



**DOWNTOWN REVIEW BOARD
MEETING AGENDA**

**WEDNESDAY, APRIL 30, 2014
8:30 A.M.**

**CITY HALL
COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COUNCIL CHAMBERS, SUITE 325
COLORADO SPRINGS, CO 80903**

DOWNTOWN REVIEW BOARD MEETING PROCEDURES

The Downtown Review Board will hold their regular meeting on **Wednesday, April 30, 2014 at 8:30 a.m** in the Council Chambers of City Hall located at 107 North Nevada Avenue, Colorado Springs, Colorado 80903.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Board Member, a City staff member, or a citizen wishing to address the Downtown Review Board.

When an item is presented to the Downtown Review Board the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Board may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

APPEAL INSTRUCTIONS

If you do not agree with a decision of the Downtown Review Board and wish to appeal that decision you must do so by filing an appeal with the City Clerk's Office (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) no later than ten (10) days after the hearing date. Accordingly any appeal relating to this Downtown Review Board meeting must be submitted to the City Clerk by 5pm on:

Monday, May 12, 2014

The appeal letter, along with the required \$176 fee, should address specific code and/or regulating plan requirements that were not adequately addressed by the Downtown Review Board. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter. Unless a request for postponement is made, City Council will hear the appeal at its next regular meeting occurring at least nineteen (19) days after the Downtown Review Board meeting (Zoning Code Chapter 7.5.906).

DOWNTOWN REVIEW BOARD MEETING AGENDA

- 1. APPROVAL OF THE MINUTES** - for the April 2, 2014 Downtown Review Board meeting
- 2. COMMUNICATIONS**
- 3. CONSENT CALENDAR** - (No items)
- 4. NEW BUSINESS CALENDAR** –

Item No. 4

File No.: DRB CU 14-00137 (Quasi-Judicial)

Request by DHN Planning & Development on behalf of BDP Development LLC for approval of the Blue Dot Place conditional use development plan to allow a small commercial building type on an FBZ-COR zoned property. The plan illustrates the redevelopment of two newly replatted lots; the north lot is proposed to have a single-story restaurant/retail use designed with a stoop frontage due to the existing basement at the site while the south lot will have a four-story apartment building with 33 residential dwelling units. The roughly 28,500 square-foot property is zoned FBZ-COR (Form Based Code - Corridor Sector) addressed as 408, 410, 412 and 414 S. Nevada Avenue located on the west side of S. Nevada Avenue between E. Costilla Street and E. Cimarron Street.

Item No. 5 (Page 26)

File No.: DRB CU 14-00038 (Quasi-Judicial)

Request by Ryan Lloyd of Echo Architecture on behalf of Aaron Celusta and Willamette Select Mortgage Fund LLC for approval of the Ironbird Brewery conditional use development plan to allow the property to be used for a bar use. The plan illustrates the use of roughly 2,164 square feet of the existing 7,914 square foot building for a craft beer brewery with a new exterior patio along the S. Nevada Ave. frontage. The change of use demands more parking stalls than are available on-site triggering the need for a parking warrant. The property is located at 402 S. Nevada Ave., is roughly 9,500 square feet in size, is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and is located on the southwest corner of S. Nevada Ave. and E. Costilla St.

NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 4

STAFF: RYAN TEFERTILLER

FILE NO:
DRB CU 14-00137 – QUASI-JUDICIAL

PROJECT: BLUE DOT PLACE

APPLICANT: DHN PLANNING AND DEVELOPMENT

OWNER: BDP DEVELOPMENT LLC



PROJECT SUMMARY:

1. **Project Description:** This proposal is to redevelop two parcels on S. Nevada Ave. with two new buildings. The primary structure will be located on the southern of two new lots and is proposed as a four-story apartment building containing 33 dwelling units; the building's first floor will largely consist of an enclosed parking garage providing 33 vehicular parking stalls as well as ample bicycle parking lockers. The northern lot is proposed to be redeveloped with a one-story commercial building that will be finished as either a restaurant or retail space; the rear portion of the northern lot will include 19 surface parking stalls. The site totals 28,511 square feet on the west side of S. Nevada Ave. between E. Costilla St. and E. Cimarron St. and is zoned FBZ-COR (Form-Based Zone – Corridor Sector) which requires compliance with the form-based standards included in the Downtown Colorado Springs Regulating Plan. The proposed project requires a conditional use to allow a “small commercial building type” within the Corridor Sector. Although commercial uses are permitted–by–right within the Corridor Sector, the conditional use is required for the building type – essentially for the small form of the building. The project also requires two Form-Based Zone warrants: 1) for relief from Section 2.3.3 to allow the apartment building to have a 15-foot side yard setback along the southern property line; and 2) for relief from Section 2.4.6 to allow a stoop frontage type to be used on a small commercial building. The project also includes two administrative reviews: a subdivision plat to establish two new lots; and a revocable permit for multiple private encroachments into the public right-of-way.
2. **Applicant's Project Statement:** **(FIGURE 1)**
3. **Planning & Development Department's Recommendation:** **Approval of the application with technical modifications.**

BACKGROUND:

1. **Site Addresses:** 408, 410, 412 and 414 S. Nevada Ave.
2. **Existing Zoning/Land Use:** FBZ-COR (Form-Based Zone – Corridor Sector) / The site is developed with multiple structures and surface parking **(FIGURE 2)**
3. **Surrounding Zoning/Land Use:**
North: FBZ-COR (Form-Based Zone – Corridor Sector) and FBZ-CEN (Form-Based Zone – Central Sector) / Commercial and Office uses
South: FBZ-COR (Form-Based Zone – Corridor Sector) / Commercial uses
East: FBZ-COR (Form-Based Zone – Corridor Sector) / Office and Commercial uses
West: FBZ-CEN (Form-Based Zone – Central Sector) / Office and Commercial uses
4. **Comprehensive Plan/Designated 2020 Land Use:** Regional Center
5. **Annexation:** Town of Colorado Springs, 1872
6. **Master Plan/Designated Master Plan Land Use:** Imagine Downtown Master Plan (2009) / Activity Center
7. **Subdivisions:** Town of Colorado Springs (1871)

8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is level and developed with multiple structures and surface parking

STAKEHOLDER PROCESS AND INVOLVEMENT:

Forty-nine surrounding property owners were notified of the proposal shortly after the application was submitted. That notification provided information regarding the proposed project and instructions of how to submit comments. Staff received only one formal comment which was submitted by the Downtown Partnership (**FIGURE 3**). All applicable City agencies and departments were asked to review and comment, and all concerns are incorporated into the required modifications listed at the conclusion of this report. Prior to the Downtown Review Board hearing, the site will be posted and postcards mailed once again.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The proposed project is located on the west side of S. Nevada Ave. just south of the downtown core. The proposed project (**FIGURE 4**) consists of two structures: 1) a four-story, 33-unit apartment building with first floor enclosed parking, and 2) a single-story small commercial building. Both structures are proposed to be closely aligned with the front property line creating the urban design that is demanded by the Form-Based Code. While the proposal to create a significant number of new urban residential dwelling units should be celebrated, there are minor code issues with both buildings.

The proposed apartment building on the south half of the site is highly compliant with the Form-Based Code and is strongly supported by the Imagine Downtown Master Plan. There has been significant effort in recent years to establish new apartment units downtown, but success has been elusive. One major problem is a lack of comparable lease rates that can be used to satisfy cautious lending institutions. The success of this project will help breed the future success of other residential projects downtown.

