

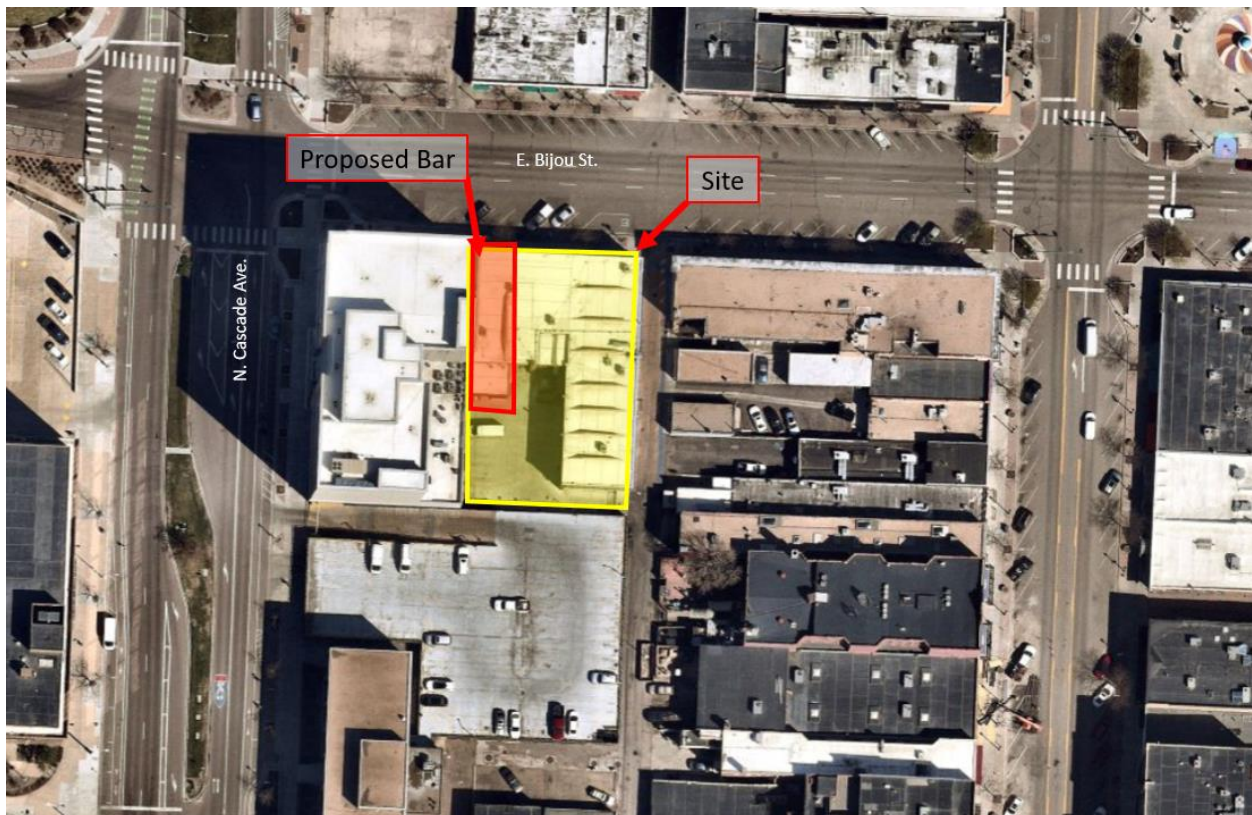
NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA SEPTEMBER 2, 2020

STAFF: MATTHEW FITZSIMMONS

FILE NO:
CPC CU 20-00112 – QUASI-JUDICIAL

PROJECT: ICONS – 3 E. BIJOU
OWNER: POINCO AIRPORT INC.
DEVELOPER: ICONS LLC
CONSULTANT: YOW ARCHITECTS – BRAD NICHOLS



PROJECT SUMMARY:

1. Project Description: This project proposes to convert a 2,122 square foot bakery/restaurant space into a bar. This space is part of a larger 19,824 square foot building that is located at 3-15 E. Bijou St. Using the definitions within Section 6 of the Form-Based Code, the proposed use is 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.

In addition to the Conditional Use permit request, the Applicant is also requesting a Parking Warrant due to the proposed increase in parking demand from the new patios located in front and in rear of the bar. The site is zoned FBZ-COR (Form-Based Zone – Corridor Sector), and is located at 3 E. Bijou St.

