

# NEW BUSINESS CALENDAR

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## DOWNTOWN REVIEW BOARD AGENDA

STAFF: MATTHEW FITZSIMMONS

FILE NO:  
CPC CU 18-00061 – QUASI-JUDICIAL

PROJECT: 1031 S. TEJON STREET – TIKI BAR

APPLICANT: BOBBY HILL

OWNER: TYLER SCHIEDEL OF KOKO B WHERE LLC



## **PROJECT SUMMARY:**

1. Project Description: The applicant is proposing to convert a 571 square foot office building into a 1,119 square foot tiki bar/restaurant with a 498-square foot outdoor patio. Located at 1031 S. Tejon Street, this FBZ-T1 (Form-Based Zone – Transition Sector 1) zoned property is located on the northeast corner of S. Tejon St. and E. Las Vegas St.

The Applicant believes that a majority of their gross income from this establishment will be from food sales, but is uncertain if the alcoholic tiki-themed drinks will become a higher revenue producer. Per code (Form-Based Code Section 6), any establishment with 50% or more of their gross income from alcohol is considered a bar. As a precaution and to be as flexible as possible with their business model, the Applicant has decided to consider this establishment a bar. Section 2.5.4 of the Form-Based Code requires approval of a conditional use for any new bars within the Form-Based Zone.

Additionally, the applicant is requesting approval of three warrants:

1. Parking warrant to allow two (2) off-street parking stalls where five (5) spaces are required.

2. Building Envelope warrant to allow an addition that does not meet building envelope standards.

3. Frontage warrant to allow the building to utilize a frontage that does not comply with numerous frontage standards.

Frontage Type: For not meeting all of the general requirements of a “common lawn frontage” (Form-Based Code section 2.4).

Building Type (Form-Based Code section 2.3.1): To allow a “small commercial” building type with a “common lawn” frontage (Form-Based Code section 2.4.6. – Frontage Table).

Glazing: To allow less than 25% glazing on south side of the building. (Form-Based Code section 2.4.7).

2. Applicant's Project Statement: **(FIGURE 1)**
3. Planning & Development Department's Recommendation: **Approval of the application with technical modifications.**

## **BACKGROUND:**

1. Site Addresses: 1031 South Tejon Street
2. Existing Zoning/Land Use: FBZ-T1 (Form-Based Zone – Transition Sector 1) / The site is developed as a single-tenant commercial building
3. Surrounding Zoning/Land Use: **(FIGURE 2)**
  - North: FBZ-T1 (Form-Based Zone – Transition Sector 1) – Commercial – retail
  - South: FBZ-COR (Form-Based Zone – Corridor) – Commercial - storage warehouse
  - East: FBZ-T1 (Form-Based Zone – Transition Sector 1) –
    - Residential – single family home
    - Commercial – auto mechanic shop
    - Commercial – self storage
    - Commercial – car dealership
  - West: FBZ-T1 (Form-Based Zone – Transition Sector 1) –
    - Commercial – auto service
    - Commercial – retail

4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: South End Addition - March 1897
6. Master Plan/ Designated Master Plan Land Use: Mill Street Neighborhood Preservation Plan (2003) / Commercial
7. Subdivision: South End Addition Colorado Springs (1897)
8. Zoning Enforcement Action: None
9. Physical Characteristics: A 3,575 square foot corner lot with a 571 square foot adobe office building placed in the center of the lot and facing S. Tejon St. The site is a small lot measuring 55' along S. Tejon St. and 65' along E. Las Vegas and is set slightly higher than the adjacent roadways. **(Figure 3).**

#### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

One hundred and twenty (120) post cards were sent to the surrounding property owners (1,000 ft buffer) to notify them of the proposal shortly after the application was submitted. That notification provided information regarding the proposed project and instructions on how to submit comments. Staff received two (2) formal comments of support for the project and zero (0) comments expressing opposition. **(FIGURE 4).** One of the supportive letters came from the Downtown Partnership and the other came from the Episcopal Woman's Thrift Store (1027 S. Tejon St.), who offered the use of their parking for the bar's customers and employees after 4pm. In addition, all applicable City agencies and departments were asked to review and comment. Their concerns and comments have already been incorporated into the plan or are listed in the required 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**

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 that, 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 that 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 1031 S. Tejon is relatively buffered from other bar uses. There are no other bar uses in the area, other than Gold Camp Brewing Company on Mill Street. Additionally, the proposed specialization in tiki-themed drinks and raw vegan food distinguishes itself as a unique bar/restaurant establishment without a peer in Colorado Springs. The fact that this establishment would be active at night would bring much needed eyes and activity to this area of Tejon, especially when most other businesses are closed. These benefits and the fact that 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 location of the proposed project is considered one of the two southern gateways to Downtown Colorado Springs, the other one being S. Nevada Ave. The City and the Downtown Partnership are currently committing resources to strengthen the gateways into the Downtown by investing in new

signage and other architectural features. This project would be seen as a positive step towards that end goal.