While the proposed apartment building satisfies nearly every Form-Based Standard included in Section 2 of the Code, the building is sited with a 15.45-foot side setback along the southern edge of the property. While initial designs included a ten-foot side setback, which satisfies the building envelop standards for an apartment building, building and fire code requirements led to the applicant shift the building northward. The proposed 15-foot setback will allow a higher proportion of south-facing openings (e.g. windows and balconies) without the more expensive fire suppression systems that would be required with a 10-foot setback.

The proposed small commercial building on the northern portion of the site is also largely compliant with the Form-Based Code. However, two issues associated with the plan demand review and approval by the Downtown Review Board. First, as a one-story non-residential building, the structure must be considered as a “small commercial building” according to the definitions found in Section 2.3.1 of the Code. While this area of downtown is largely made up of very similar one-story commercial buildings, Section 2.3.2 of the Code requires conditional use approval of a small commercial building in

the Corridor Sector. Staff fully supports this request, especially in light of the adjacent four-story apartment building.

The second issue that must be addressed for the proposed small commercial building is the proposed stoop frontage type. While the proposed structure is new, it will utilize an existing basement/foundation on the northern portion of the site. The existing basement rises roughly two feet above the adjacent grade of the public sidewalk. Redeveloping the site with an elevated finished floor qualifies the building as having a “stoop” frontage. While stoop frontage types are permitted for Civic, Apartment, and Rowhouse building types, they are prohibited on small commercial buildings. In order for the proposed building to be developed using the existing basement / foundation, the Downtown Review Board must grant a frontage type warrant.

One other issue that should be addressed in this analysis is the plan’s treatment of the public right-of-way and standard public improvements. During pre-application discussions with the applicant City Staff identified that the proposed project was closely coinciding with an upcoming phase of streetscape improvements supported by the Parking Enterprise. As such, a note has been added to the plans stating “sidewalk, curb & gutter, and streetscape will be completed by the City Parking Enterprise Zone in the future.” The City expects the final design and implementation of those improvements to be completed in 2015 after the proposed construction is complete.

It should be noted that staff’s analysis was based on the original submittal from the applicant and therefore includes a number of technical modifications. A comprehensive review letter was issued on April 21, 2014 detailing all the necessary plan modifications in order to gain plan approval, assuming the Downtown Review Board granted the necessary conditional use and warrants (**FIGURE 5**). While the letter was lengthy and multiple improvements are needed to the plan, the applicant requested that the original submittal be the basis for the public hearing at the Downtown Review Board. The applicant expects to resubmit a revised plan in the near future that will address all the necessary plan requirements.

There are a number of criteria that apply to this project. The proposed small commercial building in the Corridor Sector requires approval of a conditional use which requires the Downtown Review Board to find that the following three criteria are met:

- 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.

Any project that requires relief from a 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 Imagine Downtown Master Plan?
5. Is the requested warrant consistent with the City's Comprehensive Plan?

One of the primary goals of the Imagine Downtown Master Plan, and a significant factor supporting the creation of the Form-Based Code, is the desire for more residential units in Downtown Colorado Springs. The proposed apartment building contains 33 units which is a significant addition to the limited supply of existing urban apartment units. Based on discussions with the property owner and applicant, the units will be rental units targeting young professionals – exactly the housing type and target market that the City has been encouraging downtown. The project is within walking distance of Downtown's major employment hub as well as entertainment venues, the downtown transit station, and restaurants.

While the proposed small commercial building is more typical of the existing land uses and structures in the area, both proposed buildings are well designed and address the majority of the Form-Base Code's design guidelines. Specific issues that illustrate positive design and are supported by the code include: a significant art installation is shown on the first floor façade of the apartment building; the necessary parking is structured for the apartments and located in the rear of the commercial building; both buildings have significant articulation and encroachments; vehicular access is entirely from the alley; the apartment building includes significant bike parking; and others.

As described above, the project requires approval of a conditional use for a small commercial building in the Corridor Section, does not meet the required building envelope standard for the apartment building, and utilizes the stoop frontage type on the small commercial building. After careful consideration, Staff has determined that the required conditional use and warrant criteria are met and once the technical modifications described at the conclusion of this report are addressed, the plan can be approved.

STAFF RECOMMENDATION:

ITEM NO: 4 DRB CU 14-00137 – BLUE DOT PLACE

Approve the proposed conditional use development plan, building envelope warrant, and frontage type warrant based on the findings that the conditional use criteria empowered in Section 2.5.4 and the warrant criteria found in Section 5.4 of the Downtown Colorado Springs Form-Based Code will be substantially met once the following technical modifications are made:

Technical Modifications to the Conditional Use Development Plan:

1. Add the file number to all plan sheets.
 2. Add the proposed legal description to the plan.
 3. Correct and/or clarify the topographic contours on the grading sheet.
 4. Correct the building type data on sheet one to label the building on lot one as a small commercial building and the residential structure on lot two as an apartment building.
 5. Label the vertical and horizontal dimensions of the existing window wells on the small commercial building.
 6. Add notes to the plan documenting the necessary warrants and revocable permits.
 7. Recalculate the percent glazing using the methodology described in Section 2.4.7 of the Code.
 8. Address the parking related issues included in Figure 5.
 9. Revise the plan and the drainage report to include the details of the two chase sections along the S. Nevada Ave. sidewalk.
 10. Add the required general utility notes to the preliminary utility plan.
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April 1, 2014

PROJECT STATEMENT

BLUE DOT PLACE

FBZ Development Plan & Final Plat

PROJECT DESCRIPTION

The proposed vacation and re-plat of Lots 13, 14, & 15, in The City of Colorado Springs into two Lots to be known as Blue Dot Place Subdivision will provide two lots for future downtown housing and Restaurant/Retail development. The location of the Development is at 408 & 412 South Nevada Avenue.

This proposed new Blue Dot Apartments will provide downtown housing and the Restaurant/Retail building will provide a mix with the existing downtown restaurants, coffee shops and downtown cultural & entertainment venues.

The site is approximately 0.66 acres and is on the west side of South Nevada Avenue between East Costilla Street and East Cimarron Street. The land is currently developed with two single level brick/block buildings and paved parking. These existing site improvements will be removed.

The proposed Blue Dot Place Apartments are planned to be a total of 33 units with security entry first level parking (33 spaces). The apartment structure will be a total of four floors including the parking. The proposed commercial Restaurant/Retail building is to be about a 2,505 sq. ft. building footprint constructed on the proposed Lot 2 and parking (20 spaces). The Nevada Avenue street scape will be completed by the City Parking Enterprise Zone in the future.

The proposed development plan is conforming with the Formed Based - Corridor (FBZ – COR) zoning.

Exterior building materials will consist of dark gray ground face CMU's, and stucco medium texture stucco for exterior finishes along with a flat roofs. The Blue Dot Place Apartments will have projecting balcony's with railings, parapets, and sun-shade awnings along Nevada Avenue. The Restaurant/Retail structure will have sunshade awnings and window wells along the Nevada frontage.

JUSTIFICATION

Currently the site is divided into three lots with Form Based Corridor (FBZ - COR) zoning. Platting the site into two lots and providing a Development plan will create an area where a mixtures of uses may flourish. This mixture of uses will be compatible in this urban corridor area. The plan sets forth prescriptive building forms for this area and will encourage social & economic reinvestment in the heart of our City.

