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Georgia Way

ZBA-21-22

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 7/27/2021
Request: **A Special Use Permit to allow a Residence, Multifamily in a One and Two Family Residential (R-3) Zone District.**
Site Location: 1408 Spruce St, Pueblo, CO 81004
Legal Description: LOT 1 TO 5 BLK 71 IRONDALE
Year Built: 1911
Applicant: John R. Beaupre, Phoenix Corp, LLC
Property Owner: Pike Peak Mennonite Church
Zone District: One and Two Family Residential (R-3) Zone District

BACKGROUND AND ANALYSIS

1408 Spruce St is a 3576-sf. church built in 1911. The building is in the Irondale Subdivision, southeast of Bessemer Park. The applicant is requesting a Special Use Permit to allow a Residence, Multifamily in a One and Two Family Residential (R-3) Zone District. In accordance with 17-4-23(a)(3) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Special Use Permit to provide for this use.

The building formerly known as the Pike Peak Mennonite Church; the property has operated as a house of worship since it was built in 1911. Currently the applicant wishes to convert the primary structure into five (5) apartment units. There will be minimal modifications to the exterior of the building. The primary structure is surrounded by single-family residence; however its corner lot location reduces the traffic impact on surrounding properties compared to if it were in a mid-block location. As a church this property would have experience a higher traffic flow the the surrounding residential, therefore the change of use should have a marginal impact to traffic in the area.

The property has access to ingress and egress via McCully Ave. There is adequate room for the 7.5 required off street parking spaces, however the parking lot will need to be paved, stripped, and landscaped in accordance with the code. Opaque fencing or screening will need to be extended along the eastern property boundary to prevent light and glare from parking cars.

ZONING DISTRICT AND LAND USE

| Zone: | | Developed with: |
|-------|--|---------------------------------------|
| North | One & Two-Family Residential (R-3) Zone District | McCulley Ave, Single Family Residence |
| East | One & Two-Family Residential (R-3) Zone District | Single Family Residence |
| South | One & Two-Family Residential (R-3) Zone District | Single Family Residence |
| West | One & Two-Family Residential (R-3) Zone District | Single Family Residence |

PUBLIC NOTICE

The property was publicly noticed in accordance with Title 17 Section 17-5-33(2) of the City of Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were notified by mail, and a sign was placed on the site (See Attachment E). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

| | |
|-------------------------------------|---|
| Pueblo City/County Health | No comment |
| City Transportation | Per Joy Morauski via email: (7/8/21) “•Will need to provide the required parking which includes all parking and drive aisles have a hard surface (asphalt, concrete, or pavers). •Any additional curb cuts/driveway will need to be approved by the Traffic Engineer •A dimensioned site plan will need to be reviewed and approved” |
| Pueblo Regional Building Department | Per Mike Colucci via email: (7/7/21) “The department has no objection to the zoning application. However, the proposed use is a change in occupancy and will require a full commercial plan review along with all appropriate building permits. It is not possible to comment on the feasibility of converting the existing building without detailed information. Applicant needs to be aware of the requirements of an occupancy change and should consult with a design professional to review those. PRBD’s approval of the zoning application is not an approval of the potential change in occupancy of the building itself. The Department does not show any plans submitted for review at the present time.” |
| Fire Department | No comment |
| City Public Works Department | No comment |
| City Stormwater Department | No comment |
| City Code Enforcement | No comment |
| Pueblo Board of Water Works | No comment |
| City Wastewater Department | Per Sonia Mondragon via email: (7/8/21) “The only comment I have is for 1408 Spruce. The applicant will need to pay the difference between the existing ¾” water meter line size and the cost for 4 multifamily units prior to a routing sheet being signed. The cost difference would be \$3,500 |

| | | | |
|--------------------------------------|-------------------------------------|---------|---------|
| | Connection Fee/Plant Investment Fee | | |
| | Multifamily (4) | \$710x4 | \$600x4 |
| | Credit for Existing ¾" | \$940 | \$800 |
| | Difference | \$1,900 | \$1,600 |
| | Total = \$3,500" | | |
| City Parks and Recreation Department | No comment | | |

CONDITIONS REQUIRED FOR LIMITED USE PERMIT

1. Ingress and egress to property and proposed structures thereon with reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Comments: Affirmative finding. Ingress and egress are accessed off McCulley Ave which provides adequate space for both.

2. Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

Comments: Affirmative finding. There is acceptable space for the seven and a half (7.5) required parking space for residential off-street parking, which would be required for the five (5) residential units

3. Refuse and service areas, with reference to the items above.

Comments: Neutral finding. Refuse will be stored in residential totes or a dumpster, to be further addressed in the commercial review process. If a dumpster is used it must be screened or recessed along the eastern portion of the property.

4. Utilities, with reference to the location's availability and compatibility.

Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.

5. Screening and buffering with reference to type, dimensions, and character.

Comments: Affirmative finding. The south and eastern property boundaries have an existing opaque wooden fence, the applicant has indicated that they will extend this six (6') foot screening and buffering along the eastern property boundary to McCulley Ave..

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

Comments: Affirmative Finding. The applicant has indicated that there are no plans for signage, however any future signs will need to conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, R-3 Zone District Sign Regulations

7. Required yards and other open space.

Comments: Affirmative finding. All buildings are located in the appropriate setbacks for this zone district.

8. General compatibility with adjacent properties and other properties in the district.

Comments: Affirmative finding. The multifamily use is compatible with the indicated future land-use for this district as Urban Residential.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 as well as:

- a. Construct a minimum 6-foot-tall opaque fence along the Eastern property line.
- b. Required parking which includes all parking and drive aisles have a hard surface (asphalt, concrete, or pavers).
- c. Additional curb cuts/driveways will need to be approved by the City Traffic Engineer
- d. A dimensioned site plan indicating parking will need to be reviewed and approved.
- e. Installation of living ground cover along the west elevation of the property between the sidewalk and building; Installation of living ground cover along the landscape (treelawn) buffer along the Western and Northern property line.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

Exhibit A. Standard Permit Conditions

| Standard Permit Conditions Date of Issuance of Permit: | |
|---|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by ZBA-21-22 |
| 2. | Required Revisions Any revisions or additions to plans required as a result of approval must be submitted and stamped “approved” prior to the sign-off of the building permit routing slip or business license. |
| 3. | Changes The project shall be completed as shown on the plans, which have been stamped “approved” and dated by the Department of Planning and Community Development. The project shall not deviate from the approved plans without prior written approval from the Department of Planning and Community Development. |
| 4. | Property Inspection By acceptance of this permit, Permit holder authorizes City Officials and/or their authorized representatives, access to the subject property for purpose of observing work in progress, inspecting and/or measuring the property or improvements as long as the use authorized by this permit remains in effect. |
| 5. | Certificate of Occupancy A certificate of occupancy must be issued by Regional Building <u>PRIOR</u> to use and/or occupancy of the subject premises. Prior to issuance, the Department of Planning and Community Development must certify that work has been completed in accordance with approved plans and that applicable conditions have been met. The Permit holder may be required to provide a Letter of Credit to obtain a Certificate of Occupancy prior to completion of all required improvements. |
| 6. | Completion and Maintenance of Improvements and Landscaping Permit holder or successor in interest is responsible for completing all improvements shown on approved plans. By acceptance of this permit, Permit holder agrees to maintain all improvements in a satisfactory condition. Any landscaping installed according to the approved plan which becomes diseased or dies shall be replaced by similar species and size no later than the first available planting season. |
| 7. | Building Permit; Other Permits Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits. |
| 8. | Off-Site Drainage Issuance of this permit does not authorize the discharge of stormwater runoff or other surface drainage from the subject premises onto adjoining property or properties. |
| 9. | Appeals of a decision of the Land Use Administrator can occur up to thirty (30) days following such decision. Appeals of Zoning Board of Appeals decisions can occur up to thirty (30) days following final decision. Any work done in connection with this permit prior to the expiration of all applicable appeal periods is done <u>SOLELY</u> at the risk of the Permit holder. |
| 10. | Errors Permit holder is solely responsible for the accuracy of all information contained in the Zoning Permit form and in accompanying documentation. Any errors contained therein may invalidate the Zoning Permit and may result in issuance of a code violation citation and prosecution. |
| 11. | Transfer of Ownership In the event of a transfer of ownership, partial or whole, of the subject premises, the transferee shall become Permit holder and subject to compliance with the terms and conditions of this permit. |
| 12. | Violations/Penalties A violation of any of the conditions of this permit or of any provision of the Pueblo Municipal Code may result in a penalty of up to three hundred dollars (\$300) per day. |
| 13. | Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals. This approval incorporates by reference all plans and drawings presented and all verbal representations by the applicant at Zoning Board of Appeals meetings and hearings on the subject application to the extent that they are not in conflict with other stated conditions or regulations. |

