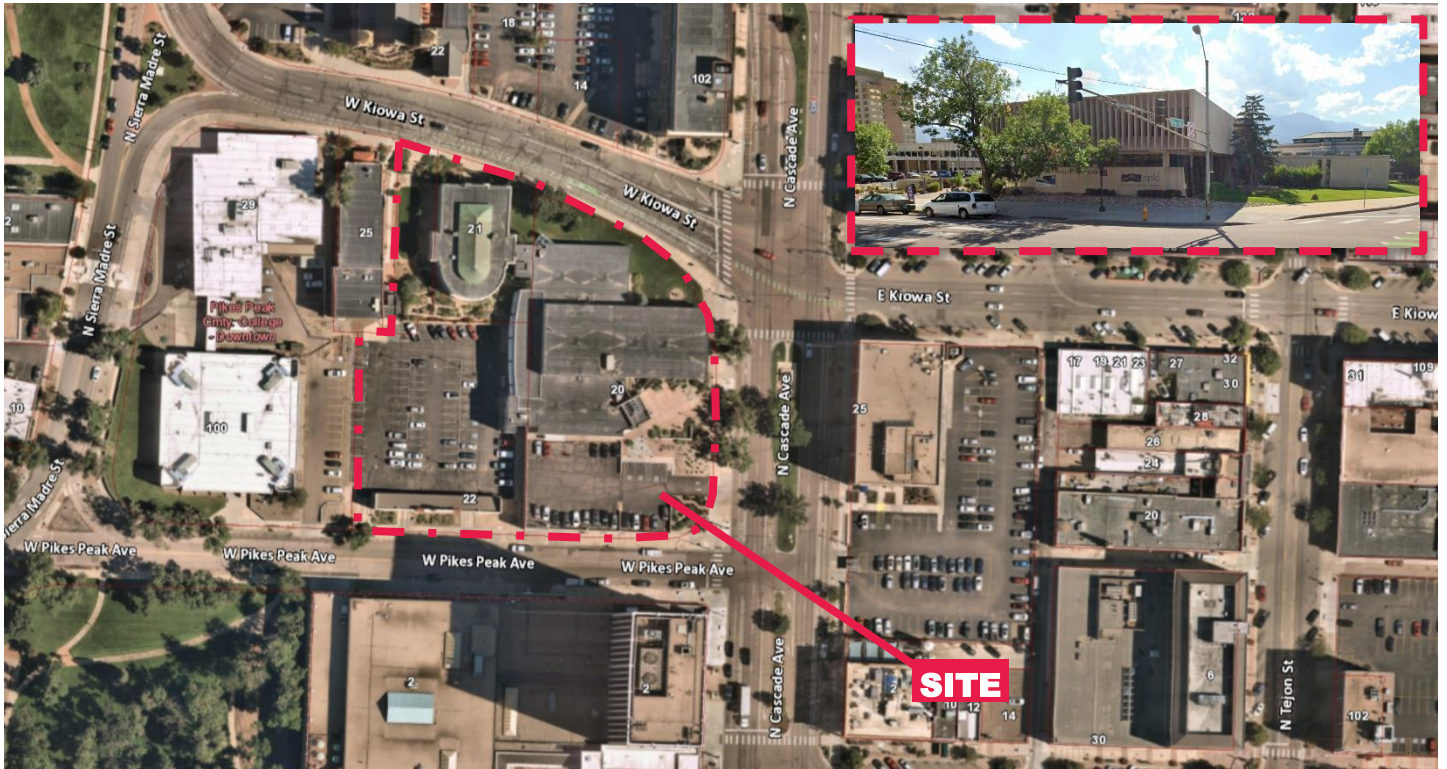




PENROSE LIBRARY FENCE – FBZ WARRANT APPLICATION

Downtown Review Board - May 7, 2024

Staff Report by Case Planner: Johnny Malpica, AICP



Quick Facts

Applicant

Swagata Guha – Design Edge, PC

Property Owner

Pikes Peak Library District

Developer

N/A

Address / Location

20 N Cascade Ave

TSNs

6418213007, 6418213006,
6418213002, 6418213008

Zoning and Overlays

Current: FBZ-CEN

Site Area

127,851 sq. ft.

