

Brandice Eslinger
Chair

Mike Castellucci
Vice Chair

Bob Schilling
City Council Representative



Planning & Zoning Commission

Patrick Avalos

Elizabeth Bailey

Yvonne Lujan-Slak

Alex San Filippo-Rosser

Z-19-03

TO: City of Pueblo, Planning and Zoning Commission
FROM: Beritt Odom, Sr. Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: July 10, 2019
SUBJECT: **Rezone to Commercial Charter Neighborhood (CCN)**
APPLICANT: **Steve G. Abeyta, Abeyta Investments, Inc.**
PROPERTY OWNER: Abeyta Investments, Inc.
LOCATION: **1201 E. 7th Street**
EXISTING ZONE: R-2, Single Family Residential
PROPOSED ZONE: CCN, Commercial Charter Neighborhood District
CONCURRENT REQUESTS: None

REQUEST:

Applicant is requesting to rezone a five-lot parcel of land from R-2 to CCN, Commercial Charter Neighborhood District to facilitate religious institution, banquet hall, and office uses.

BACKGROUND AND ANALYSIS:

The church located at 1201 E. 7th Street was originally constructed in 1902 as the Bethel Methodist Church and was the first Methodist Church located east of the Fountain Creek. The Bethel Methodist Church congregation grew steadily over the years and in 1920 the current structure was completed and dedicated, replacing the original church. The Bethel Methodist Church served as an important east side neighborhood civic center during the Great Depression and World War II. During the 1940's the church served as the Park Hill Jr. High School Library during reconstruction of the school. In 1950 Fountain Elementary School moved its Kindergarten class to the church for a few years. By 1950, Bethel Methodist Church had a congregation of 925 members and founded its own credit union. An education/office annex addition was constructed along the eastern portion of the church in 1962. As a result of a dwindling congregation, Bethel Methodist Church merged with the First United Methodist church and the building was leased to Solid Rock Ministries until it was sold to HCP Properties in 2011. The building has remained predominantly vacant since 2012.

Abeyta Investments purchased the property in 2018 and proposes to reinstitute the religious institution use and introduce banquet hall and office uses. The banquet hall and church use require a Special Use Permit in the CCN Zone District. Mr. Abeyta received approval of a Special Use Permit for the banquet hall and religious institution uses from the Zoning Board of Appeals on June 25, 2019. The Special Use Permit is contingent upon the approval of the CCN rezoning request.

STAFF REVIEW AND FINDINGS:

The purpose of the CCN Zone District is to retain and conserve suitable areas for commercial, office and mixed-use development that primarily serve the residents of the surrounding charter neighborhood. The church, banquet hall, and office uses meet the intent of the CCN by providing a mixture of uses on one development site within the primarily residential neighborhood. The church, banquet hall, and offices have the ability to serve multiple residents within walking distance. The proposed mixed-use follows the historical development pattern of the neighborhood by combining a religious institutional use with that of a gathering space. A tentative site plan for development indicates that the historical church structure will remain and provide space for the religious use and banquet hall. The annex addition, constructed in the 1960's, will house office uses. The applicant has landscaped the site in accordance with the landscape plan provided to the Planning Office. Mr. Abeyta has also constructed a 6-foot opaque cedar buffer fence along the eastern property line between the church property and residential property. Landscaping per the municipal code is not required until a new structure or an addition, of 30-percent or more of the existing structure, is proposed. If an addition or new structure is proposed staff will review the development plans to ensure that the CCN Performance Standards are met.

PLANNING AND COMMUNITY DEVELOPMENT COMMENTS

CHARACTER AND COMPATIBILITY:

□ **Site Character:**

The area proposed to be rezoned was originally constructed as a church in 1916-1920 and in 1962 a three (3) story office building was added onto the church. Along both streets, several large Ash, Elm and Sycamore trees exist, and the landscape plan submitted, utilizes the trees as part of the landscape setback requirements. The rear of the property contains a parking lot, with nine parking spaces, that has been resurfaced and striped.

