



**DOWNTOWN REVIEW BOARD
MEETING AGENDA**

**WEDNESDAY, APRIL 2, 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 2, 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 April 14, 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 March 5, 2014 Downtown Review Board meeting
- 2. COMMUNICATIONS**
- 3. CONSENT CALENDAR** - (No items)
- 4. UNFINISHED BUSINESS CALENDAR –**

File No.: DRB DP 14-00008 (Quasi-Judicial)

Request by Scott Simmons on behalf of LWP Properties, LLC for approval of the Green Man Taproom outdoor patio space to allow the construction of a roughly 3,500 square foot exterior “beer garden” to the south and west of the building for outdoor customer seating. The property is located at 320 S. Weber St., is roughly 11,250 square feet in size, is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and is located on the northwest corner of S. Weber St. and Pueblo Ave.

- 5. NEW BUSINESS CALENDAR –**

File No.: DRB NV 14-00003 (Quasi-Judicial)

Request by Bobby Hill Design on behalf of Mike Callicrate for approval of a parking warrant to allow the conversion of an existing warehouse to a multipurpose retail, restaurant, culinary school, office, and meat processing center with less parking than code requires. Based on the proposed square footage and mix of uses roughly 61 parking stalls are required but no on-site stalls are provided. However, 37 parking stalls are proposed to be constructed in the adjacent public right-of-way; those stalls will function as private parking through a revocable permit. The property is addressed as 522 S. Wahsatch Ave., is zoned FBZ-T2B (Form-Based Zone – Transition Section 2B), is roughly 27,460 square feet in size, and is located on the west side of S. Wahsatch Ave. between E. Cimarron St. and E. Rio Grande St.

UNFINISHED BUSINESS CALENDAR

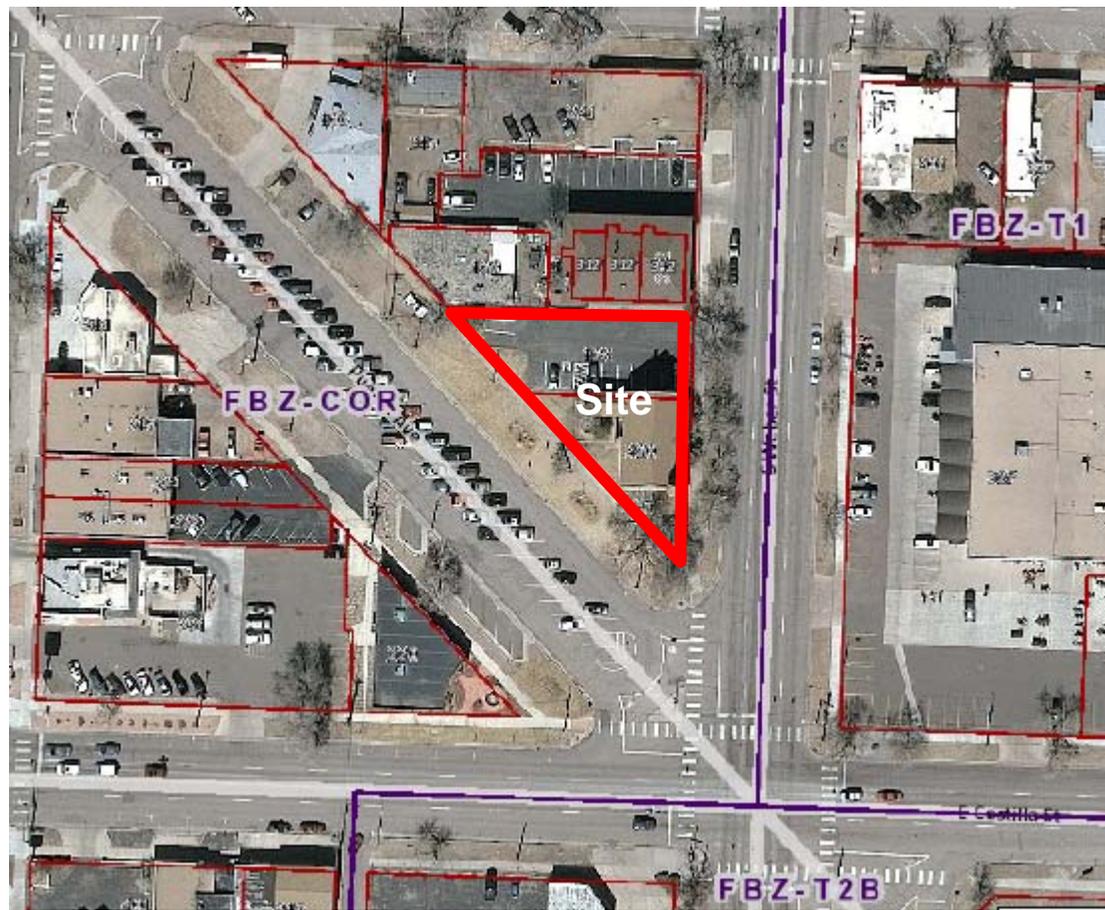
DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 4

STAFF: RYAN TEFERTILLER

FILE NO:
DRB DP 14-00008 – QUASI-JUDICIAL

PROJECT: GREEN MAN TAPROOM
APPLICANT: SCOTT SIMONS
OWNER: LWP PROPERTIES, LLC



PROJECT SUMMARY:

1. Project Description: At the March 5, 2014 hearing of the Downtown Review Board (DRB) the applicant was given approval of the proposed use (“bar”) and the requested parking relief. However, the Board demanded that the plan be revised to address their concerns with the proposed “beer garden” outdoor space and that the revised plans be discussed at the next available DRB hearing. As required, the plan has been revised and resubmitted (**FIGURE 1**) to address a number of the DRB’s concerns. The site is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and is located on the northwest corner of S. Weber St. and Pueblo Ave.
2. Applicant’s Project Statement: (**FIGURE 2**) The project statement has not been updated since the March DRB meeting.
3. Planning & Development Department’s Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Addresses: 320 S. Weber St.
2. Existing Zoning/Land Use: FBZ-COR (Form-Based Zone – Corridor Sector) / The site is developed with an existing 3,475 square-foot building, a private parking lot, and basic landscape improvements. (**FIGURE 3**)
3. Surrounding Zoning/Land Use:
North: FBZ-COR (Form-Based Zone – Corridor Sector) / Commercial and Office uses
South: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / Office, Commercial, and Residential uses
East: FBZ-T1 (Form-Based Zone – Transition Sector 1) / Commercial and Office uses
West: FBZ-COR (Form-Based Zone – Corridor 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 developed with an existing building and a private parking lot.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Sixty-five 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. Additionally, a poster was displayed on site from February 4th to February 14th, 2014. Staff received only one formal comment which was submitted by the Downtown Partnership (**FIGURE 4**). 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 March Downtown Review Board hearing, the site was posted and postcards mailed once again; additional notice prior to the April DRB hearing was not necessary since the item was postponed to a date certain.

ANALYSIS OF REVIEW CRITERIA AND MAJOR ISSUES

The overall history of the subject property and analysis of most major issues was included in the March 5, 2014 DRB staff report (**FIGURE 5**). The analysis below specifically deals with the proposed outdoor patio area.

The original submittal for the proposed project illustrated a large (roughly 3,500 square feet) outdoor “beer garden” that crossed from the privately owned lot into the public right-of-way. The plan appeared to include a realigned sidewalk, a railing enclosure, landscape improvements, and ground-plane improvements; however, the plan lacked details, labels and/or notes regarding the details of these changes. Shortly before the March 5, 2014 DRB hearing, staff received revised plans that clarified a few of these issues but created additional concerns and questions. For instance, the ground-plane

improvements were called out that the existing surfaces (including concrete and grass areas) were to remain. Additionally, the patio railing enclosure was called out as a four foot high vinyl picket fence. These issues were briefly discussed at the March 5th public hearing with the general consensus that additional work was needed to satisfy the Board's concerns.

Given the applicant's need for a conditional use and parking warrant to operate the proposed bar, the Board agreed to approve those portions of the project but demanded updated and improved plans be resubmitted and reviewed by the Board prior to any exterior use at the site. After multiple discussions, the applicant submitted revised patio plans on Friday, March 14th (**FIGURE 1**). The plans have been reviewed and analyzed by City Planning Staff as well as representatives of other City agencies. The revised plans address many, but not all, of the previously identified technical modifications as well as many of the items that were discussed during the March 5, 2014 public hearing.

The technical modifications listed at the conclusion of this report specifically cover all unresolved issues. However, a few changes deserve specific documentation. For example, the revised plans illustrate that the area of the patio will be improved with "pavers on sand that allow for drainage" replacing what was largely shown as a grass area on the last version of the plan. What was previously labeled as a "four foot vinyl picket fence" is not labeled as "4-0 high iron & stone-faced pylon fence to meet City requirements." Another significant change is that the re-routed sidewalk around the outer edge of the proposed patio is now shown as a six-foot wide sidewalk with a three-foot wide "non-paved street-buffer zone" between the sidewalk and the Pueblo Ave. roadway.

While all the plan modifications are positive, some additional work is needed. For example, the ground plane treatment in the three-foot wide "non-paved street-buffer zone" between the sidewalk and the Pueblo Ave. roadway should be labeled. Is that area to be turf, shrubs, perennials, hardscape? Given the challenges of landscaping and irrigating a landscape strip, staff suggests the use of cobble, brick, or pavers to improve the buffer area. Another detail that should be refined is the design of the "4-0 high iron & stone-faced pylon fence to meet City requirements." Given that this fence is largely located within the public right-of-way, a high level of detail is necessary before supporting the plan and approving the necessary revocable permit; the plan should include a figure illustrating the height, diameter, materials, and attachment method of the fence pylons.

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 DRB DP 14-00008 – GREEN MAN TAPROOM

Approve the proposed 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.
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 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.

