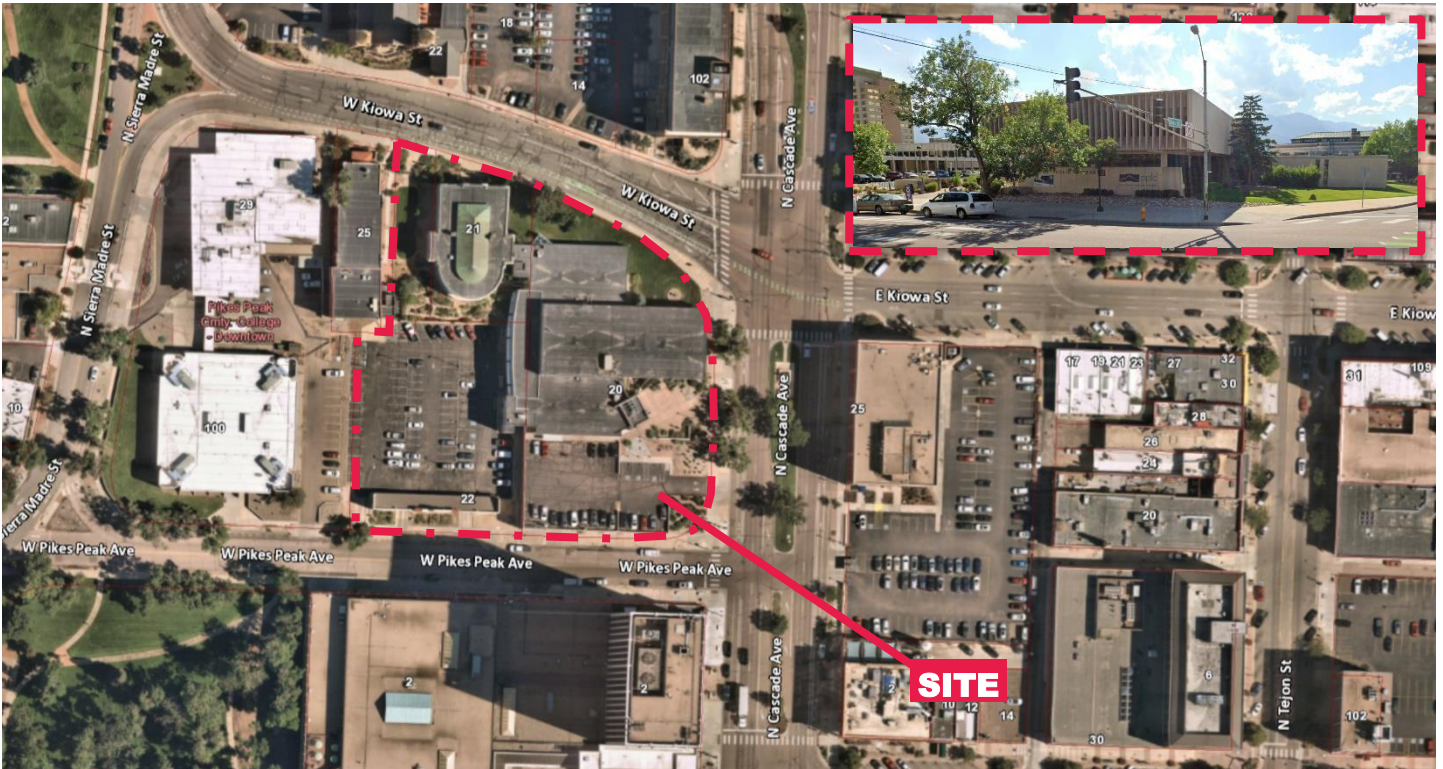




PENROSE LIBRARY FENCE – FBZ WARRANT APPLICATION

Downtown Review Board - September 3, 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 an 8' 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. The proposal was presented to the Downtown Review Board on May 7th of 2024. At the hearing, the Downtown Review Board elected to require that the applicant revise the plan based on dialog at the public hearing as well as to address technical modifications, 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. As such, the revised proposal now includes changes to the fencing material along W. Kiowa St. and N. Cascade to better compliment the building's architecture, and most notably a redesign of the proposed fencing along the N. Cascade Ave. plaza space that creates an open, inviting, and visually contiguous space.

