

**DOWNTOWN REVIEW BOARD AGENDA
AUGUST 4, 2021**

STAFF: RYAN TEFERTILLER

FILE NO:
DRB DP 14-00008-A1MN21 – QUASI-JUDICIAL

PROJECT: CARTER PAYNE AMENDMENT

OWNER: JZMH PROPERTIES 1 LLC

DEVELOPER: THE CARTER PAYNE



PROJECT SUMMARY:

1. Project Description: The subject application was submitted to allow creation of a nearly 6,000 square foot outdoor seating area along Pueblo Ave. to serve the existing bar / brewery at 320 S. Weber St. The expanded seating demands a parking warrant to allow three on-site parking stalls where 24 stalls are required. The 11,250 square foot site is located on the northwest corner of E. Costilla St., Pueblo Ave, and S. Weber St., is zoned FBZ-COR (Form-Based Zone – Corridor Sector), and is currently occupied by a roughly 4,000 square foot, one-story (plus a basement) small commercial building. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning and Development Team's Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Address: 320 S. Weber St.
2. Existing Zoning/Land Use: FBZ-COR (Form-Based Zone – Corridor Sector) / The site is developed with an existing roughly 4,000 historic church building that has been repurposed to a brewery and food hall. The site also has a small off-street parking area and landscape improvements. **(FIGURE 3)**
3. Surrounding Zoning/Land Use:
 - North: FBZ-COR / Commercial and Office uses
 - South: FBZ-T2B / Office, Commercial, and Residential uses
 - East: FBZ-T1/ Commercial and Office uses
 - West: FBZ-COR / Office and Commercial uses
4. PlanCOS Vision: Downtown Activity Center
5. Annexation: Town of Colorado Springs (1872)
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / Activity Center
7. Subdivision: Town of Colorado Springs (1871)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is developed with an existing building and a private parking lot.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public notice for this application included the display of posters on the site and over 100 postcards mailed to surrounding property owners when the application was first submitted to the City. These notices included information on how to review the plans and provide comments. Staff has received one letter of support from stakeholders regarding the project. The letter of support is included as **FIGURE 4** of this staff report. The site will be posted and postcards mailed prior to the DRB hearing. Any additional formal communications received by Staff just prior to the hearing will be made available at the hearing.

The application was reviewed by all standard City agencies including, Public Works, Traffic Engineering, Colorado Springs Utilities, Water Resource Engineering, Parks and Recreation, and others. All reviewers support the project; any remaining technical concerns are included as Technical Modifications at the end of this report.

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

1. Background

The subject property is a 11,250 square foot, triangular-shaped parcel located southeast of central downtown. The site is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and has frontage on Pueblo Ave. as well as S. Weber St. A small private parking lot is present behind the building to the north. The existing building, originally known as the Payne Chapel African Methodist Episcopal Church, was built in 1897 with additions in 1918, 1954, and 2012. The building operated as an event center for a short period of time beginning in 2011. In 2014 the Downtown Review Board approved a Conditional Use to allow the property to be used as a bar operating under the name "The Green Man Taproom." The 2014 approval also granted a parking warrant to allow 9 off-street parking stalls

where 28 were required (**FIGURE 5**). In 2018 the property was acquired by the current owner and the use of the building transitioned to a brewery (Local Relic), food hall, and event center. In 2017 a minor modification to the 2014 plan was approved administratively to allow the previously approved exterior seating area to be raised up on a deck structure with a slight encroachment into the Pueblo right-of-way and a slight shift to the public sidewalk (**FIGURE 6**); the 2017 version of the deck was never implemented. In the summer of 2020, due to pandemic-related restrictions on indoor assembly, the City approved a Temporary Use permit together with a new Revocable Permit to allow extensive (roughly 6,000 square feet) of outdoor seating on the site (**FIGURE 7**). These approvals, as well as similar requests across the City, were issued under relaxed procedures, including the temporary waiving of all parking requirements, in order to help restaurants, bars and breweries survive through the pandemic. While the lifting of indoor assembly restrictions in late-Spring / early-Summer of 2021, the City's temporary approvals for outdoor areas are set to expire.