Proposed Land Use

Civic

Applicable Code

Form-Based Code

Project Summary

This application proposes construction of a 7' tall fence surrounding the entire property's perimeter along W. Pikes Peak Ave, N. Cascade Ave, and Kiowa St, enclosing the interior parking area, front plaza space, and fencing along W Kiowa St. The Penrose Library is a civic building with a Common Lawn frontage typology. Section 2.4.1 of the Form-Based Code requires that Common Lawn frontages remain unfenced and visually contiguous with adjacent yards. As such, the Pikes Peak Library District is requesting an FBZ Warrant with an associated FBZ Minor Improvement Plan to allow for construction of this fence.

File Number	Application Type	Decision Type
FBZN-24-0005	Form-Based Zone Warrant	Quasi-Judicial

Background

Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Town of Colorado Springs	1872
Subdivision	Colorado Springs Addition – Subdivision Block K-L	1893
Master Plan	Experience Downtown Master Plan	2016
Prior Enforcement Action	N/A	N/A

Site History

- The Penrose Library was constructed and first opened on July 15, 1968.
- The Penrose Library property was replatted in 1995, combining the East half of Lot 5, 6, 7, 8, 9, 10, 11, 12, 13 and a portion of lots 14, 15.
- This site was rezoned to FBZ-CEN (Form-Based Zone Central Sector) with the adoption of the Form-Based Code in 2009.
- In early 2024, the library closed for interior renovations that improve security and reopened in April of 2024.

Applicable Code

The subject application is within the boundaries of the Form-Based Zone which requires zoning action within these boundaries to be reviewed under the Form-Based Code. All subsequent references within this report that are made to “the Code” and related sections are referenced to the Form-Based Code.

Surrounding Zoning and Land Use

Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	FBZ-COR CU	Office Building	None that are applicable
West	FBZ-CEN	Education (College)	None that are applicable
South	FBZ-CEN	Office, Retail, Parking	None that are applicable
East	FBZ-CEN UV	Office Building	None that are applicable



Zoning Map

Stakeholder Involvement

Public Notice

Public Notice Occurrences (Poster / Postcards)	Internal Review/Prior to Downtown Review Board Public Hearing
Postcard Mailing Radius	1000'
Number of Postcards Mailed	163
Number of Comments Received	1 (Downtown Partnership / Business Improvement District)

Public Engagement

The Executive Director of the Downton Business Improvement District, Chelsea Gondeck supplied a written letter in opposition to the project, finding that construction of a 7' tall fence surrounding the property does not align with the intention of the Form-Based Code, nor does it align with the Experience Downtown Master Plan (See Figure 3).

Timeline of Review

Initial Submittal Date 03/19/2024

Number of Review Cycles 1

Item(s) Ready for Agenda 05/07/2024

Agency Review

Traffic Impact Study

No comments received.

School District

No comments received.

Parks

No comments received.

SWENT

Technical comments require redress, and total project disturbance clarification.

Colorado Springs Utilities

Technical comments that require indicating the location of existing utility services and lines remain at this time and will be reviewed administratively.

Fire

Technical comments remain, as well as the removal of two parking stalls to provide for fire apparatus turnaround. Approval from CSFD for the proposed gates will be required prior to administrative approval.

Form-Based Zone Minor Improvement Plan and Warrant

Summary of Application

The Downtown Colorado Springs Form-Based Code (FBC) provides a means of development regulation that attains a specific urban form. By placing emphasis on physical form rather than on land use, the FBC assists in establishing a public realm that is pedestrian friendly bordered by mixed-use development that is consistent with the public realm. To accomplish this, the FBC provides regulations surrounding building typology, building envelope standards, and building frontage typologies, among others. These standards ensure that the intentions of the FBC are realized.

With consideration given to the points above, this application proposes construction of a 7' tall fence, with a wrought iron style, that encloses the entire Penrose Library's campus, including, but not limited to the fencing off of the library's public plaza space along N.

Cascade and fencing along W. Kiowa (Figure 1). The impetus for this proposal includes but is not limited to struggles with security on the property, loitering, vandalism, overnight camping, human extrication, discarded drug paraphernalia, and other unsafe criminal activity occurring on the property, particularly during nonoperational hours (Figure 2). As such, the Pikes Peak Library District's (PPLD) proposal aims to provide a safe, comfortable, and attractive approach to ensuring security and safety for its patrons and staff. The Penrose Library is an important civic building with a Common Lawn building frontage typology. In accord with section 2.4.1, the Common Lawn frontage is landscaped with a façade that is setback from the property line, meeting both minimum and maximum setbacks. Additionally, the front yard is required to remain unfenced and visually contiguous with the adjacent yards, so as to support a common landscape. The proposed application is not consistent with the above standard, and as such PPLD is required to submit a minor improvement plan with an associated Form-Based Code Warrant application.