□ **Neighborhood Compatibility:**

North	R-2, Single-Family Residential, single family residential structures
East	R-2, Single-Family Residential, single family residential structures
South	R-2, Single Family Residential, single family residential structures
West	R-2, Single-Family Residential, Church parking lot

□ **Comprehensive Plan Compliance:**

The Pueblo Comprehensive Plan designation of Urban Residential consists of neighborhoods that are generally located on a grid roadway network that interconnects a large portion of the urban area. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance.

The proposed rezoning is compatible with the Comprehensive Plan designation of "Urban Residential."

ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:

□ **Minimum lot size and area:**

- The CCN Zone District requires a minimum of 2,500 square foot lot area, with a minimum 25-foot-wide street frontage.

- The 15,000 square foot parcel is of adequate size and dimension to comply with the minimum lot area requirement and frontage.
- **Lot coverage:**
 - The CCN Zone District allows a maximum lot coverage of 100% and a floor area ratio of 2.0.
 - The existing structure covers 46.5% of the lot with a floor area ratio of 1.19.
- **Zone District performance standards:**

The CCN Performance Standards provide the requirements relating to minimizing the impact of the development on the surrounding neighborhood and are described in detail below:

 1. **Building Mass:**
 - The proposed plans for the rezoning comply with the performance standards set forth in Section 17-4-51, (9.3), c., with the exception of the window requirement. The CCN District requires facades adjacent to a street have 30-percent of the street-level façade devoted to windows. The applicant requests a waiver from this requirement due to the historic nature of the structure. Staff supports the request as alterations to the windows would compromise the historic integrity of the structure.
 2. **Parking Standards.**
 - Section 17-4-43, (a), requires a site to comply with off-street parking requirements once an addition of 1,000 square feet of gross floor area, not to exceed 100-percent of the existing structure is proposed and constructed. The applicant is not proposing an addition to the structure at this time.
 - Parking will be reviewed at the time of building permit request.
 3. **Landscape Standards.**
 - In the CCN Zone District parking areas shall be located in the rear half of the parcel, the existing parking lot is located behind the building and adjacent to the alley.
 - Parking lot landscaping is required in the CCN, however, according to the landscape code, Section 17-4-7, (b), (2), g., 1., the Land Use Administrator has the ability omit the parking lot landscaping if he or she determines that in doing so, a significant visual impact will not occur. Land Use Administrator, Scott Hobson, has determined that because the parking lot is located at the rear of the building and is not visible from any street rights-of way, not landscaping the parking lot, will not create a significant visual impact.
 4. **Outdoor Storage.**
 - Section 17-4-5(1) g.1. of the Pueblo Municipal Code (PMC) provides the requirements for outdoor storage.
 - Outdoor storage will be reviewed at the time of building permit request.
 5. **Outdoor Lighting.**
 - The site contains two (2) non-conforming light fixtures on the front facades of the building and two (2) non-conforming light fixtures on the rear of the building.
 6. **Additional Performance Standards.**
 - Sections 17-4-5(1)g.5 and 6. of the Pueblo Municipal Code (PMC) provide additional requirements for properties zoned CCN, which are adjacent to minor arterials, collectors and local streets.
 - Additional performance standards will be reviewed at the time of building permit request.

RECOMMENDED ACTION:

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED with the following condition:**

- All outdoor light fixtures must comply with Section 17-4-52 of the Pueblo Municipal Code.