PROJECT INFORMATION
 OWNER: Tiny Green Taproom LLC
 320 S. Weber Street
 Colorado Springs CO 80903
 719-237-2711

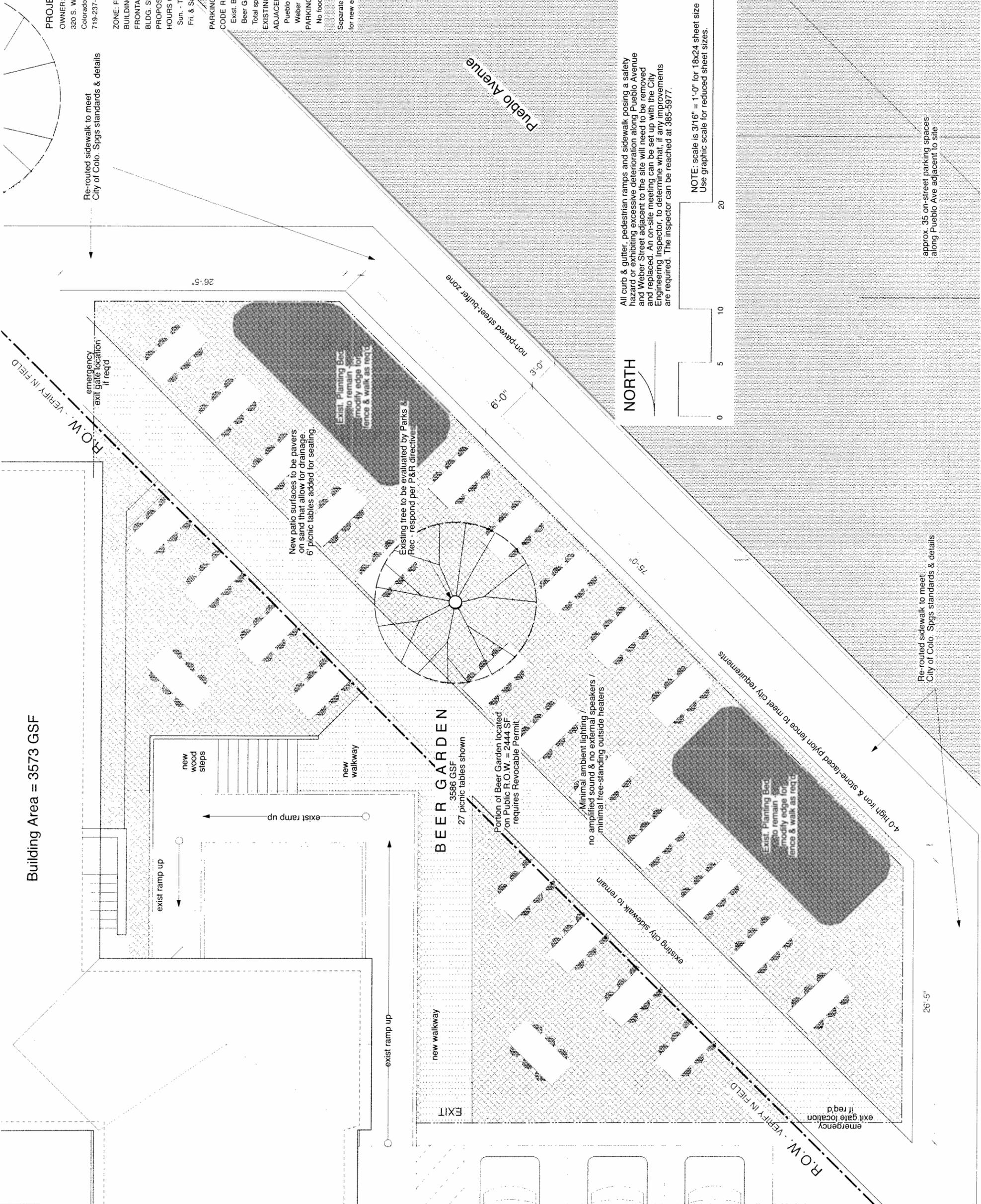
ZONE: FBZ-COR
BUILDING TYPE: Small Commercial
FRONTAGE TYPE: Common Lawn
BLDG. SIZE: 3573 GSF
PROPOSED USE: Bar (Taproom)
HOURS OF OPERATION:
 Sun. - Thr.: 11:00 am - 11:00 pm
 Fri. & Sat.: 11:00 am - Midnight
PARKING:
CODE REQMT: 1 per 250 SF of Building Size
 Exist. Bldg. = 3573 GSF - reqs 14.3 spaces
 Beer Garden = 3586 GSF - reqs 14.3 spaces
 Total spaces = 28.6 = 29
EXISTING ON-SITE = 10 including 1 Accessible
ADJACENT ON-STREET PARKING:
 Pueblo Ave 45° pull-in parking = 35
 Weber Street parallel parking = 5
PARKING WARRANT per DRB determination.
 No food truck parking on-site.
 Separate Signage permit is required for new exterior signage.

Bill Beard Architect
 P.O. Box 2256
 Colorado Springs CO 80901
 CO License 3353, LEED AP, NCARB
 719.447.1941 / bbeard.architect@gmail.com

Green Man Tap Room & Beer Garden
 320 S. Weber Street Colo Spgs CO 80903

BEER GARDEN PRELIMINARY CONDEPT PLAN

BG1
 DRB CU
 14-00008



Building Area = 3573 GSF

approx. 35 on-street parking spaces along Pueblo Ave adjacent to site

Re-routed sidewalk to meet City of Colo. Spgs standards & details

Re-routed sidewalk to meet City of Colo. Spgs standards & details

FIGURE 1

PROJECT STATEMENT

GREEN MAN TAPROOM & BEER GARDEN

1) **DESCRIPTION:** Green Man Taproom plans to offer craft beer and gourmet food in a public house environment. Green Man Taproom will create an environment conducive to social and business meetings both large and small.

Green Man Taproom plans to create an outdoor beer garden-style seating area pending both approval of a city Revocable Permit and a change to the premises of the current liquor license.

2) **JUSTIFICATION:** The proposed project should be approved in that it aligns with the vision of the city's Form Based Code in enhancing downtown Colorado Springs as a cultural and economic hub of the region.

Green Man Taproom will contribute to development of downtown adding to the mixture of its uses and enhancing the transition from the downtown core to the surrounding area through the Corridor Zone that it inhabits.

Green Man Taproom will continue to maintain the historic Carter-Payne chapel, while at the same time encouraging downtown pedestrian traffic from the traditional Tejon corridor.

Green Man Taproom will also generate tax revenue for the city and state as well as provide new employment opportunities, while promoting the craft beer tradition of the city and state.

3) **ISSUES LIST:**

- A) **Bars Generate > 50% of Revenue From Alcohol Sales:** Green Man Taproom will, i) provide food in excess of the 25% required by state liquor laws to comply with its Hotel & Restaurant License and, ii) is applying for a conditional use to comply with Form Based Zoning requirements
- B) **Outdoor Seating Design:** Green Man Taproom, in its planning for outdoor seating, will not only preserve the pedestrian experience, but will, in fact, enhance it with appealing landscaping and works of art creating a destination for the city's citizens.
- C) **Parking:** The current property current has ten parking spaces and has the ability to add two more. In addition, Pueblo Avenue and the surrounding streets offer a multitude of additional spaces.

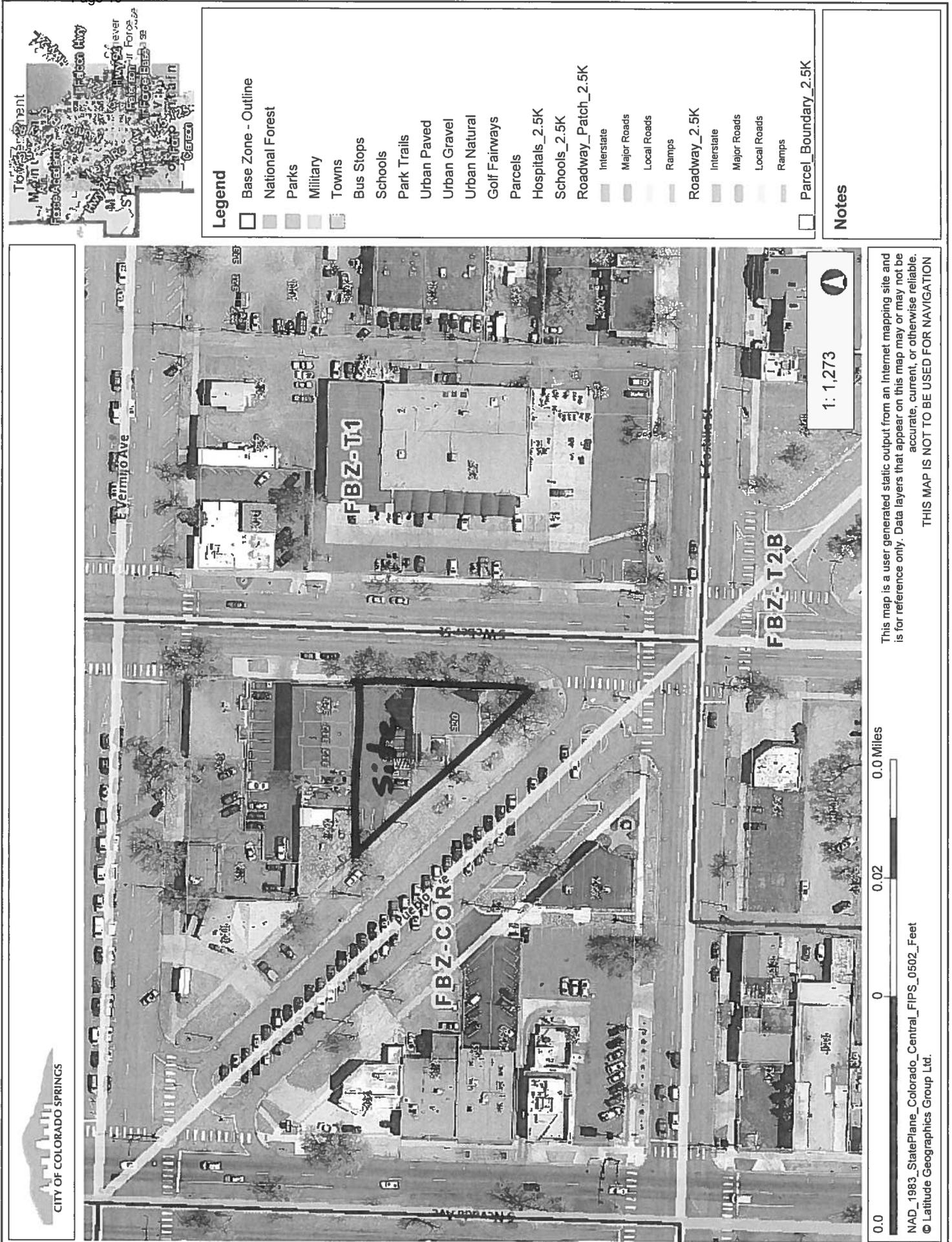


FIGURE 3



March 19, 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 Scott Simmons request, on behalf of LWP Properties, LLC, for the property located at 320 S. Weber. The request for conditional use as a bar, a parking warrant, and issuance of a revocable permit to construct and utilize a patio in the pedestrian right of way was reviewed at the March 5 Downtown Review Board (DRB) hearing, and will be reviewed again at the April 2 meeting.

