



City of Colorado Springs

Regional Development
Center
2880 International Circle
Colorado Springs, CO
80910

Meeting Minutes - Final Downtown Review Board

Tuesday, May 7, 2024

9:00 AM

Regional Development Center (Hearing Room)
2880 International Circle

1. Call to Order and Roll Call

Present: 7 - Board Member Nolette, Board Member Kuosman, Board Member Kronstadt, Board Member Hensler, Board Member Friesema, Board Member Mikulas and Board Member Luciano

Excused: 2 - Board Member Coats and Board Member Lord

2. Changes to Agenda/Postponements

3. Communications

Ryan Tefertiller - Urban Planning Manager

Ryan Tefertiller, Urban Planning Manager, formally introduced Amanda Luciano, the new DRB member, filling the vacant at-large seat, and also Tara Pence, who is the first alternate for this board. Tara can participate when the board is in need of a quorum for voting purposes for quasi-judicial items and she can participate in legislative items.

There has been a fair bit of media coverage this past weekend about building heights. Mr. Tefertiller said he will send out PDF versions of the articles by email, as he feels it is valuable for this board to be aware of the conversations. It will likely be a topic of discussion as they continue to scrub the form-based code.

The next meeting is scheduled for June 4th and there are currently no action items. There may be a need for an additional conversation about the form-based code scrub, so he asked board members to keep that date available.

4. Approval of the Minutes

4.A. [DRB 2290](#) Minutes for the April 2, 2024, Downtown Review Board meeting

Presenter:

David Lord, Chair of the Downtown Review Board

Attachments: [DRB_Minutes_04.02.24_Draft](#)

Motion by Board Member Kuosman, seconded by Board Member Kronstadt, to approve the minutes for the April 2, 2024, Downtown Review Board meeting. The

motion passed by a vote of 7-0.

Aye: 7 - Board Member Nolette, Board Member Kuosman, Board Member Coats, Board Member Kronstadt, Board Member Hensler, Board Member Mikulas and Board Member Luciano

Absent: 2 - Board Member Lord and Board Member Friesema

5. Consent Calendar

6. Items Called Off Consent Calendar

7. Unfinished Business

8. New Business

- 8.A. [FBZN-24-000](#) [5](#) An FBZ Warrant with an associated Minor Improvement Plan to allow for the construction of a 7 foot high wrought iron style fence enclosing the Penrose Library campus addressed as 20 N Cascade Avenue.

Presenter:

Johnny Malpica, Planner II, Urban Planning Division

Attachments: [Figure 1 - Site Plan](#)

[Figure 2 - Project Statement](#)

[Figure 3 - Downtown BID - PPLD Fencing - Letter of Opposition](#)

[Penrose Library FBZ Warrant - Staff Report Draft_JPM_FINAL](#)

Board Member Hensler disclosed that she is the current president of the Pikes Peak Library Foundation Board and also a member of the Downtown Partnership, but she does not feel either of these roles would make her biased in either direction. City Attorney Young Shin said that as long as there is no impropriety in her decision making, this is fine. Board Member Hensler said she does not have any prior knowledge of this project in her role with the foundation and that she can remain fair and unbiased.

Johnny Malpica gave an overview of the project. The Penrose Library Downtown Branch is proposing to install a seven-foot high wrought iron fence to enclose the library campus. The fence would surround the entire perimeter along West Pikes Peak Avenue, North Cascade Avenue and West Kiowa Street. Staff finds that this project does not meet the review criteria.

Mr. Malpica presented four options for motions for this project. Two of these were to approve with modifications, one to revise the plans based on dialogue at today's meeting and return to a future public hearing, and one to deny the application.

Board Member Mikulas asked for clarification on one of the motions that includes modifying the fencing along West Kiowa Street. Mr. Malpica pointed out on a site map what those changes would include.

Board Member Kronstadt asked for a little more detail on why staff is recommending denial of the project. Mr. Malpica clarified that staff does not make any recommendations on whether to approve or deny a plan, they only provide all the possible motions. Staff only reviews the project on whether it complies with relevant criteria of the form-based code.

Michael Brantner, Chief Safety, Community Resources and Security Officer for the Pikes Peak Library District, gave a presentation on their reasoning for this project and how they came to this decision. The district has been working intently on the safety and security at the downtown Penrose campus for five years. Their goal is to make the campus as safe as possible for all library patrons. Everybody is welcome at the library and they should feel safe, which is the district's highest priority. Five years ago, they did an information campaign to find out the perception of the library held by outside agencies, elected officials, patrons and neighbors. The general consensus was that people did not feel safe and did not want to use that campus. Mr. Brantner said they have doubled their security team and extended the hours they are on site. They have installed 300 cameras to monitor for people on campus after hours. They have installed exterior speakers and cut down landscaping. They have put trash cans outside that are emptied twice a day. None of these things have solved the problem. They have increased security procedures on the inside, removing patrons for unwelcome behavior, which has increased the problems outside.

