

RESOLUTION NO. 125-19

A RESOLUTION CREATING THE TROLLEY DISTRICT
ENTERTAINMENT DISTRICT

WHEREAS, the City of Colorado Springs, Colorado is a municipal corporation authorized to adopt ordinances and resolutions in furtherance of the public health, safety and welfare; and

WHEREAS, the City Council, by Ordinance 17-75, exercised its local option to allow Entertainment Districts in accordance with the Colorado Liquor Code, C.R.S. §44-3-101, *et seq.*, as amended; and

WHEREAS, C.R.S. §44-3-301(11) authorizes the consumption of alcohol within the boundaries of a Common Consumption Area located within an entertainment district established by the City; and

WHEREAS, Joseph M. Niebur has requested City Council to establish an Entertainment District within the Trolley District; and

WHEREAS, the City Council has considered the factors, provided under C.R.S. §44-3-301(11), relevant to operating the proposed Trolley District Entertainment District; and

WHEREAS, the City Council finds that it is appropriate to establish the Trolley District for operation in accordance with the provisions of this Resolution and C.R.S. §44-3-101, *et seq.*; and

WHEREAS, the proposed Entertainment District complies with C.R.S. §44-3-103(15), as it comprises less than one hundred acres and contains at least twenty thousand square feet of eligible liquor licensed premises.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS, COLORADO:

Section 1. City Council finds that the property described in Exhibit A (Property) comprises the southern 2.25 acres of the block generally bounded by East Cimarron Street on the north, East Moreno Avenue on the south, South Tejon Street on the east, and South Cascade Avenue on the west, being less than 100 acres in accordance with C.R.S. §44-3-103(15)(b).

Section 2. City Council finds that the Property includes at least 20,000 square feet of premises, holding a liquor license types permitted to attach to a Common Consumption Area within the boundaries of the entertainment district in accordance with C.R.S. §44-3-103(15)(c), and as described and depicted in Exhibit B.

Section 3. City Council hereby establishes the Property described in Exhibit A as an Entertainment District in accordance with C.R.S. §44-3-301(11). The Entertainment District shall be known as the Trolley District. The establishment of the Trolley District, hereby authorizes the City Clerk to certify eligible Promotional Associations and permit the operation of authorized Common Consumption Areas, in accordance with applicable law and regulations, including, but

not limited to, the Colorado Liquor Code, the City Liquor Code, and the Liquor and Beer Rules and Regulations for the City of Colorado Springs.

Section 4. City Council declares that the hours of operation for any subsequently authorized Common Consumption Area within the Trolley District, as defined under C.R.S. §44-3-103(11), shall be between 7:00 A.M. and no later than 2:00 A.M. for any indoor only common consumption areas, and shall be between 7:00 A.M. and no later than 11:00 P.M. for any outdoor common consumption areas.


Section 5. City Council declares that any un-liquor-licensed street side sidewalk areas in the Trolley District remain available to general pedestrian traffic, and be used only for transportation of alcohol beverages to an authorized common consumption area, and that any Promotional Association formed within the Trolley District outline protocols in the required control plan for compliance with this requirement.

Section 6. City Council authorizes the City's Local Licensing Authority to certify a Promotional Association in accordance with C.R.S. §44-3-301(11), City Code §2.5.206, and Rule 19.00 *et seq.* of the Liquor and Beer Rules and Regulations of the City of Colorado Springs.

Section 7. The boundaries of the Trolley District, may be modified by subsequent Resolution of the City Council, subject to the requirements of the City Liquor Code and Rules, and the Colorado Liquor Code and Rules.

Section 8. Establishment of the Trolley District shall be effective upon its introduction and passage, and shall remain effective until amended or rescinded by subsequent Resolution of the City Council.

DATED at Colorado Springs, Colorado, this 12th day of November, 2019.