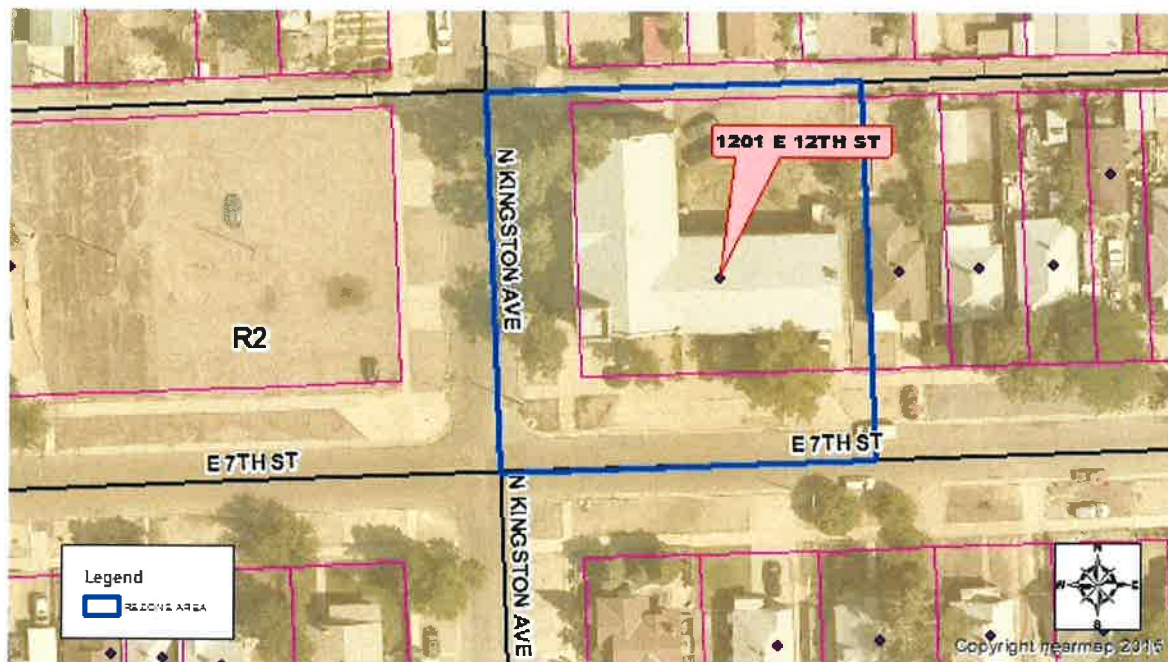
ATTACHMENTS:

- A. Location Map**
- B. Zoning Map**
- C. Comprehensive Plan Map**
- D. Site Photographs**
- E. Application**
- F. Project Description**
- G. Waiver**
- H. Site Plan/Rezoning Exhibit**
- I. Landscape Plan**

ATTACHMENTS:



A. Aerial Photograph



B. Zoning Map



C. Comprehensive Plan Map

Attachment D. Site Photos



View of the Bethel Methodist Church looking north from E. 7th Street



View of the attached Annex Building looking north from E. 7th Street



Public Notice Poster



211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Planning & Zoning Application

Please type or print clearly. Illegible applications will not be accepted. Case #: Z-19-03

Contact Info	Property Owner		Applicant	
	Name: <u>Abeyta Investment Inc</u>		Name: <u>Steve G. Abeyta</u>	
	Company: <u>1201 E. 7th Street</u>		Company:	
	Address: <u>Pueblo Co</u> Zip: <u>81001</u>		Address: <u>17685 Black Forest</u> Zip: <u>80908</u>	
	Phone: ()		Phone: <u>(719) 229-6069 Rd</u>	
	Email:		Email: <u>Steve.abeyta_15@msn.com</u>	
	Engineer		Surveyor	
	Name:		Name:	
	Company:		Company:	
	Address: Zip:		Address: Zip:	
Phone: ()		Phone: ()		
Email:		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: (address or general description) <u>1201 E. 7th St Pueblo Co 81001</u>			
	Parcel No(s): <u>430444009</u>			
	Existing Zone: <u>R-2</u>		Proposed Zone (if applicable): <u>CCN</u>	
	PUD Name (if applicable):			
Project Scope	Project Name: _____			
	Scope of work: <input type="checkbox"/> Lot Line Rearrangement:			
	# of existing lots: _____ Total acres: _____			
	<input type="checkbox"/> Overall Development Plan			
	<input checked="" type="checkbox"/> Rezoning From: <u>R-2</u> To: <u>CCN</u>			
	<input type="checkbox"/> Site Plan Review:			
	<input type="radio"/> HARP <input type="radio"/> Development Plan <input type="radio"/> PUD <input type="radio"/> Student Housing			
	<input type="checkbox"/> Special Area Plan			
	<input type="checkbox"/> Street Name Change:			
	Existing Name: _____ Proposed Name: _____			
<input type="checkbox"/> Subdivision: # of lots: _____ Total acres: _____				
<input type="checkbox"/> Text Amendment				
<input type="checkbox"/> Vacation:				
<input type="radio"/> Street <input type="radio"/> Alley <input type="radio"/> Easement <input type="radio"/> Other: _____				
<input type="checkbox"/> Other: _____				

