

CITY OF COLORADO SPRINGS
DOWNTOWN REVIEW BOARD
Meeting Minutes

**The Downtown Review Board (DRB) held its regular meeting on
Wednesday, April 2, 2014
in the
City Council Hearing Chambers
107 N. Nevada Avenue, Suite 325
Colorado Springs, CO 80903**

**The meeting was called to order by DRB Chair Whitley at 8:30am
The meeting adjourned at 11:05am**

MEMBERS PRESENT:

George Cruz
Ed Gonzalez
Richard Guy
Daniel Hankins
Gary Marchio
Dan Robertson
Michael Whitley

MEMBERS ABSENT:

Wayne Timura
Tiffany Colvert

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Ryan Tefertiller, Land Use Review Manager
Mr. Marc Smith, City Senior Attorney

1. APPROVAL OF THE MINUTES

Moved by Board member Cruz , seconded by Board member Gonzalez, to approve the March 5, 2014 meeting minutes. Motion carried 7-0 (Members Colvert and Timura absent).

2. COMMUNICATIONS

- Mr. Tefertiller announced the DRB should expect items to review for the April 30 meeting.
- Mr. Tefertiller announced that Ms. Tiffany Colvert was appointed by City Council recently to replace David Neville (stepped down) as the Urban Renewal Authority representative.

3. CONSENT CALENDAR

None

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UNFINISHED BUSINESS CALENDAR

Item 4 - File No. DRB DP 14-00008

Mr. Smith announced that only the members that were present during last month's meeting are allowed to sit during today's hearing, which is a continuation of last month's hearing. Members Guy and Marchio now recused.

STAFF PRESENTATION

Mr. Ryan Tefertiller, Land Use Review Manager, presented PowerPoint slides. As of yesterday, the applicant has revised the plan again. The applicant now proposes removal of the beer garden area from the public right-of-way. The beer garden is now proposed only on private property. This affects the technical modifications within the staff report because most are related to the beer garden in the public right-of-way.

Member Hankins inquired which modifications still apply. Mr. Tefertiller replied that modification numbers 1, 4, 6, 8, 9, 15 and 16 can be deleted. He referenced number 10 and felt the tree should remain since that space was not being used.

Member Robertson inquired of modification number 4. Mr. Tefertiller suggested leaving number 4 and requested adequate detail of the proposed deck for City staff to resolve with the applicant.

APPLICANT PRESENTATION

Mr. Scott Simmons, Green Man Taproom, stated that after the last submission he received various comments from City departments that presented challenges causing him to review his plan again. Thus, he's withdrawn his use within the public right-of-way and eliminating the need for a revocable permit. He's proposing an exterior deck on private property that will be accessible to the ramp. The deck will be 850 square feet and two feet off the ground.

Member Gonzalez inquired if there is a guard rail along the sidewalk edge. Mr. Simmons stated it will have a wooden fence with 42 inches high from the top of the wood deck.

CITIZENS IN FAVOR

Ms. Sarah Harris, Downtown Partnership, stated she mentioned the possibility of a deck instead of the public right-of-way use and is pleased the sidewalk won't be rerouted. There is a chance for better aesthetics with the proposed deck. The applicant is requesting an enhancement grant through the Downtown Partnership.

CITIZENS IN OPPOSITION

None

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STAFF REQUESTED TO SPEAK

Member Gonzalez inquired of the new deck's occupant load. Mr. Simmons stated it will accommodate 30-40 people. It was originally proposed for 150 persons with the beer garden public right-of-way use.

Member Gonzalez stated the decking will be almost seven feet tall to the top of the guard rail next to the sidewalk, and asked if the guard rail would be open. Mr. Simmons stated yes, it will be open with pickets within the top rail.

Member Gonzalez inquired of landscape interaction zone. Mr. Tefertiller stated if the floor of the deck is based on an existing platform with 42 inch rail it would equal about 5-1/2 feet, not 7 feet. It would be relatively open and not a solid fence.

Member Gonzalez inquired if City staff felt confident with the resubmittal and could administratively review the plan without bringing it back to the Downtown Review Board. Mr. Tefertiller stated yes. Member Gonzalez was comfortable with the open rail rather than a solid wall.