ISSUES

The only issues discussed at the pre-application meeting was the need for a Revocable Permit for the Nevada side of the development. We are requesting a Revocable Permit for the air – space encroachment of the projecting balcony's, parapets, and sunshade awnings of the Nevada Avenue rights-of-way. Also, we have included the existing window wells on the Nevada Avenue side of Lot 2.

Z:\51320\Documents\Correspondance\Blue Dot Place Project Statement.odt

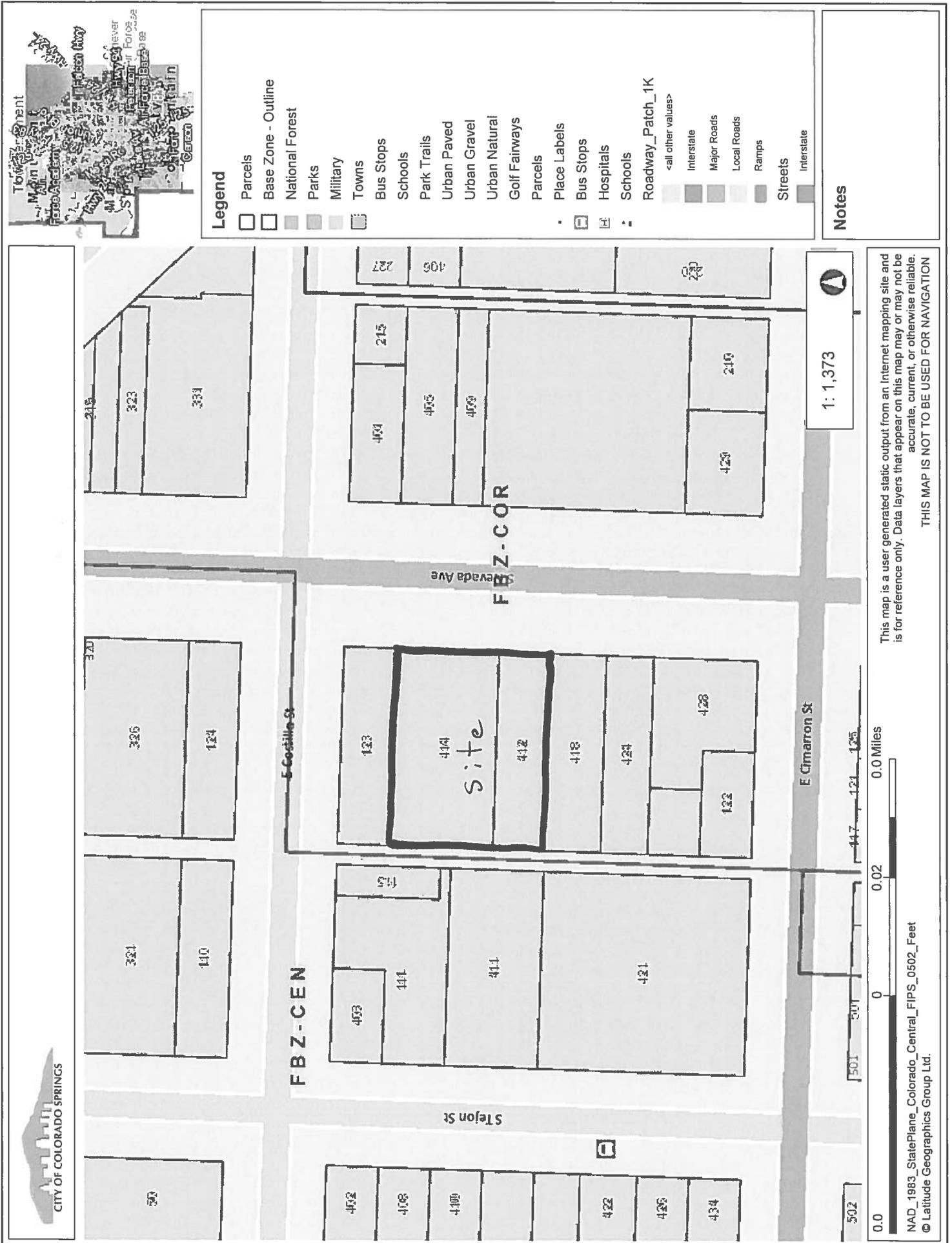


FIGURE 2



April 18, 2014

Ryan Tefertiller, Senior Planner
City of Colorado Springs
Land Use Review Division
30 S. Nevada Ave.
Colorado Springs, CO 80903

Dear Mr. Tefertiller,

The purpose of this letter is to express an opinion by Downtown Partnership regarding DHN Planning & Development's on behalf of BDP Development LLC for the property located at 408, 410, 412, and 414 S. Nevada Ave. The request is for conditional use to allow small commercial building type in the FBZ-COR zoned property, with the small commercial building to be located on one for the replated 2 lots and next door to a new residential building.

The Development Committee has met and reviewed this project, and is very supportive of the overall development which will provide much needed rental housing downtown. Approval of the conditional use will permit a small commercial building as a secondary phase to the overall development, which is appropriate in scale to the surrounding area and expected growth projections. The new commercial space will provide an amenity to the new residents in the area as it is designed for a potential new restaurant or retail space.

The Development Committee did not express concerns with the discussed technical modifications, and is aware that the developer will not be contributing towards streetscape improvements as the City plans to invest in this block in 2015. While we anticipate that this will not always be the case for future developments, we are encouraged that the City will be assisting with streetscape improvements as this is the first residential project of its kind in Downtown. Any other support the City can provide toward incentivizing downtown residential development, while maintaining a vibrant and visually appealing downtown, will be supported by the Downtown Partnership.

We fully support the request for the conditional use to allow a small commercial building in conjunction with the planned residential development, and are additionally supportive of the residential building and its design which does not require conditional use. We look forward to the increase in downtown residents through this project and hope that it will catalyze redevelopment of the South Nevada corridor.

Sincerely,

Sarah Harris
Development Manager

Downtown Partnership of Colorado Springs
111 S. Tejon St., Suite 404 • Colorado Springs, CO 80903 • (719) 886-0088 • Fax: (719) 886-0089
www.DowntownCS.com



April 21, 2014

DHN Planning & Development
224 E. St. Vrain St.
Colorado Springs, CO 80903

Re: Form-Based Conditional Use Development Plan, Warrant, and Final Plat for Blue Dot Place
AR FP 14-00136 and DRB CU 14-00137

Dear Ms. Nicklasson,

Your request for the review of the form-based conditional use development plan, warrant, and final plat for Blue Dot Place has been completed by the necessary City Departments. This letter is to inform you of the following concerns regarding the proposed applications. All the comments below must be addressed and revised to our satisfaction prior to application approval. Due to the fact that the conditional use and warrant request are necessary and can only be approved by the Downtown Review Board, many of the items below will be described as required modifications prior to final approval within my staff report. Please provide a response letter with your revised plans that addresses each issue.

DRB CU 14-00137 – CONDITIONAL USE DEVELOPMENT PLAN AND WARRANT

Land Use Review: Staff finds that the proposed plan and warrant request are generally acceptable. Knowing your desired schedule, I've placed this project on the DRB agenda for April 30, 2014. The items described below will be included as technical modifications that must be addressed prior to final approval in my DRB staff report.

