
CITY PLANNING COMMISSION AGENDA

ITEMS: 5.A, 5.B

STAFF: MICHAEL SCHULTZ

FILE NOS:

CPC MP 89-71-A2MN14 – QUASI-JUDICIAL

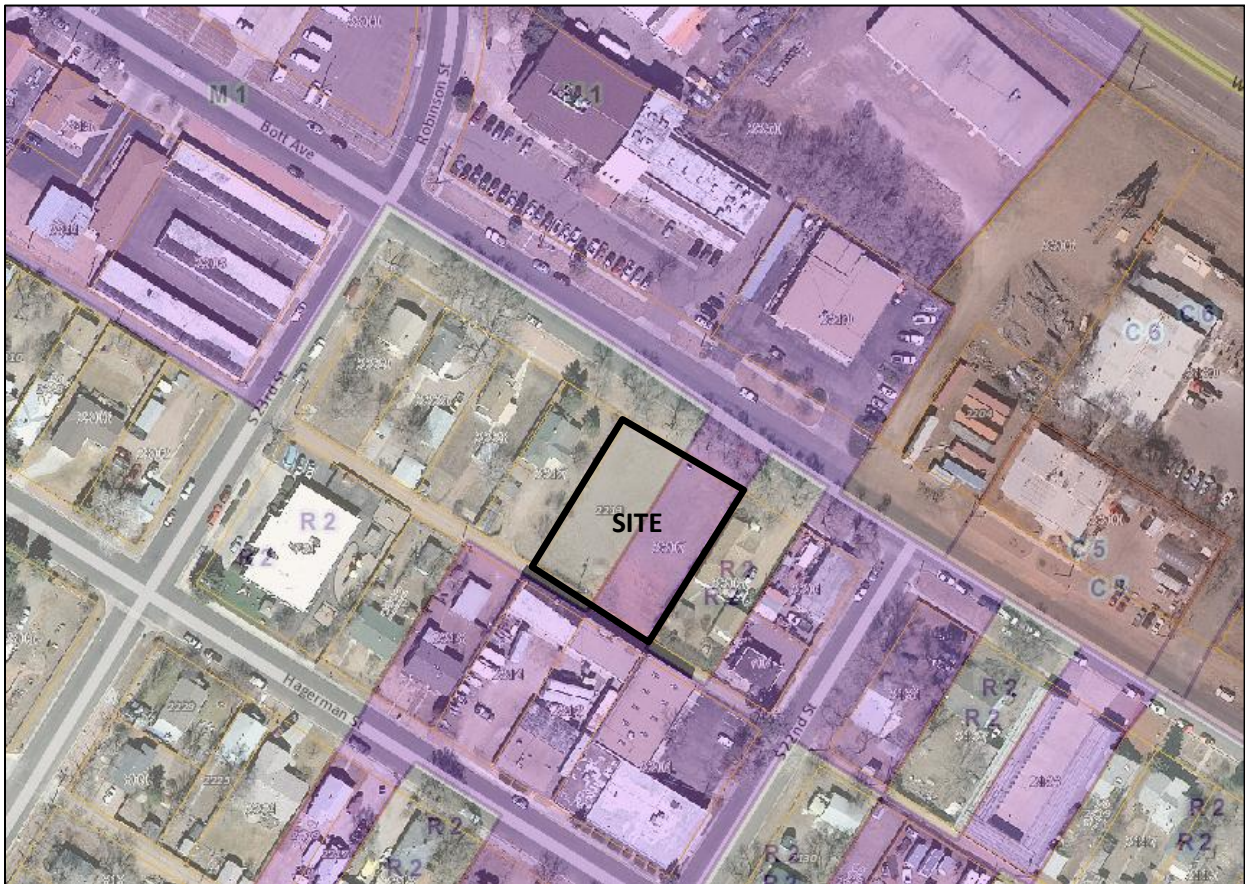
CPC ZC 14-00083 – QUASI-JUDICIAL

CPC CP 14-00085 – QUASI-JUDICIAL

PROJECT: PUB DOG RESTAURANT

APPLICANT: TARA AND SCOTT DOWNS

OWNER: ROBERT & JIM VIDMAR



PROJECT SUMMARY:

1. Project Description: This project includes concurrent applications for a minor amendment to the Midland Master Plan, zone change, and concept plan for a .41-acre parcel located along the south side of Bott Avenue and approximately mid-block between 22nd and 23rd Streets.

The minor master plan amendment proposes to change the land use from “low density residential” to “commercial-office”. The rezoning request is to change the existing zoning from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record).

Because of the need to amend the Midland Master Plan and the existing mix of adjacent land uses, including residential, staff required that a concept plan accompany the zone change to demonstrate the intent of the property. The concept plan demonstrates a 2,340 square-foot restaurant with outdoor patio and off-street parking. A development plan will be required prior to issuance of a building permit, which will be reviewed administratively.

2. Applicant’s Project Statement: **(FIGURE 1)**.
3. Planning and Development Department’s Recommendation: Approve the minor amendment to the master plan **(FIGURE 2)**, change of zone along with the proposed conditions of record, and concept plan **(FIGURE 3)**.

BACKGROUND:

1. Site Address: 2207 and 2213 Bott Avenue
2. Existing Zoning/Land Use: R-2 and M-1 / Vacant (the home at 2313 Bott Ave was razed in 2005, and the home at 2207 was razed in 2010).
3. Surrounding Zoning/Land Use: **(FIGURE 4)**
North: M-1 (Light Industrial) / Light Industrial, Offices, Warehouse & Storage, Senior Services (Silver Key)
South: M-1 / Warehouse & Storage, Single-family, Large Day Care
East: Immediately Adjacent: R-2 (Two-family Residential) / Single-family Residential and
Next lot to the east: M-1 / Warehouse & Storage
West: R-2 / Single-family Residential (currently vacant)
4. Comprehensive Plan/Designated 2020 Land Use: General Residential (Neighborhood Commercial is an allowed use in that designation).
5. Annexation: Colorado City, 1917
6. Master Plan/Designated Master Plan Land Use: Midland Plan, 1986 / Low Density Residential
7. Subdivision: Anthony Botts Addition No. 2, 1887.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The site is relatively flat with a slight raise in grade toward the alley to the south. Mature street trees exist along the front tree boulevard.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Notification postcards were mailed to 58 property owners located within 500 feet of the property; several residents voiced concerns of traffic, noise and light, but none were willing to provide

their concerns in writing. In lieu of holding a neighborhood meeting the applicants went door-to-door to discuss the proposed restaurant with surrounding property owners.