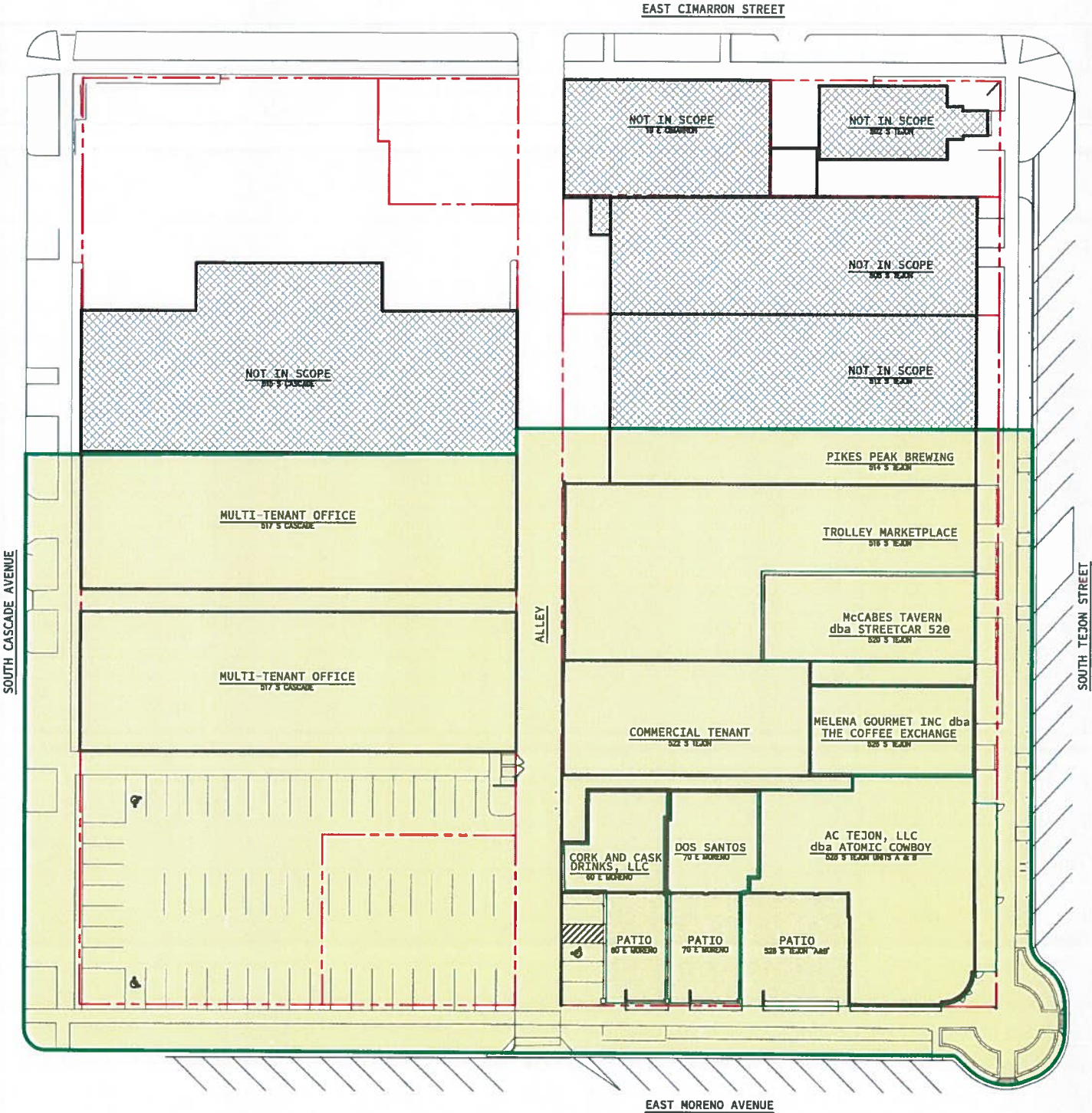
Council President

ATTEST:



Sarah B. Johnson, City Clerk

TROLLEY DISTRICT - EXHIBIT A



TROLLEY ENTERTAINMENT DISTRICT

1" = 60'-0"



TROLLEY DISTRICT - EXHIBIT B



OFFICE OF THE CITY CLERK

Received:

CITY CLERK'S OFFICE

2019 JUL 23 P 3:53

PRE-RESOLUTION CHECKLIST FOR PROPOSED ENTERTAINMENT DISTRICT

THIS CHECKLIST MUST BE FULLY COMPLETE, WITH ALL REQUIRED ATTACHMENTS.
Return fully completed packet to the City Clerk's Office, 30 S. Nevada Avenue, Suite 101, 80903.