1) Required Modifications to the Conditional Use Development Plan

- a) *File Number.* Please add the file number DRB DP 14-00137 to the bottom corner of each plan sheet.
- b) *Legal Description.* While the current legal description was correctly added to the plan, it is helpful for future reference to also include the proposed legal description (Lots 1 and 2 of the Blue Dot Place Subdivision) to the development plan.
- c) *Topography.* There appears to be some line work missing on the grading sheet. For instance the 5985 contour starts and stops as it bisects the proposed apartment building; please correct or clarify.
- d) *Building Type.* Please use the Form-Based terminology when listing the building type within the Site Data on sheet 1. The building on Lot 1 should be identified as an "apartment" building while the building on Lot 2 should be identified as a "small commercial" building.
- e) *Building Dimensions.* Provide dimensions for the window wells on Lot 2 to document how far they encroach into the public right-of-way. An approximate vertical dimension documenting how high above grade they are is also helpful.

- f) *Building Envelopes.* Apartment buildings on interior lots have a maximum 10' side yard setback; the plan as submitted illustrates a 15.45' side setback from the southern property line. While staff supports the proposed building design and location, a warrant will need to be granted by the DRB to allow the proposed site layout. Please add a note to the plan citing the requested side yard setback warrant.
- g) *Frontage Type.* As previously discussed, the stoop frontage is not a permitted frontage type for a small commercial building. While staff supports the proposed building design and location, a warrant will need to be granted by the DRB to allow the proposed frontage type / building type combination. Please add a note to the plan citing the requested frontage type warrant.
- h) *Frontage Glazing.* While it appears as if the required glazing thresholds are met, the calculation should be modified to reflect the methodology included in Section 2.4.7. of the Form-Based Code. Specifically, "the percentage of first floor glazing equals the percentage of transparent glass along that portion of the façade between eighteen (18) inches and ten (10) feet in height running parallel to the front property line..." Your plan begins the glazing calculations at grade as opposed to 18" above grade.
- i) *Parking.*
 - i) Please correct the required parking ratios to reflect that restaurants require 1 parking stall per 250 square feet of space (please include outdoor seating area if proposed), and retail uses require 1 parking stall per 500 square feet of space.
 - ii) The loading zone at the southeast corner of the Lot 2 parking area should be striped to prevent use as a parking stall.
 - iii) Is there any way that the northwest parking stall in the Lot 1 garage can be shifted slightly eastward to provide a buffer similar to the southwest stall? I realize this may be impossible given the location of the doorway to the west stairwell, but I question how functional that stall will be given its proximity to the garage door and the alley.
 - iv) Traffic Engineering has submitted comments (see below) regarding sight visibility entering and exiting the parking structure on Lot 1; please consider ways to improve the safety of the access. Could a mirror be mounted to improve the visibility?
 - v) Provide a dimension for the width of the garage opening adjacent to the alley on Lot 1.
 - vi) Label the dimensions of the two parallel stalls near the southwest corner of Lot 2. Standard parallel parking stalls are 22' long ("compact stalls" may be as short as 20').
 - vii) The parking data states that "19 + 1 H.C. Space" is provided on Lot 1, but I only count 19 stalls total. Please correct or clarify.
 - viii) Label the bike parking / storage lockers along the east edge of the Lot 1 parking structure.
- j) *Block Standards.* While the plan notes the existing legal description for the site, the proposed legal description ("Lots 1 and 2 of the Blue Dot Place Subdivision") should be added to the plans.
- k) *Revocable Permits.* As previously discussed revocable permits are necessary for the proposed encroachments into the public right-of-way. The initial review of the proposed revocable permits has been completed and no issues/concerns were identified. However, the permits will not be finalized until approval of the proposed development plan has been issued by the Downtown Review Board. Please add a note to sheet 1 of the plan documenting the proposed encroachments and the fact that they have been accepted through the approval of revocable permits.

The following comments are from the City's review agencies. Please address those comments that require plan modification and/or additional action.

Engineering Development Review Division – Patrick Morris

1. Per the drainage report, show and callout the size and locations of the two chase sections along Nevada Ave. These improvements need to be installed with this development; cannot have runoff from the roof drains discharging on top of the sidewalk during the winter months.
2. The drainage report was returned to the Engineering Consultant with comments regarding the two chase-sections along Nevada and assuring stormwater from the alley does not enter the parking lots.
3. Standard comments apply.

Traffic Engineering – Stacey Salvatore

Due to the limited visibility when exiting out of the parking garage and into the public ROW, vehicles exiting the parking garage may not be able to see vehicles in the alley and could cause an accident. Please show on the revised plans how the clear line of sight will be provided.

Fire Department – Steve Smith

NO 'DISAPPROVED' COMMENTS.

ATTENTION COMMENTS:

NO EXCEPTIONS: CSFD does not have any exceptions with the proposed development plan as submitted.

Colorado Springs Utilities – Ann Werner

Action Items:

1. Add the General Notes on the Preliminary Utility Plan. These notes can be found in the following website: <https://www.csu.org/Pages/development-files-forms.aspx>.

Information Items:

- No trees/structures shall be located within 15' of any Colorado Springs Utilities' mainlines and/or utility easements. Modify the Landscape/Development Plan to reflect this requirement.
- This comment is for informational purposes only: the applicant or their engineer should contact Contract Administration for any fees, reimbursements or recovery costs that may apply to this development (668-8111).
- Any extension of electric or gas facilities required to serve the Applicant's development must be in accordance with the Colorado Springs Utilities Line Extension and Service Standards. Utility service plans and installation shall be in accordance with City Codes and the Utilities' tariffs and policies.
- Colorado Springs Utilities may require the Applicant to provide a contribution-in-aid of construction (or enter into a Revenue Guarantee Contract) for the extension of electric facilities needed to serve the development. With respect to gas facilities extensions, Springs Utilities may require the Applicant to advance the cost of the equivalent nominal pipe size needed to serve the development.
- The gas distribution mains may be installed jointly with electric.
- Applicant must grant easements as required for any existing or proposed utility facilities; and improvements shall not encroach upon any utility easement. It shall not be permissible for any person to modify the grade of the earth on any easement without the written approval of Springs Utilities.
- If it is necessary to relocate any existing utility facilities, then such relocation shall be at the Applicant's expense, and if required, Applicant shall grant new easements for the relocated facilities.

Additionally, all existing utilities on this property that do not have recorded easements will require easements to be granted to Colorado Springs Utilities. The easement widths shall meet current Colorado Springs Utilities Line Extension and Service Standards.

