

DOWNTOWN REVIEW BOARD AGENDA
July 1, 2020

STAFF: RYAN TEFERTILLER

FILE NO:
DRB CU 13-00117-A1MN20 – QUASI-JUDICIAL

PROJECT: RED SWING BREWHOUSE PATIO AMENDMENT

OWNER: TEJON BEAT STREET, LLC

DEVELOPER: RED SWING BREWHOUSE



PROJECT SUMMARY:

1. **Project Description:** The subject application was submitted to allow Red Swing Brewhouse to utilize a 600 square foot patio in the rear parking lot for outdoor seating. While this application could

typically be reviewed and approved administratively, the 2013 conditional use approval for the site includes a note that requires Downtown Review Board approval of proposed bar expansions.

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

BACKGROUND:

1. Site Address: 421 S. Tejon St.
2. Existing Zoning/Land Use: FBZ-CEN (Form-Based Zone – Central Sector) **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
 - North: FBZ-CEN / commercial, office and service uses
 - South: FBZ-CEN and FBZ-T1 / commercial, office and service uses
 - East: FBZ-COR / commercial, office and hospitality uses
 - West: FBZ-CEN / commercial and office uses
4. PlanCOS Vision: Downtown Activity 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: Town of Colorado Springs (1871)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with a multi-tenant small commercial building on the front (west) of the lot and a surface parking lot to the rear (east).

STAKEHOLDER PROCESS AND INVOLVEMENT:

The site was posted and posters displayed shortly after the application was submitted. These notices included information on how to review the plans as well as the date, time, and location of the public hearing. Staff has not received any communications from external stakeholders as a result of the public notice. Any additional formal communications received by Staff just prior to the hearing will be made available at the hearing.

Given the relative insignificance of the application, the plans were not distributed to the standard City agencies. If the proposed amendment is approved by the Downtown Review Board, the applicant will next need to modify the business's liquor license premise plan reflect the new patio. A premise plan modification is reviewed by City Planning, City Fire, and the City Clerk's Office.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Background

In 2013 the Downtown Review Board approved a Conditional Use permit to occupy the subject property with a bar use. Shortly after approval, the Fieldhouse Brewing Company (later renamed as FH Beerworks) opened their doors and began operation. In 2018 FH Beerworks gained approval to open a new facility on the City's east-side. Shortly after opening that facility they made the decision to close their S. Tejon location.

Claude Burns of Red Swing Brewhouse seized the opportunity to take over the S. Tejon St. location utilizing the existing brewing equipment as well as the previous Conditional Use approval. In light of the relative small business interior, an ample parking lot in the rear, and the increased value in exterior seating given social distancing requirements, addition of the rear patio became an obvious business enhancement.

2. Review Criteria / Design & Development Issues:
 - a. Project Details

The plan submitted to City Planning **(FIGURE 3)** illustrates minor interior changes to the bar and seating area as well as the rear patio addition. The rear patio is shown as being roughly 12 feet deep (east/west) and running roughly 50 feet north / south along the rear façade of the building.

The north / south dimension will extend across the rear of the adjacent tattoo business; this fact has been supported by the adjacent tenant and the property owner.

The Review Board should also know that a small front exterior patio has been recently approved administratively by Staff. The 2013 plan note requiring DRB approval of expansion included a specific exemption for a Tejon side patio.

b. Form-Based Code

Section 2.5.4.4 of the Form-Based Code requires a conditional use permit for all new bar uses in within the Form-Based Zone. That approval was issued in 2013. City-wide code provisions for conditional uses allow the approved use to run with the land, not the business. Therefore the 2013 approved bar use may be utilized by the new operator – Red Swing Brewhouse. Furthermore, City-wide code allows previously approved conditional use to be amended and even expanded administratively. It is only the 2013 plan note that required the proposed patio to be reviewed and approved by the Downtown Review Board.

c. Analysis

The proposed patio expansion will not impact adjacent land uses or properties. The existing building has an east-facing overhead door that already allows sound to leave the business toward properties to the east. The proposed patio will make good use of a portion of the rear surface parking lot without negatively impacting parking that has recently become more valuable in the area. The parking stall striping in the parking lot will be modified to ensure adequate vehicular circulation.

The City encourages use of outdoor spaces for customers and users. This brings the feeling of outdoors into businesses and helps create a sense of activity to other users in the area. Use of outdoor spaces is even more critical recently given public health restrictions and social distancing requirements on business interiors. The proposed rear patio will help keep customer volumes high while simultaneously protecting public health.

d. Technical Issues

The proposed plan is very basic showing only in rough detail the proposed patio. The plan must be updated and improved to include notes regarding the rear patio. Additionally, the plan must illustrate the creation of an ADA compliant parking stall. Despite the fact that the 2013 plan did not identify an ADA parking stall, current code and policies require the plan to address this issue.

3. Conformance with the City Comprehensive Plan:

The proposed amendment is consistent with the City's Comprehensive Plan. Plan COS calls for the support for local businesses as well as increased density and intensity in Downtown Colorado Springs. The proposed patio will be an asset to Red Swing Brewhouse and will further many of the goals of the City's Comprehensive Plan.

4. Conformance with the Area's Master Plan:

The subject property falls within the 2016 Experience Downtown Master Plan. The proposed patio is consistent with many of the goals of the Experience Downtown Plan in that it celebrates downtown's connection to the great outdoors, it improves the visitor experience, and it will be attractive to urban residents from many of the new apartment projects in the area.

STAFF RECOMMENDATION:

Item No: 4.B DRB CU 13-00117-A1MN20 – RED SWING BREWHOUSE PATIO AMENDMENT

Approve the development plan amendment for the Red Swing Brewhouse, based upon the finding that the application complies with the conditional use provisions in Section 2.5.4 of the Form-Based Code, subject to compliance with the following technical plan modifications:

Technical and Informational Modifications to the Plan:

1. Update the plan to reflect the creation of an ADA parking stall that meets all local ADA parking requirements.
2. Note the proposed fence/railing materials used to demarcate the rear patio. The plan may also need to reflect railing openings to allow necessary access to the adjacent business's rear doorways.
3. Update the plan to illustrate the recently approved Tejon St. sidewalk patio.