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

BACKGROUND:

1. Site Addresses: 3 E. Bijou St.
2. Existing Zoning/Land Use: FBZ-COR (Form-Based Zone – Corridor Sector) / Mixed Use/multi-tenant building **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: FBZ-COR (Form-Based Zone – Corridor Sector) / Commercial Uses and Public Parking Garage
South: FBZ-COR (Form-Based Zone – Corridor Sector) / Office Uses and Private Parking Garage
East: FBZ-T1 (Form-Based Zone – Transition Sector 1) / Mixed and Commercial Uses
West: FBZ-COR (Form-Based Zone – Corridor Sector) / Lodging, Office, and Civic Uses
4. Plan COS Vision: Unique Places: Downtown / Neighborhood 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 - 1872
8. Zoning Enforcement Action: None
9. Physical Characteristics: This Downtown site is one unit of a larger 19,824 square foot historic (1900) mixed-use building. The site is flat and surrounded by buildings of various uses and sizes.

STAKEHOLDER PROCESS AND INVOLVEMENT:

One hundred and sixty-seven (167) postcards 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 for submitting comments. Staff received two formal comments expressing support for the project from a local stakeholder and the Downtown Partnership **(FIGURE 3)**.

All applicable City agencies and departments reviewed and commented on the project. All concerns and comments have 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 south side of E. Bijou Street between N. Cascade Ave and N. Tejon St., just east of the new Hilton Garden Inn. The surrounding land uses are primarily office, lodging, commercial, mixed-use and two parking structures. All the surrounding properties are within the FBZ (Form-Based Zone), but are not all part of the same sector. The two neighboring sectors include: Transition Sector 1 and the Central Sector.

The plan (**FIGURE 4**) proposes to convert a vacant commercial tenant space into a 2,122 square foot LGBTQ-friendly bar with an 71 square foot front patio (requires a revocable permit) and a 330 square foot rear patio, making the total footprint 2,523 square feet. The tenant space was most recently used as a bakery/restaurant use. Most of the 15,000 square foot/0.34 acre parcel is not in the scope of this project. This project will only involve the first floor, basement and patios of 3 E. Bijou St.

Conditional Use:

One of the overarching principles of the Downtown Form-Based Zone is that individual land uses are less important than the building forms themselves which 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 which generates more than fifty percent of gross revenue from on-site alcohol sales. While all successful urban areas have bars, it has been determined that the size, type, and perhaps most importantly, location of new bars shall have 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.

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.

Specific areas within the Downtown Form-Based Zone have experienced recurring problems with bars and late night bar customers. Littering, fighting, and other disruptive or 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 Icons is relatively buffered from other bar uses. There are a few existing and/or approved bars on the same block as Icons: Shame and Regret is located in the same building but is accessed down the alleyway; The Rendezvous Cocktail Bar is around the corner at 128 N. Tejon St.; and the DRB recently approved a new bar use at 112 N. Tejon St. (the old Zeezo's space). Additionally, Oscar Blue's is located at 118 N. Tejon St. although a large percentage of its revenue is from food sales and it is therefore considered a restaurant. Additionally, Icons is proposing to be unique in that it will be the only downtown bar that is focusing on serving the LGBTQ community. Staff has concluded that the proposed use will not negatively impact surrounding properties or Downtown as a whole.

This area of E. Bijou St. is slowly evolving as one of the hot spots of downtown. Now that the Hilton Garden Inn has been fully constructed and is open for business, there should be a steady stream of people going up and down this block looking for things to do during the day and night. Icons, along with Shame and Regret and a Taste of Jerusalem, are the first attractions they will encounter as they leave the hotel. The Hilton Garden Inn property and the building in which Icons is proposed is owned by the same property owner. This will allow for better coordination between the multiple tenants in the 3-15 E. Bijou St. building as well as the Hotel regarding hours of operation and outside noise allowance. That being said, Icons is currently planning to be open to the public between 4pm-1am every day, with only some background music in the rear patio area.