Application Review Criteria

This application is subject to the review criteria set forth in Section 5.4 of the Form-Based Zone.

Form-Based Code Section 5.4

Section 5.4.1 establishes The Downtown Review Board is the primary entity with the authority to approve or disapprove a request for a warrant pursuant to regulations established within this Section.

Warrant requests shall be reviewed for substantial compliance with the following criteria:

- A. 5.4.3.1 Is the requested warrant consistent with the intent of the form-based code?
- B. 5.4.3.2 Is the requested warrant, as well as the project as a whole, consistent with Section 4 – Design Guidelines of the form-based code?
- C. 5.4.3.3 Is the requested warrant reasonable due to the proposed project's exceptional civic or environmental design?
- D. 5.4.3.4 Is the requested warrant consistent with the Downtown Master Plan?
- E. 5.4.3.5 Is the requested warrant consistent with the City's Comprehensive Plan?

The applicant's proposal to construct a 7' fence around the entire perimeter of the Penrose Library campus is intended to ensure a safer and more comfortable environment for patrons. Through the provision of attractive fencing materials, they aim to reduce the burden of the aforementioned security and safety issues, while minimizing the impact on the site's relationship with the public realm. Attention has been given to the component that a key reason for the adoption of the Form-Based Code, the City's Comprehensive Master Plan, and the Downtown Master Plan is to promote the health, safety, and general welfare of the City of Colorado Springs and its residents, and there are existing safety concerns affecting these guarantees. However, it is imperative to understand this proposal's impact on the site's function as a key civic institution and its building frontage typology, which is established as a Common Lawn that shall remain unfenced and visually contiguous with surrounding properties. The proposed fencing will visually and physically disconnect the site from the public realm. As such, the proposal as it is submitted is not consistent with the intent of the Form-Based Code. Furthermore, the proposal is not consistent with Section 4 – Design Guidelines of the Form-Based Code, as it reduces existing pedestrian access into the building by fencing in the plaza space along N. Cascade Ave., which will in turn reduce pedestrian use of the plaza space fronting an important historic and cultural resource to the City of Colorado Springs. While the proposed warrant may be considered reasonable due to the project's exceptional civic design, Staff finds that the design detracts from the existing open and invitational civic nature of the plaza space. As a remedy, staff provides a number of alternative considerations, which better balances both the assuagement of existing safety concerns while more strongly aligning with the intent of the Form-Based Code.

With recognition given to the above, staff recognizes that the present issues create unfortunate safety concerns for patrons of the library. However, it is important to note that similar issues occur throughout many of downtown's public amenity spaces, all of which remain unfenced. Libraries are intended to be public environments, to be enjoyed and open to all. It is for these reasons that the proposal does not align with the Experience Downtown Master Plan and the City's Comprehensive Plan.

The Downtown Review Board may consider alternative solutions and modifications to the proposal that more effectively balances ensuring safety and comfort without compromising visual contiguity and the relationship of the site with the public realm. Those

considerations may include further consultation with Planning Staff and the applicant to modify the proposal to limit enclosing the plaza space along N. Cascade Ave., as well as modifications to the fencing along the property line adjacent to W. Kiowa St., both of which serve as important pedestrian-oriented spaces within the Downtown.