- Improvements, structures and trees must not be located directly over or within 6 feet of any underground gas or electric distribution facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable Natural Gas Codes or Colorado Springs Utilities' policies, which require a minimum clearance of 10 feet from gas mains rated at 150 psi.
- Improvements, structures and trees shall not be located under any overhead utility facilities, shall not violate NESC clearances, and shall not impair access or the ability to maintain utility facilities.
- Landscaping shall be designed to provide the required clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with such facilities.
- Any proposed gas service line pressures in excess of Colorado Springs Utilities' standard pressure must be approved by the Utilities prior to construction. Please contact Utilities' Field Engineering for elevated pressure requests (North Work Center at 668-4985 or South Work Center at 668-5564).
- Approval of the referenced request(s) shall not be construed as a limitation upon the authority of Colorado Springs Utilities to apply its standards and policies. Accordingly, if there are any conflicts between the approved drawings and any provision of Colorado Springs Utilities' standards and policies, then Colorado Springs Utilities' standards and policies shall apply.
- The potable water and storm sewer pipes must be outside the 1.5 to 1 excavation slope for the wastewater main. This clearance requirement may necessitate additional easement width.
- The applicant is responsible for:
 - the cost of engineering, construction and materials for all wastewater collection system infrastructure and related appurtenances necessary to serve the premises or development; and,
 - the cost of engineering, construction, and materials for all water system infrastructure and related appurtenances necessary to serve the premises or development.
- The water distribution system facilities must meet the Colorado Springs Utilities' criteria for quality, reliability and pressure. The water distribution system shall ensure capacity, pressure and system reliability for both partially completed and fully completed conditions and the static pressure of the water distribution system shall be a minimum of 60 psi. The phasing of the construction of utilities and subdivision filings shall ensure that no more than fifty (50) homes are on a single water main line at any given time. Also, to ensure the protection of public health and to maintain compliance with state regulatory requirements, the detailed plans for all customer-owned, non-potable water distribution systems, including irrigation systems, must be approved by Springs Utilities.
 - Further, the Applicant recognizes that the extension of water system facilities may affect the quality of water in Colorado Springs Utilities' water system. Consequently the Applicant acknowledges responsibility for any costs that Colorado Springs Utilities, in its sole discretion, determines necessary to incur in order to maintain water quality in its system as a result of the Applicant's water system extensions, including but not limited to the cost of any lost water, materials and labor from pipeline-flushing maintenance activities, temporary pipeline loop extensions, or other appurtenances and measures that Colorado Springs Utilities determines are necessary to minimize pipeline flushing and to maintain water quality (Water-quality Maintenance Costs). The Applicant shall reimburse Colorado Springs Utilities for such Water-quality Maintenance Costs within 30 days of receipt of an invoice for such costs.

If you have any questions, please contact Ann Werner at awerner@csu.org or 668-8262.

Landscaping – Connie Perry

1. Please provide information whether there will be any exterior spaces, courtyards and/or landscape associated with either lot on the plan? If so, please have the Architect represent these spaces and materials.

Parks and Recreation – Connie Perry

1. Park and School Fees apply to the net increase in residential units, and are collected at time of request for utility service per the current Park & Trail Master Plan.

Park & School Land Dedication or Fees:

Parks:

Greater than 8 units per Acre:

Land Dedication: 0.01650 Acre (719 Sq Ft)/Unit

or

Fee: \$1,264/unit

Schools:

Greater than 8 units per Acre:

Land Dedication: .0048 Acre (209 sf)/Unit

or

Fee: \$368/unit

Staff Comment: there has been considerable high-level dialog regarding Park and School fees for infill residential projects downtown. While the discussion continues regarding the extent of these fees, there has been general consensus that the timing of the fee payments could be adjusted to account for possible changes to the fees themselves. Please contact me to set up a meeting with Parks Staff to discuss this issue further.

Enumerations – Amy Vanderbeek

This department will assign all addressing/secondary though out and will need to see the breakdown of the separation of space per tenant for the Restaurant/Retail. Will the basement be used for tenant space? Additionally, floor plans of every floor of the apartment building are needed to assign secondary addressing.

Enumerations will review the plat mylar prior to recordation for addressing placement and accuracy. Fees for addressing at plat will not be necessary due to the fact that this addressing is current. Secondary addressing fees will be due prior to plan approval in the department.

Provide a 100 scale copy of the re-platted area for mapping purposes. A copy of the final recorded plat is required prior to approval in this department as well.

Stakeholder Groups

See attached letter from the Downtown Partnership.

AR FP 14-00136 – FINAL SUBDIVISION PLAT

Land Use Review: Staff finds that the proposed subdivision plat is generally acceptable. Please revise the document to address the following items:

1) **Required Modifications to the Subdivision Plat**

- a) *Overwrite*. There is a small symbol that conflicts with the dimension for the line separating Lot 1 from Lot 2; please correct.
- b) *Dedication*. The dedication statement indicates that public easements are being created by the plat, however no easements are shown. Please either add new easements if needed (I don't believe they are needed) or modify the dedication statement to clarify this issue.
- c) *Zoning*. The plat includes a label reading "Tract is zoned FBZ-COR" which is unnecessary; please remove this statement.

Colorado Springs Utilities – Ann Werner

Action Items:

1. Recommend approval.

Information Items:

- Applicant must grant easements as required for any existing or proposed utility facilities; and improvements shall not encroach upon any utility easement. It shall not be permissible for any person to modify the grade of the earth on any easement without the written approval of Springs Utilities.
- If it is necessary to relocate any existing utility facilities, then such relocation shall be at the Applicant's expense, and if required, Applicant shall grant new easements for the relocated facilities. Additionally, all existing utilities on this property that do not have recorded easements will require easements to be granted to Colorado Springs Utilities. The easement widths shall meet current Colorado Springs Utilities Line Extension and Service Standards.

If you have any questions, please contact Ann Werner at awerner@csu.org or 668-8262.

Engineering Development Review Division – Pat Jernigan

1) There is an indecipherable symbol somewhat below and partially overwriting the 96.81' annotation between lots 1 and 2. Please reposition and clarify if necessary, or otherwise remove.

2) Standard Comments

Real Estate Services – Vicki Williams

1. The signature of the mortgagee, if any, consenting to the dedication is required.

Please address the comments and make the corrections that are listed above. **A detailed letter needs to accompany the revisions. The letter must address each point raised in this review letter.**

Please note that failure to submit revised plans/reports/information within 180 days will result in your application being formally withdrawn from consideration. Once withdrawn, any subsequent resubmittal will require the filing of a new application and payment of application fees.

If you have questions about these, or any other issues, please don't hesitate to contact me.



Ryan Tefertiller, AICP – Planning Manager
Phone: 719-385-5382
Email: rtefertiller@springsgov.com