2. Review Criteria / Design & Development Issues:

a. Project Details

The proposed application calls for the retention of most of the outdoor seating area that was approved in the summer of 2020 under pandemic-related policies and procedures. Modest changes to the size and dimensions of the area are included in the proposed plan (i.e. it is proposed to shift northward), but more significantly, the current proposal calls for reconstruction of the public sidewalk around the seating area, as well as the installation of an iron perimeter fence chosen to compliment the historic structure. Mulch will be used within most of the new seating area though the repurposed parking area will remain asphalt. A new stretch of sidewalk is proposed to connect the Pueblo Ave on-street parking area with the side entrance (ADA accessible) to the facility. All three off-street parking stalls will be converted to ADA parking.

b. Form-Based Code

The Downtown Colorado Springs Form-Based Code implements physical standards that result in the development of a pedestrian-friendly, high-density, mixed use area. New buildings are required to be constructed in close proximity to the sidewalk and building facades must include high levels of glazing to maximize pedestrian interest. Parking requirements are reduced compared to other zone districts but surface lots are required to be located at the rear of the site largely screened from the public realm.

The primary standards that are applicable to this application are parking requirements and public space standards. As explained above and below parking relief is needed to allow expanded outdoor seating and repurposing of existing parking stalls. While some clarification is still needed on the plan regarding public space improvements, Staff finds that the plan is substantially compliant with the Code's public space standards and that no relief is needed.

c. Analysis

While the use of the property (brewery / bar) has previously been approved by the Downtown Review Board, the proposed expansion to the outdoor seating area as well as the repurposing of a portion of the off-street parking area to seating, triggers the need for a parking warrant. Although a parking warrant was issued in 2014 to allow 9 off-street parking stalls where 28 were required (**FIGURE 5**), the current proposal is to allow only 3 off-street parking stalls where 24 are required.

Clarification is needed to explain how Staff concluded that fewer parking stalls are demanded under the current proposal (24 stalls versus 28 stalls under the 2014 plan) even though the outdoor seating area is expanding. This is explained by the following three points:

- The 2014 plan parked the entire building at the restaurant parking rate (1 stall per 250 sf) whereas the current plan identifies the basement level as "office use" that can be parked at a reduced rate of 1 stall per 500 sf.
- The 2014 plan parked the exterior seating at the same rate as the interior seating (1 stall per 250 sf) whereas Staff has consistently implemented a Code interpretation for the last 5+ years that outdoor seating could be parked at half the rate of indoor seating (1 stall

per 500 sf) which is consistent with indoor/outdoor seating rates outside of the Form-Based Zone. This interpretation is planned to be incorporated into future Form-Based Code “scrubs.”

- 2014 plan’s parking table indicates that over 3,500 sf of exterior “beer garden” space was proposed, even though the plan appears to show an exterior deck of roughly 850 sf. Staff searched the 2014 plan records and DRB analysis for an explanation of this discrepancy but could not find an explanation for the calculations. It appears as if a far larger parking warrant was granted in 2014 than was actually needed.

Any project that requires relief from a form-based 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 consistent with the intent of the Form-Based Code?
2. Is the requested Warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
3. Is the requested Warrant reasonable due to the proposed project’s exceptional civic or environmental design?
4. Is the requested Warrant consistent with the Downtown Master Plan?
5. Is the requested Warrant consistent with the City’s Comprehensive Plan?

Staff finds that the proposed improvements are consistent with the intent of the Form-Based Code, the Code’s Design Guidelines, as well as with the Experience Downtown Master Plan and the City’s Comprehensive Plan. Furthermore, the retention and repurposing of this exceptional historic building and the use of new railings that are historically consistent help address criterion number 3. The proposed site changes repurpose underutilized areas for more active outdoor dining and consumption areas. Use of these spaces for outdoor dining creates a sense of activity and excitement from the public realm and are even more desirable in a post-pandemic world where many diners prefer to drink and dine outdoors if seating is available. The proposed outdoor seating area is even more desirable due to extremely low traffic volumes and speeds on Pueblo Ave. and open southwestern views.