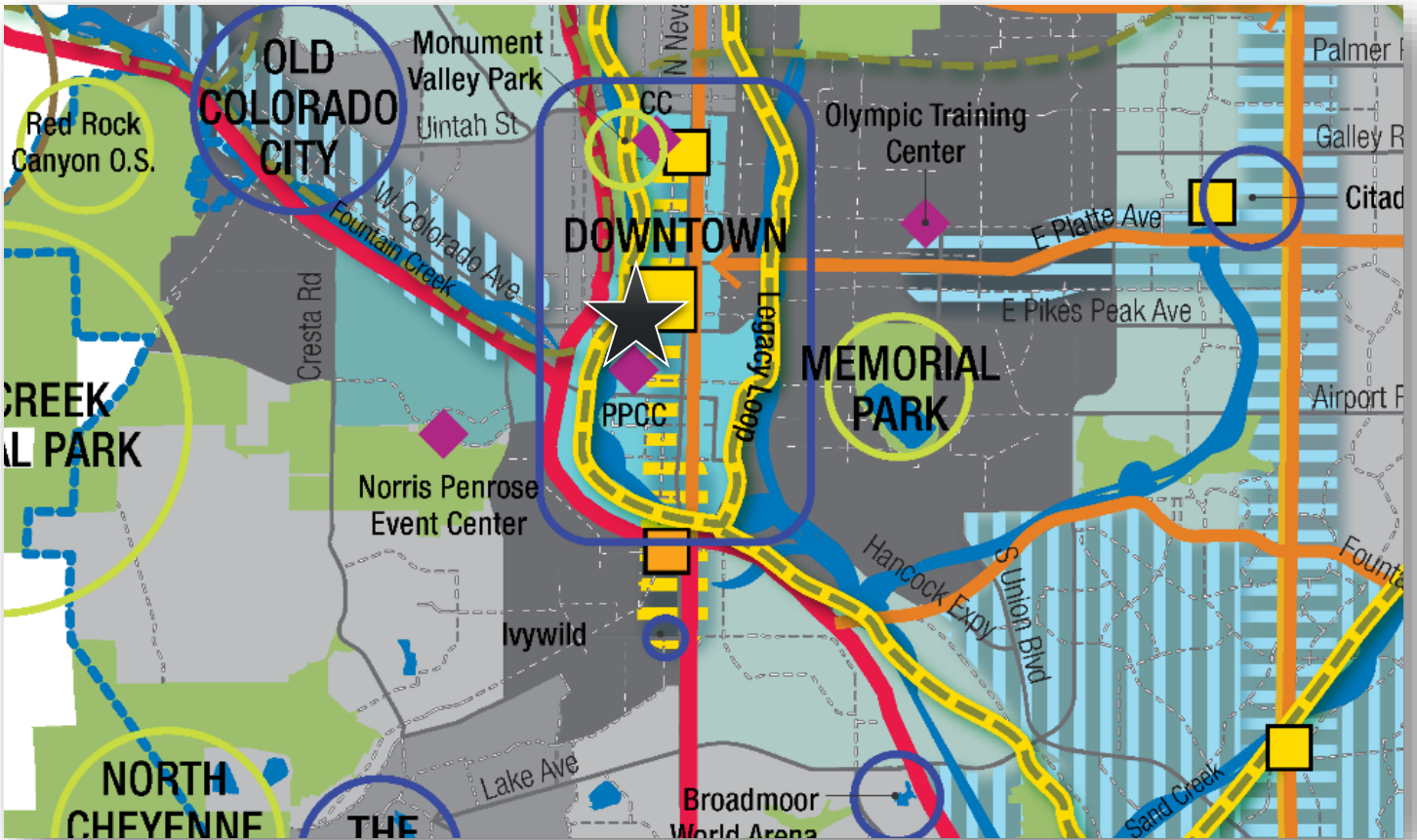
With consideration given to the above review criteria, the cultural significance of the Penrose Library, its location and relationship to the pedestrian environment that surrounds it, Staff concludes that the review criteria have not been met and suggests the proposal be modified to better meet the Common Lawn frontage standard and the criteria above.

Compliance with the Experience Downtown Master Plan.

The Experience Downtown Master Plan establishes Assets and Opportunities in Chapter 1. Among them include providing safe, comfortable, and welcoming public spaces. Additionally, this asset and opportunity recognizes the Downtown Review Board as the governing entity that sets the stage for future development that is both “oriented to the street and more focused on the creation of pedestrian-friendly environments and inviting public spaces.” Furthermore, Chapter 5, *Urban Design and Public Spaces*, highlights promoting and encouraging “activated shared public spaces [that include] sidewalks, plazas, and parklets that enhance people’s feelings of comfort, safety, and enjoyment.” Private property enhancements shall be made to facilitate a well-scaled, pedestrian friendly environment. Considering the above, while the application’s intentions are rooted in ensuring both comfort and safety, the proposal as it stands represents a deviation with the Experience Downtown Master Plan in several key approaches. Firstly, fencing in public/private space reduces visual contiguity between a key institutional building’s entrance and the public realm. Secondly, it deactivates the public plaza space along N. Cascade Ave. and detracts from the landscape and public art improvements along W. Kiowa St.