I have met with the applicant and the applicants architect to provide feedback and design guidance for the patio space, including suggested ground treatment methods and fencing materials that will enhance the historic character of the building. The newly proposed design is somewhat in line with the recommendations I have provided, however we would like to see more landscaping and specification of the treatment in the amenity zone between the street and realigned sidewalk.

The applicant has expressed interest in applying for a building enhancement grant through the Downtown Development Authority (DDA). Should the applicant choose to pursue this grant, very specific plans and elevations, estimates and materials will be required for approval. The board is permitted to request aesthetic changes as a condition for grant approval. With this knowledge, we support approval of the revocable permit for the patio as presented in the most recent plans, associated with the conditional use and parking warrant. We anticipate a full review of the design by the DDA board for financing a portion of the construction of the patio, and will require an aesthetically pleasing and character enhancing design should the grant be approved.

Sincerely,

Sarah Harris
Development Manager

DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 4

STAFF: RYAN TEFERTILLER

FILE NO:
DRB DP 14-00008 – QUASI-JUDICIAL

PROJECT: GREEN MAN TAPROOM

APPLICANT: SCOTT SIMONS

OWNER: LWP PROPERTIES, LLC



PROJECT SUMMARY:

1. **Project Description:** This proposal is to convert an existing structure to a craft beer and food establishment; because more than fifty percent of the business's revenue is expected to come from alcohol sales, the use is considered a bar which requires the

approval of a conditional use permit by the Downtown Review Board. The 3,475 square-foot building was historically used as a church, but was converted into an event center roughly three years ago. The current tenants are in the process of converting the building for their intended use which includes interior improvements and the construction of an outdoor “beer garden” or patio area. In addition to the conditional use permit described above, the project requires a Form-Based Zone warrant for insufficient parking. While the site includes nine (9) on-site parking stalls immediately north of the building, the intensification of the use as well as the proposed outdoor seating necessitates relief from the Downtown Form-Based parking standards. The site is zoned FBZ-COR (Form-Based Zone – Corridor Sector) and is located on the northwest corner of S. Weber St. and Pueblo Ave.

2. Applicant’s Project Statement: **(FIGURE 1)**
3. Planning & Development Department’s Recommendation: **Approval of the application with technical modifications.**

BACKGROUND:

1. Site Addresses: 320 S. Weber St.
2. Existing Zoning/Land Use: FBZ-COR (Form-Based Zone – Corridor Sector) / The site is developed with an existing 3,475 square-foot building, a private parking lot, and basic landscape improvements. **(FIGURE 2)**
3. Surrounding Zoning/Land Use: North: FBZ-COR (Form-Based Zone – Corridor Sector) /
Commercial and Office uses
South: FBZ-T2B (Form-Based Zone – Transition Sector 2B) /
Office, Commercial, and Residential uses
East: FBZ-T1 (Form-Based Zone – Transition Sector 1) /
Commercial and Office uses
West: FBZ-COR (Form-Based Zone – Corridor 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 developed with an existing building and a private parking lot.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Sixty-five 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. Additionally, a poster was displayed on site from February 4th to February 14th, 2014. 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 a triangular-shaped parcel southeast of central downtown. The existing building, originally known as the Payne Chapel African Methodist Episcopal Church, was built in 1890 with additions in 1918, 1954, and 2011. The building operated as an event center for a short period of time beginning in 2011. The current proposal does not include any new additions to the building (**FIGURE 4**), but the proposed use and additional outdoor seating demand review and approval by the Downtown Review Board.

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 Green Man Taproom is well buffered from other bar uses. The nearest bar to the proposed site is roughly a block away and there is little late-night activity in the area surrounding the subject property. These factors and the proposed specialization in craft beer, lead staff to conclude that the proposed use will be a destination business that will operate largely independently from most other downtown bars, and will attract a specific customer type from across the region.

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.

While staff finds that the proposed bar use is reasonable and meet necessary criteria, it should be noted that staff's analysis was based on the original submittal from the applicant. While only limited physical changes to the site are proposed, a significant number of technical modifications are needed to the plan as submitted. A comprehensive review letter was issued

on February 20, 2014 detailing all the necessary plan modifications in order to gain plan approval (**FIGURE 5**). While the letter was lengthy and significant 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 and staff expects to have a better understanding of what, if any, items remain unresolved at the time of the public hearing.

As described at the beginning of this report, the proposed project also requires relief from the Downtown Form-Based Code parking standards. While the prior uses of the property, an event center, was eligible to utilize a fairly liberal parking requirement of 1 private parking stall per every 750 square feet of building space under the “entertainment” land use type, the proposed bar use must provide 1 private parking stall for every 250 square feet of building space together with outdoor seating area. The combination of the more stringent parking standard together with the new roughly 3,500 square-foot patio, results in a site that is significantly under-parked. The information provided on the plans together with building information from the County Assessor, lead staff to conclude that nine (9) parking stalls are provided where 28 stalls are required. Although the deficiency may seem significant, the presence of numerous on-street parking opportunities should not be discounted. In addition to parallel parking stalls along S. Weber St., Pueblo Ave. has ample parking supply, especially during the evening hours when many professionals who utilize the non-metered stalls have headed home for the night. As many as 35 to 40 on-street stalls exist immediately adjacent to the subject property; taken together with the 9 on-site private stalls, it is reasonable to conclude that adequate parking is available in the area and the surrounding properties and businesses will not be negatively affected.

Any project that requires relief from a form-based 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?

The proposed project is consistent with the intent of the form-based code in that if approved, the applicant will be repurposing an existing historic building. The building does not currently include a commercial kitchen limiting the range of use options. The proposed craft beer bar will take advantage of the building’s architecture and floor plan to reactivate a relatively dormant area of downtown Colorado Springs. The fact that the project maintains and embraces the building’s historic context can also be considered to support compliance with the Code’s design guidelines and the site’s civic design. The addition of significant outdoor seating also improves the pedestrian interest in the area and merges the private uses with the adjacent public spaces.

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: 4 DRB DP 14-00008 – GREEN MAN TAPROOM

Approve the proposed conditional use development plan and parking warrant based on the findings that the conditional use criteria empowered by Section 2.5.4 and 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. Add the file number and sheet numbers to all plan sheets
 2. 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.
 3. Improve the plan data to include: applicant and owner information, zone district, building type, frontage type, square footage of the property and the building, and add a note referencing the requested warrants.
 4. Call out the proposed hours of operation.
 5. Provide parking data including: the required parking ratio, the number of stalls required and provided, and add a note referencing the adjacent on-street stalls in Pueblo Ave.
 6. Clarify the proposed improvements associated with the beer garden including: the dimensions of the patio area, the proposed landscaping, the ground plane, a detail of the fencing/railing including the method of attachment to the ground, any proposed lighting and audio equipment.
 7. Add a note restricting outdoor amplification within the beer garden area.
 8. Label the re-routed sidewalk as meeting City standards.
 9. Document and label any public and private easements.
 10. Add a note referencing the proposed parking warrant.
 11. If food trucks are to be included as part of the general business operation, clarify the likely location for service ensuring that on-site parking stalls are still useable.
 12. Note that signage is not approved by this plan and that a separate sign permit must be obtained for any new signage.
 13. Modify the landscape sheet to add utility information and address the comments from the City's Landscape Architect as described in the February 20, 2014 review letter **(FIGURE 5)**.
 14. Add the following note to the development site plan: "All curb, gutter, pedestrian ramps and sidewalk posing a safety hazard or exhibiting excessive deterioration along Pueblo Avenue and Weber Street adjacent to the site will need to be removed and replaced. An on-site meeting can be set up with the City Engineering Inspector, to determine what, if any improvements are required. The inspector can be reached at 385-5977."
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PROJECT STATEMENT

GREEN MAN TAPROOM & BEER GARDEN

1) **DESCRIPTION:** Green Man Taproom plans to offer craft beer and gourmet food in a public house environment. Green Man Taproom will create an environment conducive to social and business meetings both large and small.

Green Man Taproom plans to create an outdoor beer garden-style seating area pending both approval of a city Revocable Permit and a change to the premises of the current liquor license.

2) **JUSTIFICATION:** The proposed project should be approved in that it aligns with the vision of the city's Form Based Code in enhancing downtown Colorado Springs as a cultural and economic hub of the region.

Green Man Taproom will contribute to development of downtown adding to the mixture of its uses and enhancing the transition from the downtown core to the surrounding area through the Corridor Zone that it inhabits.

Green Man Taproom will continue to maintain the historic Carter-Payne chapel, while at the same time encouraging downtown pedestrian traffic from the traditional Tejon corridor.

Green Man Taproom will also generate tax revenue for the city and state as well as provide new employment opportunities, while promoting the craft beer tradition of the city and state.

