



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Draft Downtown Review Board

Wednesday, December 4, 2019

8:30 AM

City Council Chambers

1. Call to Order

Present: 7 - Doug Hahn, Tiffany Colvert, Randy Case, Stuart Coppedge, Jim Raughton, Kristen Heggem and Darsey Nicklasson

Excused: 2 - Aaron Briggs and Shawn Gullixson

2. Approval of the Minutes

2.A. [DRB 19-744](#) Minutes for the November 6, 2019 Downtown Review Board meeting

Presenter:

Stuart Coppedge, Downtown Review Board Chair

Motion by Hahn, seconded by Raughton, that this Minutes be accepted Proposed Motion:

Approve the November 6, 2019 Downtown Review Board minutes.. The motion passed by a vote of

Aye: 7 - Hahn, Colvert, Case, Coppedge, Raughton, Heggem and Nicklasson

Absent: 2 - Briggs and Gullixson

3. Communications

Ryan Tefertiller - Urban Planning Manager

Mr. Tefertiller updated the board on the Downtown Stadium and that on first reading with City Council, all of the items passed unanimously except for the right of way vacation that had two dissenting votes.

Board Member Raughton said he was pleased that City Council announced there would be a comprehensive parking study for the downtown dealing with the lack of parking for the Downtown Stadium.

Additional Questions/Comments

Board Member Colvert asked if there was any consultation with City Parks regarding Dorchester Park and the long term vision for the park.

Mr. Fitzsimmons said there was no discussion in relation to this project; however, he did know there was a deed restriction issue and the City cannot get rid of it as a park.

Board Member Case asked if there were any updates on the restaurant located on the northeast corner of Tejon Street and Las Vegas that had been previously reviewed by the Downtown Review Board.

Mr. Fitzsimmons said he had not heard from them, but did know the owners were surprised about the cost of everything. Mr. Fitzsimmons said there was an update to their design to shrink the footprint because of the costs. The owners also changed the theme from a tiki bar to avocado toast, but will still be vegan raw.

4. CONSENT CALENDAR - None

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

5. UNFINISHED BUSINESS - None

6. NEW BUSINESS CALENDAR

- 6.A. [CPC CU 19-00136](#) A Form-Based Zone Conditional Use Development Plan for 117 E. Las Vegas Street. The site is zoned FBZ-COR (Form-Based Zone - Corridor Sector), is roughly 1.52 acres in size.

Presenter:

Matthew Fitzsimmons, Planner II, Planning and Community Development

Staff presentation:

Matthew Fitzsimmons, City Planning, presented a PowerPoint with the scope and intent of this project.

Applicant Presentation:

Bruce Barr, Architect with Art Klein Construction, presented a PowerPoint with the scope and intent of this project.

Questions:

Board Member Case mentioned the west alley was occupied by cars and it did not appear to be used as an alley. Board Member Case asked if the board would be addressing the alleys and the accesses to the site, as well as landscaping.

Mr. Fitzsimmons replied the conditional use would not be addressing those issues and added the idea was to keep the alleyways open for potential future

use of the properties on either side. Mr. Fitzsimmons also mentioned that the business of tinting and installing protective film on vehicles would not create much noise and it was determined that adding plastic slats to the existing fence on the east side would suffice to block some of the noise and views of the actual operation.

Board Member Case said he would rather see the applicant spend money on fixing the alley and spending money on a fence based on the uses that are currently there.

Mr. Fitzsimmons said the thought was not to have them spend too much money on the fence because the noise that would be created by the business would be minimal, as well as not having them upgrade an alley they would not be using.

Board Member Case commented on the applicant pointing out that before the Form-Based zone was implemented, the area was zoned C-6 and the use of the building would have been permitted. Board Member Case wanted to know if that was analyzed further than what is in the report.

Mr. Fitzsimmons said it was discussed with the applicant, but they did not go into great depth.

Board Member Case said in his tenure on this board, this is one of the first times the old zone and the new zone somewhat clash and wondered whether this was thought through.

Mr. Tefertiller explained when the Form-Based code was created in 2008-2009, there was discussion about the rights property owners had under their existing zoning at that time and how those would change under the Form-Based zone. To help address that the City included some provisions for continuation of legal non-conforming uses, even beyond what would be allowed citywide. At the early stages of this application, staff did look at what uses were in place in the summer of 2009 when the code was adopted. Had the zoning been a warehouse use, like what is being requested today, the applicant would not have needed the conditional use submittal. Unfortunately, the use that existed at that time was more of a commercial use, so staff could not rely on the continuation of a previous legal non-conforming use. With that being said, staff is clearly supporting the conditional use and trying to make this as easy as possible for the applicant to get through the process to get this tenant in place.