Member Cruz referenced the exit ramp that leads to the landing and encouraged landscaping against the adjacent sidewalk and deck. Mr. Tefertiller stated the DRB has communicated the design of the deck and rail for the record and he will ensure staff and applicant comply with that direction, or the DRB has the right to add that as another technical modification. Given the applicant has significantly reduced the size of the deck, staff is encouraging allowance of the deck to abut the property line to avoid irrigation required for landscaping.

DECISION OF THE DOWNTOWN REVIEW BOARD

Moved by Member Robertson, seconded by Member Hankins, to approve **Item 4-File No. DRB DP 14-00008**, the conditional use development plan based on the findings that the required criteria will be substantially met once the following technical modifications are made:

Technical Modifications to the Development Plan:

1. ~~Gain approval of a revocable permit for all private encroachments into the public right of way; add a note to the plan referencing the permit and calling out encroachments.~~
2. Update the plan data to include the square footage of the property.
3. Call out the proposed hours of operation – noting future operational flexibility if needed.
4. Add a detail of the fencing/railing including the pylon materials, dimensions, and method of attachment to the ground **that is subject to City staff approval.**
5. Clarify whether new outdoor lighting is proposed.
6. ~~Provide a construction detail of the proposed paver improvements.~~
7. Illustrate a trash enclosure to screen the dumpster in its new location.
8. ~~Clarify the improvements proposed within the “non-paved street buffer zone” between the sidewalk and the Pueblo Ave. roadway.~~
9. ~~Provide landscape details to include existing and proposed plant materials.~~
10. Add a label stating that the existing Green Ash tree located both within the public right of way and within the proposed beer garden will be removed due to poor health and replaced with a

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- ~~new large shade tree from the City approved list of street trees. Include a detail of the planting pit and how the proposed pavers will address the new tree. Note if the tree is to be irrigated.~~
11. Illustrate existing or proposed landscape details along the S. Weber St. frontage.
 12. Show and callout the Right-of-Way on Weber Street and Pueblo Ave on the Development Site Plan.
 13. Callout all existing public improvements, sidewalk, curb & gutter along Weber Street and Pueblo Ave.
 14. Show the complete property/properties that are part of this application on the development site plan.
 - ~~15. The proposed public sidewalk has to be at least 6' wide and can be attached to the curb.~~
 - ~~16. Add a note to the Development Site Plan stating the public sidewalk within the "beer garden" is to be maintained and repaired by the property owner throughout the duration of the Revocable Permit.~~

Member Cruz suggested a modification to number 4 to address if the fencing exceeds six feet in height.

Member Robertson declined and felt that City staff could address that issue.

Motion carried 5-0 (Members Guy and Marchio recused, and Members Timura and Colvert absent).

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NEW BUSINESS CALENDAR

Item 5 - File No. DRB NV 14-00003

STAFF PRESENTATION

Mr. Tefertiller, City Planning Manager, presented PowerPoint slides. The applicant will likely not be finishing the second floor; therefore the parking demand will be significantly reduced because there will not be additional storage and restaurant space.

Member Cruz inquired if the City Fire Dept. reviewed access with alley improvements and turning radius. Mr. Tefertiller stated yes, the Fire Dept. previously expressed concerns about the north/south alley being passable. The revised plans will meet the Fire Dept.'s alley access requirements from Cimarron to Rio Grande.

Member Cruz inquired if City Engineering addressed the issues of the retaining wall on eastern portion as well as the property line encroachment. Mr. Steve Kuehster reviewed the drainage and development plan. He just received street plans for the Moreno right-of-way. The civil engineer did include drainage and collection system in the roadway.

Member Cruz inquired about the property line encroachment. Mr. Kuehster had not reviewed that comment, but will research that issue.

Member Marchio inquired about a possible prescriptive easement. Mr. Tefertiller stated the right of a prescriptive easement does not override public right-of-way. Prescriptive easements can only be granted by a court judge.

Member Marchio inquired about the parking lot that narrows toward the front door and if it met City standards. Mr. Tefertiller had the same assumption and referenced page 31 of the agenda whereby the technical modifications address adequate width.

Member Hankins inquired of a driver's view of the Wahsatch side. Mr. Tefertiller stated the formal submittal did not include Wahsatch side public façade, and that will be used for loading/unloading area.