Staff had discussions with the Organization of Westside Neighbors (OWN) concerning the amendment to the Midland Plan which was originally adopted as an amendment to the Westside Plan; OWN generally supports the proposal (**FIGURE 5**). Staff did forward a notification to the Midland neighborhood representative, Marty Miller, but did not receive any communication with Mr. Miller (the Planning Department's HOA contact lists only addresses, with no e-mail address or phone number).

Public notification postcards were again mailed to the 58 property owners prior to the Planning Commission meeting.

All applicable agencies and departments were asked to review and comment on the change of zone. No significant concerns were identified.

ANALYSIS OF REVIEW CRITERIA / MAJOR ISSUES / COMPREHENSIVE PLAN AND MASTER PLAN CONFORMANCE:

1. Review Criteria/ Design and Development Issues:

Minor Amendment to Master Plan and Existing Land Uses:

The request is to amend the Midland Master Plan from "low density residential" to "commercial-office". The Midland Plan was adopted in 1989 as a sub-plan to the Westside Master Plan; the plan area is located south of Highway 24 from 8th Street to 31st Street and south to Lower Gold Camp Road.

Some of the objectives within the master plan include:

- Encourage rezoning of properties where there significant differences in use;
- Encourage new development and redevelopment which maintains or improves compatibility between neighboring land uses;
- Protect character, scale and integrity of the existing residential neighborhoods in the area;
- Increase compatibility between commercial and industrial uses and the existing residential neighborhoods.

The plan shows Bott Avenue and a portion of Robinson Street as becoming the transition zone between industrial, commercial and office uses (north of those streets to Highway 24) to what is identified as low density residential (See Map 6 of the Midland Master Plan: Recommended Land Use in Midland Master Plan preceded by master plan use descriptions on p. 21).

The existing land uses along Bott Avenue appear to have remained largely unchanged since the adoption of the master plan. Land uses that can be seen along both sides of Bott Avenue include mini-warehouse, warehouse, light industrial, day care, social service (Silver Key), retail/bakery (Wimberger's and Little London Cakes), as well as single-family residential.

This area of the Midland neighborhood likely will see continued redevelopment interest having already seen the redevelopment of the Roundhouse at Highway 24 and S. 21st Street, the refurbished restaurant for Garden of the Gods Gourmet (S. 26th Street), the

development of Rudy's Restaurant (S. 31st Street), and the continued build-out of the Gold Hill Mesa development.

Staff supports the minor amendment to the master plan to allow commercial use on the south side of Bott Avenue due to several factors:

- Commercial uses continue, and have even thrived, since the adoption of the master plan in 1989;
- The master plan takes a "Euclidian" approach to zoning and land uses, essentially separating land uses to designated areas based on the master plan. The neighborhood has an eclectic mix of land uses, which generally has been occurring in this neighborhood for several decades; support of the amendment would continue this "mixed use" approach.
- Implementation of the master plan on its own has been difficult during the 25 years of the plan without a proactive implementation strategy from either (or both) residents and the City. Staff encourages the neighborhood to re-evaluate the existing master plan to consider alternatives that would allow a "mixed use" approach, particularly along Bott Avenue.

Change of Zone:

The requested change of zone is from R-2 (Two-Family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record). The conditions attached to the zoning would assist in protecting surrounding residential neighbors from potential nuisances. Staff is suggesting the following conditions of record be placed on the property as part of the proposed change of zone:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
 - a. Quick Serve;
 - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-site);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, General;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

Staff considers the above uses as non-intrusive to the neighborhood either because the uses can be found currently within the Midland neighborhood or are uses considered as part of a "mixed use" neighborhood.

Staff is also suggesting the following conditions be applied:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than four feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

Staff supports the change of zone based on the fact that the request meets the three (3) review criteria when approving a change.

Zone Change Criteria

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
2. The proposal is consistent with the goals and policies of the Comprehensive Plan. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master
3. Plans that have been classified as implemented do not have to be amended to be considered consistent with a zone change request.

Concept Plan:

The concept plan shows intended purpose of the property as a sit-down restaurant; the plan includes the proposed 2,340 square-foot building footprint, off-street parking, and general site layout on the parcel. Access is planned off of Bott Avenue with no vehicular access to the existing alley to the south. A patio is planned on the back portion of the site intended for outdoor seating, shuffle board, and a play area for dogs.

Although the business models of proposed uses generally are not to be taken into account for zoning purposes, the intended business model for this restaurant should be briefly discussed. The owner has received a variance from the State Health Board (**FIGURE 6**) that allows animals (specifically dogs) within the restaurant space where current health code prohibits animals within restaurants, even on patio space. The restaurant space inside will be separated, one side allowing pets and another side prohibiting pets.

Staff has taken this business model into consideration and has added the above conditions limiting the outdoor patio hours and ensuring that other “accessory” uses do not become associated with the restaurant.

2. Conformance with the City Comprehensive Plan:

Policy N 302: Promote Development of Mixed-use Neighborhoods – Provide residents the choice of walking, bicycling or driving to parks, schools, work, shopping, places of worship and transit stops in their own and other neighborhoods.

Objective LU 4: Encourage Infill and Redevelopment

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

Objective N 1: Focus On Neighborhoods.