The plan illustrates the construction of a new detached public sidewalk retaining a 6-foot-wide amenity zone between the sidewalk and the curb. This design is consistent with the Public Space standards in Section 2.8 of the Regulating Plan. Existing public trees within the area will become a private maintenance responsibility.

The most important consideration for the proposed Warrant may be analysis of parking supply and demand in the area. While the applicant has very limited off-street parking relative to the size and intensity of the use, a few considerations help justify the request. The primary consideration is the presence of significant on-street parking along Pueblo Ave. Currently, the stalls on Pueblo Ave. between Weber and Nevada are unmetered and largely occupied by downtown employees from 7AM to 5PM. However, this fall the City’s Parking Enterprise will be installing parking kiosks on either end of the block; this change is expected to have a significant positive impact on parking availability on the block. Employees who work at the Carter Payne as well as anyone looking for non-metered parking in the area need only look southeast of the site for ample parking opportunities; there are no immediate plans to meter stalls east of Weber St.

Another important consideration for the parking warrant is the fact that the site is well positioned for pedestrian and multi-modal users. Multiple existing Pike Ride stations are located roughly a block to the west near Loyal Coffee and Kinship Landing. And the launching of multiple scooter-share operators later this summer will further increase mobility options in the area. The adjacent roadways to the south and east (Costilla and Weber) both have dedicated bike lanes and a bus route (Route 1 has stops on E. Costilla just east of Weber St.) Lastly, the site is only two blocks south of the City’s parking garage.

d. Technical Issues

The development plan for this project has gone through two rounds of City review (initial submittal and one resubmittal). While some technical issues remain, the majority of initial comments have been fully resolved. City Staff is confident that all these issues can be resolved without any major changes to the plan presented to the Downtown Review Board. All required technical modifications that must be addressed prior to final approval are listed below.

3. Conformance with the City Comprehensive Plan:

The proposed project is consistent with a number of provisions within the City's Comprehensive Plan. PlanCOS supports infill development, and efforts to sustain local business, especially in the City's core. More specifically, Plan COS's Thriving Economy Chapters specifically discusses the need to support downtown businesses and efforts to improve street activation.

4. Conformance with the Area's Master Plan:

The subject property falls within the 2016 Experience Downtown Master Plan which includes a number of provisions applicable to this application. Three of the Plan's 8 primary goals are directly applicable:

- Downtown as the Economic and Cultural Heart of the Region
- Celebrating and Connecting with Outdoor Recreation and Exceptional Natural Setting
- A Place for Inspiration, Honing History and Facing the Future

The proposed site changes are people-focused, not auto-oriented, and allow the existing business to expand and succeed taking advantage of the site's history, natural environment, and ample public right-of-way.

STAFF RECOMMENDATION:

Item No: 4 DRB CU 14-00008 – CARTER PAYNE AMENDMENT

Approve the Carter Payne Amendment with a Parking Warrant based upon the findings that the application complies with the criteria for a Warrant found in Section 5.4 of the Form-Based Code, subject to compliance with the following technical plan modifications:

Technical and Informational Modifications to the Form-Based Zone Development Plan Amendment:

1. Address minor plan items including: add the file number to page 2 of the plan; correct the second tax schedule number; and remove the words "A2 bar" from the parking table's lower level classification.
2. Add a note to the plan stating, "Street trees within the fenced area will be maintained by the abutting property owner."
3. Adjust labels and leaders to clarify that the new public sidewalk is 6 feet wide and that the amenity zone between the sidewalk and the curb is also 6 feet wide.
4. Clarify the ground plane treatment of the amenity zone to ensure consistency with the Form-Based Code.
5. Confirm that City Stormwater Staff has accepted or waived a drainage memo for the property.