3) **ISSUES LIST:**

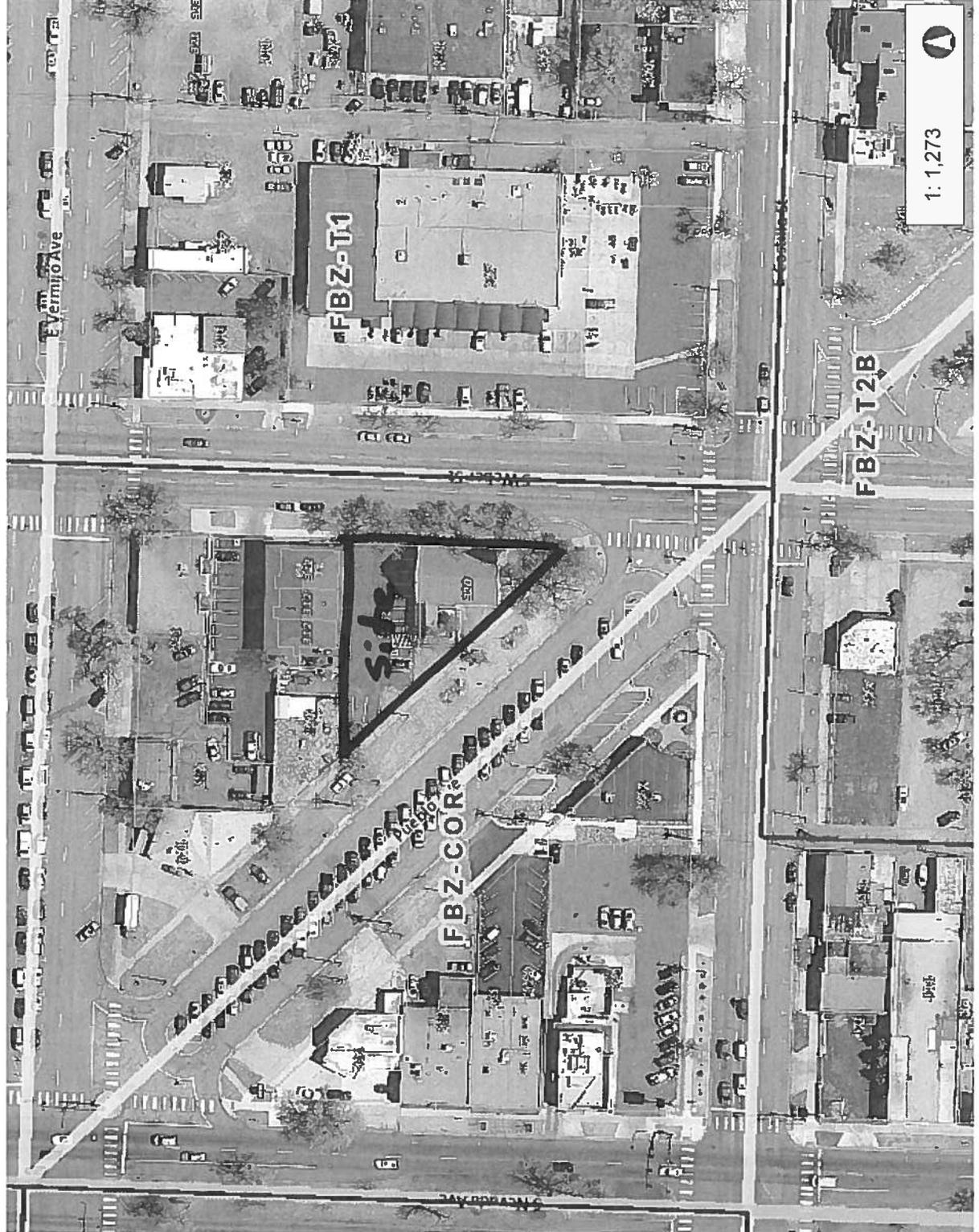
- A) **Bars Generate > 50% of Revenue From Alcohol Sales:** Green Man Taproom will, i) provide food in excess of the 25% required by state liquor laws to comply with its Hotel & Restaurant License and, ii) is applying for a conditional use to comply with Form Based Zoning requirements
- B) **Outdoor Seating Design:** Green Man Taproom, in its planning for outdoor seating, will not only preserve the pedestrian experience, but will, in fact, enhance it with appealing landscaping and works of art creating a destination for the city's citizens.
- C) **Parking:** The current property current has ten parking spaces and has the ability to add two more. In addition, Pueblo Avenue and the surrounding streets offer a multitude of additional spaces.



Legend

- Base Zone - Outline
- National Forest
- Parks
- Military
- Towns
- Bus Stops
- Schools
- Park Trails
- Urban Paved
- Urban Gravel
- Urban Natural
- Golf Fairways
- Parcels
- Hospitals_2.5K
- Schools_2.5K
- Roadway_Patch_2.5K
- Interstate
- Major Roads
- Local Roads
- Ramps
- Roadway_2.5K
- Interstate
- Major Roads
- Local Roads
- Ramps
- Parcel_Boundary_2.5K

Notes



0.0 0 0.02 0.0 Miles

NAD_1983_StatePlane_Colorado_Central_FIPS_0502_Feet
 © Latitude Geographics Group Ltd.

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



February 14, 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 Scott Simmons request, on behalf of LWP Properties, LLC, for the property located at 320 S. Weber. The request is for conditional use as a bar, a parking warrant, and issuance of a revocable permit to construct and utilize a patio in the pedestrian right of way.

In the past, the Carter Payne building has been used for events and catering, which permitted service of alcohol. The applicant plans to utilize the space in a similar fashion, adding focus to serving craft beers and opening to the public. Therefore, since the new use is similar to the buildings past use and provides an amenity for the neighborhood which is experiencing new development, we are supportive of the approval of the conditional use.

The site has 10 parking spaces with the possible addition of 2 more spaces, but is under parked according to the code. The surrounding area has sufficient public parking that is underutilized during the evening hours and therefore we are supportive of a parking warrant due to location. We request that the additional 2 parking spaces are created as a condition of the parking warrant.

The applicant has proposed a "beer garden" patio in the pedestrian right of way, with a proposed realignment of the existing sidewalk around the patio. We are supportive of the revocable permit provided comments from City Planning are considered and written into agreement, including maintenance of the area, possible realignment of the sidewalk from the proposed to enhance the pedestrian experience, noise regulation, and possible addition of landscaping.

We fully support the request for the conditional use, parking warrant, and revocable permit and are looking forward to welcoming Green Man Tap Room to Downtown.

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



PLANNING & DEVELOPMENT DEPARTMENT
LAND USE REVIEW DIVISION

February 20, 2014

Scott Simmons
320 S. Weber St.
Colorado Springs, CO 80903

Re: Conditional Use Development Plan for the Green Man Taproom – DRB CU 14-00008

Dear Mr. Simmons,

Your request for the review of the conditional use development plan for the Green Man Taproom (i.e. bar use) at 320 S. Weber St. has been completed by the necessary City Departments. This letter is to inform you of the following concerns regarding the proposed applications. While there are a number of concerns and comments described below, I believe that it is reasonable to schedule this project for the next available meeting of the Downtown Review Board (DRB) which is scheduled for March 5, 2014. Those items described below will be included as technical modifications in my staff report. All the comments below must be addressed and revised to our satisfaction prior to application approval. Please provide a response letter with your revised plans that addresses each issue.

CONDITIONAL USE DEVELOPMENT PLAN – DRB CU 14-00008

Land Use Review: Staff finds that the proposed use is acceptable. However, the plan is missing some of the detail necessary to evaluate whether additional improvements or conditions are to be required.

1) Required Modifications to the Development Plan

- a) *File Number.* Please add the file number DRB CU 14-00008 to the bottom corner of each sheet of each sheet of the plan.
- b) *Plan Data and Notes.* Please correct and/or clarify the following issues pertaining to the plan data:
 - i) Add applicant and owner information (e.g. name, address, contact info, etc.) to the plan.
 - ii) Note the zone of the property (FBZ-COR).
 - iii) Note the building type (small commercial) and frontage type (common lawn) of the existing building
 - iv) Note the square footage of the existing building and the proposed use (bar).
 - v) Note the hours of operation; please understand that the process to modify the stated hours in the future may be significant – there may be value in listing the likely hours as a “worst case” (i.e. open as late as may be likely) to avoid future plan amendments.
- c) *Parking.* There a few issues related to on-site parking:
 - i) Add a parking table indicating the number of on-site stalls required by code based on the size of the building together with the size of the proposed beer garden area.
 - ii) Note the required parking ratio (1 stall per 250 square feet).
 - iii) Note the number of on-site stalls provided in the lot to the north of the building.
 - iv) I believe a note referencing the on-street parking in Pueblo may also add value to the plan.

- d) *Beer Garden.* Please address the following issues associated with the proposed outdoor seating:
 - i) While the dimensions provided on the plan are helpful, please document the width of the beer garden from the edge of the public right-of-way to the edge of the seating area using a 90 degree right angle.
 - ii) Label the green circles shown in the beer garden area. Are they new trees? If so, document the type, caliper, and planting method (i.e. in ground vs. in large pots).
 - iii) Identify the proposed ground plane in the seating area. Will it be paved?
 - iv) Provide a detail of the proposed fencing/railing. How tall will it be? What material will it be fabricated from? Document the extent of the railing. Please note that it must be securely anchored into the ground.
 - v) Will the beer garden area include lighting? Propane heaters? Outdoor speakers? A note may be appropriate limiting or restricting the use of outdoor amplification.
 - vi) Label the re-routed sidewalk as meeting City standards.
 - vii) Many of these details are necessary before City Engineering will support the requested revocable permit.
- e) *Easements.* Is there an easement across the parking lot to benefit the storage area to the northwest? If so illustrate its extent and reception information if available.
- f) *Revocable Permit.* Add a note to the plan documenting the presence of a revocable permit to allow the outdoor seating in the public right-of-way.
- g) *Warrant.* Add a note to the plan documenting the DRB's granting of a parking warrant.
- h) *Food Trucks.* Add a note to the plan describing the intended parking / service of food trucks. Will food trucks consume on-site parking when present? Please understand that some City peddler's regulations may limit the ability for food trucks to serve from the adjacent right-of-way.
- i) *Signage.* Add a note acknowledging that signage is not approved per this plan and that a separate sign permit will be needed for any new signage.
- j) *Stakeholder Comments.* During the public comment period, I received multiple phone calls and comments from adjacent property owners and neighborhood groups (see enclosed for a letter from the Downtown Partnership). Please provide a response letter describing how the proposed use will meet the required review criteria, specifically how the values and qualities of the surrounding neighborhood will not be substantially injured by the requested use.

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. Please callout the City's R.O.W. along Weber Street and Pueblo Avenue.
2. Please callout existing public improvements, sidewalks, curb and gutter, etc., along Weber Street, Pueblo Avenue.
3. Please callout any proposed changes, like color or texture to the public sidewalk. Changes from the City Standards will require City Engineering approval.
4. Please add the following note to the development site plan:
"All curb, gutter, pedestrian ramps and sidewalk posing a safety hazard or exhibiting excessive deterioration along Pueblo Avenue and Weber Street adjacent to the site will need to be removed and replaced. An on-site meeting can be set up with the City Engineering Inspector, to determine what, if any improvements are

required. The inspector can be reached at 385-5977."

5. Traffic Engineering will require a revocable permit for the seating area within the City's R.O.W. *Staff comments: the revocable permit is being reviewed concurrently to your conditional use application.*

6. Standard comments apply.

Traffic Engineering – Stacey Salvatore

Traffic Engineering requests the opportunity to review the plans once the comments from Engineering Development Review have been addressed.

Colorado Springs Utilities – Mathew Williams

Action Items:

1. None; approval is recommended.

Information Items:

- A grease interceptor will be required for this project. Additionally, construction plans for the interceptor and any other water/wastewater service line modifications will need to be submitted to Utilities Development Services for review.
- 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 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.
- 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 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 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 Springs Utilities to apply its standards and policies. Accordingly, if there are any conflicts between the approved drawings and any provision of Springs Utilities' standards and policies, then 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 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 Springs Utilities' water system. Consequently the Applicant acknowledges responsibility for any costs that 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 Springs Utilities determines are necessary to minimize pipeline flushing and to maintain water quality (Water-quality Maintenance Costs). The Applicant shall reimburse 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 Matt Williams at mlwilliams@csu.org or 668.7211.