Objective N3: Vary Neighborhood Patterns.

Objective CCA 6: Fit New Development into the Character of the Surrounding Area.

Staff finds that the zone change and concept plan request substantially comply with the Objectives, Policies and Strategies outlined in the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

As indicated above, a minor amendment to the Midland Master Plan is necessary for the rezoning of the subject property. Acceptance of the minor amendment to "commercial-office" is necessary in order to support the requested change of zone to C-5/cr.

STAFF RECOMMENDATION:

Item: 5.A CPC MP 89-71-A2MN14 – Minor Amendment to Master Plan

Approve the minor amendment to the Midland Master Plan based upon the finding that the minor amendment complies with the review criteria in City Code Section 7.5.408.

Item.: 5.B CPC ZC 14-00083 – Zone Change

Approve the zone change for from R-2 (Two-family Residential) and M-1 (Light Industrial) to C-5/cr (General Commercial with conditions of record) consisting of .41 acres, based upon the finding that the zone change complies with the review criteria in City Code Section 7.5.603.B, and is subject to the following conditions of record:

Conditions of Record

Only the following land uses are permitted within this zone:

1. Restaurant;
 - a. Quick Serve;
 - b. Sit Down.
2. All Residential Land Use types as allowed under the C-5 zoning (e.g. detoxification center to remain as a conditional use);
3. All Office Land Use types;
4. Bed and Breakfast;
5. Food Sales;
6. Liquor Sales (off-sale);
7. Mixed Commercial-Residential;
8. Mixed Office-Residential;
9. Personal Consumer Services;
10. Personal Improvement Services;
11. Retail, general;
12. Veterinary Service, small animal clinic;
13. Cultural Services;
14. Day Care Services;
15. Educational Institutions (all subcategories);
16. Religious Institution.

Staff is also suggesting the following conditions be applied:

1. Outdoor dining areas to be closed by 9 p.m. Sunday through Thursday and 10 p.m. on Friday and Saturday.
2. Closing hours for all other uses shall be no later than 10 p.m.
3. All ground mounted signs to be no than 4-feet in height.
4. No animal kenneling or animal day care to occur with use as a restaurant.

Item: 5.C **CPC CP 14-00085 – Concept Plan**

Approve the concept plan for Pub Dog restaurant based upon the finding that the concept plan complies with the review criteria in City Code Section 7.5.501.E and is subject to the following technical modifications:

Technical and/or Informational Modifications to the Concept Plan:

1. Add a note on the development plan concerning the management of dog waste as part of the operation. (i.e. number of pickups, dumpster location).
2. Note the City file number in the lower right hand corner of each plan page (CPC CP 14-00085).
3. Provide a “Notes” section that will include the conditions of record as indicated above under the Zone Change section.
4. Add a note to the “Notes” section that states that the location of the garbage enclosure will be evaluated upon submittal of the development plan.
5. Remove sheets A2, A3 and A4 from the concept plan; plan elevations are not required at time of concept plan.
6. Provide a more accurate vicinity map; you may utilize the information on the City SpringsView program that provides zoning boundaries. Note the location of the subject property on the vicinity map.
7. Note the full building dimension for the portion running east/west on Sheet A2.
8. Note the distance of the building to the front property line (20-foot minimum front yard setback).
9. Show a pedestrian connection to the public sidewalk, preferably in the location of the sidewalk to the restaurant.
10. Note the alley right-of-way width of 16 feet.

7-26-2014

1

Project Plan

Description – Pub Dog Colorado is the first and only restaurant approved through the health department to allow our patrons to dine indoors with their dog(s). We will be building new on four vacant lots at 2207 and 2213 Bott Avenue (lots 9,10,11, &12 BLK 252 Anthony Bott Add 2, Colorado City, Colorado Springs, Co. This area of Bott Avenue is 80% commercial uses. Pub Dog is a restaurant and craft brew house specializing in pizza, sandwiches, and salads. We will have craft beer on tap, wine, and a limited cocktail selection. Our hours of operation are 10:30 AM to 9PM Sunday through Thursday, and 10:30 AM to 10PM Friday and Saturday. We will have an over 800 SF patio, and an outdoor shuffle board court. Our projections show 150 people per day beginning in year 3. At 1.6 people per car trip, we expect 94 vehicle trips per day from our patrons, 16 vehicle trips from our staff, and 6 from delivery and vending. Daily total vehicle trips are 116. For the first time in State of Colorado’s history, dog lovers can enjoy an outdoor OR an indoor dining experience 12 months out of the year with their dog.

Justification – This neighborhood is 80% commercial and 20% residential with most of the residential needing some level of repair or removal. Our project and building design will be one of, if not the nicest in the area and should help to promote investment in other properties near this project. The classic “Barn” design matches two other barns on this same street. Bott Avenue is a 50ft wide street with parallel parking. The 25’ buffer between the street and the front edge of our property is filled with 75 year old trees that we **will not** be removing. These trees provide a beautiful 150’ x 30’ canopy over the city R.O.W. and the north portion of our lot. Our entry placement allows you to drive under this canopy to access our parking and is an important natural feature to our streetscape. We intend to receive permission from the city to allow us to care for this buffer as part of our landscaping. This buffer transition allows controlled safe access into or out of our parking lot from Bott Ave. We are able to provide all required parking internally while including (2) handicap sites. Handicap sites are located close to the front entry of the restaurant. Our building plan and siting, privacy fencing, and heavy use of landscaping to soften and blend our internal zones will be an asset to both adjacent neighbors as well as the neighborhood as a whole. Our exterior lighting will be of a “dark sky” design and direct away from neighbors toward the interior of our project. Currently there is no sidewalk in front of these addresses. We intend to build the sidewalk, plant and irrigate the R.O.W. with grass, and maintain the grass and existing trees. The structure and lighting will utilize the latest technologies to maximize efficiencies while minimizing impact on neighbors. We will incorporate extreme energy efficiencies with special care given to minimizing sound transmission. Active and passive solar applications will work well based on the sit orientation of the building. In Summary, we believe that we will be a welcome addition to the neighborhood setting the new standard for future development and remodel activity.