Exhibit B. Site Map



Exhibit C. Aerial Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

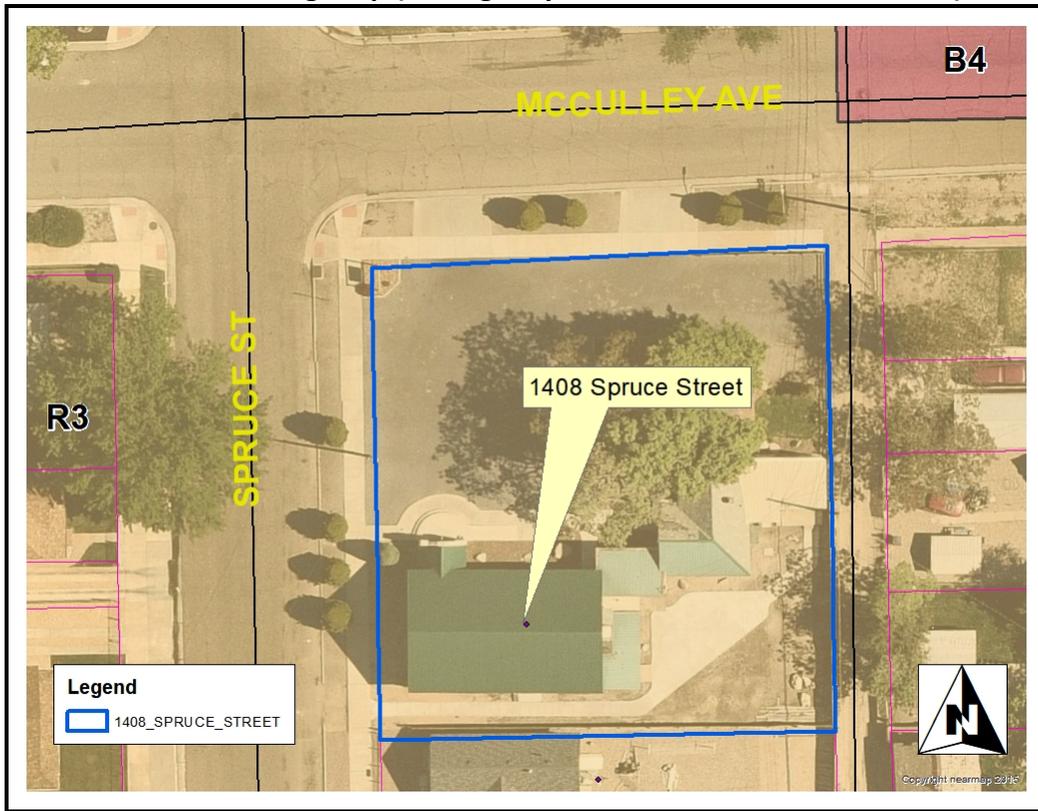


Exhibit E. Comprehensive Plan Map

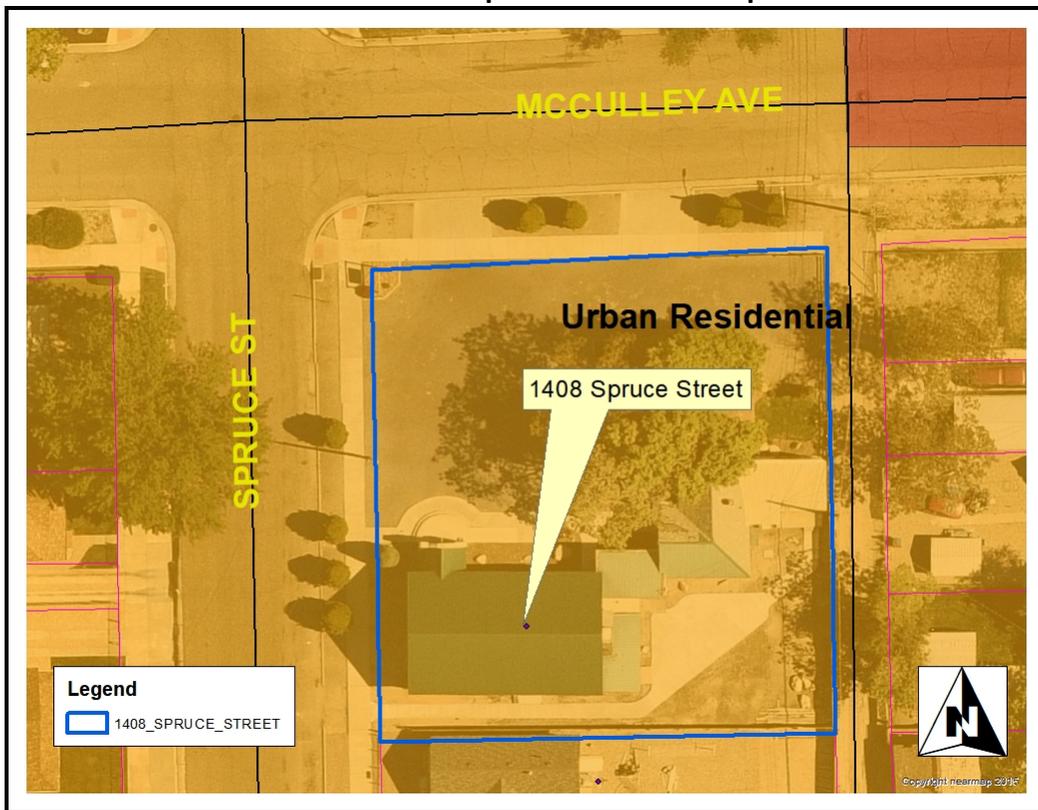


Exhibit F. Public Notice



All photos taken from Parking Lot

Exhibit G. Site Photos



H. Application



Planning & Community Development

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

Zoning Board of Appeals Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

| | | | | |
|---|--|--|--|-----------------------------|
| Contact Info | Property Owner: | | Applicant (if different from property owner): | |
| | Name: <u>Pikes Peak Mennonite</u> | | Name: <u>JOHN R. BEAUPRE</u> | |
| | Address: <u>625 1/2 W. Hwy 78</u> | | Company: <u>Phoenix Corp, LLC</u> | |
| | City, State & Zip: <u>Pueblo, CO 81005</u> | | Address: <u>PO BOX 642</u> | |
| | Phone: <u>(719) 248-5958</u> | | City, State & Zip: <u>Pueblo, CO 81002</u> | |
| | Email: <u>ntorke@mypueblo.net</u> | | Phone: () | Cell: <u>(719) 744-6336</u> |
| Email: <u>johnrbeaupre@gmail.com</u> | | | | |
| <i>The applicant will be the primary contact unless otherwise noted.</i> | | | | |
| Property Info | Project Location: <u>1408 Spruce St.</u> | | | |
| | Legal Description: <u>Lots 1 to 5, Block 71, Irondale Subdivision</u> | | | |
| | Parcel No: <u>1512230001</u> | | Existing Zone: <u>R-3</u> | |