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	2 (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 as initially submitted, 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). Following a revised submittal and in consideration of staff technical modifications, Downtown Partnership supports the revised submittal with the associated technical modifications suggested by staff.

Timeline of Review

Initial Submittal Date	03/19/2024
Number of Review Cycles	2
Item(s) Ready for Agenda	05/07/2024; updated plans received 08/14/2024 to allow Staff and DRB review of the revised designs at the 09/03/2024 meeting

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 final approval.

Planning

Technical comments remain requiring changes to fence height and adding landscaping along portions of the fence's exterior.

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 initially proposed construction of a 7' tall fence, with a wrought iron style, that enclosed 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). The initial proposal was presented to the Downtown Review Board on May 7th of 2024, where the board had requested that the applicant revise the plan based on public hearing dialogue, as well as to address technical modifications, 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. On August 14th of 2024, the applicant submitted revised plans including notable changes to the initial fencing proposal that takes into consideration the concerns offered at the May DRB hearing, while still achieving the desired security and safety measures. As such, the Pikes Peak Library District's (PPLD) updated proposal aims to provide a safe, comfortable, and attractive approach that ensures the security and safety of its patrons and staff, while meeting the vision and intent of the FBC.

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. This proposal 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. The revisions that were made to the fencing proposal based on the dialogue obtained at the May DRB hearing better maintain the open and inviting nature during the operational hours of the Penrose Library Campus and will be presented at the September DRB public hearing.

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 initially submitted proposal included plans to construct a 7' fence around the entire perimeter of the Penrose Library campus as a means of ensuring 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. 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 initial design would visually and physically disconnect the site from the public realm. As such, the proposal as it was initially submitted was not consistent with the intent of the Form-Based Code. Furthermore, the proposal

was 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 have been considered reasonable due to the project’s exceptional civic design, Staff had found that the initial design detracted from the existing open and invitational civic nature of the plaza space.

Staff’s initial analysis gave recognition to the above, 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. As such, it is for these reasons that the proposal did not align with the Experience Downtown Master Plan and the City’s Comprehensive Plan.

At the May DRB meeting, the Downtown Review Board considered alternative solutions and modifications to the proposal ensuring safety and comfort without compromising visual contiguity and the relationship of the site with the public realm. Those considerations required that the applicant engage in further consultation with Planning Staff 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. Following dialogue with City Staff, the applicant resubmitted a proposal on August 14, 2024. The revised plans included multiple notable design changes that still maintained the initial proposal’s intention to fence in the entire campus. However, both staff and DRB’s primary concerns were related to the enclosure of the public plaza space along N. Cascade. While the revised proposal still propositions to enclose this significant gateway area, it includes significant design enhancements that allow the space to feel more open, inviting, and visually contiguous with the surrounding landscape (See Figure 3). It should be noted that the revised proposal includes an increase in fence height from 7’ to 8’, however the increase in height is related to the new proposed fencing material so as to maintain sufficient security measures.