7-26-2014

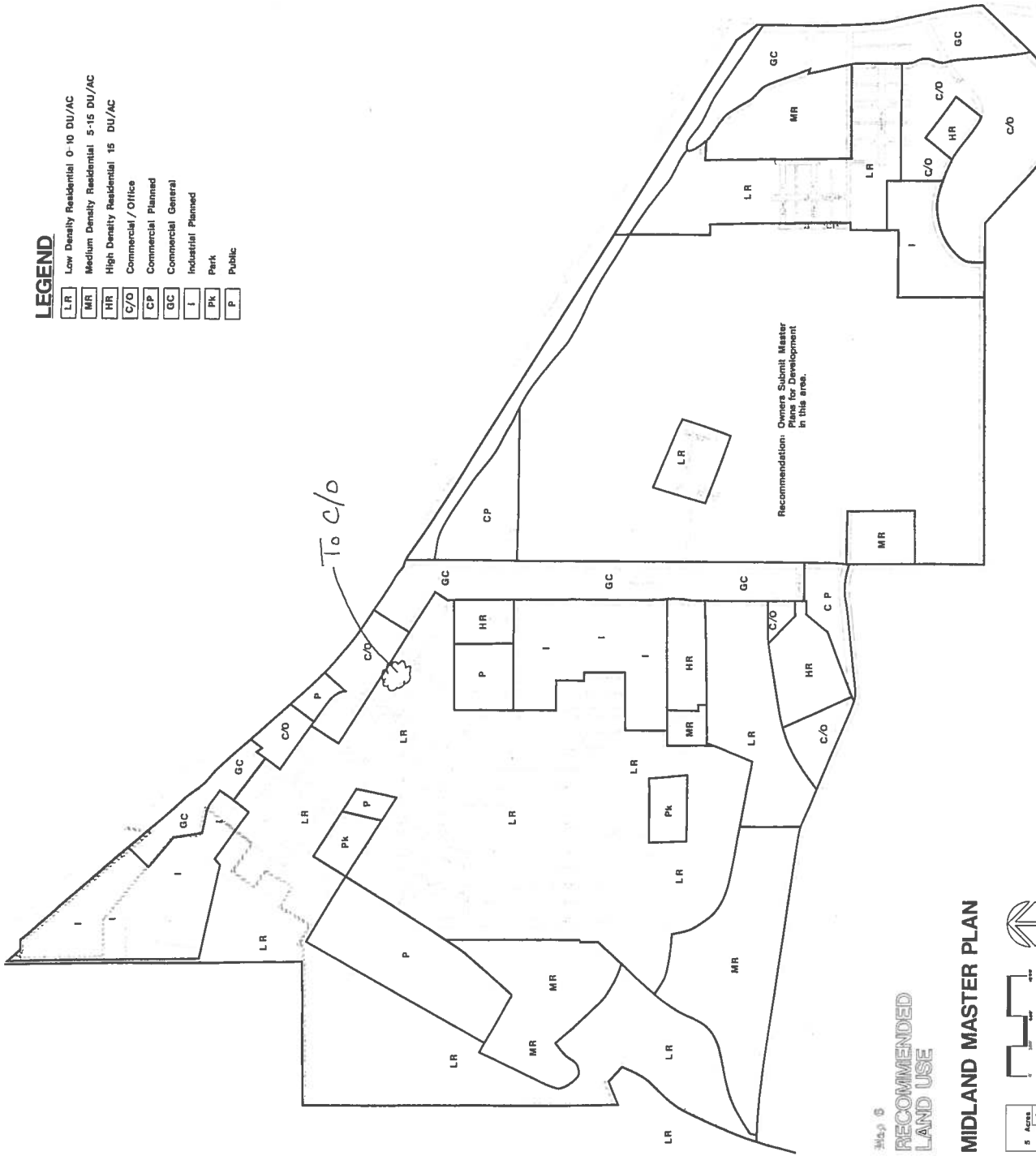
2




Project Plan continued...

Pre-application process – The pre-application process was extremely helpful to us. Planning staff coached us to canvas the neighborhood for support or possible negative sentiment. Over the course of a week, we met with every business and property owner but one on the block and were overwhelmed by the support and education about our new neighborhood. Staff also recommended we speak to the “Organization of West Side Neighbors”. This led us to the most education 1.5 hrs. we have had and not only support for the project but strong coaching from the president of “OWN” Welling Clark and Ms. Sallie Clark, our county commissioner from this district. With suggestions from staff we moved the building for a better site orientation and a better parking lot. Numerous minor changes like adding more privacy fencing, landscape ideas, and site planning came from these meetings, and our project is better for it. This process allowed for a functioning team to emerge from the process and full staff support.

LEGEND

LR	Low Density Residential	0-10 DU/AC
MR	Medium Density Residential	5-15 DU/AC
HR	High Density Residential	15 DU/AC
C/O	Commercial/Office	
CP	Commercial Planned	
GC	Commercial General	
I	Industrial Planned	
PK	Park	
P	Public	



RECOMMENDED LAND USE

MIDLAND MASTER PLAN

FIGURE 2

PUB DOG RESTAURANT

PROJECT INFORMATION:

APPLICANT(S):
 SCOTT DOWNS
 TARA DOWNS

LEGAL DESCRIPTION:

LOTS 9, 10, 11, 12 BLK 252
 ANTHONY BOTT ADD 2,
 COLORADO CITY,
 COLORADO SPRINGS, CO

SITE ADDRESS:

2207 BOTT AVE
 COLORADO SPRINGS, CO 80904

PROJECT TEAM

CONTRACTOR:
 PUB DOG RESTAURANT CONSTRUCTION CO
 1000 WOODLAND PARK, CO 80904
 P O BOX 9046
 WOODLAND PARK, CO 80904
 TEL: 719.539.3101
 FAX: 719.539.3103
 EMAIL: INFO@PUBDOGRESTAURANTCONSTRUCTION.COM

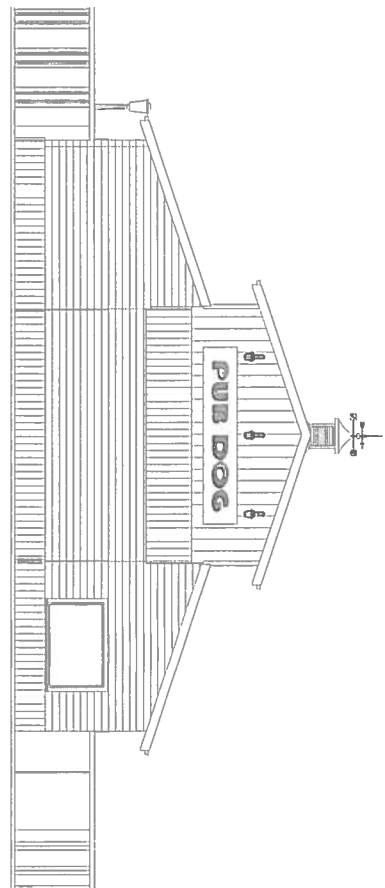
DESIGN ARCHITECTURE:
 OPEN RANGE CONSTRUCTION CO
 1000 WOODLAND PARK, CO 80904
 P O BOX 9046
 WOODLAND PARK, CO 80904
 TEL: 719.539.3101
 FAX: 719.539.3103

THIS BUILDING COMPONENTS INC
 3529 N. EL PASO
 COLORADO SPRINGS, CO 80907
 TEL: 719.483.2171

REINFORCING:
 SCHEPPEL SUPPLIES, INC.
 P O BOX 3101
 COLORADO SPRINGS, CO 80904
 TEL: 719.483.2171

LANDSCAPE ARCHITECT:
 INNOVATIVE SCAPESOLUTIONS LLC
 P O BOX 196
 COLORADO SPRINGS, CO 80901
 TEL: 719.574.4255

GOVERNING AGENCIES:
 PUEBLO PEAK REGIONAL BUILDING DEPARTMENT
 IF ADDITIONAL GOVERNING AGENCIES ARE REQUIRED TO BE INVOLVED, IT IS THE RESPONSIBILITY OF THE OWNER TO OBTAIN THE NECESSARY APPROVALS TO CONDUCT THE PROJECT AS AUTHORIZED.



BUILDING SF	2,340
PATIO SF	669
BUILDING PARKING REG.	1 X 100 SF = 24
PATIO PARKING REG.	1 X 200 SF = 5
TOTAL REQUIRED	29
TOTAL PROVIDED	30
LANDSCAPE REG.	10,000 X 5% = 500 SF
LANDSCAPE PROVIDED	13,240 SF

FEMA FLOOD PLAN STATEMENT

THE FLOOD MAP FOR THE SELECTED AREAS NUMBER 08041(C)1205, EFFECTIVE ON 09/17/1997
 PROPERTY IS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAN



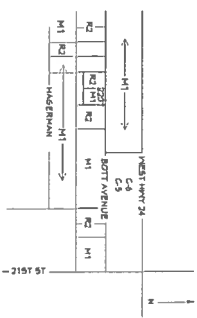
PUB DOG

PUB DOG IS THE FIRST AND ONLY RESTAURANT IN THE STATE OF COLORADO APPROVED THROUGH THE STATE OF COLORADO HEALTH DEPARTMENT TO ALLOW PATRONS TO DINE INDOORS WITH THEIR DOGS!
 PUB DOG RECEIVED APPROVAL MAY 4, 2014 WITH A VARIANCE TO CODE 8-106(A) OF THE COLORADO RETAIL FOOD ESTABLISHMENT RULES AND REGULATIONS
 APPROVAL SUBMITTED WITH THE PROJECT STATEMENT

2207 BOTT AVE.	PUB DOG
COLORADO SPRINGS, CO 80904	
APPLICANT:	SCOTT DOWNS TARA DOWNS
LOT OWNER:	ROBERT VIDMAR JAMES VIDMAR
LEGAL:	LOTS 9, 10, 11, 12 BLK 252 ANTHONY BOTT ADD 2, COLORADO CITY, COLORADO SPRINGS, CO
W/M/F/R	<20,000 GPD
SCHEDULE #5	7411316004 - 741131 - 6003
ZONE, CURRENT:	L9+10 - M1 L11+12 - R-2
ZONE, PROPOSED:	C5
LOT SIZE:	10,000 SF - 41.3 ACRE 120' WIDE 150' DEEP

CONCEPT PLAN ONLY - PRELIMINARY
 PLATTING SUBMITTAL BY RAMPART
 SURVEYS, INC.
 CONCEPT PLAN NAME: PUB DOG

**MIDLAND MASTER PLAN
 VICINITY MAP**



INDEX MAP

A1	ARCHITECTURAL	COVER SHEET/NOTES
A2	FOUNDATION PLAN	FLOOR PLAN
A3	MECHANICAL PLAN	MECHANICAL PLAN
A4	ELECTRICAL PLAN	ELECTRICAL PLAN
A5	PLUMBING PLAN	PLUMBING PLAN
A6	LANDSCAPE PLAN	LANDSCAPE PLAN
A7	CONCEPT PLAN	CONCEPT PLAN