Mr. Brantner said there is a great need for public bathrooms downtown and, right now, the Penrose Library is serving that purpose. He provided some visual aids to show what they deal with. He displayed two handfuls of straws that represent how many used syringes they have cleaned up in the past year and more to represent the ones thrown over the fence into the childrens area. Mr. Brantner pointed to three five-gallon buckets that represent how much human feces is picked up on the campus every week. An average of two gallons of human waste are picked up every day. This does not include the trash, the fires that are set next to the building, the regular smashed windows and break-ins, people sleeping on the campus, and people performing lewd acts in plain sight of the childrens area in broad daylight. They are fighting a daily battle to make the campus as safe as possible and they have done everything they can think of to address these issues.

Mr. Brantner said they are asking for help to address what is best for the district, best for the patrons and best for downtown. They are willing to listen to concerns and make modifications to their plan.

Board Member Hensler asked, that given they are looking at fencing the entire site, is there an area of greatest concern. Mr. Brantner said that each area has its own challenges. One of the biggest is the smell of urine across the entire campus. The parking lots get a lot of the trash, fires, vandalism and human waste. The childrens area is prone to drug use because it is far from the street. They have improved their exterior lighting, but that has not helped too much.

Board Member Mikulas thanked Mr. Brantner for his presentation and the hard work he and his team have done over the last five years. He referred to a comment Mr. Brantner made that patrons are allowed on campus even if they

are not allowed indoors. He asked how this plan addresses that. Mr. Brantner said the areas of the campus that would allow this to occur would just include the parking lots. Security officer primarily focus on the interior of the facility, but they do go check outside. When an individual is suspended, they are suspended from all of the grounds. The plan would limit access to the areas outside that you can only get to from the inside of the library, including the entire Kiowa Street side. This would be most helpful at night, when security is not on-site, by preventing access to those areas.

Board Member Mikulas said that one of the options presented today includes not fencing part of the Kiowa Street side. He asked if Mr. Brantner has confidence that, without a fence, the results they are looking for will be able to be achieved. Mr. Brantner said many of their problems occur in that area, but if that is what is decided today, they will focus their efforts on every other area that they can.

Board Member Kuosman asked about the recent changes to landscaping that included pulling out greenery and adding rocks and boulders. Mr. Brantner said the boulders were put in for intrusion protection from vehicles for the childrens area. The greenery was trimmed or removed to increase visibility in that area.

Board Member Friesema thanked Mr. Brantner for their work on cleaning up the library campus. He said he and his family are frequent patrons and he understands the struggle. He stated the city could do a much better job of providing public facilities downtown. He asked about the proposed fencing around the courtyard and if they would consider making it more civic looking and also whether they will be putting in new landscaping around the fence at the courtyard. Mr. Brantner said their intent is to make the entrance as grand as possible within their budget.

Board Member Hensler asked if they are proposing gates at the North Cascade and West Pikes entrances and how those would work for patrons. Mr. Brantner said there would be a number of gates for entrance that would be open during business hours.

Board Member Luciano asked, in the option where the fence is not in front, would the fence go between the front and back parking lots. Mr. Brantner confirmed that it would.

Board Member Hensler said she struggles with the entire fencing and that it is off-putting for a public building, but she is supportive of other options presented.

Board Member Kronstadt said he understands the struggle, but he does not think a fence is the solution. He said that other institutions in the city need to take on more responsibility and not put all the burden on the library district. Putting up a fence will just push people to other areas of downtown and will contribute to people experiencing homelessness feeling unwelcome.

Mr. Brantner reiterated that the Penrose Library will continue to be a welcoming space for everybody. They have community resource staff with a desk to service people experiencing homelessness, veterans, people with food insecurities and those dealing with addiction. Staff includes social workers and

peer navigators to specifically help these people find the resources they need. All people are welcome at the library, but not all behaviors are welcome.

Board Member Mikulas asked if the plan will help address securing the interior of the library. Mr. Brantner answered that it would. Installing the fence will address the outdoor issues, which will help lessen the issues inside.