C: File Numbers AR FP 14-00136 and DRB CU 14-00137

Enclosures: Downtown Partnership Letter

DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 5

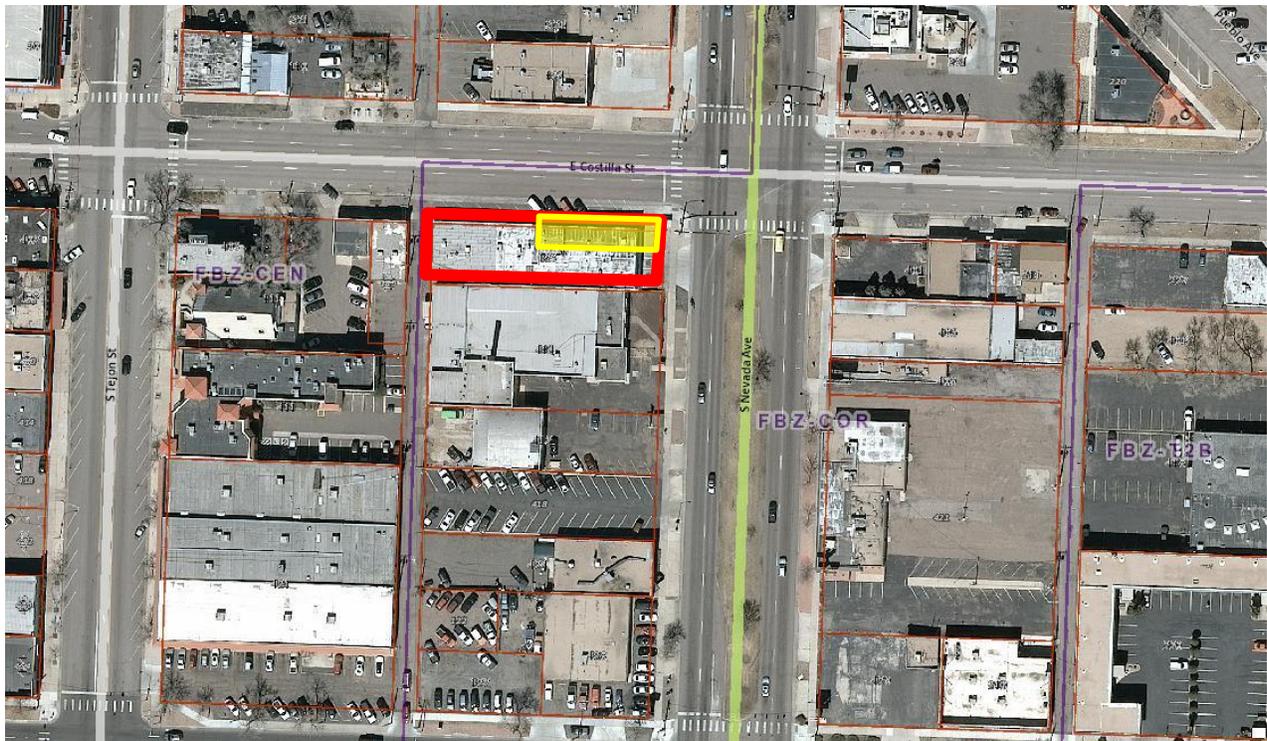
STAFF: RYAN TEFERTILLER

FILE NO:
DRB CU 14-00038 – QUASI-JUDICIAL

PROJECT: IRON BIRD BREWERY

APPLICANT: RYAN LLOYD OF ECHO ARCHITECTURE

**OWNER: AARON CELUSTRA AND WILLAMETTE SELECT MORTGAGE
FUND LLC**



PROJECT SUMMARY:

1. Project Description: This proposal is to convert roughly 2,164 square feet of an existing retail building to a new craft brewery (i.e. bar) use. The building has undergone significant renovations in recent months and the proposed tenant, Iron Bird Brewery, is requesting the ability to occupy the currently vacant space. However, Section 2.5.4 of the Form-Based Code requires approval of a conditional use for any new bars within the zone. Additionally, the proposed bar use has a higher parking requirement than the previous retail tenant, and due to the lack of any on-site parking, the project also requires a parking warrant. The site is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and is located on the southwest corner of S. Nevada Ave. and E. Costilla 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: 402 S. Nevada Ave.
2. Existing Zoning/Land Use: FBZ-COR (Form-Based Zone – Corridor Sector) / The site is developed with one multi-tenant commercial building **(FIGURE 2)**
3. Surrounding Zoning/Land Use:
North: FBZ-CEN (Form-Based Zone – Central Sector) / Commercial and Office uses
South: FBZ-COR (Form-Based Zone – Corridor Sector) / Commercial uses
East: FBZ-COR (Form-Based Zone – Corridor Sector) / Office and Commercial uses
West: FBZ-CEN (Form-Based Zone – Central Sector) / Office and Commercial uses
4. Comprehensive Plan/Designated 2020 Land Use: Regional Center
5. Annexation: Town of Colorado Springs, 1872
6. Master Plan/Designated Master Plan Land Use: Imagine Downtown Master Plan (2009) / Activity Center
7. Subdivisions: Town of Colorado Springs (1871)
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is level and developed with one multi-tenant commercial building

STAKEHOLDER PROCESS AND INVOLVEMENT:

Forty-two surrounding property owners were notified of the proposal shortly after the application was submitted. That notification provided information regarding the proposed project, instructions of how to submit comments, and information about the scheduled public hearing at the Downtown Review Board. Staff received only one formal comment which was submitted by the Downtown Partnership **(FIGURE 3)**. All applicable City agencies and departments were asked to review and comment, and all

concerns are incorporated into the required modifications listed at the conclusion of this report.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The proposed project is located on the southwest corner of S. Nevada Ave. and E. Costilla St. The surrounding land uses are primarily commercial and office related, however, a 33-unit apartment building is proposed just south of the subject property. The proposed plan (**FIGURE 4**) illustrates no exterior changes to the building itself, significant internal upgrades are anticipated. Additionally, a roughly 500 square-foot outdoor patio is proposed in front of the building replacing a few existing on-site parking stalls. It should be noted that the existing parking stalls have been determined to be unsafe due to the fact that many users must back into S. Nevada Ave. when exiting the property.

One of the overarching principles of the Downtown Form-Based Zone is that individual land uses are less important than the building forms that 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 which, 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, the size, type, and perhaps most importantly, location of new bars was determined to deserve 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.

Specific areas within the Downtown Form-Based Zone have experienced recurring problems with bars and late night bar customers. Littering, fighting, and other 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 the Iron Bird Brewery is relatively buffered from other bar uses. The nearest bars to the proposed site are the Brickhouse bar at the opposite end of the same block of S. Nevada Ave. as the subject property and the Green Man Taproom which is roughly a block to the east. The relatively small size of the proposed bar at roughly 2,500 square feet (when including the outdoor seating), the proposed specialization in craft beer, and the site's distance from any existing bar-related problem areas lead staff to conclude that the proposed use will not negatively impact surrounding properties or Downtown as a whole.

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

As described at the beginning of this report, the proposed project also requires relief from the Downtown Form-Based Code parking standards. The past uses within the building were largely retail which have a relatively modest parking requirement of one stall for every 500 square feet of building space. And while four on-site parking stalls are currently present along S. Nevada Ave. the City requested that they be removed due to their unsafe design and orientation. Because the proposed bar use has a higher parking requirement (one stall per every 250 square feet of use area), a parking warrant is necessary. The request for parking relief is largely justified by the relatively small bar area and the presence of on-street parking along E. Costilla St. Furthermore, future on-street parking stalls along S. Nevada Ave. will be added once City-supported improvements are completed by the Parking Enterprise in 2015.

Any project that requires relief from a 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 Imagine Downtown Master Plan?
5. Is the requested warrant consistent with the City's Comprehensive Plan?

As described above, the project as submitted does not meet the required parking standard and requires the granting of a conditional use permit for the proposed bar use. After careful consideration, Staff has determined that the required criteria are met and once the technical modifications described below are addressed, the plan can be approved.