Compliance with PlanCOS

PlanCOS Vision



Site Location

- Majestic Landscapes**
- Parks & Open Space
 - Complete Creeks
 - Primary Trail Network
 - Legacy Loop & Ring the Springs

- Thriving Economy**

- Renowned Culture**

- Activity Centers**

- Mature/Redeveloping
- New/Developing
- Reinvestment Area & Community Hub

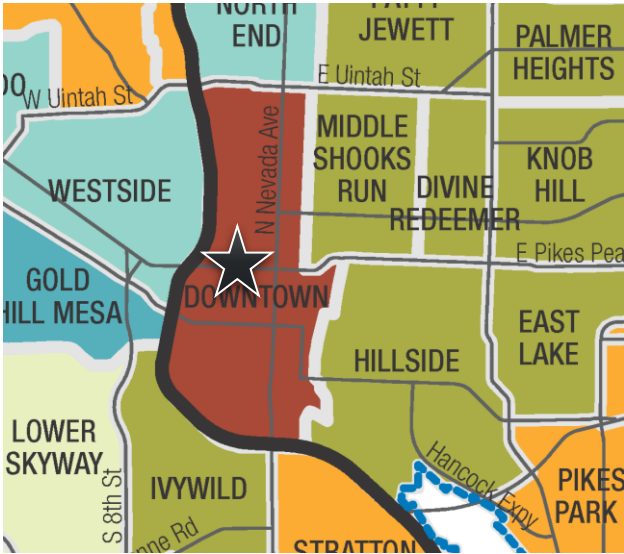
Strong Connections

- Intercity Corridors
- City Priority Corridors
- Smart Corridor
- Bike Network
- Park-N-Ride
- Transit Hub

Vibrant Neighborhoods

- Downtown
- Established Historic Neighborhood
- Established Traditional Neighborhood
- Established Suburban Neighborhood
- Changing Neighborhood
- Newer Developing Neighborhood
- Future Neighborhood
- Airport

Note: This map depicts a unified city boundary, including enclaves of land that have not yet been annexed.

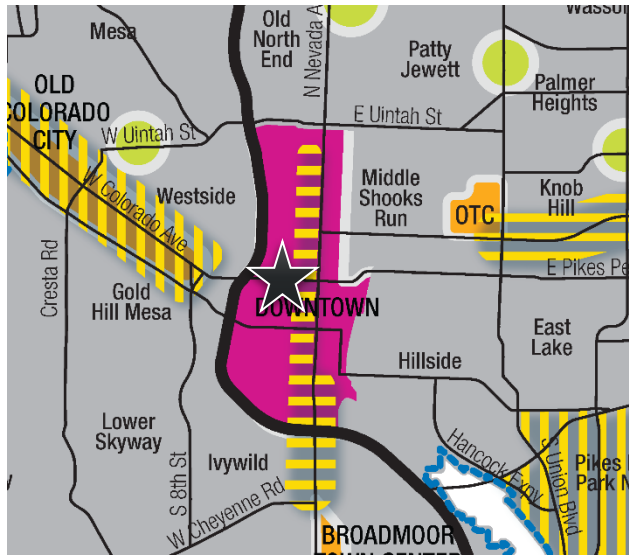


Vibrant Neighborhoods

This project site is located within the City’s Downtown, which is considered a downtown typology.

- Strategy VN-3.B-3: Encourage walkable civic, retail, and community gathering places as design elements within neighborhood centers.

Predominant Typology

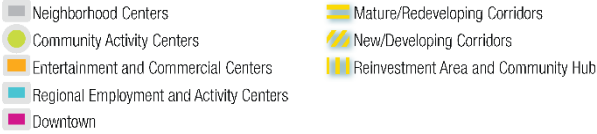


Unique Places

This project site falls within the Downtown predominant typology.

- Strategy UP-1.A-5: Design urban activity centers to encourage walkability.
- Strategy UP-1.C-1: Locate and design public spaces and civic facilities at key locations throughout the city that set an example for quality design and integrate with surrounding private development.

Predominant Typology



Based on the above stated strategies, staff finds the proposal to be inconsistent with the City’s comprehensive plan, PlanCOS.