The applicants are local residents of the Mill Street neighborhood and have successfully run a bar called the Burrowing Owl (1791 S. 8<sup>th</sup> St.) for many years on the west side ([www.burrowingowlounge.com](http://www.burrowingowlounge.com)). The proposed restaurant/bar will focus on tiki-themed drinks with a raw vegan food menu. The popularity of the vegan food at the Burrowing Owl has proven to be a big draw to that establishment and they expect to have a similar appeal with the new raw vegan menu at the tiki bar.

The proposed project is located in a mostly commercial area of the Form-Based Zone, with only commercial establishments to the north and south all along S. Tejon St. The eastern neighbor at 1031 S. Tejon St. is the only residential building (listed as a single family residence) in a one-block radius and is currently being leased out to tenants. According to the Colorado Springs Police Department, this house keeps them "a little busy" but nothing too nefarious was found on file. This residence has been notified by postcard and poster, but nobody has expressed any concern for the proposed establishment. Staff believes the increased foot traffic and eyes on the street from the employees and patrons of the proposed establishment may stabilize this area and make it more hospitable for commercial and residential uses.

One of the largest establishments in the area is the Springs Rescue Mission, which is just over 300 feet to the west along E. Las Vegas. The Mission provides year-round meals and shelter beds to the Colorado Spring's homeless population and has plans to expand in the next few years. As a result, there is a large amount of homeless activity in and around the area, creating challenges for the neighboring businesses. The applicant is aware of these challenges and believes this establishment will improve the safety and business activity in the immediate area.

The three criteria that must be considered by the Downtown Review Board in order to grant the requested conditional use permit are (city code: 7.5.704):

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
  - Staff finds that this establishment will help bring new and much-needed attention to this small, but important, commercial corridor in the Mill Street neighborhood. The increased activity during the nighttime hours of operation will increase safety in the area, which, in turn, will help the surrounding businesses.
- 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 finds that the proposed establishment is consistent with the FBZ code. The uniqueness of the location and design requires three warrants to be acquired, but the use and activation of the space not only comply with the code, they are promoted by the code. Staff finds that this proposed establishment as well as High Grade Jamaican Restaurant, which is located at 1020 S. Tejon (Parking warrant approved by DRB in March of 2018), will bring greater value to this commercial corridor that may expand into more viable businesses.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.
  - The comprehensive plan strongly supports infill projects such as this. This plan is taking a small office space on a challenging corner and changing it to a destination bar that should attract people from outside and within of the neighborhood.

After careful consideration, Staff has determined that the required criteria are met for the conditional use.

The three warrants that were requested in conjunction with the conditional use will allow the proposed establishment to use the existing structure and allow for creative use of the limited indoor and outdoor space. As previously mentioned, the three warrants include:

1. Parking warrant to allow two off-street stalls where five are required.
2. Building envelope warrant to allow the addition to the rear of the building to not meet building envelope standards.
3. Frontage warrant to allow relief for frontage type, building type and glazing percentage.

Parking Warrant: The proposed use and size of the proposed establishment has increased the required number of off-street parking stalls from two (2) spaces with an office use to five (5) spaces. This property cannot accommodate this parking demand on site and therefore the Applicant is asking for relief. Parking required for the proposed interior 1,119 square feet of space is four (4) spaces (1 parking space per 250 square feet) and one (1) parking space is required for the 498 square foot patio (1 parking space per 500 square feet).

The current driveway is 10'-2" wide, which is below the City standard of 20' for two-way traffic. Due to the fact that the parking area is not set to be paved or change dimensions and there are only two parking spaces, Staff is considering the existing driveway as legal non-conforming and is therefore not requiring the Applicant to bring the driveway to current City standards.