Section A: SPONSOR INFORMATION				
Name of Sponsor: Joseph M. Niebur				
Title and Company Association (if any): 528 S. Tejon, LLC				
Address: 524 S. Tejon St., Colorado Springs, CO 80903				
Email: troy@nieburdevelopment.com			Phone: 719-527-0313	
Name of City Council Member Supporter: Jill Gaebler				
Section B: PROPOSED ENTERTAINMENT DISTRICT INFORMATION				
Proposed Name of Entertainment District: <u>Trolley District</u>				
<ul style="list-style-type: none"> Attach written description and statement describing basis/rationale for the proposed Entertainment District boundary and Common Consumption Areas days and hours of operation, including details of any City Council and community and outreach efforts. 				
List general boundary description of proposed Entertainment District (list closest street names):				
North: <u>E. Cimarron St.</u> South: <u>E. Moreno Ave.</u> East: <u>S. Tejon St.</u> West: <u>S. Cascade Ave.</u>				
<ul style="list-style-type: none"> Attach aerial view map of proposed Entertainment District boundary, with location of all eligible liquor licensed premises identified. 				
Total size (acres) of proposed Entertainment District (must be less than 100 acres): <u>2.25 ac</u>				
List proposed maximum hours of operation for every subsequent Promotional Association's (PA) Common Consumption Area (CCA) to be formed within the proposed Entertainment District. From: <u>7:00 a.m.</u> To: <u>2:00 a.m.</u>				
Section C: ELIGIBLE LIQUOR LICENSE INFORMATION				
List all eligible liquor licenses within the proposed Entertainment District boundary. Attach complete supplement as needed.				
Liquor License Trade Name	Licensed Premises Address	Liquor License Type	Square Footage of Licensed Premises	Interested in Joining PA?
Atomic Cowboy/Denver Biscuit/ Fat Sully's New York Pizza	528 S. Tejon St., Unit A&B, & 80 East Moreno Ave., Colorado Springs, CO 80903	H&R	12,783	Yes
Dos Santos	70 East Moreno Ave., Colorado Springs, CO 80903	H&R	3,442	Yes
Cork and Cask Drinks	60 East Moreno Ave., Colorado Springs, CO 80903	Tavern	3,334	Yes
The Coffee Exchange	526 S. Tejon St., Colorado Springs, CO 80903	H&R	4,366	Yes
Streetcar520	520 S. Tejon St., Colorado Springs, CO 80903	H&R	3,570	Yes
Total square footage of all eligible liquor licensed premises (must be more than 20,000):			27,505	

I, Joseph M. Niebur (printed name), as the sponsor or as an authorized agent, owner, or officer for a sponsor liquor licensee, declare under the penalty of perjury and under penalty for offering a false instrument for recording that this entire pre-resolution checklist, statements, and attachments are true, correct, and complete to the best of my knowledge.

I further declare and understand that this statement is executed with the knowledge and understanding that any City Council Resolution designating an Entertainment District is for the purposes of setting the geographical boundary of the district and maximum allowed hours of operation for any Common Consumption Area, and does not guarantee, authorize, or certify any subsequent Promotional Association formed within an Entertainment District, or approval of any Promotional Association's Common Consumption Area.

Joe Niebur
Sponsor Signature

Managing Member
Title

07/19/2019
Date

Trolley District

Joseph M. Niebur, Managing Member, 528 S. Tejon, LLC (the "Sponsor") proposes to create the Trolley District, an Entertainment District consisting of 2.25 acres located within the boundaries of E. Cimarron St. (to the North), E. Moreno Ave. (southern boundary), S. Tejon St. (eastern boundary) and S. Cascade Ave. ("western boundary). Mr. Niebur is the managing member of 528 S. Tejon, LLC, and RDJ Cascade Properties LLC, which are the only two real property owners within the proposed Trolley District.

The specific boundaries of the Trolley District are proposed due the singularity of real property ownership, the potential availability of unique indoor and outdoor common consumption areas, the current existence of five (5) liquor licensed entities (with an anticipated wholesale/manufacturer and attached expansive liquor sales room). The Sponsor has consulted with all current and anticipated liquor licensees (the "Licensees") regarding the proposed creation of the proposed Trolley District, and is authorized to state that all Licensees support approval.

The Sponsor has previously met with and discussed enactment of the proposed Trolley District with various City of Colorado Springs officials, including Sarah Johnson, City Clerk, Ryan Tefertiller, Urban Planning Manager, Bob Cope, Economic Development Officer. Additionally, representatives of the Sponsor have met with City Councilwoman Jill Gaebler and Susan Edmondson, President & CEO Downtown Colorado Springs. Both councilwoman Gaebler and Ms. Edmondson are in support of the Trolley District and its proposed boundaries.