The Experience Downtown Masterplan's Future Land Use map shows this area of town as an "Activity Center Mixed Use." This use should "integrate a range of complementary and mutually supporting uses

and activities.” These uses should be “pedestrian-orientated” and “include good connections and transitions to surrounding neighborhoods and districts.” Staff believes the addition of Icons in the neighborhood will bring the goal of this master plan a little closer to fruition.

The following goals, policies and strategies from Colorado Springs’ comprehensive plan, PlanCOS, support the approval of Icons’ Conditional Use application. Staff did not find anything in PlanCOS that did not support this project as it is proposed.

- **Goal UP-3:** Continue to grow and support Downtown as an inclusive, mixed use, cultural, and economic heart of the region.
- **Policy UP-3.A:** Proactively participate and invest in the development of Downtown as the city’s premier urban activity center.
- **Goal UP-4:** Strengthen our overall community identity and better serve the needs of residents and businesses within our large metropolitan area by developing active, unique, and connected centers and corridors.
- **Strategy UP-4.A-2:** Focus area-specific planning attention and capital improvements prioritization on mature corridors and centers with a potential and need for redevelopment.
- **Strategy TE-1.A-3:** Prioritize Downtown redevelopment to establish it as the region’s employment center, hub of commerce, governing, innovation, tourism, entertainment, art and culture.

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

Parking Warrant:

In addition to the Conditional Use application, a Parking Warrant is required for the proposed project due to the fact that Icons’ proposed front and rear patios exceed the parking demand of the previous bakery/restaurant use. These new patios, which will measure 71 square feet for the front and 330 square feet in the rear, increase the parking demand by one stall.

A bar use in the Form-Based Zone requires 1 parking stall per 250 square feet of floor space and 1 parking stall per 500 square feet of outdoor patio space. Icons will require 8 parking stalls for the 2,122 square feet of interior space and 1 stall for the exterior 401 square feet of the patios, bringing the total combined parking requirement to 9 stalls. While a handful of private parking stalls are available behind the building, the site is significantly under-parked when taking into consideration other uses within the building. In order to allow the addition of the new patios and an increase in the number of parking stalls required (but not provided) a parking warrant is needed.

The five criteria that must be considered by the Downtown Review Board in order to grant the requested Parking Warrant found in section 5.4.3 of the Downtown Colorado Springs Form-Based Code are:

- A. Is the requested warrant consistent with the intent of the form-based code?
- B. Is the requested warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
- C. Is the requested warrant reasonable due to the proposed project’s exceptional civic or environmental design?
- D. Is the requested warrant consistent with the Downtown Master Plan?
- E. Is the requested warrant consistent with the City’s Comprehensive Plan?

The Applicant proposes that a Parking Warrant is justified because their parking needs will be satisfied with the local on-street parking in the area and private/public parking structures that are very close to this proposed bar.

The on-street parking close to 3 E. Bijou St. consists of all metered stalls. Within a two or three minute walk there are over 100 metered stalls that are available for customers. In addition to the street parking, customers can also easily utilize the structured parking garages directly to the north and south of the proposed bar. This includes the private structure at 105 N. Cascade Ave. and the City's public parking structure across the street at 215 N. Cascade Ave. Both structures have relatively low usage at night when the bar will be most active.

Additionally, Mountain Metro's main downtown hub is just a couple of blocks away. Being so close to the transit hub allow more transportation options for employees and customers alike. However, many of these bus lines end their runs too early for most customers to be able to utilize the service later in the evening, with most final pickups ending before 9:30pm.

Biking is another viable transportation option to get to Icons due to the bike lanes along N. Cascade Ave. and E. Pikes Peak Ave and the bike parking that is available Downtown. Pike Ride bike share has a station in front of the City parking structure at 215 N. Cascade Ave, making local trips quick and easy.

STAFF RECOMMENDATION:

CPC CU 20-00112 – Icons – 3 E. Bijou

Approve the Conditional Use Development Plan with the associated Parking Warrant based on the findings that the Conditional Use criteria empowered by Section 2.5.4 and the Warrant criteria found in Section 5.4.3 of the Downtown Colorado Springs Form-Based Code will be met once the following technical modifications are made:

Technical Modifications to the Conditional Use Development Plan:

1. Update the Site Plan and Project Statement to outline the Parking Warrant calculations and description
2. Update the Site Plan to breakdown the square footages for the main indoor space, the basement space, the front patio and the rear patio.