



# City of Colorado Springs

City Hall  
107 N. Nevada Avenue  
Colorado Springs, CO  
80903

## Meeting Minutes - Draft Downtown Review Board

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Wednesday, December 6, 2017

8:30 AM

City Council Chambers

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### 1. Call to Order

**Present:** 5 - Aaron Briggs, Dot Lischick, Doug Hahn, Kristen Heggem and Jeff Markewich

**Absent:** 3 - Randy Case, Tiffany Colvert and Stuart Coppedge

### 2. Approval of the Minutes

A motion was made for the to be The motion carried by a vote of

[CPC 385](#) Minutes for September 6, 2017

Presenter:

Aaron Briggs, Vice Chair, Downtown Review Board

**Motion by Lischick, seconded by Heggem, to approve the September 6, 2017 meeting minutes. The motion passed by a vote of 5:0:3**

**Aye:** 5 - Briggs, Lischick, Hahn, Heggem and Markewich

**Absent:** 3 - Case, Colvert and Coppedge

### 3. Communications

[CPC 202](#) Ryan Tefertiller - Urban Planning Manager

Mr. Tefertiller, Urban Planning Manager, introduced Jeff Markewich who's served on the Planning Commission for the last six year. Mr. Markewich has been appointed by City Council to serve until mid-year of 2018 in the Planning Commission seat vacated by Commissioner Walkowski who served the last five years. Mr. Tefertiller thanked Mr. Markewich's service on the Planning Commission and the DRB.

Mr. Tefertiller said there is one other vacant seat of Lisa Tessarowicz which has not been filled. Council staff is still working to coordinate an interview committee of council members of applicants to fill that seat. The DRB Chair is invited to participate in those interviews as well. Mr. Coppedge will participate once those dates are scheduled. He hoped to have a full DRB the next time they meet.

Mr. Tefertiller stated they are not likely to have a January meeting. He didn't believe either he or Mr. Fitzsimmons will have a project for them to review. Please keep the meeting on the calendar for now but he will send out the official notice later this month.

Mr. Tefertiller had City Attorney Marc Smith introduce a new attorney who is with the attorney's office, Ben Bolinger who in the coming months will take a more active role with the Planning Department.

Mr. Tefertiller introduced a new member with the Downtown Partnership, Alex Armani-Munn who will work with Sarah Humbarger working on different project. You potentially could see Alex coming and representing the Downtown Partnership on projects in the future.

Mr. Tefertiller stated that even though several meetings have been cancelled, there are still projects being approved administratively. They are working on the City's Bike Share Program coming 2018. They've been working on some alley design improvement effort and some gateway design improvements coming into and out of downtown Colorado Springs. He wanted the board to know they are busy trying to make progress on several items described in the Experience Downtown Master Plan which was adopted by the Board and City Council about one year ago.

Mr. Tefertiller stated there will be a public meeting tomorrow night, Thursday, December 7, 2017, for the North End Transportation Mobility efforts the City has been engaged in. The meeting is at the City Auditorium in the Lon Chaney Theater at 6:00 p.m. They'll be discussing the outcome of some public efforts dealing with everything from bike lanes, bus routes, truck routes, speed limits, turn lanes, and parking. The whole gambit primary affects the area north of Platte Ave all the way up to Penrose Hospital. Not much of that is within the Form Based Zone and has direct relationship to the Downtown Review Board. But these efforts are closely aligned with the Experience Downtown Master Plan so he wanted to mention this meeting. He didn't believe there'd be anything that will come out of those efforts that will end up in front of the Downtown Review Board it's largely in the authority of Mountain Metro Transit and the City's Traffic Engineering. So they should feel free to be able to participate and have discussion on those types of things.

#### **4. CONSENT CALENDAR**

**These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner or a citizen wishing to address the Planning Commission. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)**

**5. UNFINISHED BUSINESS****6. NEW BUSINESS CALENDAR**

[CPC CU  
17-00130](#)

A conditional use to allow a bar within the Form-Based Zone and a parking warrant to allow relief from the Form-Based Zone's parking standards. The subject property is located at 520 E. Pikes Peak Avenue

Presenter:

Matthew Fitzsimmons, Planner II, Urban Planning Division

**STAFF PRESENTATION:**

Matthew Fitzsimmons, Planner II, gave a PowerPoint presentation on the 13/50 Distillery project discussing the intent and scope of the project.

**APPLICANT PRESENTATION:**

Mr. Phillip Bragg, President of 13/50 Distilling gave an overview of the proposed development and intent of the project.

**QUESTIONS OF THE APPLICANT:**

Board Member Hahn asked about the nature of the activities for the bar, and what type of clientele are you trying to attract? Mr. Bragg stated the business model is two-fold. One is a tasting room with tours and tastings at the end of a tour, cocktails for customers who are heading downtown for dinner and also distribute local businesses, restaurants and bars.

Board Member Markewich asked about closing time of 10:00 since it wasn't part of the packet or the technical modifications and wanted to know if Mr. Bragg objected to the 10:00 closing time listed, as well as no amplified music as a modification for the record. Mr. Bragg said they had no objection to that. City Attorney Marc Smith stated opening and closing is governed by state liquor law and didn't suggested doing that. Amplified outdoor music on an outside patio is a land use condition and is more difficult when you limit hours within the actual structure.