STAFF RECOMMENDATION:

ITEM NO: 5 DRB CU 14-00038 – IRON BIRD BREWERY

Approve the proposed conditional use development plan and parking warrant based on the findings that the conditional use criteria empowered in Section 2.5.4 and the warrant criteria found in Section 5.4 of the Downtown Colorado Springs Form-Based Code will be substantially met once the following technical modifications are made:

Technical Modifications to the Conditional Use Development Plan:

1. Add the file number to all plan sheets.
 2. Add the required site data including building type (small commercial) and ownership information.
 3. Correct or clarify the plan note that indicates that 10 off-site parking stalls exist.
 4. Provide a detail including the extent for the proposed patio railing.
 5. Clarify the treatment of the area just east of 404 S. Nevada Ave. as it pertains to parking and outdoor seating.
 6. Illustrate curb stops for the angled parking along E. Costilla St. to prevent parking vehicles from blocking the sidewalk.
 7. Clarify or correct the encroachment along the E. Costilla St. façade where the sidewalk is shown as only 4'8" wide.
-
-



Date: March 21, 2014
To: City Of Colorado Springs
Land Use Review Division
Planning & Community Development Department
Attn: Ryan Tefertiller, Senior Planner
Project: Iron Bird Brewery
Location: 402 South Nevada Avenue
Colorado Springs, CO

Project Statement

Project Description:

The following is a proposal for a new bar and brewery in a currently vacant and renovated 2,164 square building. This proposal includes site improvements including site access, a patio and new landscaping. The proposed hours of operation are as follows: Mon: Closed, Tue: 2pm - 10pm, Wed: 2pm - 10pm, Thur: 2pm - 11pm, Fri: Noon - 12am, Sat: Noon - 12am, Sun: Noon - 7pm

Project Justification:

1. *Will the project design be harmonious with the surrounding land uses and neighborhood?*

Yes. The surrounding land uses and neighborhood are quite varied. The properties adjacent to the site vary in use from restaurants, retail and offices. Building footprints are very diverse as well, ranging from small residential to quarter-block office uses.

2. *Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?*

Colorado Springs is encouraging this type of commercial infill in the downtown area as IronBird Brewery will be occupying a vacant, newly rehabilitated building.

3. *Will the structures be located to minimize the impact of their use and bulk on adjacent properties?*

Yes. IronBird Brewery will occupy an existing, vacant building.

4. *Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development?*

No, we feel the influences of our project on the neighborhood, and the influences of the neighborhood on our project, are desirable. The small amount of landscaping area will be thoughtfully considered and result as a benefit the customers of the restaurant and improve the overall street scape.

5. *Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?*

Yes. The project proposes to eliminate curb cuts and on-site parking along Nevada Avenue which has been a danger to customers of those businesses in the past. This area will be replaced with an outdoor patio designed to enhance the pedestrian zone of Nevada Avenue.

6. *Will all streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?*

N/A

7. *Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?*

N/A

8. *Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?*

N/A

9. *Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?*

Yes. As part of the improvements, the building and building access will be brought up to current Accessibility Code compliance.

10. *Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?*

Yes. We will be adding an ADA accessible ramp, patio and landscaping on the Nevada side of the building which will reduce the amount of impervious surfaces significantly.

11. *Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?*

Yes, where necessary. The majority of pedestrian ways will be combined with the sidewalks due to the short distance from off-site parking to building.

12. *Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated in the project design?*

N/A

FORM BASED ZONE - WARRANTS:

FBZ Section 2.5.4 Conditional Uses: Bars are considered a Conditional Use throughout the form based code area.

We are requesting a Warrant to allow for the Conditional Use of a bar/brewery. This brewery is congruent with adjacent uses and we believe will act as a catalyst for new development in this block of South Nevada.

FBZ Section 2.6 Parking

We are requesting a Warrant on the parking requirement for our East Costilla frontage as well as our Nevada frontage. As a small bar/brewery on a small corner in an existing building we are limited in our site plan parking arrangements. The bar/brewery is in an urban part of downtown and will be easily and safely accessed by pedestrians and bicyclists with plenty of on-street parking.

Please feel free to contact me anytime with questions and/or comments on this Project Statement.

Respectfully,
Echo Architecture, LLC.



by _____

Ryan Lloyd
Architect

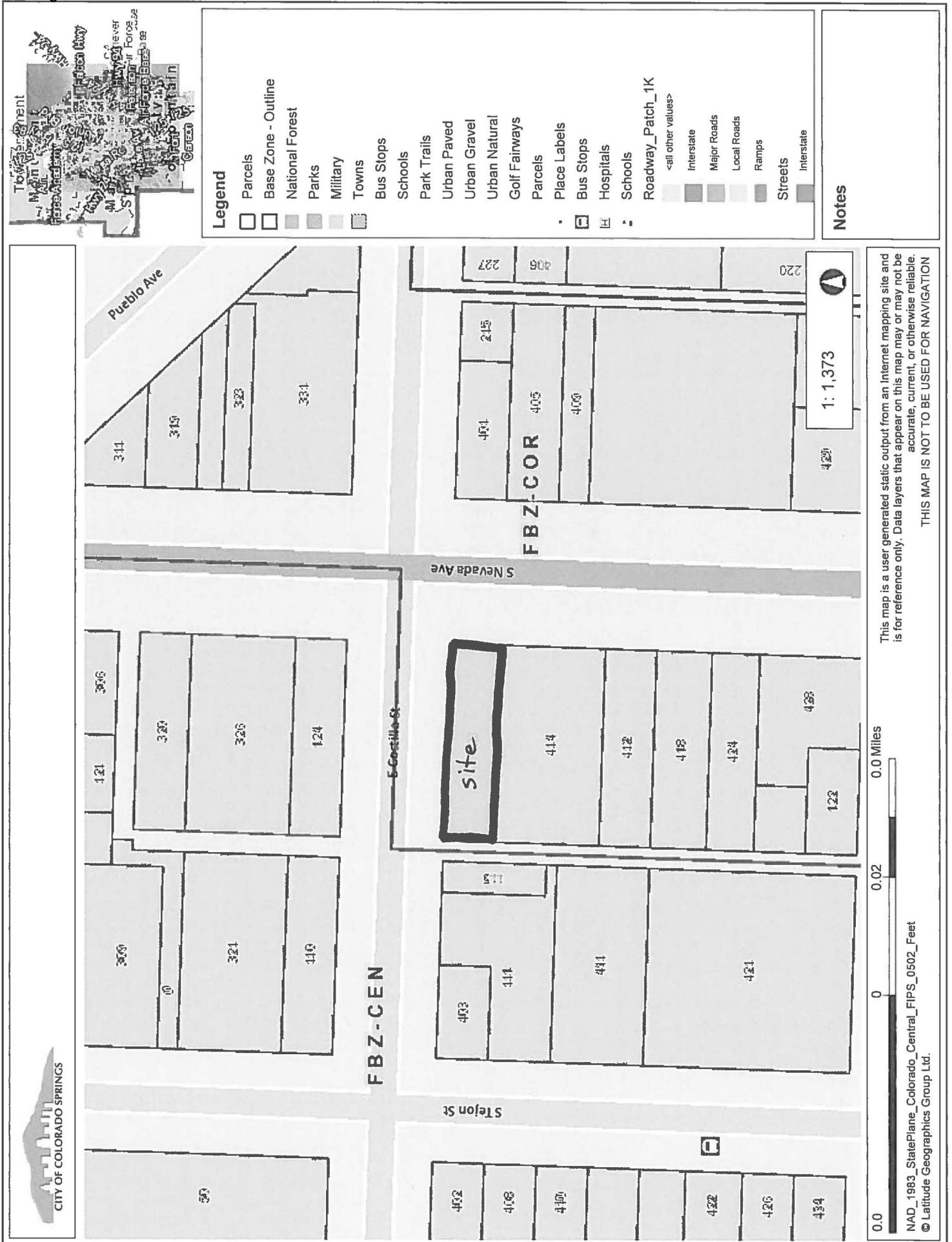


FIGURE 2



April 18, 2014

Ryan Tefertiller, Senior Planner
City of Colorado Springs
Land Use Review Division
30 S. Nevada Ave.
Colorado Springs, CO 80903

Dear Mr. Tefertiller,

The purpose of this letter is to express an opinion by Downtown Partnership regarding Ryan Lloyd of Echo Architecture's request on behalf of Mark Vuong of Willamette Select Mortgage Fund LLC for the property located at 402 S. Nevada Ave. The request is for conditional use as a bar, and a parking warrant.

