

**DOWNTOWN REVIEW BOARD AGENDA
SEPTEMBER 4, 2019**

STAFF: RYAN TEFERTILLER

**FILE NO:
CPC CU 19-00101 – QUASI-JUDICIAL**

PROJECT: 514 S TEJON CONDITIONAL USE

OWNER: 528 S TEJON LLC

DEVELOPER: NIEBUR DEVELOPMENT, INC

CONSULTANT: TROY COATS



PROJECT SUMMARY:

1. Project Description: This proposal is to allow a new bar use within 514 – 516 S. Tejon St. The 18,918 square foot property is zoned FBZ-CEN (Form-Based Zone – Central)

Sector), includes a roughly 20,00 square foot mixed use commercial building, and is located on the west side of N. Tejon approximately mid-block between E. Cimarron St. and E. Moreno Ave. (**FIGURE 1**)

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

BACKGROUND:

1. Site Address: 514-516 S. Tejon St.
2. Existing Zoning/Land Use: FBZ-CEN (Form-Based Zone – Central Sector) / The site is developed with an existing mixed use commercial building.
3. Surrounding Zoning/Land Use:
 - North: FBZ-CEN / commercial and office uses
 - South: FBZ-T1 / commercial, office and residential uses
 - East: FBZ-CEN / commercial and office uses
 - West: FBZ-CEN / commercial and office uses
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. Subdivision: So-Do Filing No. 3 (2017)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with an existing two-story mixed use commercial building.

STAKEHOLDER PROCESS AND INVOLVEMENT:

At the time of application submittal, the City mailed notification postcards to roughly 150 owners of property that falls within 1,000 feet of the subject property. Those postcards included information about the proposed use of the building. Staff received input from only one entity during the internal review stage of this project; a letter of support from the Downtown Partnership is included as **FIGURE 3**. The site will be posted and new postcards mailed prior to the Downtown Review Board's public hearing.

Because the application only involved a new use in an existing building, the application was reviewed by a limited number of City agencies. All reviews support the project; any remaining technical concerns are included as Technical Modifications at the end of this report.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The subject property is made up of a relatively typical two-story mixed commercial building along S. Tejon St. The building is attached to the adjacent buildings to the north and south and extends all the back to the public alley to the west. The subject property was part of a larger redevelopment effort that was initiated in 2017. The building addition and improvements at that time were reviewed and approved by the Downtown Review Board as part of application CPC DP 17-00100. While many of the other spaces within the larger project have been fully finished and occupied by a mix of restaurants, offices, and other commercial uses, the large size of the subject property has demanded a high level of care and analysis to find the correct tenant(s).

After extensive effort the owners have decided to move forward with a food market, brewery and bar concept using an open floor plan to create synergy between the numerous smaller uses

within the space. The plans included s Figure 1 illustrate significant improvements to the interior of the subject property to create a high quality space that will serve numerous individual tenants. Additionally, the plans show minor changes to the exterior of the space along the S. Tejon frontage. While the owner intends to balance alcohol sales with food and other non-alcohol revenue, there is a chance that alcohol revenue could exceed 50% total revenue which demands approval of a Conditional Use for a “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 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. It should be noted that there are multiple bar uses in the immediate area of the subject property, including FH Beerworks to the west and the Cork and Cask to the south. Additionally, there are multiple restaurants in the area that also include a bar area including Denver Biscuit / Atomic Cowboys, the Coffee Exchange, and Streetcar 520.

As a bar use, the Downtown Review Board must find that the project substantially complies with the following conditional use criteria:

- 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.

Of the three required criteria, the 2nd and 3rd are relatively easy to evaluate. The proposed food hall and bar uses will fill a vacant space in a key area of S. Tejon St. and will add to the mix of uses downtown without jeopardizing the public health, safety and general welfare of the City’s citizens. The City’s recently adopted comprehensive plan, PlanCOS, supports infill projects and reinvestment in the City’s downtown core.

The first Conditional Use criterion deserves specific discussion given the surrounding uses and the size of the subject property. There are multiple new residential projects in close proximity to the subject property including the The Cascade Apartments to the southwest and The Casa Mundi Lofts to the north. Additionally, there are likely to be other new residential projects developed in the area in the future. However, no comments of opposition or concern have been received to date from any of the residents or residential developers in the area. Staff has also concluded that the proposed project will actually serve as a benefit to the residential uses in the area and will not substantially injure those uses nor any other uses in proximity to the subject property.

While the approval of new bar uses along Tejon should be carefully considered, Staff has concluded that the proposed location, size and operation of the proposed bar uses will have minimal impact on surrounding properties and create a destination use that benefits the entire area.

One additional consideration for the Downtown Review Board is the fact that the property owner has recently submitted an application to the City Clerk's Office to establish an Entertainment District for much of the block where the subject property is located. The proposed District can only be established by City Council at a public hearing. Should it be approved, the applicant could pursue creation of a proportional association and common consumption area which together could allow customers of the various bars and restaurants in the area to travel with their alcoholic beverages outside of the specific business where they purchased the drink and into common areas such as the public alley or private parking lot. While the proposed District is related to the number of businesses in the area that are considered bars or have liquor licenses, it will be acted upon independently by City Council, and shouldn't directly affect the DRB's review of the subject application.

Staff finds that the project substantially complies with the required Conditional Use criteria if all the Technical Modifications listed below are fully implemented.

STAFF RECOMMENDATION:

CPC CU 19-00101 – 514 S Tejon Conditional Use

Approve the Conditional Use Development Plan based on the findings that the Conditional Use criteria found in Section 7.5.704 of the City Code will be met once the following technical modifications are addressed:

Technical modifications to the Conditional Use plan:

1. Add the file number (CPC CU 19-00101) to the bottom right-hand corner of all plan sheets.
2. Add the necessary tabular data per the applicable checklist to the first sheet of the plan (e.g. address, ownership, zoning, size, uses, etc.).
3. Add page numbers to the bottom corner of each plan sheet.
4. Clarify the proposed façade changes as the last two sheets of the plan appear to be inconsistent with each other.
5. Clearly illustrate the location and design of the roof-top deck on the plan.