Board Member Markewich asked if the Streamside Overlay or the Shooks Run Flood Plain zone was applicable in the Form Based Zone. Mr. Tefertiller stated Streamside Overlay and any overlay zone is applicable in the Form Based Zone. There are two overlays you may see in the Form Based Zone. Streamside Overlay is primarily along Shooks Run and Fountain Creek and then the Historic Preservation Overlay Zone. Mr. Tefertiller stated the Streamside Overlay doesn't extend this far west. Therefore the Streamside Overlay was not part of the analysis for this application.

Board Member Heggem stated her focus was the neighbors and thanked

Mr. Bragg for engaging them. That's important part of being part of the downtown and being sensitive to their needs. Regarding the rear parking lot, is that only for employees, will it be marked that way and is the back door of the building available for customers to enter through. How will you keep customers from parking in the back and keep the traffic down along the alleyway so that it doesn't impact the neighbors. Mr. Bragg stated the back is an emergency exit and will not be a commercial entry. The only door back there will be for employees only and it will be marked as such. The lot west of the property is empty and the owner has stated he wanted to discuss parking in that lot so that could be another option.

Board Member Heggem asked what would trigger the necessity of needing to lease that space to the west. Mr. Fitzsimmons stated it would probably be complaints from the neighbors.

Mr. Tefertiller added the City wouldn't be a position to say to the applicant you must lease these stalls for parking. We give the warrant or we don't. We wouldn't have Code Enforcement/Neighborhood Services go and tell them a trigger to do something about parking has been surpassed you need to do something to alleviate it. Mr. Bragg stated if parking became a problem due to the amount of clientele they will do whatever is needed to provide additional parking.

Mr. Jake Wayne a partner with 13/50 Distilling stated their location is on the eastern gateway to the downtown and part of the design was to have a good transition plan for residents and others to come into the downtown area. They want to encourage that lifestyle of walking and biking which is another factor to include with the parking questions.

Board Member Hahn asked if there were aromas with distilleries that could affect the neighborhood. Mr. Bragg said no. Whatever vapors there are will be recycled.

**SUPPORTERS:**

Sarah Humbarger stated the Downtown Partnership is in support and been engaged and excited to have them part of this area of the downtown. There is a lot of growth outside of the core and is an indication that the effort the Downtown Review Board and the private sector are doing with respect to development. This a great fit to the eastern gateway to the city. This is a land use decision which runs with the property and there's a risk with a Conditional Use for a bar but they are confident this business will succeed in this location.

**OPPOSITION: None**

**REBUTTAL: None**

**DECISION AND DISCUSSION OF DOWNTOWN REVIEW BOARD:**

Board Member Markewich stated based on the review criteria for the Conditional Use the use meets the surrounding neighborhood and intent of the zoning code and comprehensive plan. The parking did not concern him. There was a mention in the packet that Kathleen Krager, City Traffic Manager, stated in her comments they'd consider striping and designating specific parking on the street and if that becomes a problem, the willingness of the applicant to expand the parking will mitigate any problems. He thought the warrant meets the five criteria in Section 5.4. He also wanted and wanted fellow board members to consider no amplified music on the outdoors.

Board Member Lischick stated staff and owners have done due their diligence and addressing items listed and agrees with no amplified outdoor music.

Mr. Tefertiller stated the development plan on sheet 2 includes a note stating "no outdoor amplification of music or activity allowed. Therefore the need to restrict outdoor music is already addressed on the plan note.

Board Member Briggs stated that it sounded as if most of the board members are in favor. He agrees with Board Member Markewich that this appears to be a bar use that fits with downtown redevelopment efforts, and would be a positive addition to this end of downtown, which is a key gateway area. The development would be consistent with the Comprehensive Plan and the Experience Downtown Master Plan. He stated that in his opinion, this isn't the type of bar that will be injurious or cause negative impacts to the neighborhood due to the limited hours, the artisan type of business, and the types of largely non-residential neighbors. He thought it met the criteria for a Conditional Use and agrees with the parking warrant. It's consistent with the Form Based Zone and design guidelines. There is sufficient street parking, and requiring separate on-site parking for every use like this is not necessary. Therefore, he's in favor of approving the application.

Board Member Hahn asked if the business did well and moved to a different location would a new tenant or owner to continue to use this as a bar would the new owner have to go through the process again. Mr. Tefertiller stated Ms. Humbarger alluded to this when stating the Conditional Use and warrants run with the property not the business. The conditional use could be utilized by a future operator but they'd have to comply with rules of the development plan. The plan illustrated the layout and the size of the tasting room as well as the size of the distilling area. If any of the areas were to change they'd come to the Planning Department and work with Mr. Fitzsimmons to amend that plan. That could potentially

be done administratively. Notification would happen to surround property owners. They'd have opportunity to discuss the proposed changes and how it would affect them. If Mr. Fitzsimmons found the proposed changes to the development was consistent with the code he could approve them but if a neighbor objected they could appeal it to the Downtown Review Board.

**Motion by Markewich, seconded by Hahn, to approve the Proposed Motion:**  
**Approve a conditional use to allow a bar within the Form-Based Zone and the parking warrant for the FBZ-T2A (Form-Based Zone - Transition Sector 2A) zoned property at 520 E. Pikes Peak Avenue, based upon the findings the review criteria for granting a conditional use as set forth in City Code section 7.5.704, and the warrant criteria in Form-Based Code Section 5.4. with the technical modifications listed in the Staff report.**

**The motion passed by a vote of 5:0:3**

**Aye:** 5 - Briggs, Lischick, Hahn, Heggem and Markewich

**Absent:** 3 - Case, Colvert and Coppedge

## **7. Adjourn**