



UNITY BAR & GRILL – FBZ CONDITIONAL USE DEVELOPMENT PLAN

Downtown Review Board - June 4, 2024

Staff Report by Case Planner: Johnny Malpica, AICP



Quick Facts

Applicant

Carlo G Guerrier Jr.

Property Owner

Nyam Nguyen

Developer

N/A

Address / Location

1107 S. Nevada Ave.

TSN

6419123036

Zoning and Overlays

Current: FBZ-COR MX-M UV

Site Area

41,321 Sq. Ft.

Proposed Land Use

Bar

Applicable Code

Form-Based Code

Project Summary

This application proposes the conversion of an existing 950 sq. ft. tenant space within a neighborhood shopping center into a bar. The proposed tenant improvements include interior changes that do not require a building permit (Figure 1). The existing tenant space is located within a 18,472 sq. ft. neighborhood shopping center on a 41,321 sq. ft. lot that is split-zoned FBZ-COR MX-M UV (Form-Based Zone – Corridor Sector, Mixed Use Medium Scale). It is located on the southeast corner of S. Nevada Ave. and E. Las Vegas St. The request is to allow for a bar use, which is a conditional use within the Form-Based Zone.

File Number	Application Type	Decision Type
FBZN-24-0007	Form-Based Zone Conditional Use	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Town of Colorado Springs	1872
Subdivision	Brams Subdivision Fil. No. 4	2004
Master Plan	Experience Downtown Master Plan	2016
Prior Enforcement Action	N/A	N/A

Site History

- This site was rezoned to FBZ-COR (Form-Based Zone Corridor Sector) with the adoption of the Form-Based Code in 2009. The building has a history of including uses such as retail, personal business services, and restaurants.