Board Member Kuosman asked how the fence will help reduce human waste. She did not understand how, during the day when the gates are open, this issue would be addressed. Mr. Brantner said it will be stopped during daytime hours by security patrolling the grounds. At night is when this activity mostly occurs.

Board Member Luciano asked if there is an option to put the fence between the front and rear parking lots, so it would not be across Cascade Avenue. Mr. Brantner said that is one of the options being considered.

Public comment in support: none

Public comment in opposition: none

Chelsea Gondeck with the Downtown Partnership, said they have a neutral position. They recognize the problem, but the library district should not have to solve it on their own. They would support a different version of the plan that does not include fencing the entire property.

There was discussion about the proposed motion to have the applicant revise their plans and come back to a later meeting and how commissioners would provide feedback to the applicant. Mr. Tefertiller said he believes commissioners have provided that feedback already during this meeting. Several commissioners added the desire to see visual representations of proposed and revised fencing and landscaping.

Motion by Board Member Hensler, seconded by Board Member Friesema, to postpone this item and direct the applicant to revise the plan based on dialogue at the public hearing as well as to address the technical modifications listed above, to work with Planning Staff to circulate the revised plan to the necessary review agencies, and then return to the July 2, 2024, Downtown Review Board hearing for reconsideration. This motion is based on the finding that the current design does not meet the Warrant criteria in Section 5.4.3. of the Form-Based Code, but a revised plan could be found to comply with the criteria at a future public hearing. The motion passed by a vote of 7-0.

Aye: 7 - Board Member Nolette, Board Member Kuosman, Board Member Kronstadt, Board Member Hensler, Board Member Friesema, Board Member Mikulas and Board Member Luciano

Absent: 2 - Board Member Coats and Board Member Lord

9. Presentations

9.A. [DRB 23-455](#) Form-Based Code Review

Attachments: [May 2024 FBC Scrub Presentation to DRB](#)
[April 2024 FBC Scrub Presentation to DRB](#)
[March 2024 FBC Scrub Presentation to DRB](#)
[Feb 2024 FBC Scrub Presentation to DRB](#)
[Dec 2023 FBC Scrub Presentation to DRB](#)
[Sept 2023 FBC Scrub Presentation to DRB](#)

Mr. Tefertiller continued the presentation from the previous meeting regarding the scrub of the form-based code, starting with Section 5 - Process. Some section are proposed to stay as written.

Under Section 5.1.2.5 - Composition of the Downtown Review Board, one member currently represents either the Mill Street Neighborhood Association or the Shooks Run Neighborhood Association. It is being proposed to add the Historic Uptown Neighborhood Association as an entity eligible for this seat. There will also be a clarification that downtown "property owner" seat can be filled by downtown "owners, tenants or residents". Sections 5.1.3.1 and 5.1.3.2 will have updated terms for items that Planning Commission acts on to be consistent with the new UDC terminology.

Board Member Mikulas said with conversations happening about extending the form-based code up Pikes Peak, would it be worth adding the newly activated Hillside Neighborhood Association. Mr. Tefertiller said staff would support that.

Board Member Hensler asked if it makes sense to state it as an adjacent downtown neighborhood association. Mr. Tefertiller said they would prefer clarity by naming specific associations, but he said staff can look at that.

Section 5.3 - Development Plans, will have numerous changes to reflect UDC code citations and procedural changes, as well as the Planning office location and website.

Section 5.4 - Warrants. Current code requires that all warrants go to DRB for action, however, 15% relief is allowed through Administrative Relief that is done administratively and not brought before the board. This will remain in the code. There is a proposed change to 5.4.1 to allow Administrative Action on two specific warrant types: parking and signage.

Section 5.5 - Non-Conformities, has corrected code citations for new UDC.

Section 5.6 - Minor Improvements, has no proposed changes, but there has been discussion from stakeholders requesting new standards to restrict/affect desing of roof-top uses. Staff is in support of guidelines, but not necessarily restrictions.

Section 5.7 - Interim Use, allows five-year approval of a use that is not consistent with the form-based code and must be reapproved every five years. There have been four applications since 2009 and two are long-expired, yet still operating. Staff is recommending elimination of this tool. Several board

members agreed.

Section 5.8 - General Considerations, includes numerous minor changes to reflect UDC citations and terms.

Section 6 - Definitions, add a definition for Artisan Manufacturing/Makerspace.

There are some proposed map changes to include several new areas to extend eastward. The property owners in these areas are largely supportive.

Next steps will include additional work sessions with DRB, stakeholder outreach and coordination, legal review, a public hearing at DRB and, possibly, at Planning Commission, and a presentation to City Council.

10. Adjourn