The surrounding streets, E. Las Vegas St. and S. Tejon St., have limited parking opportunities. E. Las Vegas St. does not permit on-street parking and, due to non-conforming parking on the east side of S. Tejon St., only the west side of the street has public parking. While the sixteen (16) possible on-street parking spaces on S. Tejon St. would satisfy the parking code requirements by themselves, the Applicant wants to make sure their employees and customers have a guaranteed place to park. As a result, they have drawn up an agreement with the owners of 1105 S. Tejon St. to allow use of up to ten (10) parking spaces in the lot across E. Las Vegas St. The current use of 1105 S. Tejon St. only requires four (4) parking spaces, while the property has twenty three (23) parking spaces available. Therefore, these ten (10) parking spaces will not place any burden on 1105 S. Tejon Street's parking needs.

Additionally, and as mentioned under the stakeholder section, the neighbors to the north (Thrift House of the ECW -1027 S. Tejon St.) have offered the use of their parking for the bar's customers and employees, since their hours of operation do not coincide with the bar's. The thrift store's board was so pleased with the idea that this location would be developed that they wrote a supportive letter and offered the use of their twelve (12) parking spaces, two of which are handicapped parking.

In addition, this location is within a block of a Mountain Metro bus stop directly on S. Tejon St., which is one of the major north/south on-street bike routes in the City. The applicant plans to accommodate those riders with bike racks in a secure location in the back of the building.

Staff finds that this location will have sufficient parking options to meet the parking needs of the proposed establishment.

Building Envelope Warrant: Since the applicant is proposing to build an addition onto the back of the building, the FBZ code requires that the addition meet the 0'-10' building envelope standard or obtain a warrant (Section 2.3.3. Building Envelopes). Since the rear of the building is proposed to be 26'-6" away from the property line, a warrant was required. This additional space between the back of the building and the east property line will allow for the two parking spaces in the rear of the building, which includes one ADA space.

Frontage Warrant: The FBZ code outlines five possible frontages a building in the FBZ can have. None of these frontages fit perfectly with the proposed project at 1031 S. Tejon St. As a result, the applicant is requesting for a frontage warrant to cover all of the relief needed for its frontage. The three reliefs required for the frontage warrant is frontage type, building type and glazing percentage.

Frontage Type: The “common lawn” frontage type was determined to be the closest representation for the proposed building. It is defined as (Form-Based Code section 2.4.1- Common Lawn), “A landscaped frontage wherein the façade is set back from the property line but minimum and maximum setbacks are met. The front yard remains unfenced and is visually continuous with adjacent yards supporting a common landscape.”

The proposed façade is between 15'-24' back from the street where a maximum of 15' is required. In addition, the patio, which extends to the lot line, is elevated and will have a railing that will be open, but comfortably divides the customers from the pedestrians on the sidewalk. The edge of the patio is not a continuous landscape with neighboring properties, since all of the storefronts to the north have parking in front of the buildings. This will be the only building on the block that will have any structure to the lot line. Staff supports the movement towards a more urban building type. This frontage will help create a better sense of arrival into the southern part of the Downtown and visually break up the non-conforming parking along the east side of S. Tejon St.

Building Type (Form-Based Code section 2.3.1): This warrant will allow a “small commercial” building type to utilize a “common lawn” frontage in the Form-Based Zone where it is not permitted (Form-Based Code section 2.4.6. – Frontage Table). Of the seven building types listed in the FBZ code, the only type that accurately identifies this building type is “small commercial.” As a result, Staff supports this request for relief.

Glazing: The common lawn frontage requires 25% of the façade be glazed. The western façade exceeds that requirement, but the south facing façade, due to privacy concerns for the proposed ADA compliant bathrooms, will have less than 25% glazing. The Staff finds this request reasonable and acceptable. Landscaping and architectural elements will adorn the wall and break up the massing.

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

After careful consideration, Staff has determined that substantial compliance with the warrant criteria has been met as stated in the justifications above and once the technical modifications described below are addressed, the plan can be approved.

### **STAFF RECOMMENDATION:**

#### **FILE NO: CPC CU 18-00061 – Tiki Bar – 1031 South Tejon Street**

**Approve** the proposed conditional use and associated warrants based on the findings that the criteria for both the conditional use (city code: 7.5.704) and warrant criteria (FBZ Code 5.4.3) will be substantially met once the following technical modifications are made:

#### **Technical Modifications to the Conditional Use Development Plan:**

1. Update the project statement to include all of the warrants.
2. Submit posting affidavit
3. Include existing and proposed lot coverage

4. Reduce the parking requirement from 6 to 5 stalls.
5. Label the property lines with bearings and distances
6. Show any existing easements (if any exist)