APPLICANT PRESENTATION

Mr. Bobby Hill, Bobbyhill Designs, distributed 11x17 copies of the revised plan.

Mr. Mike Callicrate, Ranch Foods Direct, stated their current site has 800 square feet of retail sales that sells \$45,000 in goods each week. The proposed site will triple the retail space including fresh meat cutting presentations.

Mr. Hill returned to the podium and stated the second floor was not viable for funding purposes. The proposed 40 parking spaces and the balance of the Moreno right-of-way that adequately provides the

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required spaces. According to the revised plan, the site is now overparked. The applicant will engineer the right-of-way from the property line and retaining wall.

Member Gonzalez inquired if an average sedan would be able to drive from one public street to the other through the alley. Mr. Hill stated yes, it will be a “straight shot” once alley improvements are completed.

Member Cruz inquired if the neighbors have seen the revised plan with landscaping. Mr. Hill stated no, the original plan has not changed much since it was initially submitted.

Member Cruz inquired if concrete material is still being considered for the alley. Mr. Hill stated yes, the applicant intends to dress up that entrance, but they have not decided upon concrete or stamped concrete. There is a need to connect Moreno to the front of the building, and City staff has made it clear that area shall be maintained by the applicant.

Member Guy inquired if the existing south portion of the alley redevelopment is the responsibility of the applicant. Mr. Hill stated yes,

Member Hankins inquired of amount of employees working full-time. Mr. Callicrate anticipates employing 35 employees along with train car dining staff.

Member Gonzalez inquired of parking along the north side. Mr. Hill stated that area is utilized by the nearby auto body shop. It is more of a truck delivery area.

Member Marchio inquired of a warrant for outside parking and how it complies with criteria 3 regarding exceptional and environmental design. Mr. Hill stated the applicant is redeveloping an unmaintained area and turning it into public use with landscaping and proper lighting that will benefit the applicant and adjacent property owners while improving the neighborhood.

Member Marchio inquired of the proposed sculpture. Mr. Hill stated a wide area of landscaping will include an eight-foot tall cow statue in a natural grazing area for attention to the west face of the building.

CITIZENS IN FAVOR

1. Mr. Dave Anderson, president of Colorado Springs Public Market Project, stated his project has been a 10-year effort to increase local production in the local area (www.cspublicmarket.com).
2. Mr. Greg Huesgen, property owner in downtown area, stated the applicant’s business will improve the alley and the whole eastern part of downtown.
3. Mr. Thomas Hackle, FN Jeep LLC, encouraged any development in the downtown area and is motivated to better improve his site with the encouragement of this new proposal. He has invested his time and money maintaining some of the vacant property clear of crime, etc. and is happy to see it will be occupied soon.

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4. Ms. Sarah Harris, Downtown Partnership, referred to a letter in the agenda submitted by the Downtown Partnership that expressed how this area is a food desert. This use could be a catalyst to future residential development. They realize this site cannot be utilized without a parking warrant.
5. Mr. Carl Lewis, member of Elks Lodge (adjacent property), supported the application and suggested the applicant speak with the Elks Lodge should they need additional parking.
6. Mr. Richard Cranford, adjacent property owner (printing business), always used Moreno as a street rather than an easement. He felt the applicant underestimated the shortage of parking in the area. He was concerned that when the Salvation Army retail store operated in the same block, there was no room for his employees to park. His building has drainage issues in front and back and wondered if the new use would exacerbate that. The Salvation Army plans to reoccupy the same space very soon.

Member Hankins inquired if his employees use Moreno for parking. Mr. Cranford stated yes, the current leasee (Ace Auto Engines) parks vehicles waiting to be serviced and occasionally block the alley to pull engines for rebuilding. The Salvation Army occasionally blocks the alley with semi-trucks.

CITIZENS IN OPPOSITION

Mr. John Regan, owner along South Weber, stated in 1985 he provided the City with land to allow his employees to park their vehicles. He spoke with a Salvation Army representative and found out they plan to move back in soon. He was concerned with semi-trucks blocking the alley up to a day at a time. If he cannot utilize his site, he will not have a viable business.

Member Gonzalez inquired of the sidewalk from Weber Street attached and if he has walkup doors that open to the sidewalk. Mr. Regan stated yes, there are three that open out.