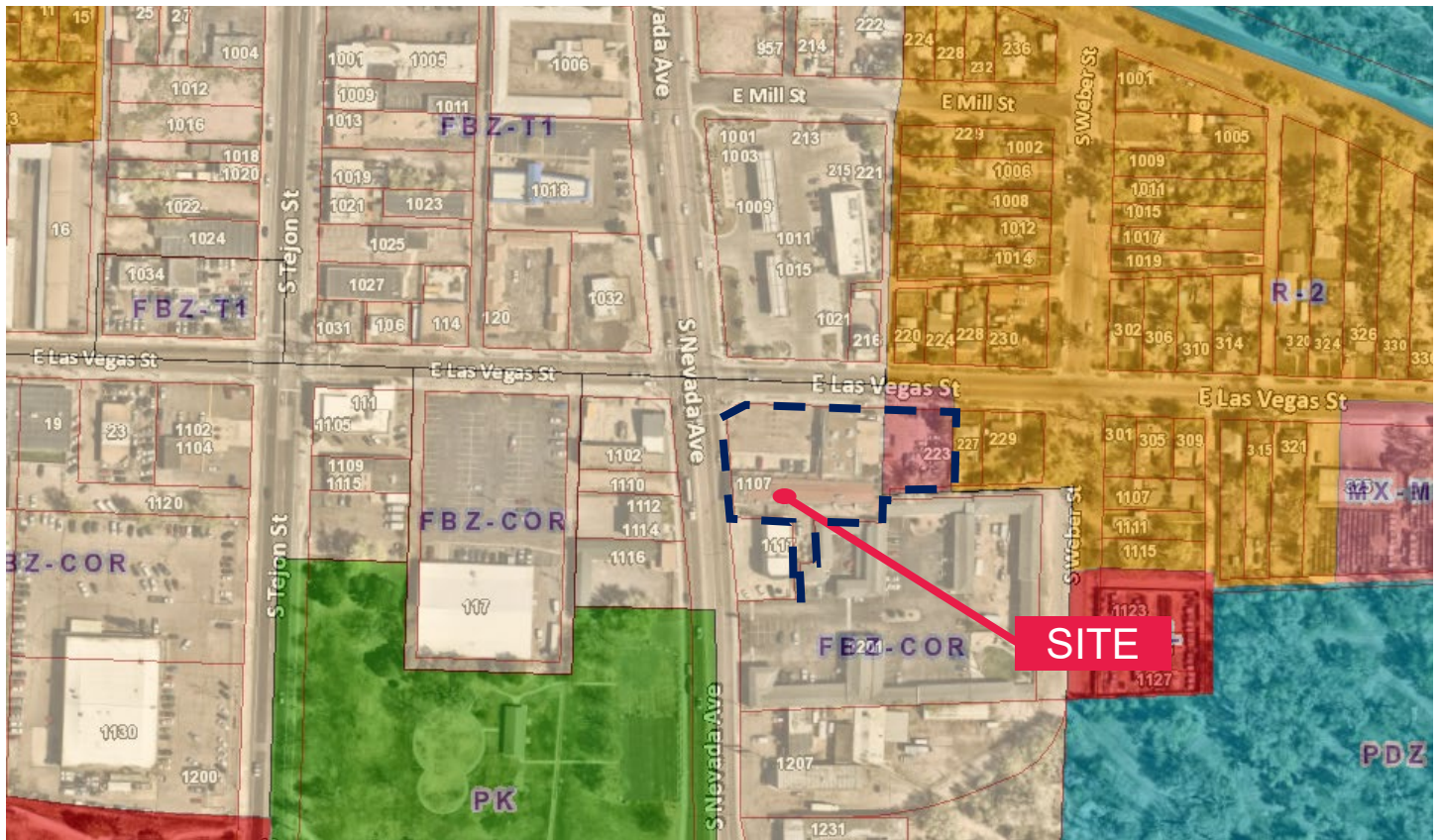
Applicable Code

The subject application is within the boundaries of the Form-Based Zone which requires zoning action within these boundaries to be reviewed under the Form-Based Code. All subsequent references within this report that are made to “the Code” and related sections are references to the Form-Based Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	FBZ-COR & R-2	Gas Station/Residential	N/A
West	FBZ-COR & PK	Multi-Family/Office	N/A
South	FBZ-CEN UV	Service Garage/Motel	None that are applicable
East	MX-M & R-2	Residential/Retail	None that are applicable



Zoning Map

Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Internal Review/Prior to Downtown Review Board Public Hearing
Postcard Mailing Radius	1000'
Number of Postcards Mailed	115
Number of Comments Received	2

Public Engagement

Two public comments were received from adjacent residents to the east. Both comments identified the deteriorating conditions of the surrounding neighborhood, namely homelessness, drug use, theft, and acts of violence. Both comments drew a correlation between alcohol serving businesses and the above behaviors. As such, both comments expressed opposition to an additional alcohol serving bar (Figure 2).

Timeline of Review

Initial Submittal Date	04/16/2024
Number of Review Cycles	1
Item(s) Ready for Agenda	06/04/2024

Agency Review

Traffic Impact Study

No comments received.

School District

No comments received.

Parks

No comments received.

SWENT

No comments received.

Colorado Springs Utilities

No comments received.

Form-Based Zone Conditional Use

Summary of Application

The City of Colorado Spring's Form-Based Code (FBC) supplies the city with an instrument for regulating development in such a way so as to achieve a specific urban form. Rather than emphasizing land use, importance is placed on physical form. In turn, this aims to achieve a public realm that is pedestrian friendly surrounded by development containing a mix of uses. Although the intent of the FBC is to regulate form over use, specific uses such as bars require additional consideration and are therefore listed as conditional uses in section 2.5.4 of the FBC. With that said, consideration may be given to the dimensions, type, location, function, as well as the impact of these uses on surrounding properties and the public realm.

Taking the above into consideration, this proposal aims to convert an existing tenant space located within a neighborhood shopping center into a bar use. The proposed change of use will not require a building permit as there are no proposed interior or exterior renovations. Provided that this change of use proposes no significant modifications to the interior and exterior of the structure, the primary consideration is evaluating the use's relationship and impact to surrounding properties. Adjacent uses consist of a gas station, a liquor store, inline retail, a motel, auto-repair uses, and nearby residences. It is important to consider that the FBC intends to accommodate the changing uses of buildings. While this neighborhood has been impacted by many issues associated with homelessness, the proposed bar use appears to be consistent with the surrounding neighborhood context. Furthermore, the bar offers no outdoor seating and is an on premise alcohol serving establishment (Figure 3). With that said, the proposed use appears to be consistent with its surrounding environment and will not have an adverse impact to surrounding properties.