The Development Committee has met and reviewed this project, and while several bars, tap rooms, and breweries have been approved over recent months, the committee sees Ironbird as providing an amenity for the neighborhood which is experiencing new development. The committee is supportive of the approval of the conditional use.

The site has several existing parking spaces that in their current place are somewhat dangerous and difficult as they require backing into Nevada. The development plan shows elimination of these parking spaces for replacement with a patio. The Development Committee feels that this is a better use for the existing parking spaces, and with sufficient street parking, we agree that a warrant should be granted for parking. This will improve the pedestrian experience along Nevada and will activate the exterior of the building.

We fully support the request for the conditional use and parking warrant, and are looking forward to welcoming Ironbird Brewery to Downtown.

Sincerely,

Sarah Harris
Development Manager

CONDITIONAL USE DEV. PLAN

SITE PLAN NOTES

1. INFORMATIONAL ONLY: SCALE IS NOT TO BE USED.
2. CONCEPT/DEVELOPMENT PLAN: ALL LINES SHALL BE APPROVED TO PROPERTY AND PUBLIC ADJACENT TO PROPERTY AND SHALL BE SOLID AND SHOWN WITH A DASH.
3. ALL LINES SHALL BE APPROVED TO PROPERTY AND SHALL BE SOLID AND SHOWN WITH A DASH.
4. ALL LINES SHALL BE APPROVED TO PROPERTY AND SHALL BE SOLID AND SHOWN WITH A DASH.

A WARRANT HAS BEEN REQUESTED TO MODIFY THE PARKING REQUIREMENTS (SECTION 2.4) A WARRANT HAS BEEN REQUESTED FOR A CONDITIONAL USE BAR AND BIKENRY (2.3.1)

SHEET INDEX

1 OF 1 GENERAL INFORMATION/SITE PLAN

CONTACTS

OWNER:
 IRON BIRD BREWERY
 402 SOUTH NEVADA AVE
 COLORADO SPRINGS, CO 80903
 CONTACT: AMON, ELLIOTA
 4
 Iron-Bird-Brewery@gmail.com

ARCHITECT:

ECHO ARCHITECTURE
 1000 SOUTH WYOMING ST.
 COLORADO SPRINGS, CO 80904
 CONTACT: FRANK LUDIG
 719.332.0222
 4
 Iron-Bird-Brewery@gmail.com

PROJECT / ZONING DATA

ZONE: S-100
 PROJECT: IRON BIRD BREWERY IN A CURRENTLY VACANT AND UNDEVELOPED LOT LOCATED AT THE INTERSECTION OF EAST COSTILLA AND SOUTH NEVADA, COLORADO SPRINGS, CO 80903

BUILDING / SITE DATA

EXISTING BUILDING: NONE
 MODEL AREA: 2,164 SQUARE FEET (NO CHANGE PROPOSED)
 OUTDOOR AREA: 491 SQUARE FEET
 SITE AREA: 6,609 S.F. (210 ACRES)
 LOT COVERAGE: 32%
 NUMBER OF STORES: 01 (EXISTING)
 REMAINDER USE: STORAGE (EXISTING)
 EXISTING ELEVATION: N/A (EXISTING)

PARKING SUMMARY

EXISTING OFF SITE PARKING: 0
 REQUIRED: 268 SF / 250 ± 11 STALLS
 PROVIDED: 0



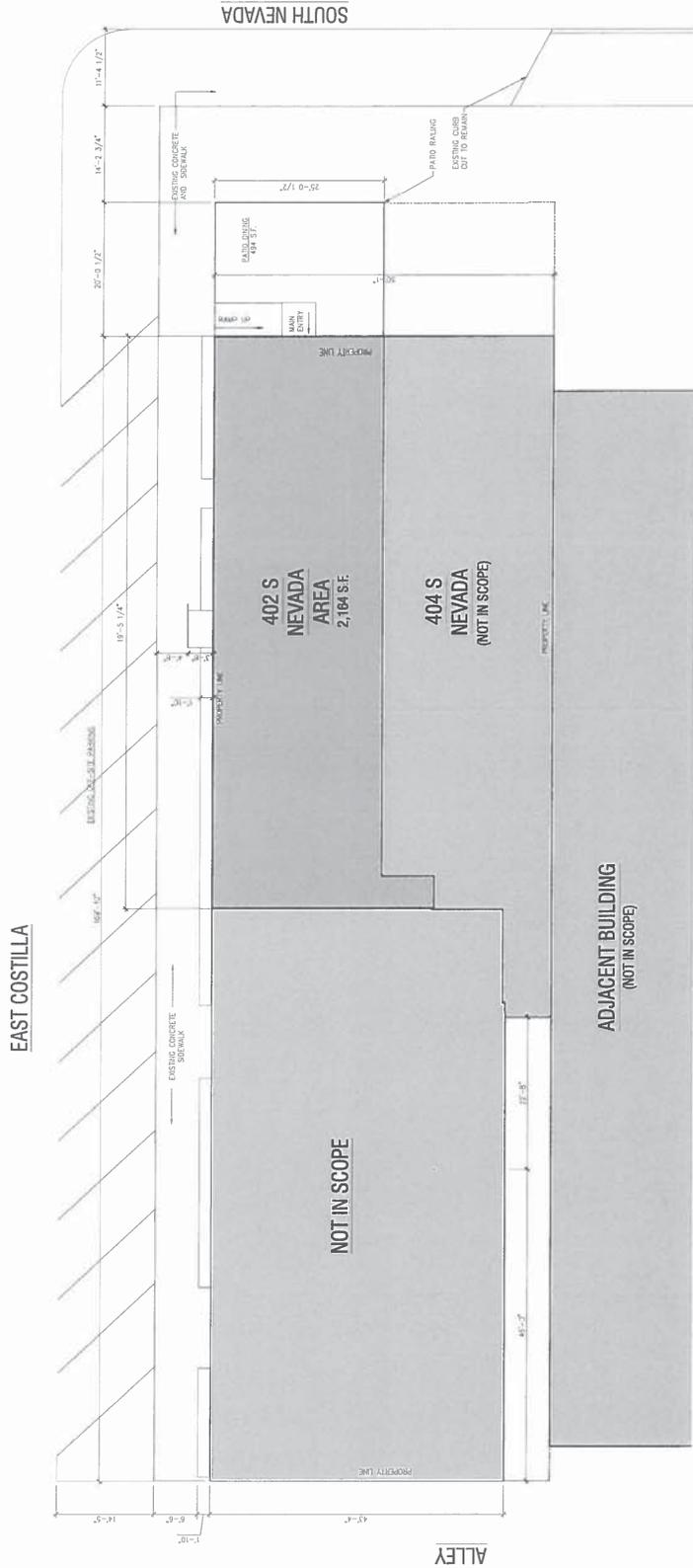
VICINITY MAP

IRON BIRD BREWERY
 402 SOUTH NEVADA
 COLORADO SPRINGS, CO

C.U. DEV. PLAN



IRON BIRD ARCH. 03.21.2014
 COLORADO SPRINGS DEV. PLAN
 DRAWN BY: ELLIOTA
 CHECKED BY: LUDIG
 1 OF 1
 1719.332.0222



1 SITE PLAN
 1/8" = 1'-0"

FIGURE 4