compliant with FBC standards. The building appears to meet the building envelope, frontage, height, and use standards for a mixed use building in the Central Sector.

The proposed conditional use application was submitted to allow for the conversion of roughly 10,000 square feet of the first floor space to be utilized for a comedy club and bar use. A “bar” is defined in the Form-Based Code as a use that receives more than 50% of the business’s total revenue from alcohol sales. While the owner intends to balance alcohol sales with food and other non-alcohol revenue, there is a chance that alcohol revenue could exceed 50% total revenue which demands approval of a Conditional Use for a “bar.”

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. A healthy downtown is comfortable to pedestrians, and pedestrians are affected more by physical forms, public improvements, traffic speeds, and a consistent street-wall, than they are by the uses which exist behind closed doors. However, there are a select number of uses which, if not properly considered, have the potential to negatively impact surrounding properties and downtown as a whole. One such use is a bar, which is defined as a business which generates more than fifty percent of gross revenue from on-site alcohol sales. While all successful urban areas have bars, the size, type, and perhaps most importantly, location of new bars was determined to deserve case-by-case review by the Downtown Review Board at a public hearing through the conditional use process. This review, including the evaluation of the conditional use review criteria, can be an important step toward ensuring that surrounding properties are not harmed and that clusters of existing bars aren’t intensified, worsening problems associated with many late night urban uses.

Specific areas within the Downtown Form-Based Zone have experienced recurring problems with bars and late night bar customers. Littering, fighting, and other criminal activities are a challenge in areas with a high concentration of bar uses. City resources, specifically increased Police presence, are necessary to minimize impacts to the surrounding area and protect innocent residents and customers. There are other bars in the area including the Gold Room across the Nevada, accessory bars within the Mining Exchange Hotel to the northwest of the site, multiple bars/restaurants roughly a block to the west along Tejon St., and Brass Brewing which is roughly a block to the east. However, many of those bars have a unique focus such as entertainment at the Gold Room, hospitality at the Mining Exchange, and craft beer at Brass Brewing, and none present any problems with noise, crime or other behaviors that can be seen at some bars and night clubs.

As a bar use, the Downtown Review Board must find that the project substantially complies with the following conditional use criteria:

- 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.

Of the three required criteria, the 2nd and 3rd are relatively easy to evaluate. The proposed comedy club and bar uses will fill a vacant space in the existing building and will add a new entertainment option (comedy club) to the mix of uses downtown without jeopardizing the public health, safety and general welfare of the City’s citizens. The City’s recently adopted

comprehensive plan, PlanCOS, supports infill projects and reinvestment in the City's downtown core.

The first Conditional Use criterion deserves some specific discussion given the surrounding uses and the size of the subject property. The space to be occupied by the comedy club and bar totals roughly 10,000 square feet and is located toward the rear of the building. Access to the business will come through the building's front lobby along S. Nevada Ave. The primary use within the space will be to host comedy performances from local, regional and national performers. While the operator hopes to receive significant revenue from alcohol sales to guests at the club there is some expectation that alcohol revenue will be less than 50% of gross intake. Staff believes that the focus of the business on comedy entertainment, the location of the site relative to other bars, and the size/location of the business within the larger commercial building will result in a project that protects, and even adds value, to surrounding properties.

Staff finds that the project substantially complies with the required Conditional Use criteria if all the Technical Modifications listed below are fully implemented.

STAFF RECOMMENDATION:

CPC CU 19-00129 – 1 S. Nevada Comedy Club

Approve the Conditional Use Development Plan based on the findings that the Conditional Use criteria found in Section 7.5.704 of the City Code will be met once the following technical modifications are addressed:

Technical modifications to the Conditional Use plan:

1. Add the file number (CPC CU 19-00129) to the bottom right-hand corner of all plan sheets.
2. Add the square footage of the proposed bar use to the plan's site data.
3. Correct the property owner information on the plan.
4. Add a note to the plan clarifying that the 10 street trees shown on the plan will be replaced or a financial assurance processed prior to certificate of occupancy.