Statement of Compliance

FBZN-24-0005

Staff finds that the application does not comply with the standards of the Form-Based Zone nor the criteria for relief through the Warrant process. As such Staff provides the following motions for the Downtown Review Board to consider:

1. The Downtown Review Board approves the application as submitted based on the finding that the Warrant criteria in Section 5.4.3. of the Form-Based Code is being met. The motion includes the requirement to work with Staff to implement the technical modifications listed below in the final approval of the plan.
2. The Downtown Review Board directs the applicant to revise the plan based on dialog at the public hearing as well as to address the technical modifications listed below, to work with Planning Staff to circulate the revised plan to the necessary review Agencies, and then return to a future Downtown Review Board hearing for reconsideration. This motion is based on the finding that the current design does not meet the Warrant criteria in Section 5.4.3. of the Form-Based Code but a revised plan could be found to comply with the criteria at a future public hearing.
3. The Downtown Review Board approves the application based on the finding that the Warrant criteria in Section 5.4.3. of the Form-Based Code will be met once the following modifications are incorporated into the plan:
 - a. Remove the fencing that encloses the plaza space along N. Cascade Ave.
 - b. Modify the fencing along W. Kiowa St in accord with one of the following options:
 - i. Limit a portion of fencing along W. Kiowa St but allow fencing only for the purpose of enclosing the space from the corner of the building fronting along W. Kiowa St. to the corner fronting N Cascade (see Exhibit A below).
 - ii. Allow the fence beginning at the existing Carnegie Building along W Kiowa St to the corner of the Penrose Library Building along Kiowa St and Cascade Ave but require that the fencing be setback from the property line by 3' where possible (see Exhibit B below).
 - c. Implement the technical modifications listed below in the final approval of the plan.
4. The Downtown Review Board denies the application based on the finding that the Warrant criteria in Section 5.4.3. of the Form-Based Code are not met.

REMAINING TECHNICAL MODIFICATIONS:

Fire	<ul style="list-style-type: none"> - Minor technical modifications. - Removal of two parking spaces to ensure adequate turnaround for fire apparatus vehicles. - Submittal of a separate permit through the Colorado Springs fire department, to be reviewed concurrently with this plan.
Enumerations	<ul style="list-style-type: none"> - Clarification regarding fencing height, that if 7' or over may require addressing.
Utilities	<ul style="list-style-type: none"> - Minor technical modifications - Informational comments
SWENT	<ul style="list-style-type: none"> - Clarification regarding total land disturbance. - Technical modifications - Informational comments

EXHIBIT A

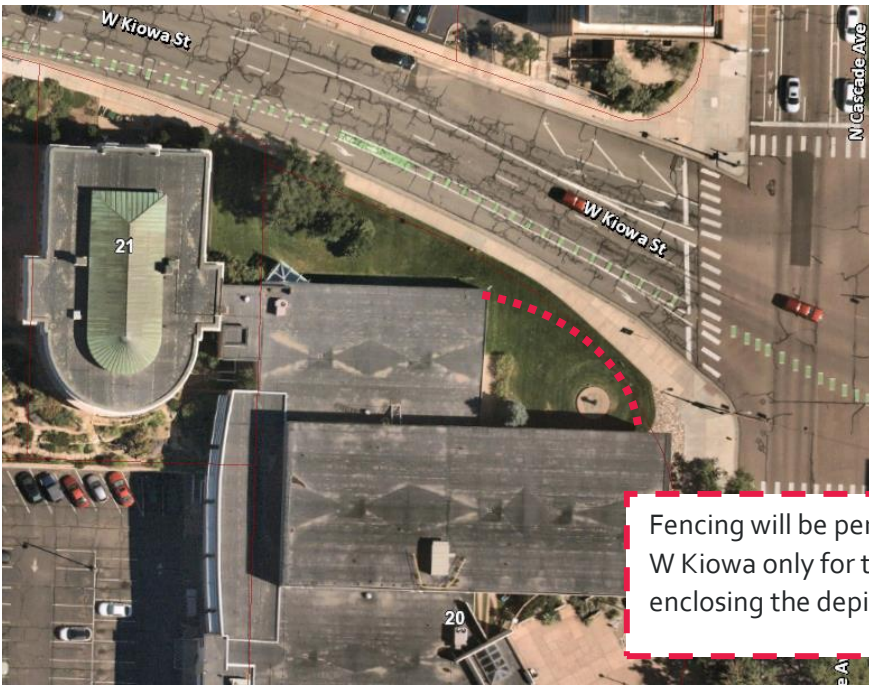


EXHIBIT B