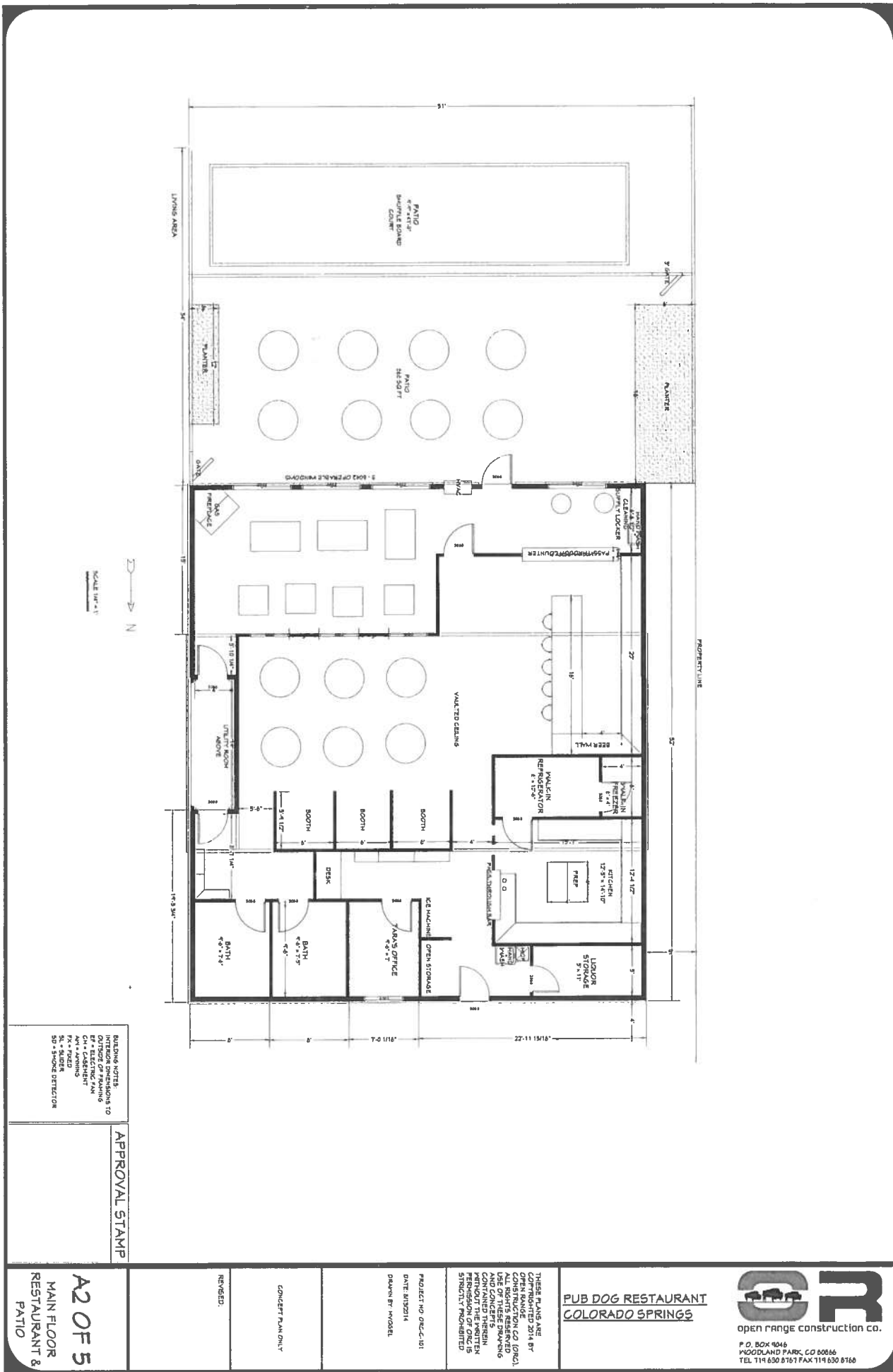
APPROVAL STAMP

A1 OF 5
 COVER SHEET/NOTES

**PUB DOG RESTAURANT
 COLORADO SPRINGS**

open range construction co.
 P.O. BOX 9046
 WOODLAND PARK, CO 80906
 TEL 719 530 8767 FAX 719 530 8766