Landscaping – Connie Perry

1. Submittal Criteria
 - a. **Informational Only:** This DRB Development Plan should include a Final Landscape Plan clearly showing existing plant material (to remain or be removed), proposed plant material, paving treatments, and other landscape site furnishings and elements such as art. If no building permit is required, then the Irrigation Plan should be provided with this application (no additional fee).
2. Plan Criteria
 - a. Show all utility lines and easements on the landscape plan, so we may establish site planting constraints and separation standards.
 - b. Please either use call outs or a legend to identify plant material (trees and ground plane plantings).
3. Site Standards & Categories:
Internal:

1. There is significant 'front yard' to this property along Pueblo Avenue. All treatments need to be clearly called out.

Parks and Recreation – Connie Perry

- 1) **Pueblo Avenue:** Public Street trees – the existing street tree roughly mid-way along the Pueblo Ave. frontage is in poor condition and should be removed and replaced with a new Deciduous Shade Trees from the Forestry Suitable Street Tree list. A licensed tree service should be used.
- 2) **Weber Avenue:** Please show the existing trees and type. Identify the existing ground plane treatment (turf or rock mulch, step out paving treatments, etc). If you wish to change the right of way ground treatment, please include this in the proposed plan.

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 Number DRB CU 14-00008

Enclosure:
Letter from Downtown Partnership

NEW BUSINESS CALENDAR

DOWNTOWN REVIEW BOARD AGENDA

ITEM NO: 5

STAFF: RYAN TEFERTILLER

FILE NO:
DRB NV 14-00003 – QUASI-JUDICIAL

PROJECT: RANCH FOODS DIRECT

APPLICANT: BOBBY HILL

OWNER: TJ & TC, LLC



PROJECT SUMMARY:

1. **Project Description:** This proposal is to convert an existing industrial warehouse structure to a multi-use meat processing, retail, restaurant, office, and educational building. The roughly 20,000 square foot building was previously used as a paper warehouse and distribution center for the local newspaper The Gazette. The current owners are in the process of selling the property and its improvements to Mike Callicrate, owner of Ranch Foods Direct. Ranch Foods Direct is one of the area's premier retailers and distributors of natural meat products, and has recently been working to relocate downtown from their current location off E. Fillmore St. While the existing property has many positive attributes, the building covers nearly 100% of the site leaving little room for customer or employee parking. To address the parking deficiency while also cleaning up a blighted and underutilized section of public right-of-way, the applicant is requesting a revocable permit to build a private parking lot within the E. Moreno Ave. right-of-way just southwest of the subject property. Although the proposed private parking lot will help address the new parking demand in the area, it doesn't alleviate the need for a parking warrant to allow fewer than necessary on-site parking stalls. The site and the adjacent right-of-way are zoned FBZ-T2B (Form-Based Zone – Transition Sector 2B) and is located on the west side of S. Wahsatch Ave. between E. Cimarron St. and E. Rio Grande 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:** 522 S. Wahsatch Ave.
2. **Existing Zoning/Land Use:** FBZ-T2B (Form-Based Zone – Transition Sector 2B) / The site is developed with an existing 20,710 square foot industrial building. **(FIGURE 2)**
3. **Surrounding Zoning/Land Use:**
North: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / Industrial, Commercial, and Civic uses
South: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / Industrial, Commercial, Vacant and Residential uses
East: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / Commercial and Office uses
West: FBZ-T2B (Form-Based Zone – Transition Sector 2B) / Commercial, Office and Civic 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 developed with an existing industrial building; a rail spur spans the southern edge of the property.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Thirty-one 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. Additionally, two posters were displayed on site from January 13th to January 23rd 2014. Staff received a number of phone calls and multiple emails regarding the proposal **(FIGURE 3)**. Formal comments from adjacent property owners, business owners, and other stakeholder groups offered support and opposition to the request. Supporters expressed appreciation for the proposed parking lot, the proposed building improvements, and the likely increase in activity in the area. Conversely, those opposed to the project expressed concern with the loss of their private use of the Moreno Ave. right-of-way, and fear that even with the proposed parking lot the site wouldn't be able to meet the likely parking demand **(FIGURE 3)**. Planning staff organized a meeting between the applicant and those stakeholders who provided comments; that meeting is to be held Thursday, March 27, 2014 – after the publication of

this report, but prior to the April 2, 2014 public hearing. 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 roughly 20,000 square foot building that occupies the subject property has been vacant for the last few years. The current owners are under contract to sell the property to Mike Callicrate of Ranch Foods Direct. Mr. Callicrate's intent is to make significant upgrades to the building to allow it to be used for his existing meat processing, distribution, and retail business while also adding significant elements to his operation including a restaurant, office space, and an education-based training area. **(FIGURE 4)** However, contingent on these plans is the ability to utilize the adjacent blighted and underutilized public right-of-way as a private parking lot for Ranch Foods Direct customers.

The subject property is located near the southeastern edge of the Downtown Form-Based Zone. The surrounding land uses range from professional offices and civic uses (including the U.S. Forest Service district offices just southwest of the property) to auto-repair, warehousing, and outdoor storage uses. This range of uses is reflected in the Form-Based Zone's Transition Sector 2B designation which permits industrial uses that are largely prohibited throughout the rest of Downtown. While blighted properties do exist in the area, there is also an upward trend with a number of recent investments in the area including multiple residential and multiple entertainment projects within 2 blocks of the subject property. Many downtown advocates and property owners believe that Ranch Foods Direct will bolster this positive trend by increasing vibrancy and activity in the southeastern portion of Downtown Colorado Springs.

The private parking lot illustrated on the applicant's plans is proposed to utilize what is technically part of the E. Moreno Ave. right-of-way. Originally platted as part of the Town of Colorado Springs plat in 1871, the segment of roadway east of S. Weber St. hasn't been used for vehicular uses for over 50 years. In fact, the eastern leg of what was once E. Moreno Ave. was vacated sometime in the 1950's or 1960's. Another portion of the E. Moreno Ave. right-of-way located immediately north of the proposed parking lot was vacated sometime prior to 1964. The portion of E. Moreno Ave. right-of-way in question measures roughly 90 feet wide by 190 feet deep; the majority of which is neglected containing abandoned rail lines, weed trees and trash. The northern-most portion of this area is utilized by the two existing business just north of the right-of-way: a printing company and an auto-repair business. While no formal permits exist for their private use of the public right-of-way, improvements have been made to allow customer parking, deliveries, and vehicle storage to occur as if the area was privately owned.

The proposed parking lot improvements are to be paid for and maintained by Ranch Foods Direct. These obligations are described generally as notes on the proposed plan but are more specifically discussed in a draft maintenance agreement between the City and Mr. Callicrate. While not yet finalized, the draft maintenance agreement indicates that Ranch Foods Direct is responsible for the regular maintenance of the parking lot, landscaping, signage, sculpture, drainage and any other private improvements within the right-of-way. Should the City need to access subsurface utilities or damage the private improvements for any reason, the City's repairs will be made at the level of basic City standards. In other words, stamped concrete would be repaired with standard asphalt overlays used in any other public alley. While the City supports the proposed improvement of this neglected right-of-way it must also be clear that public funds are not used for the upkeep of the private lot. The applicant and permit holder may choose to coordinate with the City to bring the necessary improvements up to their preferred level.

As previously stated, there are many supporters of the proposed improvements. The belief is widely held that Ranch Foods Direct's presence in this area will increase vibrancy, activity, and ultimately property values. However, the two businesses just west of the subject property, as well as others, have expressed concern that the proposed business and parking improvements will negatively impact their properties. For example, the printing business directly north of the proposed parking lot uses the E. Moreno Ave. right-of-way for truck deliveries to their south-facing overhead door. While the proposed parking lot design allows for continued use of the overhead door, the dimensions of the lot and the likely presence of parked vehicles may hamper the ability to easily load and unload into the building. Although the

applicant, the property owner, and Mr. Callicrate have suggested that the adjacent businesses contribute financially to the proposed parking lot construction and maintenance in exchange for designated parking stalls or improved loading capabilities, no agreements have been reached. An additional meeting with the adjacent property owners has been coordinated for the days prior to the public hearing at the Downtown Review Board.

Another stakeholder, the owner of the auto repair business just north of the proposed parking lot, has also expressed concern that the proposed project will impact his operation. Currently, the Moreno Ave. right-of-way is used by the business to stage vehicles and provide employee parking, however, the approval of the proposed plan and granting of the proposed revocable permit would allow the area in question to be used exclusively by the permit holder – Ranch Foods Direct. However, it should be noted that on-street parking along S. Weber as well as a small outdoor parking area along the north/south public alley will still be available to serve the auto repair business.

Beyond the issue of the private use of the E. Moreno Ave. right-of-way is the question of will the mix of proposed uses overburden the existing and proposed parking supply in the area? While the proposed Moreno Ave. parking lot will provide 34 parking stalls, and three additional stalls are proposed along the S. Wahsatch Ave. side of the subject property, the mix of uses shown on the plan and contemplated for future development demand a total of 61 private parking stalls. While much of the Downtown Form-Based Zone is exempt from parking standards the subject property, and similar areas around the edges of the Form-Based Zone, must meet specific parking ratios that are based on the existing or proposed use of a property. The existing building was used as a warehouse since its construction in 1980 and to staff's knowledge parking was never a concern even though the property has near 100% lot coverage and no legal on-site parking stalls exist. Given the lot coverage issue, any change of use to a use which has a parking ratio higher than 1 stall per 1,000 square feet of space would require relief to be granted by the Downtown Review Board.

The existing warehouse functions as a one story warehouse building. However, the proposed plan as included in the meeting agenda illustrates the construction of a second floor to make better use of the extremely high warehouse ceiling. A mix of uses for the first floor include: warehouse / meat processing (15,200 s.f.), office (2,826 s.f.), retail (2,187 s.f.), and restaurant (324 s.f.) which together require 26 parking stalls after accounting for a minor parking reduction allowed for having both office and retail uses in the same building (Section 2.6.1 of the Regulating Plan). While the plans included in the Board's agenda do not call out specific uses for the second floor of the building, discussions with the applicant indicate that an additional 35 stalls might be required to accommodate the future restaurant, educational and other uses that could be realized on the second floor. The applicant was advised by staff to illustrate the use of the building's floor space as a "worst case" scenario to avoid the need to come back before the Downtown Review Board should they want to exchange an area planned for a low parking demand use like warehouse to a high parking demand use like restaurant. As such, it is unlikely that that mix of uses necessitating 61 parking stalls will likely be fully realized.

