

NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA

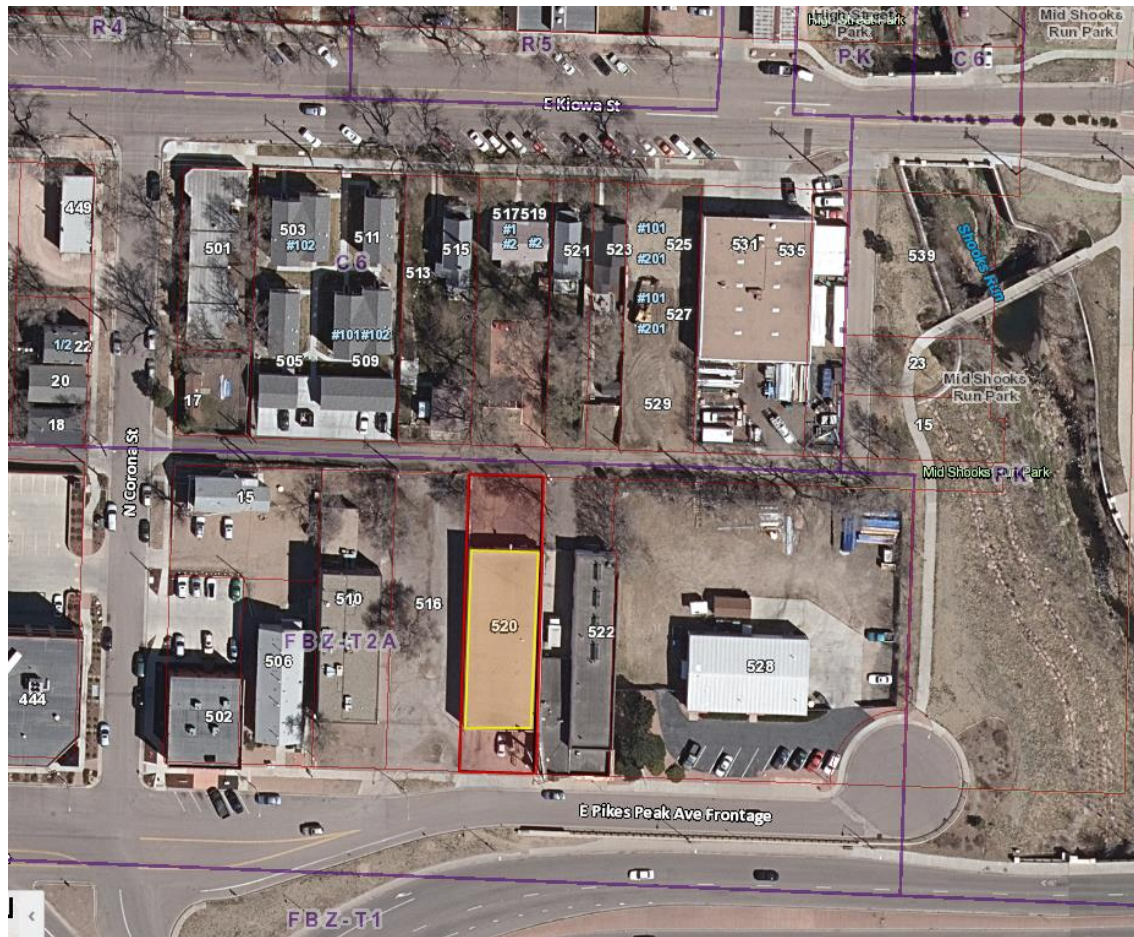
STAFF: MATTHEW FITZSIMMONS

FILE NO:
CPC CU 17-00130 – QUASI-JUDICIAL

PROJECT: 13/50 DISTILLING

APPLICANT: BOBBY HILL

OWNER: NORVIC PROPERTIES, LLC



PROJECT SUMMARY:

1. Project Description: This proposal is to convert roughly 6,000 square feet of an existing electrical warehouse building to a distillery with a large tasting room. Using the definitions within Section 6 of the Form-Based Code, the proposed use must be considered a “bar.” Section 2.5.4 of the Form-Based Code requires approval of a conditional use for any new bars within the zone. Additionally, the proposed bar use has a higher parking requirement than the previous tenant, and due to limited on-site parking, the project also requires a parking warrant. The site is addressed as 520 E. Pikes Peak Avenue, is zoned FBZ-T2A (Form-Based Zone – Transition Sector 2A), and is located on the north side of E. Pikes Peak Avenue, just east of N. Corona and west of Shooks Run.
2. Applicant’s Project Statement: **(FIGURE 1)**
3. Planning & Development Department’s Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Addresses: 520 E. Pikes Peak Avenue
2. Existing Zoning/Land Use: FBZ-T2A (Form-Based Zone – Transition Sector 2A) / The site was developed as a single-tenant commercial building **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: C-6 (General Business) / Residential and Commercial uses
South: FBZ-T1 (Form-Based Zone – Transition Sector 1) / Commercial/Office – Catalyst Campus
East: FBZ-T2A (Form-Based Zone – Transition Sector 2A) / Distribution Warehouse, Auto Repair
West: FBZ-T2A (Form-Based Zone – Transition Sector 2A) / Vacant Lot, MMJ Grow, Office
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Experience Downtown Master Plan (2016) / Activity Center Mixed-Use
7. Subdivisions: R.A. Edgerton’s, Block 244, Addition No. 1, Colorado Springs (1875)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is level in the front and drops off at an 11.5% slope in the rear near the alley. It is currently a single-tenant, one-story commercial building

STAKEHOLDER PROCESS AND INVOLVEMENT:

Two hundred and forty five post cards were sent to the surrounding property owners to notify them of the proposal shortly after the application was submitted. That notification provided information regarding the proposed project and instructions of how to submit comments. Staff received four (4) formal comments of support for the project and three (3) comments expressing opposition. **(FIGURE 3a-d)**. All applicable City agencies and departments were asked to review and comment. Most of their concerns and comments have already been incorporated into the plan or are listed in the technical modifications section at the conclusion of this report. The site will be posted and notices will be sent announcing the public hearing prior to the Downtown Review Board meeting.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The proposed project is located on the north side of E. Pikes Peak Avenue, just east of N. Corona Street and west of Shooks Run. This section of E. Pikes Peak Avenue is considered a frontage road because Colorado Avenue turns into E. Pikes Peak at N. Corona Street. On E. Pikes Peak Avenue Frontage the surrounding land uses are primarily commercial, a vacant lot, office-related, and a mixed use building on the northeast corner of N. Corona Street. The north side of the block across the alley from the subject property, which fronts Kiowa Street and is zoned C-6, is mostly single-family and multi-family residential with one commercial property on the eastern edge of the block.

The proposed plan **(FIGURE 4)** illustrates exterior changes only to the façade of the building, which faces Pike Peak Avenue. These changes include building an outdoor, patio with a large metal awning and roll-

up door. Additionally, the Applicant will eliminate all parking in the front except for a parking space and access aisle required for ADA compliance. This change was done to comply with city code, which prohibits backing out into public streets from all but a single family home. Customers that arrive in motor vehicles will utilize the parking on surrounding streets and a couple of privately owned off-street parking lots close to the bar.

One of the overarching principles of the Downtown Form-Based Zone is that individual land uses are less important than the building forms that establish Downtown's character, architecture, and built environment. A healthy downtown is comfortable to pedestrians, and pedestrians are affected more by physical forms, public improvements, traffic speeds, and a consistent street-wall, than they are by the uses which exist behind closed doors. However, there are a select number of uses which, if not properly considered, have the potential to negatively impact surrounding properties and downtown as a whole. One such use is a bar, which is defined as a business which generates more than fifty percent of gross revenue from on-site alcohol sales. While all successful urban areas have bars, the size, type, and perhaps most importantly, location of new bars was determined to deserve a case-by-case review by the Downtown Review Board at a public hearing through the conditional use process. This review, including the evaluation of the conditional use review criteria, can be an important step toward ensuring that surrounding properties are not harmed and that clusters of existing bars aren't intensified, worsening problems associated with many late night urban uses.

Specific areas within the Downtown Form-Based Zone have experienced recurring problems with bars and late night bar customers. Littering, fighting, and other criminal activities are a challenge in areas with a high concentration of bar uses. City resources, specifically increased police presence, are necessary to minimize impacts to the surrounding area and protect innocent residents and customers. However, the proposed location of 13/50 Distilling is relatively buffered from other bar uses. There are no other bar uses within two or more blocks of the site. Additionally, the proposed specialization in distilled spirits and the site's distance from any existing bar-related problem areas lead Staff to conclude that the proposed use will not negatively impact surrounding properties or Downtown as a whole.

The three criteria that must be considered by the Downtown Review Board in order to grant the requested conditional use permit are:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- 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.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

After careful consideration, Staff has determined that the required criteria are met and once the technical modifications described below are addressed, the plan can be approved.