Application Review Criteria

The Form-Based Code section 2.5.4 (Conditional Uses) refers to former City Code section 7.5.7 as the process that Conditional Use requests located within the form-based zone will be reviewed against.

Chapter 7 Code Section 7.5.704

Staff has provided the required review criteria and a brief analysis of how each criterion is being met for this request.

- A. Surrounding Neighborhood:** That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.

Staff Analysis: The surrounding area contains a mix of land uses that include residences, auto-oriented uses, as well as a motel. The proposed use for this parcel transitioning from a retail/restaurant space to a bar does not create any foreseeable adverse impacts. While the change from the existing retail/restaurant use to a bar intensifies the use of the land, the proposed operational hours are in alignment with other similar entertainment destinations (Figure 1). On the same note, there are no outdoor patio spaces proposed that may produce noise and beverages will be consumed on the premises.

- 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.

Staff Analysis: While the Corridor Sector was not intended to support the same level of density as the urban core, it instead has its own unique standards to reflect the importance of these sectors, emphasizing the relationship of developable land to wide rights-of-way. As such, provided the change of use with no increase in density, this project is both compatible with the surrounding building typologies and land uses.

- C. Comprehensive Plan:** That the conditional use is consistent with the Comprehensive Plan of the City.

Staff Analysis: The proposed conditional use for a bar conforms to the goals and policies of the City's Comprehensive Plan (herein referred to as "PlanCOS"). This project would establish yet another successful business and assists in providing an inclusive and diverse set of entertainment destinations in a continually evolving neighborhood.

Compliance with the Experience Downtown Master Plan.

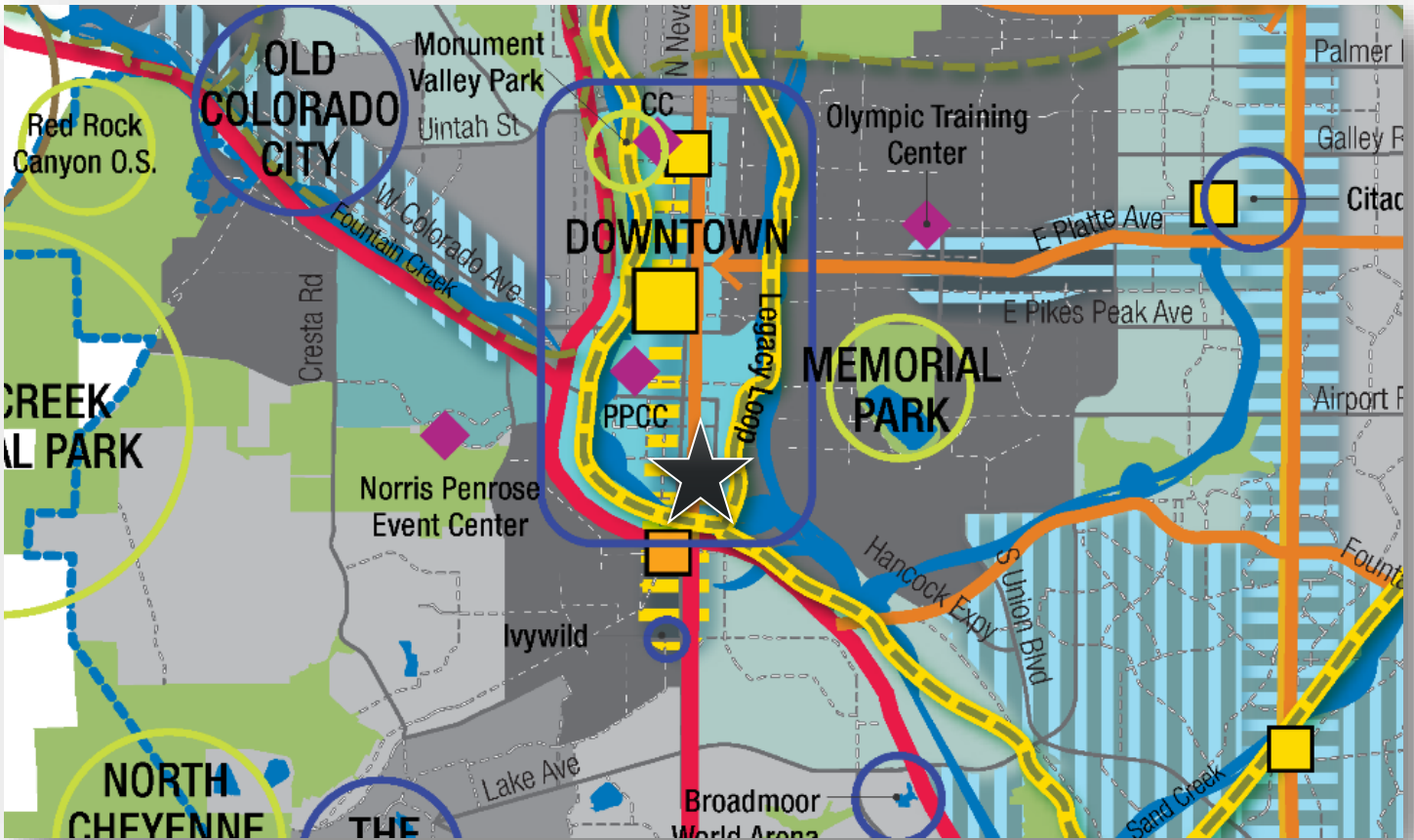
The Experience Downtown Master Plan recognizes "vibrant, livable" downtowns as an "economic imperative" for cities. Additionally, goal 7 aims to offer visitors an "unforgettable" experience. The location of this project falls just outside of the downtown study area but is within the city's downtown. The downtown is described as a "place for reinvention." This application represents an adaptive reuse of an existing tenant space. Through adaptive reuse, it further activates a high trafficked area abutting the South Nevada Corridor of the City, and in doing so, offers a unique menu of dining and entertainment options for both residents of Colorado Springs and visitors. Overall, this project contributes to the advancement of the Downtown's economic vitality, livability, and unique character and is in alignment with the goals and objectives of the Experience Downtown Master Plan.