Another consideration regarding the proposed parking warrant is the fact that Ranch Foods Direct is currently negotiating with surrounding property owners for additional parking opportunities. The Elk's Lodge just north and the Habitat for Humanity ReStore to the northeast are both options to provide off-site parking for Ranch Foods Direct's employees, freeing up stalls in the Moreno right-of-way for customers. While these agreements are not yet finalized, they are typical of many urban uses that are unable to provide the necessary on-site parking stalls.

Any project that requires relief from a form-based 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?

The first criterion – consistency with the intent of the Form-Based Code – is clearly met. The code specifically strives to: remove barriers to revitalize Downtown Colorado Springs; promote a mixture of uses including retail, office, residential, institutional, and others; and to accommodate the changing uses of buildings while maintaining the integrity and viability of the public realm, with an emphasis on intermodal transportation options and pedestrian linkages and orientation. The proposed project transforms an underutilized and even blighted portion of Downtown into an active and vibrant mixed-use center.

The second criterion – consistency with the Code's Design Guidelines – is also met. Although building elevations aren't included in the plan set, the exterior of the building is targeted for significant upgrades from its existing condition. Conceptual renderings provided to staff illustrate a new building entry on the southwestern corner of the site, new glazing along the western building façade, new paint – including a mural, and other building improvements. The proposed parking improvements within the Moreno Ave. right-of-way are also consistent with the parking lot design guidelines included in the code.

While the third criterion – exceptional civic or environmental design – could be debated, Mr. Callicrate would likely argue that the nature of his business does indeed have exceptional civic and environmental qualities. According to the Ranch Foods Direct website, the company's products are produced in the immediate area and all suppliers utilize sustainable and humane ranching practices.

The fourth criterion – consistency with the Imagine Downtown Master Plan – is also met. The proposed project will create jobs downtown addressing the plan's "economic strength and vitality" goal. Additionally, there are numerous objectives and strategies within the South Wahsatch district portion of the plan that support the project. Specifically, the plan includes the objective to "promote South Wahsatch as a secondary employment center," and to "improve the public environment." One specific strategy that supports the proposal reads "strengthen the South Wahsatch District as an area for affordable office and commercial space near the core. Encourage businesses, non-profit organizations, and offices that need to be close to downtown to occupy the vacant buildings and build on vacant land."

The last criterion – consistency with the City's comprehensive plan – is also met. The comprehensive plan includes numerous goals, objectives, and strategies that support the project. The following strategies and policies are just a few that support the project:

Strategy LU 203b: Concentrate and Mix Uses

Concentrate and mix activities and uses in and around defined centers in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation.

Policy LU 302: Encourage Development of Mixed-use Activity Centers

Encourage the development of activity centers designed to include a mix of uses that compliment and support each other, such as commercial, employment-related, institutional, civic, and residential. A walkable, pedestrian friendly environment will tie the mix of uses in activity centers together. Activity centers will vary in size, intensity, scale, and types of uses depending on their function, location, and surroundings. Activity centers will be designed so they are compatible with, accessible from, and serve as a benefit to the surrounding neighborhood or business area.

Strategy LU 302e: Incorporate Mixed-use Activity Center Principles into the Design of New and Redeveloping Employment and Commercial Centers

Design and develop commercial and employment centers as activity centers that include a range of integrated uses, such as retail, concentrated office, research and development, institutional, entertainment, and civic activities.

Strategy LU 701f: Encourage New Commercial Development in New and Developing Corridors to Form Activity Centers

Encourage new commercial development in new and developing corridors to take place in activity centers that incorporate a mix of uses and avoid large, single-use buildings and dominating parking areas.

Policy LU 702: Design Commercial Redevelopment and Infill Projects as Activity Centers

Design all commercial redevelopment and infill projects as activity centers that incorporate a mix of uses, pedestrian orientation, and transit service wherever possible.

Strategy LU 801f: Plan and Locate Mixed Uses to Serve Industrial Areas

Plan and locate complimentary mixed-use centers to serve the needs of employees in industrial areas, including commercial, service, and restaurant uses.

As described above, the project as submitted does not meet the required parking standard, but 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 NV 14-00003 – RANCH FOODS DIRECT

Approve 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:

17. Finalize the revocable permit and maintenance agreement with full acceptance from all necessary City agencies including Colorado Springs Utilities.
18. 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.
19. Update the floor plan and parking table to accurately reflect the short and long term mix of uses and parking requirements.
20. 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.
21. Modify the plan to illustrate improvements along the S. Weber and S. Wahsatch right-of-way to meet the requirements of City Engineering.



December 30, 2013

To Whom It May Concern:

Project Statement / 522 South Wahsatch Avenue, Colorado Springs, CO 80903

The project consist of remodeling the existing warehouse at 522 S. Wahsatch Ave. Ranch Foods Direct will be purchasing the property and remodeling the warehouse to house their processing plant with a retail center, new entrance to the building, general offices, public meeting space and a culinary school. They will be adding two new dock doors on the south side of the property and a full second story to the building to house general office, public meeting space and dry storage and freezer.

Ranch Foods Direct will be submitting for a revocable permit to add the parking to the east of the site as shown on the site plan.

Sincerely,

A handwritten signature in black ink that reads "Bobby Hill". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

Bobby Hill, IIDA



January 16, 2013

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 Bobby Hill Design's request, on behalf of the Mike Callicrate, for the property located at 522 S. Wahsatch. The request is for relief from the on-site parking requirement and issuance of a revocable permit to construct and utilize 38 parking spaces to be located in the adjacent public right of way, as well as a waiver of replat.

The existing site and building constraints do not allow for the addition of parking without significant changes to the design, which do not adhere to the business needs. Investment in the adjacent right of way is much needed, and will provide a visually attractive public space as well as a new entrance for the retail.

We fully support the request for a variance from the required parking as well as the request for revocable permit. Further, we support the request for a waiver of replat.

Ranch Foods Direct will provide a much needed food source to Downtown, and due to its brand recognition and commitment to the community, is a welcome asset to Downtown.

Sincerely,

Sarah Harris
Development Manager

Tefertiller, Ryan

From: Richard Logue <richardllogue@comcast.net>
Sent: Tuesday, January 21, 2014 1:44 PM
To: Tefertiller, Ryan
Cc: fnjeep@comcast.net
Subject: File no. DRB NV 14-00003

Dear Mr. Tefertiller,

First thank you for meeting with me and Tomas Hackle. Thank you also for the wonderful presentation on the above project. As I said this morning, I am for this project but I have some concerns. First I will look to see how the storm drainage is handled with regard to this proposal. Secondly I am concerned with the new grade in the alley. I think a new retaining wall on the east side of the alley should be included as part of this project. Please keep me informed on this project. My E-mail address is richardllogue@comcast.net and my phone # is 719-648-9055. Thanks again for keeping us informed.

Wahsatch Properties

Richard Logue

Sent from my iPad

Tefertiller, Ryan

From: Hovermale, Jeff -FS <jhovermale@fs.fed.us>
Sent: Wednesday, January 22, 2014 8:43 AM
To: Tefertiller, Ryan
Cc: Hahn, Allan D -FS; Stevenson, Ralph G -FS
Subject: RE: DRB NV 14-00003 - U.S. Forest Service Comments

Mr. Tefertiller,

Representing employees of the U.S. Forest Service Pikes Peak Ranger District Office we appreciate the opportunity to review and submit comment on the parking features proposed on the public right-of-way (old railroad r-o-w)

The Forest Service office located at 601 S. Weber Street adjoins the public r-o-w to the south. Aside from parking features to support Ranch Foods Direct property located at 522 S. Wahsatch Avenue, the conversion of the abandoned railroad including neglect issues would be a managed enhancement to the area. As illustrated in the conceptual drawing and proposed site plan, the project would not adversely effect the Forest Service office or operations.

General Comments for consideration:

1. Construct sidewalk / parking area entrance apron for pedestrian connectively where none currently exists.
2. 20' Public Alley. Unclear from drawing if alley way will be reconstructed for motor vehicle use where currently a grade break and restrictor sign is present.
3. Require submittal of drainage plan to appropriately manage storm water flows for alley way and surface parking and roof top of exiting building.
4. Request submittal of landscape plan. Consider landscape or screening element at southern edge of parking area to northern edge of the Forest Service office.
5. Forest Service office landscape to the north of the office does encroach into the public r-o-w. This includes a few shade trees, turf and buried sprinkler system. Desire to coordinate with Ranch Foods Direct and or contract representatives prior to ground disturbance. This would include understanding limits of disturbance and Forest Service actions to remove/plug portion of the sprinkler system that maybe within the construction limits.

District Ranger Allan Hahn and or myself are available as points or contact.
Respectfully,

Jeffrey B. Hovermale
Lands, Minerals and Special Uses
U.S. Forest Service, Pikes Peak Ranger District
601 S. Weber St., Colorado Springs, CO 80903
(719) 477-4201, Fax (719) 477-4233

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Tefertiller, Ryan

From: Dick and Joanne <riccra@q.com>
Sent: Wednesday, January 22, 2014 10:37 AM
To: Tefertiller, Ryan
Subject: Re Bobby Hill Designs ---

Follow Up Flag: Follow up
Flag Status: Completed

January 22nd 2014

Ryan Tefertiller AICP,

I am writing you this message as a follow up to our telephone conversation on Tuesday concerning my objection to the proposed project as mentioned in your green post card # DRB NV 14-00003.

I do not object to the clean up of the area as I mentioned but do object to the fact that it would become a private parking area and not a public one.

However, my main objection is that I feel that the project would bring too many cars needing parking into the area because of the scope and size of the project.
(both customers and employees) Also, access to the back of our building would be much less convenient.

I know that it would be a parking problem for our tenant as it has been at times in the past when the Salvation Army was running a very small retail thrift store.
Plus our tenant has in the past occasionally used this area for temporary parking for customers.

Thank you for considering our objections.

Richard B. Cranford and Joanne E. Cranford
2412 Marlborough Road
Colorado Springs, CO 80909
1 719 634-8117 cell: 1 719 338-6648

Owners of
525 South Weber
Colorado Springs

I have occupied this building from when it was built in 1968 by Mr. Reinfert. I then bought the property in 1973. My tenant has been a renter of the building for 21 years now and has expressed his objections to the change. We have had convenient access along the side of 531 South Weber to the back of our building for 45 straight years.