In addition to the conditional use application, the Applicant is also seeking relief from the Downtown Form-Based Code parking standards. The past use within the building was a warehouse for an electrical company, which has a modest parking requirement of one stall for every 1000 square feet of building space or 6 spaces. The proposed uses of this building would increase the parking demand to 15 parking spaces, which includes the one ADA space. Only 9 of the 15 spaces are provided for on-site. The rear parking has been designated employee parking because of the lack of an entryway for the customers and the fact that the area is too steep for customer parking.

Due in part to the new configuration of Pikes Peak Avenue, there are an estimated 30-40 street parking spaces available for public use 24 hours a day within a short distance from the front entrance. Kathleen Krager, the City's Engineering Division Manager for Public Works/Traffic Engineering, proposed the following for the street: *"City Traffic Engineering proposes no striping on this area on Pikes Peak to allow flexibility. If traffic problems occur, Traffic Engineering will determine an alternative appropriate design."* Allowing parking on both sides of the street will greatly reduce traffic speeds on this dead-end street, which will increase pedestrian and cycling safety.

Additionally, two other possible off-street parking locations have been identified close to the site. Just to the east, nine (9) off-street parking spaces were offered for use after 5pm by the owners of 528 E. Pikes Peak Avenue (AutoSmith). The owner of 516 E. Pikes Peak Avenue verbally agreed to allow the Applicant the use of his paved lot, but no formal agreement has been made.

The Staff and the Applicant have observed that there is currently very little demand for street parking on E. Pikes Peak during the proposed hours of operation. Photos (Figure 5) taken during the proposed hours of operation show that the street is almost 100% empty.

The Applicant has embraced the fact that they will be located next to the cycle-track (two-way bike traffic) portion of the Pikes Peak Avenue protected bike path. To accommodate and promote customers to arrive by bike they have included racks for an estimated twelve (12) bikes.

Any project that requires relief from a standard must gain approval of a warrant by the Downtown Review Board. Warrants are reviewed using the five criteria found in Section 5.4 of the Form-Based Code. The criteria are:

1. Is the requested warrant consistent with the intent of the form-based code?
2. Is the requested warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
3. Is the requested warrant reasonable due to the proposed project's exceptional civic or environmental design?
4. Is the requested warrant consistent with the Imagine Downtown Master Plan?
5. Is the requested warrant consistent with the City's Comprehensive Plan?

As described above, the project as submitted does not meet the required parking standard and also requires the granting of a conditional use permit for the proposed bar use. After careful consideration of the proposed relief and the justification expressed in the Applicant's project statement and plan, Staff recommends approval of the parking warrant.

In the Form-Based Zone residential uses and bars do not require any separation, but outside of the Zone, city code requires a 200' separation between these two uses. The subject property at 520 E. Pikes Peak Avenue is on the border of the FBZ and abuts a C-6 zoned residential neighborhood across the alley facing Kiowa Street. This residential neighborhood is within the required 200' separation distance set by City code. As a result, the Applicant was required to apply for a non-use variance to allow a bar within 200' of residential use. Approval of this application, which is not under the jurisdiction of the Downtown Review Board, is supported by Staff. The Applicant addresses the three criteria required to approve the variance in their project statement. A formal record of decision documenting Staff's granting of the non-use variance will be issued pending the Downtown Review Board's approval the requested conditional use and warrant.

STAFF RECOMMENDATION:

CPC CU 17-00130 - 13/50 DISTILLING

Approve the proposed conditional use development plan and parking warrant based on the findings that the conditional use criteria empowered in Section 2.5.4 and the warrant criteria found in Section 5.4 of the Downtown Colorado Springs Form-Based Code will be substantially met once the following technical modifications are made:

Technical Modifications to the Conditional Use Development Plan:

1. Add the following data and notes to the plan:
 - a. Note that the proposed use of the property is a tasting room (bar).
 - b. Illustrate where the outdoor lighting fixtures will be located.

- c. Illustrate the dimensions of the bike rack and note how many bike parking spaces will be provided.
- d. Illustrate the clearance between the bike parking and area needed for a car to maneuver in and out of the ADA stall.
- e. Illustrate the dimensions of the bike path along E. Pikes Peak Ave.
- f. Amend the ADA parking space width to 11'.
- g. Illustrate the adjacent buildings for context.
- h. Include a tree in the landscaping per comments in Staff's previous review letter.
- i. Add a note documenting the Downtown Review Board's approval of the conditional use and parking warrant.
- j. Add a note documenting administrative approval of the non-use variance for the bar's proximity to residential uses.
- k. Note that signage is not approved per the conditional use development plan and that a separate sign permit will be necessary.