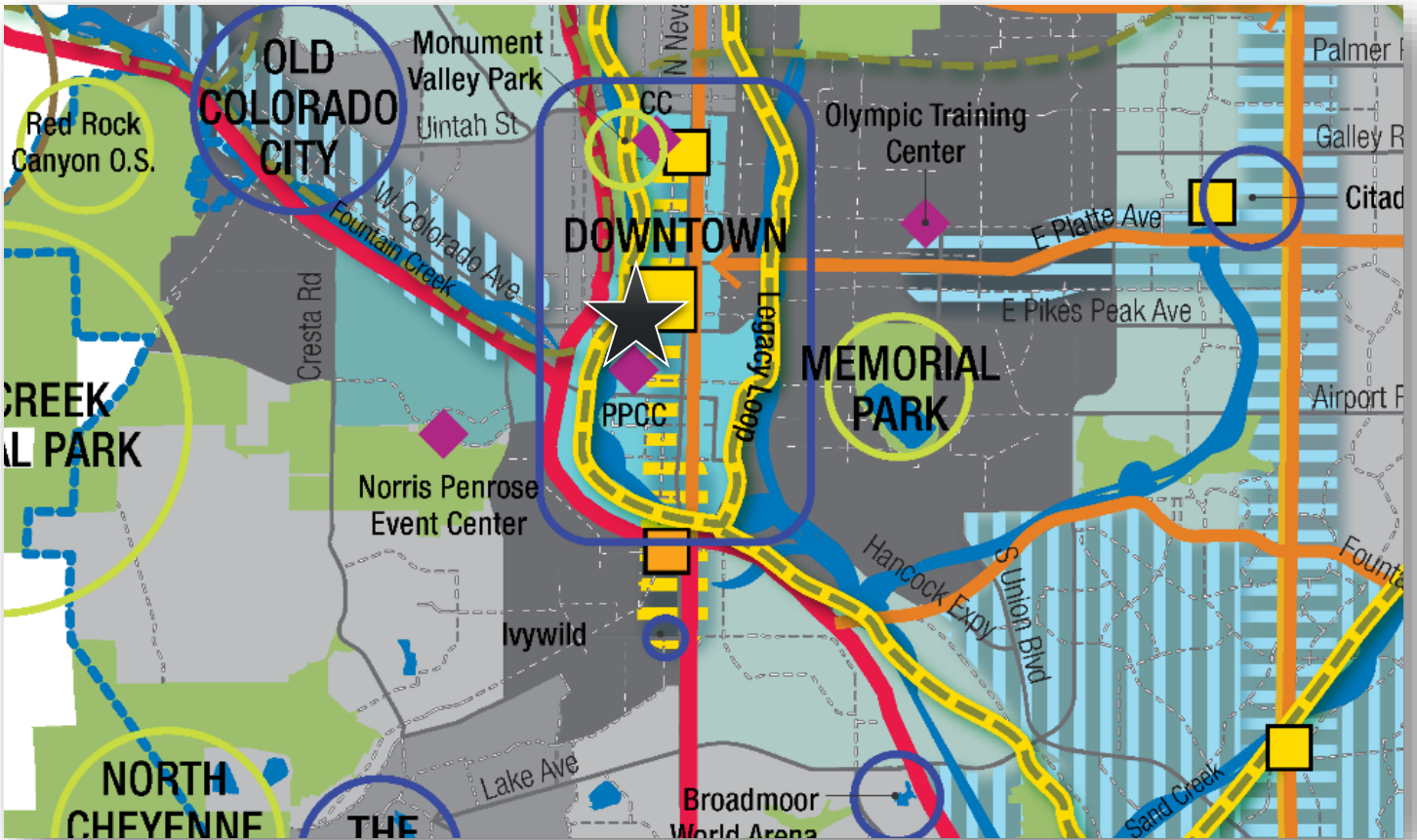
With consideration given to the above review criteria, the cultural significance of the Penrose Library, and its location and relationship to the pedestrian environment that surrounds it, Staff had initially concluded that the review criteria had not been met and suggested the proposal be modified to better meet the Common Lawn frontage standard and the criteria above. Considering the revisions made (See Figure 4 & 5), staff finds the proposal to be more aligned with the review criteria but suggests that the fence height be returned to 7’ throughout the perimeter, as was initially submitted. Furthermore, and specifically referencing the rearticulation of the enclosure of the plaza space, staff would suggest that the double wire fence be returned to 7’ in height, to ensure unobstructed visual contiguity. Along W. Kiowa St, staff suggests that the newly proposed double wire fence material be returned to the wrought iron style fence material that is 7’ in height, as initially submitted, and stepped back from the property line where possible. Finally, staff suggests that the plan and project statement be updated to include landscaping between the fence and the pedestrian way along portions of W. Kiowa St. to offset the imposing 7’ fence’s relationship to the pedestrian walkway.