Member Gonzalez inquired if he has doors east of the overhead door. Mr. Regan stated there is a single door to the west of the overhead door.

Member Gonzalez felt there is nothing on the plan that would impede access to his site. Mr. Regan stated he disagreed because it is too tight to access near the Salvation Army once the 40-foot semi-trucks block the alley. He requested access to the south of his building.

Mr. Regan proposed removing parking stalls that nose up to his building with only south facing stalls allowing the Moreno right-of-way to continue to operate as it has for 30 years. Mr. Tefertiller stated the problem may not be enough width for north and south facing parking stalls with a 20-foot drive aisle.

Member Gonzalez inquired how often deliveries arrive. Mr. Regan stated his deliveries arrive two-to-three times per week.

Member Cruz inquired how many parking spaces his business uses. Mr. Regan stated approximately four.

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Member Cruz suggested reserving the four parking spaces within the existing driveway on the south to allow semi-trucks access Mr. Regan's south overhead door. Mr. Regan stated he was agreeable if the applicant was willing to do that.

APPLICANT REBUTTAL

1. Mr. Callicrate stated his intention was not to restrict Mr. Regan's business. His business currently has deliveries from every type of delivery truck four times per day. Those deliveries would be made on the east side of the building. He is used to trucks backing in and is amiable to allowing Mr. Regan's delivery trucks to use his land. He was not willing to lose the four spaces Member Cruz suggested because he did not feel Mr. Regan needed those spaces on a permanent basis.
2. Mr. Gary Feffer, TJ&I LLC, acquired the property two years ago and discussed the possibility of a right-of-way for parking for 528 Wahsatch and adjoining property owners for win-win for all owners. All three property owners declined joint use of the parking area.

Member Cruz inquired if any Downtown Development Authority grant funds would be applied toward the parking area. Mr. Feffer was not sure, but did not assume grant funds could be applied toward property they could not collateralize.

DECISION OF THE DOWNTOWN REVIEW BOARD

Member Gonzalez supported the application based on the fact it met the five review criteria especially relating to the Comprehensive Plan's mixed-use activity centers.

Member Cruz felt improvements are significant and felt the parking could be worked out between the neighbors.

Member Marchio supported the application as well. Criteria 3 was met by incorporating civic design with landscaping and sculptures.

Member Gonzalez could not see how the proposed parking lot would do anything but enhance all property owner's access. The new sidewalk will be immediately adjacent to existing doorways with room for access to alleyways. The intermediate inconvenience of adjacent business' four deliveries per week for 15 minutes each time would not create significant issue for the applicant. He suggested designation of customer and employee parking. This application will fix a blighted site.

Member Hankins could not create a path for semi-truck entry unless the south parking stalls were emptied. As downtown continues to redevelop, more trucks are seen parking in the middle of the road for restaurant deliveries, which is an inroad that occurs during redevelopment. He thought that forklifts could drive down the alley and access the printing business to the north. He supported the application.

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Member Robertson applauded the applicant and Mr. Hill for a great use of this building. He owns buildings that back up to the alleyway with large truck deliveries that sometimes cue and wait 15 minutes for access. He felt the application met all parking warrant criteria.

Moved by Member Guy, seconded by Member Robertson, to approve **Item 5-File No. DRB NV 14-00003**, the proposed parking warrant based on the findings that 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 Development Plan:

1. Finalize the revocable permit and maintenance agreement with full acceptance from all necessary City agencies including Colorado Springs Utilities.
2. Add a note specifically referencing the revocable permit and maintenance agreement for the private improvements in the Moreno Ave. right-of-way including the parking lot, landscaping, sculpture, signage, and any others.
3. Update the floor plan and parking table to accurately reflect the short and long term mix of uses and parking requirements.
4. Provide additional details for the proposed parking improvements including a full landscape sheet meeting parking lot landscape requirements, drive aisle dimensions, clear information on the extent of the existing rail lines, the addition of a stop sign for vehicles exiting to S. Weber, and how the proposed improvements will tie into the existing north/south alley.
5. Modify the plan to illustrate improvements along the S. Weber and S. Wahsatch right-of-way to meet the requirements of City Engineering.

Motion carried 7-0 (Members Timura and Colvert absent).