Compliance with the City's Comprehensive Plan.

The location of this project falls within a neighborhood that is identified by the PlanCOS Vision Map as the city's downtown. Additionally, the PlanCOS Areas of Capacity and Change map identifies this location as an area of significant change, with the potential for significant development changes to occur. Provided that this project proposes to establish a reputable business establishment within an existing neighborhood shopping center, it diversifies the local economy by offering a new business type. Overall, this proposal aligns with the goals and policies of the City's Comprehensive Plan.

Compliance with PlanCOS

PlanCOS Vision



- Majestic Landscapes**
- Parks & Open Space
 - Complete Creeks
 - Primary Trail Network
 - Legacy Loop & Ring the Springs

- Thriving Economy**

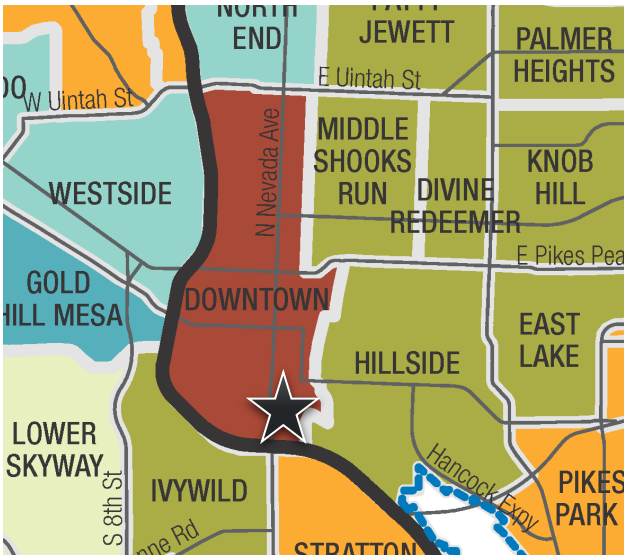
- Renowned Culture**

- Activity Centers**
- Mature/Redeveloping
 - New/Developing
 - Reinvestment Area & Community Hub

- Strong Connections**
- Intercity Corridors
 - City Priority Corridors
 - Smart Corridor
 - Bike Network
 - Park-N-Ride
 - Transit Hub

- Vibrant Neighborhoods**
- Downtown
 - Established Historic Neighborhood
 - Established Traditional Neighborhood
 - Established Suburban Neighborhood
 - Changing Neighborhood
 - Newer Developing Neighborhood
 - Future Neighborhood
 - Airport

Note: This map depicts a unified city boundary, including enclaves of land that have not yet been annexed.