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 with their initial submittal were rooted in ensuring both safety and security, the initial proposal represented 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 deactivated the public plaza space along N. Cascade Ave. and detracted from the landscape and public art improvements along W. Kiowa St. Following the staff analysis of the revised submittal made on August 14, 2024 (See Figure 4 & 5), staff finds the revisions to more closely align with the Experience Downtown Master Plan’s intent, however, feels that a few key revisions, described above, should be considered.

Compliance with PlanCOS

PlanCOS Vision



Site Location

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

- Thriving Economy**

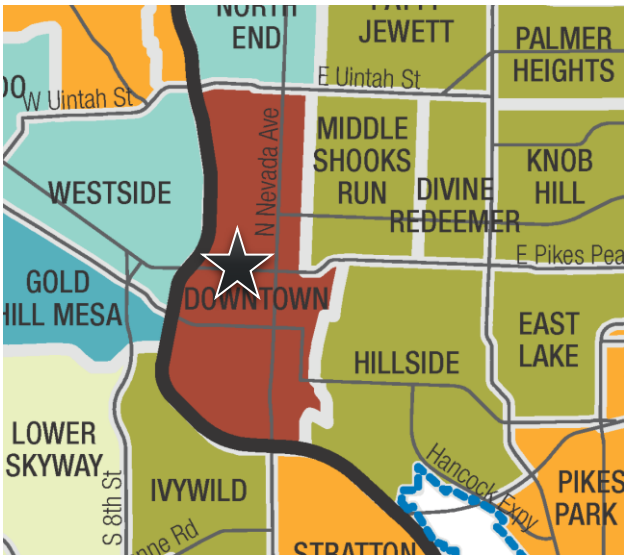
- Renowned Culture**

- 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.

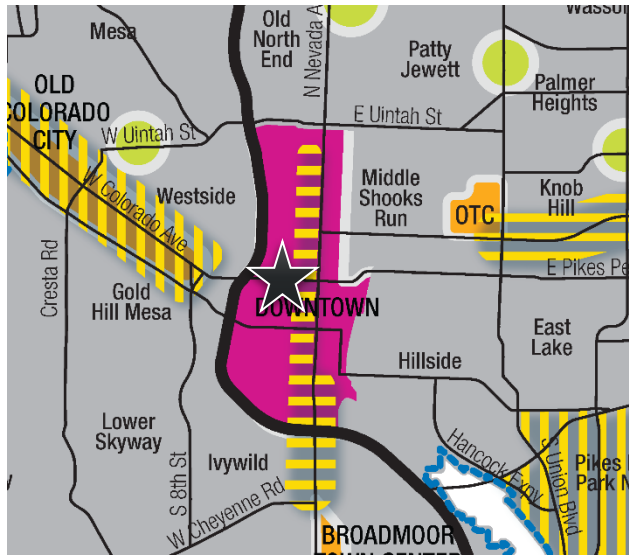


Vibrant Neighborhoods

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 revised proposal to be more closely aligned with the City’s comprehensive plan, PlanCOS, however, suggests that key revisions, described above are made.

Statement of Compliance

FBZN-24-0005

Staff finds that the application largely complies with the standards of the Form-Based Zone and meets 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 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:

Planning	<ul style="list-style-type: none"> - Reduce the fence height from 8' to 7'. - Step the fence back from the property line, where suitable to allow space for landscaping between the fence and the pedestrian ROW along W. Kiowa St. - Add landscaping along W. Kiowa St. Consider plant selections that have environmental benefit. - Replace the newly proposed 'Secur' (double wire fence) along W. Kiowa St, with the wrought iron style fence that is 7' in height, proposed in the initial submittal.
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