



**DOWNTOWN REVIEW BOARD  
MEETING AGENDA**

**WEDNESDAY, December 2, 2015  
8:30 A.M.**

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

*In accord with the Americans with Disabilities Act of 1990 ("ADA"), the City of Colorado Springs will not discriminate against qualified individuals with disabilities. Should you require an auxiliary aid and/or service to participate in an upcoming Downtown Review Board meeting, please contact the Land Use Review offices at (719) 385-5905 as soon as possible but no later than 48 hours before the scheduled monthly meeting so that we can do our best to accommodate your needs.*

## **DOWNTOWN REVIEW BOARD MEETING PROCEDURES**

The Downtown Review Board will hold their regular meeting on **Wednesday, December 2, 2015 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, December 14, 2015**

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** – Minutes from the November 4, 2015 Meeting

**2. COMMUNICATIONS** – Ryan Tefertiller, Land Use Review Manager

**3. CONSENT CALENDAR** – No Items

**4. NEW BUSINESS CALENDAR** –

**File NO.: CPC CU 15-00113 (Quasi-Judicial)**

A request by Karen Hrncir on behalf of GV Associates of Colorado Springs LLP for approval of a Conditional Use to allow a bar in the Form Based Zone. The project would allow 3,257 square feet of an existing building addressed as 124 E. Costilla to be used for a bar. The property is zoned FBZ-CEN (Form Based Zone – Central), contains 0.218 acres and is identified as 330 S Nevada Avenue.

**5. WORK SESSION**

- **Imagine Downtown Master Plan Update, *Sarah Harris***
- **Annual Ethics Update, *Marc Smith***
- **Staff Update on Prior DRB Approvals, *Ryan Terfertiller***

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# NEW BUSINESS CALENDAR

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## DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 4

STAFF: LONNA THELEN

FILE NO:  
CPC CU 15-00113 – QUASI-JUDICIAL

**PROJECT:** BAR K

**APPLICANT:** KAREN HRNCIR

**OWNER:** GV ASSOCIATES LLP OF COLORADO SPRINGS



### **PROJECT SUMMARY:**

1. Project Description: This proposal is to use 3,257 square feet of the existing building at 124 E. Costilla St. as a bar. The remainder of the building will be used as retail for Baby Cotton Bottoms and addressed as 330 S. Nevada. The site is zoned FBZ-CEN (Form-Based Zone – Central Sector) which requires compliance with the form-based standards included in the Downtown Colorado Springs Regulating Plan. The proposed project requires conditional use approval for a bar per section 2.5.4 of the Form-Based Code. **(FIGURE 1)** The project is to be located on the northwest corner of E. Costilla Street and S. Nevada Avenue.
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning & Development Team's Recommendation: **Approval of the application with technical modifications.**

### **BACKGROUND:**

1. Site Addresses: 124 E. Costilla St.
2. Existing Zoning/Land Use: FBZ-CEN (Form-Based Zone – Central Sector) / commercial and office uses
3. Surrounding Zoning/Land Use:  
North: FBZ-CEN (Form-Based Zone – Central Sector) / restaurant  
South: FBZ-CEN (Form-Based Zone – Central Sector) / bar, restaurant, and retail uses  
East: FBZ-CEN (Form-Based Zone – Central Sector) / restaurant  
West: FBZ-CEN (Form-Based Zone – Central Sector) / restaurant
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
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site was developed in 1969; there is currently a small commercial building and two parking lots on the property.

### **STAKEHOLDER PROCESS AND INVOLVEMENT:**

40 surrounding property owners were notified of the proposal shortly after the application was submitted. That notification provided instructions of how to review the proposed project as well as how to submit comments to the City. Staff received only one formal comment in response to the original notification and proposal **(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 north side of E. Costilla St. just west of S. Nevada Ave. The building will contain two uses. The existing retail use of Baby Cotton Bottoms will remain on the east side of the lot and the new bar use will be located in the west side of the building and will access off of Costilla St. The surrounding land uses are restaurant, retail, and bar uses. The proposed plan **(FIGURE 1)** shows no exterior changes to the building itself. Although the site is parking exempt, there are two parking areas onsite, one adjacent to S Nevada and one adjacent to the alley. When the onsite parking spaces are full, customers will rely on on-street parking opportunities along S. Nevada Ave. and E. Costilla St.