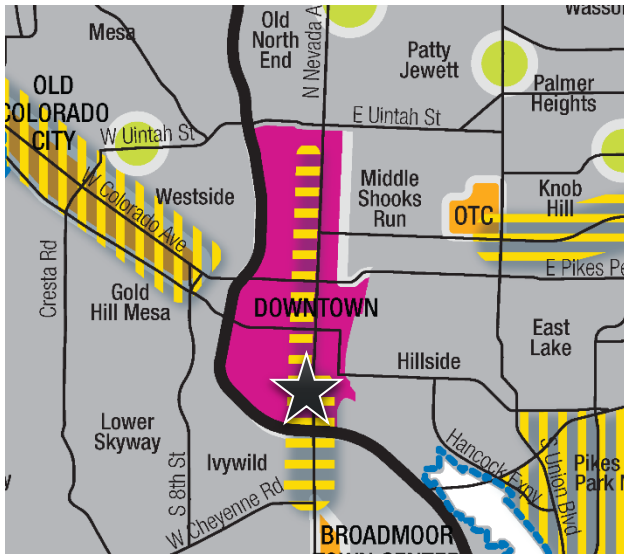
Predominant Typology



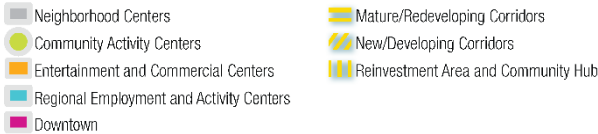
Vibrant Neighborhoods

This project site is located within the City’s Downtown, which is considered a downtown typology.

- Strategy VN-3.A-6: Where and when applicable, specifically incorporate mixed-use neighborhood building as an outcome tied to the use of urban renewal area designation, public/private partnerships, and other tools and incentives to encourage redevelopment.



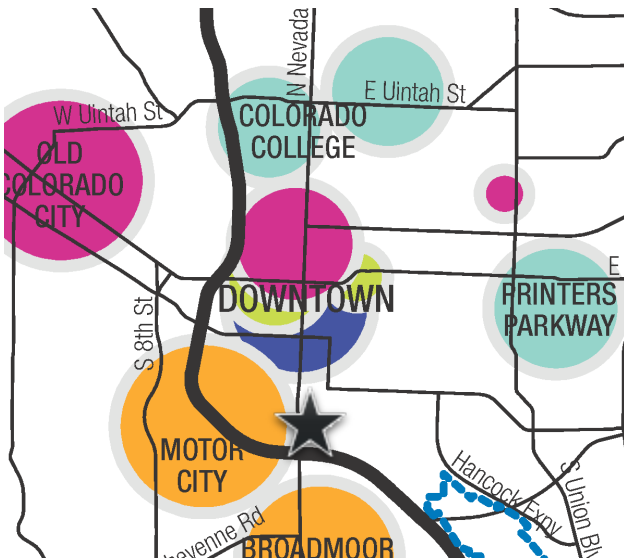
Predominant Typology



Unique Places

This project site falls within the Downtown predominant typology.

- Strategy UP-2.A-4: Actively support ongoing and potential infill projects, employ problem-solving approaches and continue to implement process improvements in support of infill and redevelopment.



Thriving Economy

This project site falls within the Downtown and is located within The Experience Economy typology.

- Strategy TE-1.A-3: Prioritize Downtown redevelopment to establish it as the region’s employment center, hub of commerce, governing, innovation, tourism, entertainment, art and culture.
- Strategy TE-2.C-1: Prioritize redevelopment and activation in Downtown and other urban activity centers in order to establish or enhance economic development.

Statement of Compliance

FBZN-24-0007

After evaluation of the Conditional Use request for the Unity Bar & Grill FBZ Conditional Use, Staff finds that the application meets the review criteria.