(Continue Next Page)

201900838

(Continued from previous page)

Project Information	Provide a brief description of the proposed request: (separate narrative as Attachment A also required)	
	Change zoning from R-2 to CCN. We propose to use the church as a church/Banquet ^{Hall} Building. The new addition will be used as office space.	
	What is the total acreage included in the project? 15,000 Sqft	
	What is the proposed use of the property: <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____	
	Are there any other pending or recently approved Land Use applications regarding this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, please list:		
Attachments	Attachment Checklist	
	The following list of attachments are required to accompany all applications: <input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific <input type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings & a PDF of all documents submitted. <input type="checkbox"/> C. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) <input type="checkbox"/> D. Additional information as required by the P&Z Submittal Requirements Sheet .	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> 1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections. 2. There are no known hazards or vicious animals present on the subject property. 3. All information contained in this application, is true and accurate to the best of my knowledge. 4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense. 	
Signatures	Property Owner	
	Print Name:	Steve G. Abeyta
	Signature:	Steve G. Abeyta
	Date:	4/5/2018
Applicant, if different from Property Owner		
Print Name:		
Signature:		
Date:		

Office Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date:	
	Application checked for completeness by: BED	Date:	
	Case Manager:	Fee Paid:	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions	
Case #:			

From: [Steve Abeyta](#)
To: [Beritt Odom](#)
Subject: [External] Description of building use and anticipated traffic and parking needs for 1201 E 7th St
Date: Tuesday, May 07, 2019 11:50:41 PM

External email. Please use caution.

Hi Beritt,

I am writing this letter to give a brief explanation of the building usage and anticipated traffic/parking needs for 1201 E 7th St.

Church/ Banquet Hall: 17796 square feet 213 occupants / 4=54 spaces

Office : 7200 square feet / 250=29+5=34 spaces

The Church will be used as a Church Time of operation- Sundays 10-6pm

The Banquet Hall will be used to accomodate occasional Weddings, Anniversaries and Banquets Time of operations Monday-Saturdays 10-8pm

Office space will accomodate small local businesses. Not intended for retail businesses. Total office space - 15 offices on 3 levels. Time of operation Monday-Friday 9-5pm.

Thank You

Steve

Steve G. Abeyta Blue Picket Realty Cell: (719) 229-6069 Fax: (719) 388-1600 Email:

steveabeyta_15@msn.com

www.BluePicketRealty.com

From: [Steve Abeyta](#)
To: [Beritt Odom](#)
Subject: [External] Waiver Request for CCN zone district
Date: Tuesday, May 07, 2019 11:20:39 PM

External email. Please use caution.

Hi Berritt,

I am requesting a waiver from the standard 30-percent window requirement for the 1201 E 7th St building as it is a historic structure and would not be able to meet this requirement. Thank You

Steve

Steve G. Abeyta Blue Picket Realty Cell: (719) 229-6069 Fax: (719) 388-1600 Email:
steveabeyta_15@msn.com
www.BluePicketRealty.com