Richard B. Cranford

Tefertiller, Ryan

From: Thomas H <fnjeep@comcast.net>
Sent: Wednesday, January 22, 2014 2:42 PM
To: Tefertiller, Ryan
Subject: File No. DRB NV 14-00003

Follow Up Flag: Follow up
Flag Status: Completed

Hello Mr. Tefertiller,

This is Thomas Hackle. Thank you for meeting Dick Logue and I. Although we invite the change to the community and look forward to it. We are very interested in the drainage and retention wall situation that needs to be addressed for the Moreno easement property. We both are interested in any new developments and again look forward to the improvement to the downtown area. Please let us know if we can assist you in any way as well. You may reach me at 719-650-2349 or Email FNJeep@comcast.net.

Thank you for your time,
Thomas Hackle
Fn Jeep L.L.C.
Wahsatch Properties

Tefertiller, Ryan

From: john regan <mastercraftpress@earthlink.net>
Sent: Thursday, January 23, 2014 4:05 PM
To: Tefertiller, Ryan
Subject: DRB NV 14-00003 Comments

Follow Up Flag: Follow up
Flag Status: Completed

Ryan: Thank you for the opportunity to submit these comments.

To continue to be able to function as a viable business it is imperative that access directly south of building at 531 So. Weber be maintained as it has been for the past 30+ years. It is necessary to allow the 40' semi trailers the ability to back up from Weber St. to our overhead door on the south side of building, drop their lift gate and load/unload the pallets of paper at the door. We also use this door on a regular basis to load our own vehicles for customer deliveries. I have been advised that "easement by prescription" protects the continued use, as this is how we have been utilizing this area for over 30 years. While I can appreciate the desire for the city to provide parking stalls, I believe that the City Planning and Development can revise the applicants plan layout to have the parking stalls farther away from our building and allow the main access from Weber St. to the alley to be directly south of the building.

The present design by Bobby Hills Designs also impedes on our property lines according to a survey that was done for us by All Terrain Surveys.

Also of concern is the lack of "good faith" exhibited by the applicants. You mentioned to me on the phone that you stressed to the individuals involved the need to communicate with the adjoining or affected property owners. I have never been contacted by anyone with Mike Callicrate or Bobby Hill Designs. In the past 1-2 year period, I have had 2 discussions with Gary Feffer. He seemed to be very indifferent to any concerns, other than his own. On the second meeting, when he presented his 3 layouts for a parking lot done by Yergensen, Obering & Whittaker I informed him that none of them allowed the paper delivery trucks and Recycling trucks access to our building. He said he would get back with his planner and make adjustments and present a new layout. I never heard from Mr. Feffer again, so i assumed the project was "dead" and no longer on the drawing board.

In summation, We are vehemently opposed to the plans as presently proposed, as they do not allow us to continue to operate in a business like manner.

Thanking you in advance for your consideration of our concerns in this matter and I look forward to hearing back from you. John Regan

Tefertiller, Ryan

From: Dianna Harris <dianna_harris@yahoo.com>
Sent: Thursday, January 23, 2014 4:31 PM
To: Tefertiller, Ryan
Subject: DRB NV 1400003/ 522 S. Wahsatch Ave variance request

Dear Ryan

I own Harris Property Ent. which owns the property at 532 S. Weber and am the registered agent and one of 3 owners that owns the property at 222 E. Moreno, R.F.D. #1 LLC owns this property. Both of these properties will be negatively impacted by the request for a variance in the parking. We already have a struggle with the police department and their employees parking in front of our building all day thus blocking my client parking. I believe he needs to put the 38 stalls on his own property, not on the street. It is particularly concerning that what the plan would usually call for is 53 stalls and they provide none?

I very much object to this variance as it will negatively impact my use of my property and that of my clients access to my services.

Thank you for your consideration.

Dianna L. Harris, Esq.
Law Office of Dianna L. Harris P.C.
532 S. Weber St.
Colorado Springs, CO 80903 635-5991

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CITY COMMENTS NOTES:

1. THE FLOOR PLAN IS SUBJECT TO CHANGE AS LONG AS THE OVERALL PARKING WARRANT IS NOT AFFECTED.
2. THE PARKING WARRANT IS TO BE APPROVED BY THE DOWNTOWN REVIEW BOARD.
3. THE PARKING STALLS ARE AVAILABLE TO RANCH FOOD DIRECT ONLY.
4. THE DECORATIVE CONCRETE IN THE ALLEY WILL BE REPLACED WITH ASPHALT WHEN REPAIRS, MAINTENANCE OR IMPROVEMENTS BY THE CITY OR CSU ARE REQUIRED IN THE ALLEY.

LOT AND BUILDING INFORMATION:

LOTS:	23,276 S.F.
SIZE:	20,585 S.F.
BUILDING S.F.:	90%
LOT COVERAGE:	

PARKING CALCULATION:

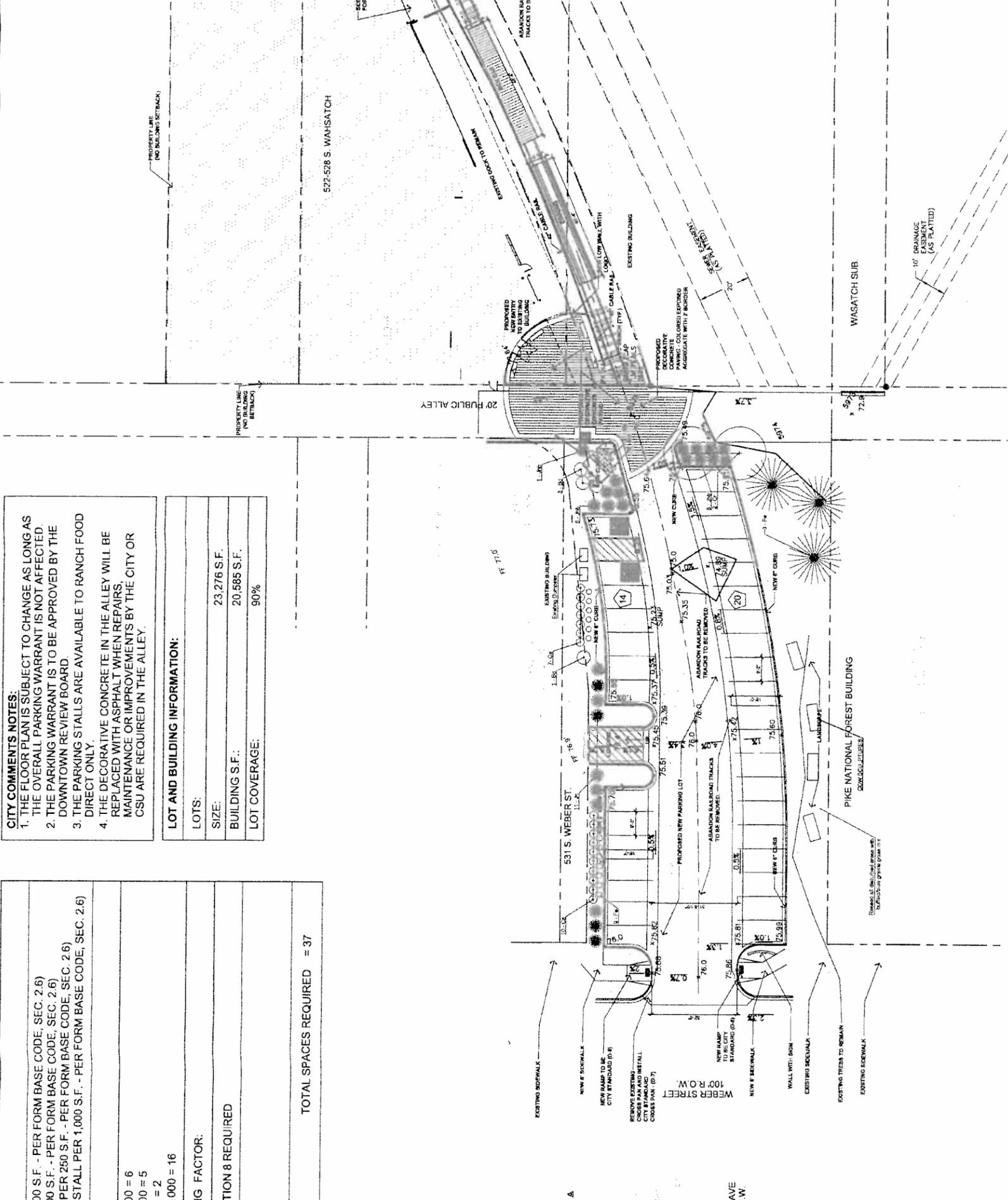
COMMERCIAL USE OFFICE (1 STALL PER 500 S.F. - PER FORM BASE CODE, SEC. 2.6)	2,826 S.F. ÷ 500 = 6
COMMERCIAL USE RETAIL (1 STALL PER 500 S.F. - PER FORM BASE CODE, SEC. 2.6)	2,187 S.F. ÷ 500 = 5
COMMERCIAL USE RESTAURANT (1 STALL PER 250 S.F. - PER FORM BASE CODE, SEC. 2.6)	324 S.F. ÷ 250 = 2
INDUSTRIAL WAREHOUSE/ WHOLESALE (1 STALL PER 1,000 S.F. - PER FORM BASE CODE, SEC. 2.6)	15,200 S.F. ÷ 1,000 = 16

BUILDING INFORMATION:

OFFICE	2,826 S.F. ÷ 500 = 6
RETAIL	2,187 S.F. ÷ 500 = 5
RESTAURANT	324 S.F. ÷ 250 = 2
WAREHOUSE/ WHOLESALE	15,200 S.F. ÷ 1,000 = 16

PER FORM BASE CODE (SEC. 2.6.1) PARKING FACTOR:

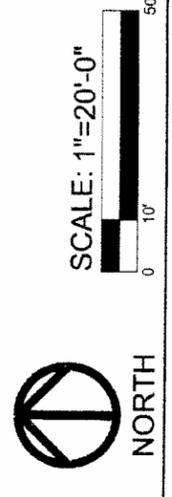
OFFICE AND RETAIL (11) X 75% = COMBINATION 8 REQUIRED	
OFFICE + RETAIL	= 8 SPACES
RESTAURANT	= 2 SPACES
WAREHOUSE/ WHOLESALE	= 16 SPACES
TOTAL SPACES REQUIRED	= 26
TOTAL SPACES REQUIRED	= 37