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 Bar K is surrounded by three restaurants, Arby's, King Chef, and China Town and one bar, Iron Bird. The restaurants are primarily food based and Iron Bird, directly south of the site, is proposed to have a restaurant component in the near future. Bar K is proposed to be a high-end bar with craft spirits and beers and the distance from other bar-related problem areas leads staff to conclude that the proposed use will not negatively impact surrounding properties or the Downtown as a whole. The area Bar K is proposed to locate has sometimes been referred to as "New South End" due to its new growth and energy in development. This bar would add to the growing development of the New South End. No opposition from surrounding property owners was received and a letter of support from the Downtown Partnership was provided and included in this report.

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

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: 4 CPC CU 15-00113 – Bar K**

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

**Technical Modifications to the Development Plan:**

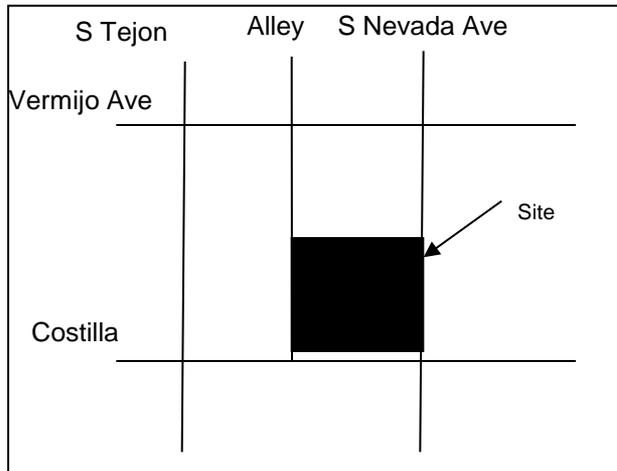
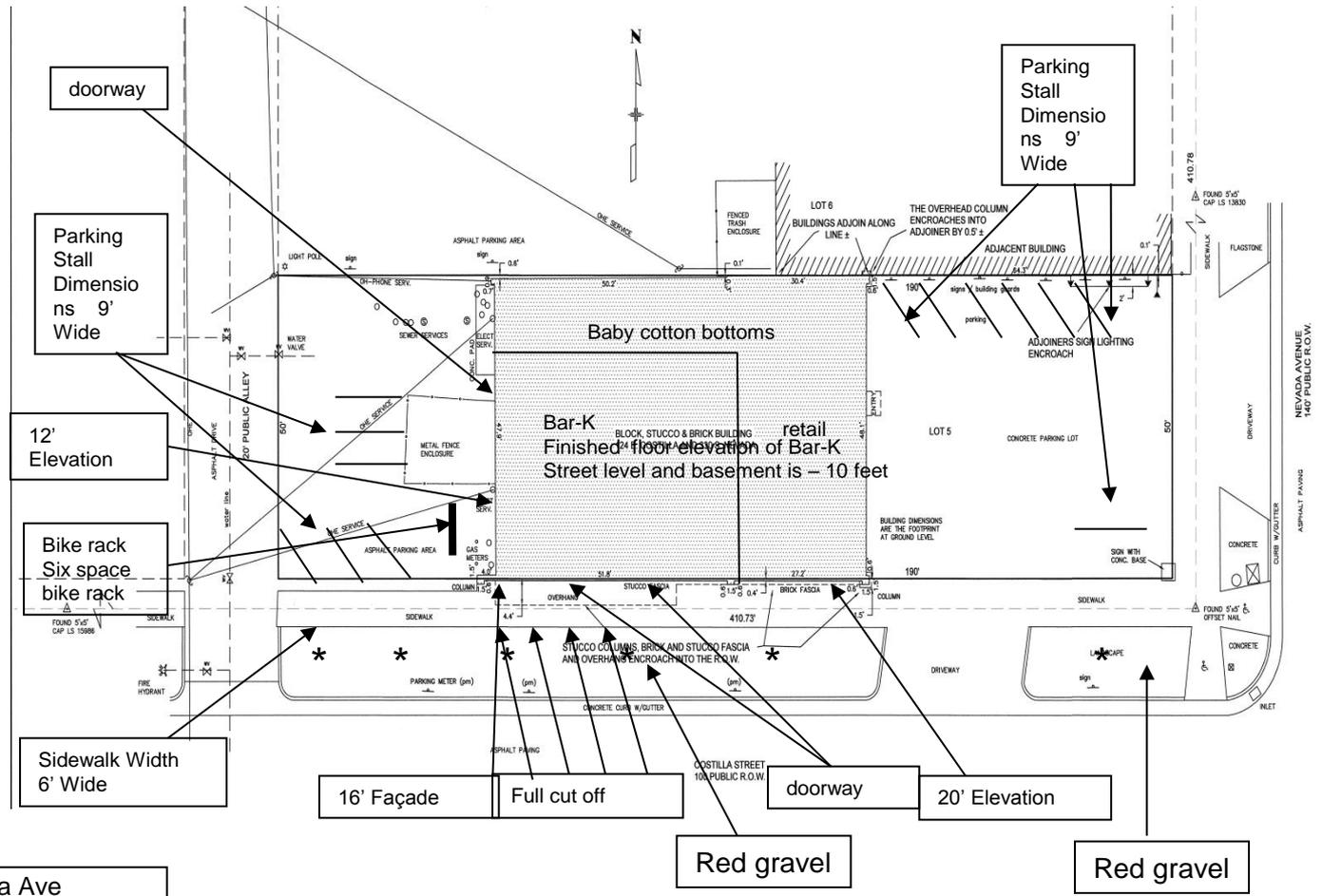
- 1. The drawing must scale to the provided scale. Provide a scalable drawing.
- 2. The parking spaces on the west side of the site must meet standard parking requirements.
- 3. Include a detail of the bike rack proposed onsite.
- 4. Note 1 of 1 as the page number for the site, not X of 2.