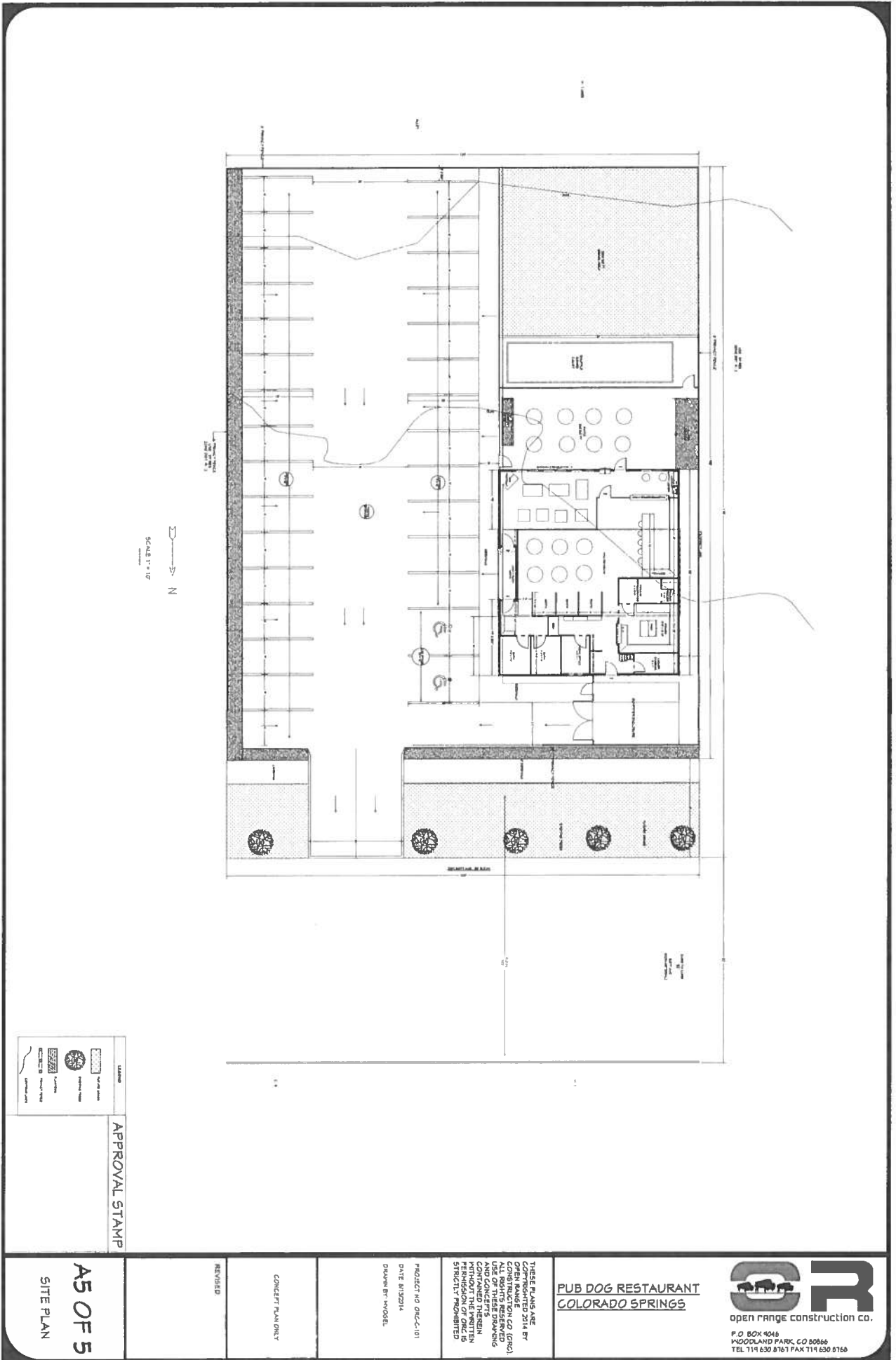
FIGURE 3



BUILDING NOTES:
 INTERIOR DIMENSIONS TO
 CENTER OF PARTITION UNLESS
 NOTED OTHERWISE
 CH - CASHIER
 AV - A/V
 S - SLIDER
 SD - SMOKE DETECTOR

SCALE 1/8" = 1'-0"





	Concrete
	Asphalt
	Gravel
	Landscaping
	Site Boundary

APPROVAL STAMP

A5 OF 5
 SITE PLAN

REVISIONS

CONCEPT PLAN ONLY

PROJECT NO. OHC-C-101
 DATE: 8/15/2014
 DRAWN BY: WJDOEL

THESE PLANS ARE
 OPEN RANGE 2014 BY
 CONSTRUCTION CO (ORC)
 ALL RIGHTS RESERVED
 USE OF THESE PLANS FOR
 ANY OTHER PROJECTS
 AND CONCEPTS
 WITHOUT THE WRITTEN
 PERMISSION OF ORC IS
 STRICTLY PROHIBITED

PUB DOG RESTAURANT
COLORADO SPRINGS

open range construction co.
 P.O. BOX 4045
 WOODLAND PARK, CO 80066
 TEL 719 630 8761 FAX 719 630 8766

FIGURE 3

1 - Residential 2 - Commercial/Industrial

Surrounding Zoning and Land Uses



Legend

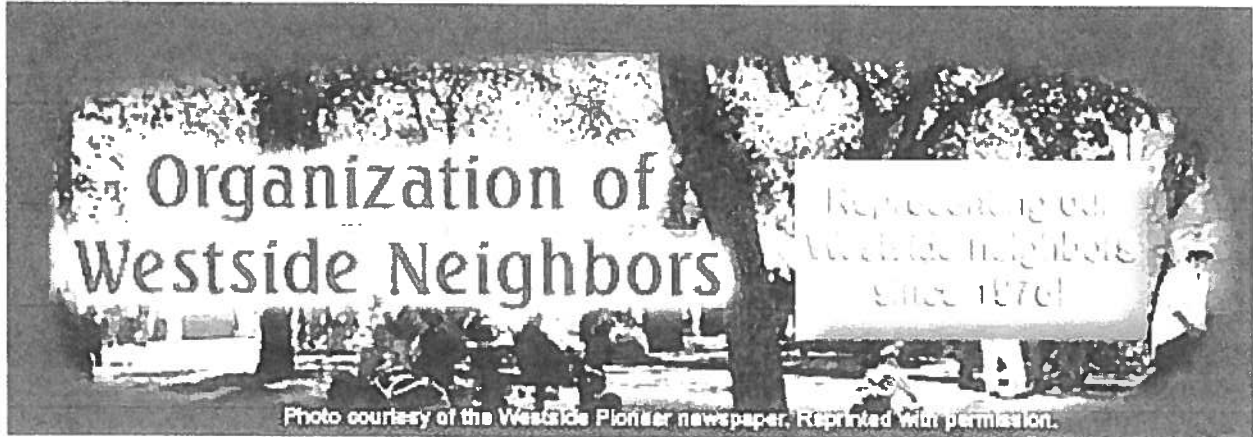
- Parcels
- Base Zone - Fill
 - A
 - R
 - R1-6
 - R1-4
 - R2
 - RM
 - RS
 - TND
 - OR
 - OC
 - PRC
 - CS
 - CS
 - PP1
 - PP2
 - M1
 - M2
 - PF
 - PK
 - APD
 - PCR
 - PUD
 - SU
 - UND
- Base Zone - Outline
 - National Forest
 - Parks
 - Military
 - Towns
 - Bus Stops
 - Schools
 - Park Trails
 - Urban Paved
 - Urban Gravel
 - Urban Natural
 - Golf Fairways
 - Parcels

1:1,545

Notes
 This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map was automatically generated using Geocortex Essentials.