Board Member Colvert mentioned the Springs Rescue Mission and their having a neighborhood agreement including coordinating with the Colorado Springs Homeless Outreach Team and conducting neighborhood cleanups. Board Member Colvert asked Mr. Barr if there had been any outreach with Springs

Rescue Mission as a neighbor coming to the neighborhood because there could be some good coordination there to make the tenant enjoy the neighborhood slightly more.

Mr. Barr answered that they had not reached out, but it would probably be a good path to travel and could maybe help alleviate some of the problems.

Board Member Colvert thought it was important for the tenant to get ahold of that neighborhood agreement so they understood who the appropriate people would be to contact if any issues arose.

Mr. Barr said he did not know the agreement existed and asked Mr. Fitzsimmons and Mr. Tefertiller to provide it for an opportunity to look over it.

Board Member Coppedge said he believed the agreement was specific for the Mill Street residential area, but it was important to share the contact information for Springs Rescue Mission should there be any issues.

Board Member Raughton said he was very supportive of this proposal but wanted to know what the tinting business was.

Mr. Barr said they would primarily be servicing the Lincoln dealership, but the business would be installing aftermarket accessories like window tinting, bras, and sound systems. The building can hold around seven cars and there will be two to three workers. The only visitors to the site would be dealership employees and deliveries for auto parts.

Board Member Case asked what the boundaries were for the Mill Street Neighborhood Plan.

Mr. Tefertiller said he believed the southern boundary of the Mill Street Plan was actually Fountain Creek. Mr. Tefertiller said the plan included both sides of the Las Vegas corridor and the eastern boundary was South Nevada Avenue. Mr. Fitzsimmons added that the proposed site was within the Mill Street Plan.

Board Member Case said he was excited to see the building occupied and something active going on there. Board Member Case mentioned the Four You Motel and some other businesses in the area that were far worse than this site and would like to know what the vision for this area was. He said this project was a fair interim use, but wanted to know if we needed to consider the Mill Street situation, at least as a guide.

Mr. Tefertiller said he could not say with confidence that the application was reviewed against the Mill Street Master Plan; however, knowing the plan a fair

bit, the plan would advocate filling vacant spaces and activating uses. Mr. Tefertiller said he did not recall that the plan had any specific use related direction for the Las Vegas corridor that would conflict with this application.

Mr. Fitzsimmons said the plan just generally referred to the area as the commercial area, which this use was aligned with.

Board Member Hahn asked if granting the conditional use, would it be permanent to this property or did it ride with the ownership or tenant. Mr. Tefertiller said the approval today rides with the property, so it is not directly tied to the ownership or to the tenant. He further explained there are provisions for discontinuance and termination. Whenever the tenant's lease is up and the use is terminated for a period of 12 consecutive months, then the owner would not be able to put in a similar tenant. The owner would have to return to the Downtown Review Board, even if they wanted to put a new user in there that also required a conditional use. That includes if it was similar to today's warehouse use, they would have to return to the Downtown Review Board for approval.

Board Member Heggem asked what the least term was for Phil Long. Mr. Barr said the lease had not been signed as of yet pending the conditional use was approved, but said that the lease would be between 5 and 10 years.

Board Member Case said he was able to find the Mill Street Plan and confirmed this area was considered industrial and felt better about this proposal because the plan had been referenced.

Supporters:

None

Opponents:

None

Rebuttal:

None

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Please see the Questions section.

Motion by Case, seconded by Raughton, to approve the request for a conditional use to allow a warehouse within the Form-Based Zone Corridor Sector (FBZ-COR) located at 117 E. Las Vegas Street based upon the finding that the request will comply with the conditional use review criteria in City Code section 7.5.704 once the technical modifications listed in the Staff report are complete.

Technical modifications to the Conditional Use plan:

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

The motion passed by a vote of 7:0:2:0

Aye: 7 - Hahn, Colvert, Case, Coppedge, Raughton, Heggem and Nicklasson

Absent: 2 - Briggs and Gullixson

7. Adjourn