**General Information**

Agenda  
December 2, 2015  
Owners: GV Associates  
2993 Cathedral Park View  
Colorado Springs, CO 80904

Tenant: Bar-K LLC  
Karen Hrcncr  
1244 Tonka Ave  
Colorado Springs, CO 80904

Street address: 330 S. Nevada  
Colorado Springs, CO 80903  
Legal: lot 5 block 122 Colorado Springs  
Building type: Mixed use  
Sector: Central  
Schedule No: 6418310022  
Exiting Use: Special Use private club  
Proposed Use: bar and retail  
Acreage: .218  
Square footage: 5986 sq ft  
Frontage type: Shop type  
Building height: 12 feet  
Building Stories: 2  
Parking- the site is parking exempt  
Parking Provided 10 Stalls  
Amenity Zone - Narrow



**No changes to the exterior of the building**

**Bar-k**  
124 East Costilla st  
Lot 5 Blk 122 Colorado springs, Co  
80903

**Land use Review**

1 of 10  
1" = 80'  
CPC CU 15-000113  
X OF 2  
\* = trees ornamental fruit trees

**FIGURE 1**

Bar-K will be a 3257 square foot in Colorado Craft cocktail bar in space 124 of building 330 S. Nevada. We intend to be a high end cocktail lounge with Colorado crafted cocktails and beers. Our menu will be based on and many locally resourced product as we can find or that meet our high standards.

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November 6, 2015

Ryan Tefertiller, Planning Manager  
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 Karen Hrcir's request on behalf of GV Associates of Colorado Springs, LLP for the property located at 330 S. Nevada Ave. The request is for conditional use as a bar.

Since 2013, downtown has seen growth of new businesses, residences and amenities in an area that's been coined the New South End. We are pleased to see more and more businesses like Bar K choosing to locate in these new downtown neighborhoods, and support the request for the conditional use as a bar.

We look forward to seeing another unique business open in the revitalizing New South End neighborhood and wish them great success!

Sincerely,

Sarah Harris  
Director of Business Development & Economic Vitality  
Downtown Partnership of Colorado Springs