LEGAL DESCRIPTION:
 S 90.0 FT OF LOT 6 BLK 144 SEC 18-14-68 TOG W/
 A TRACT OF LAND DESC AS FOLS: BEG AT NE COR OF LOT 5,
 TH S 08°-E ALG ELY LN OF SD LOT 5 23.80 FT TO A PT
 THAT IS 10.0 FT NWLY OF CN OF RR TRACT, TH SWLY ALG
 ARC OF CUR TO R A CIA OF 13°-48'02" WHICH CENTER BEARS
 N 31°-29'56" W AN ARC DIST OF 210.02 FT TO NW COR OF LOT 5,
 VAC MORENO AVE, N 00°-W 111.01 FT TO NW COR OF LOT 5,
 N 90°-E 190.50 FT TO POB BLK 144 COLO SPCS TOG W/
 A TR OF LAND DESC AS FOLS: THAT PORT OF RR RW DESC AS
 FOLS: COM AT NE COR OF SD LOT 5, TH
 S 00°-00'00" W 23.80 FT FOR POB, TH ALG ARC OF CUR R
 WITH A RAD OF 871.95 FT A CIA OF 13°-48'02" WHOSE
 CENTER BEARS N 31°-29'56" W FOR A DIST OF 210.02 FT,
 S 00°-00'00" W 20.97 FT TO PT OF CUR, TH ALG ARC OF CUR
 L WITH A RAD OF 891.95 FT A CIA OF 13°-29'34" WHOSE
 CENTER BEARS N 17°-17'20" W FOR A DIST OF 209.01 FT, TH
 N 00°-00'00" E 23.38 FT TO POB

OTHER PROPERTY INFORMATION:
 SCHEDULE NO: 6418415054
 OWNER NAME: GARY FEFFER (EXISTING OWNER)
 LOCATION: 105 E. MORENO, SUITE : 200,
 COLORADO SPRINGS, CO 80903

FORM-BASED
 PARKING WARRANT: DBR NV 14-00003
 WAIVER OF REPLAT: AR WR 14-00009



PROPOSED SITE PLAN FOR MIXED USE

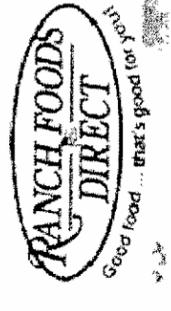
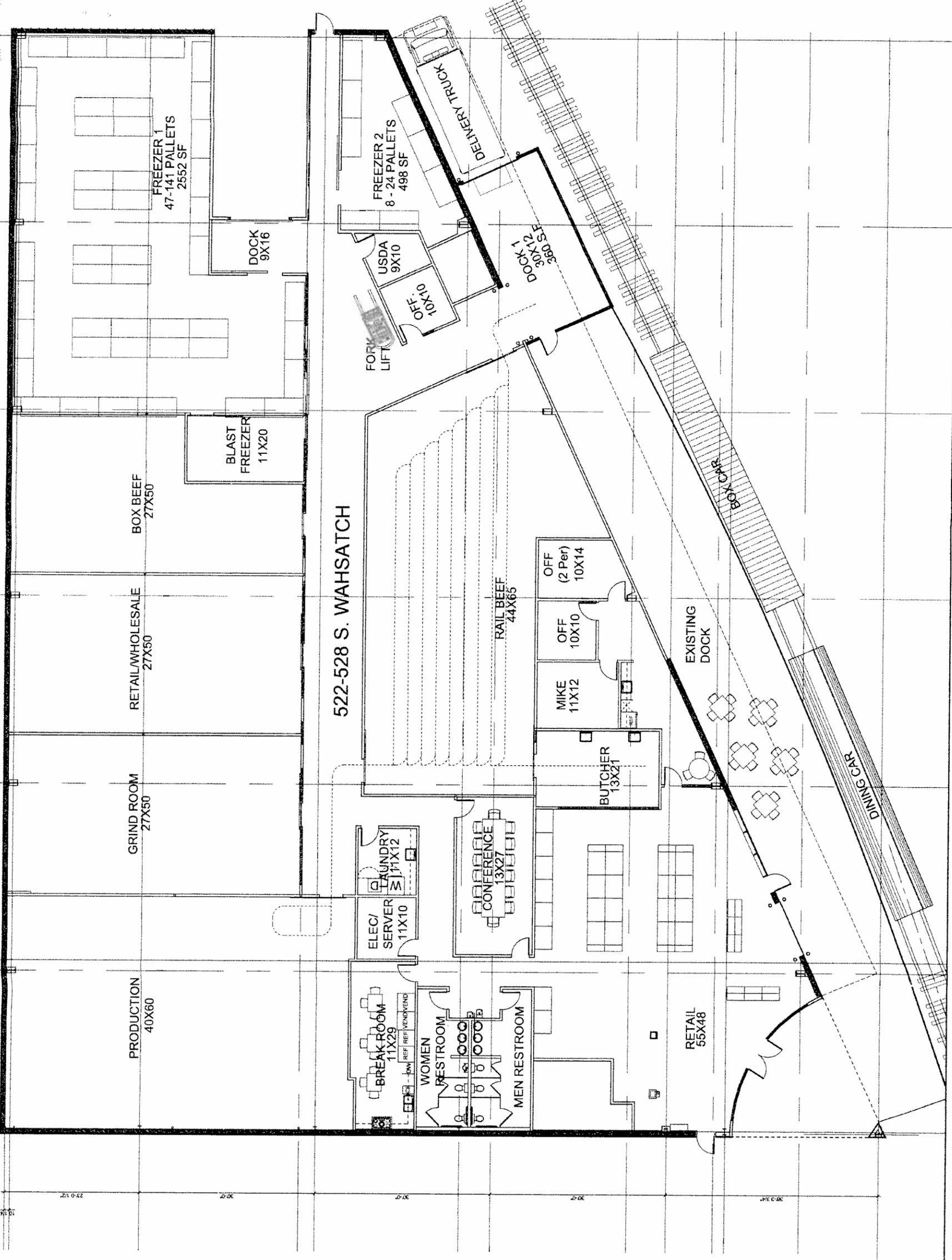
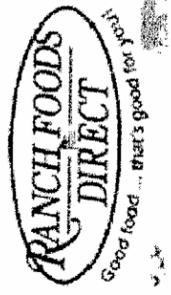


FIGURE 4

PARKING

NOTE:
 DOCK 1, IS 360S.F. AND WILL
 BE CONSTRUCTED TO
 MATCH EXISTING BUILDING.

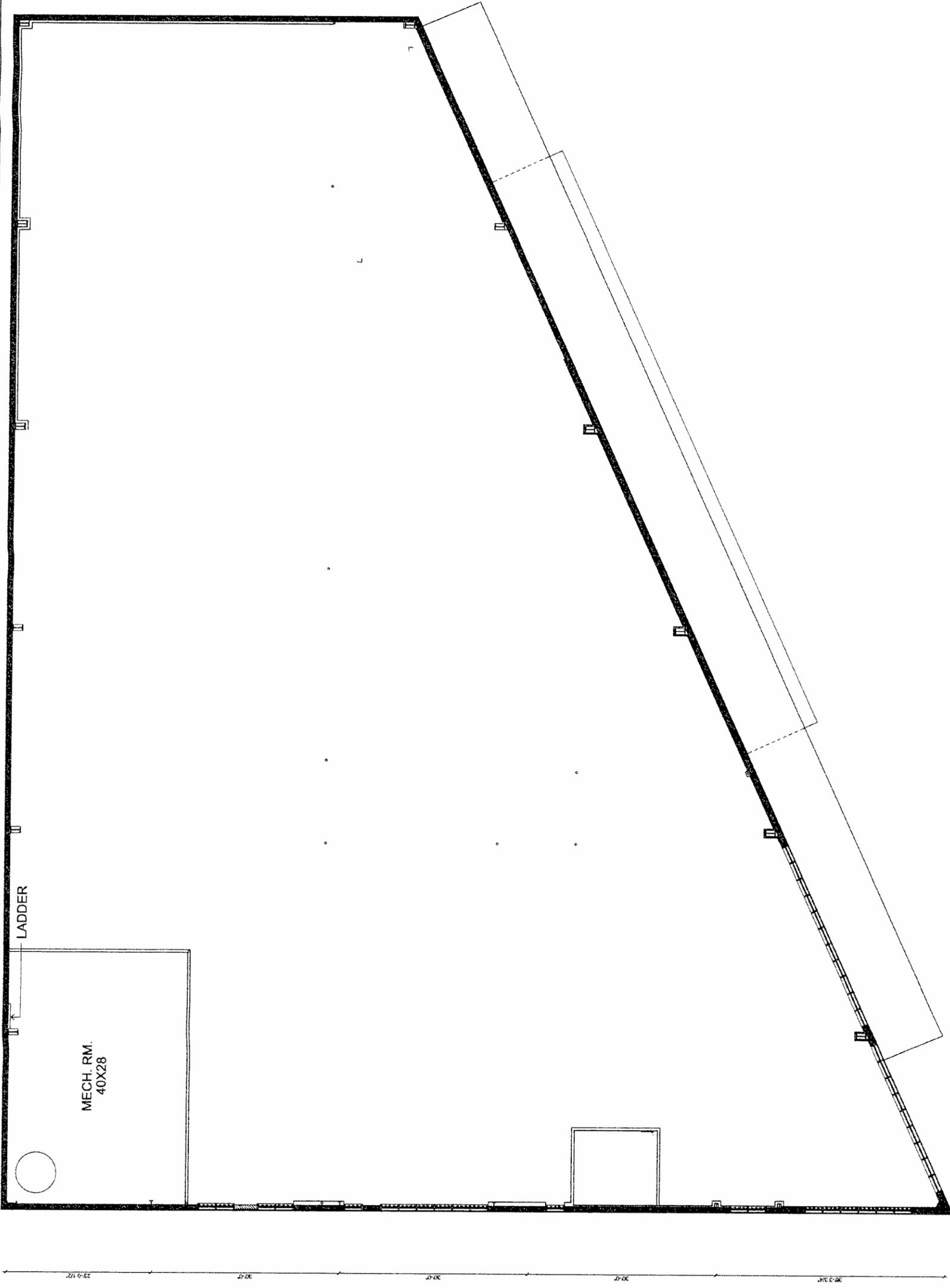
FORM-BASED PARKING WARRANT: DBR NV 14-00003
 WAIVER OF REPLAT. AR WR 14-00008



PROPOSED 1ST FLOOR PLAN FOR MIXED USE

SCALE: 1/8"=1'-0"

FORM-BASED PARKING WARRANT: DBR NV 14-00003
WAIVER OF REPLAT: AR WR 14-00009



PROPOSED 2ND FLOOR PLAN MIXED USE

SCALE: 1/8"=1'-0"