FIGURE 4



30 June 2014

On Saturday 29 June 2014, I met with Mr. Scott Downs and Ms. Tara Downs to discuss the “Pub Dog” development (a small pub type operation where people and their dogs can partake in a food service establishment). Mr. Downs requested an opinion letter from me as soon as possible. I am responding as President, Organization of Westside Neighbors (O.W.N.); not the full board nor the surrounding residents. The statements below are exclusively my own observations, insights, and recommendations; not vetted through anyone. If desired I can engage the OWN board and residents for a formal determination.



I am certain that the neighborhood would not support spot-zoning an R-2 lot into an M-1 lot. I would recommend a variance be attached to the R-2 zoned property to allow for a Pub Dog/Pub type operation (similar to other Westside business operations that are located on R-zoned properties). This would protect the neighborhood residential properties from industrial business encroachment and allow a business to upgrade a currently vacant lot. The layout and proposed planned design appears to take into account buffers/screening for the purposes of privacy to the surrounding properties. It has adequate off-street parking. A few blocks to the west on Bott is a structure similar in size and architecture to the proposed Pub Dog business. I view this as a “mom & pop” type business; such of which are found throughout the Westside. I believe it would make a good transition from the light industrial to the residential zoned properties.

Sincerely,

Welling

Welling Clark, President
Organization of Westside Neighbors

Cc: OWN Board

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S. Laboratory Services Division
Denver, Colorado 80246-1530 8100 Lowry Blvd.
Phone (303) 692-2000 Denver, Colorado 80230-6928
Located in Glendale, Colorado (303) 692-3090

www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

May 9, 2014

Pub Dog Colorado
Mr. Scott Downs & Mrs. Tara Downs
710 Sunrise Cr.
Woodland Park, CO 80863

SUBJECT: Variance Request #14-100 - Pub Dog Colorado – Colorado Springs, CO – El Paso County

Dear Mr. Scott Downs & Mrs. Tara Downs:

The request for variance from *8-106 (A) of the *Colorado Retail Food Establishment Rules and Regulations* was received and reviewed by this department. The request is to allow dogs on the premises of a retail food establishment, specifically in covered and open patio areas and in a designated fenced area.

Section *8-106 (A) states:

Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment.

Facts learned from the appeal letter were as follows:

- The proposed retail food establishment is a restaurant brew-pub offering pizza, sandwiches, salads, and beverages.
- It is designed to accommodate dogs and their owners, providing a safe and clean environment for them to eat, drink, and have fun.
- Without the approval of the variance this restaurant will not exist.
- Signage will be posted at the entrance, directing customers to the areas where dogs are allowed and to the areas where dogs are not allowed at their preference. Patrons directed to the “No Dogs Allowed” area will have access to restrooms, a dining room, the kitchen,

and a bar. Patrons directed to the “Canine Club Member” area will have access to a covered patio, an open patio, and a fenced “Off Leash” area.

- A large detailed sign notifying the responsibilities of the dog owner while on premise will be mounted at the point of entry.
- The retail food establishment is designed to limit the accessibility for dogs to enter the “No Dogs Allowed” area(s).
- The covered patio will be used year round and is connected to an open patio ringed with 12 feet of artificial grass. Both of these areas will require dogs to be on a leash.
- The covered patio will be heated and contain three 12-foot roll up glass garage doors. The door will be rolled up when weather permits and rolled down during inclement weather.
- Food service will be available for patrons utilizing the “Canine Club Member” area by ordering food from the bartender through a service window that is 4 feet high and 12 feet wide.
- Food will be made in the kitchen, delivered by wait staff to the bartender/service window, and picked up by patrons.
- The food service to this area will include pizza, sandwiches, salads, and beverages served on multi-use tableware.
- Patrons are to return their tableware after use to a designated area near the service window.
- There will be no table service provided in the “Canine Club Member” area.
- Designated employees will have access to both the “No Dogs Allowed” area and the “Canine Club Member” area.
- Designated employees will perform specific tasks including transferring dirty tableware from the “Canine Club Member” area to the dishware washing area in the kitchen, cleaning outdoor furniture and dog feces that are not cleaned up by the dog owner.
- An easily accessible handsink will be installed in the “Canine Club Member” area and be utilized by both patrons and the designated employees.
- A self-closing door will be located in between the “No Dogs Allowed” area and the “Canine Club Member” area. This door will be utilized by employees for emergencies only, such as a dog fight or a dog bite. Panic hardware, also known as emergency exit door hardware, will be installed to prevent patrons from utilizing it.
- A third area for dogs will be available south of the open patio and will be fenced. This area will be designated as an “Off leash” area.
- All furniture on the covered patio and the outdoor patio will be durable and easily cleanable.
- Dogs will not be allowed on furniture, seats, or tables in the “Canine Club Member” area.
- Lockers will be provided and stocked with clean rags, cleaning solutions, and single use bags to pick up and dispose of dog feces.
- Multiple waste disposal containers will be located throughout the “Canine Club Member” area.

Facts learned from Tom Gonzales, El Paso County Public Health are as follows:

- The proposed floor plan and operational procedures are consistent with the protection of Public Health.
- El Paso County Public Health supports the approval of the variance request.

The variance request was heard by a panel of Colorado Department of Public Health and Environment, Division of Environmental Health & Sustainability retail food inspection staff. It was the opinion of the panel that the variance be approved.

Please be advised that Section 11-601(E) of the rules and regulations states:

“A variance shall expire upon a change of circumstances from those supporting the variance or upon change of ownership of the retail food establishment.”

Should you have any questions concerning this matter, feel free to contact Therese Pilonetti, Delegated Programs Unit Manager, Division of Environmental Health & Sustainability at 303-692-3642 at your convenience.

Sincerely,



Sean Scott
Deputy Division Director
Division of Environmental Health & Sustainability

cc Tom Gonzales, El Paso County Public Health
Variance Coordinator, DEHS
Local Assistance Program Personnel, DEHS