| | Property Size: <u>127' x 123'</u> | | | |
| Project Information | General Information | | | |
| | Provide a short description of the proposed request: (separate narrative as Attachment A also required) | | | |
| | <u>Seeking to convert church into Residence</u> | | | |
| | <u>MULTY-FAMILY (Use by review #18). Church</u> | | | |
| | <u>to become 4 separate 1 bedroom apartments.</u> | | | |
| What is the general use of the property: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial | | | | |
| <input checked="" type="checkbox"/> <u>Multi-Family</u> <input type="checkbox"/> Other | | | | |
| Scope of work: <input checked="" type="checkbox"/> Special Use Permit (Limited Use Permit): | | | | |
| <input checked="" type="checkbox"/> Use by Review <input type="checkbox"/> Home Daycare | | | | |
| <input type="checkbox"/> Home Occupation (Total # of children: _____) | | | | |
| <input type="checkbox"/> Other: _____ | | | | |
| <input type="checkbox"/> Variance: | | | | |
| <input type="checkbox"/> Setback <input type="checkbox"/> Parking <input type="checkbox"/> Landscape | | | | |
| <input type="checkbox"/> Lighting <input type="checkbox"/> Height <input type="checkbox"/> Signs | | | | |
| <input type="checkbox"/> Other: _____ | | | | |
| <input type="checkbox"/> Appeal: | | | | |
| <input type="checkbox"/> ZBA Decision (Case Number: ZBA-____ - _____) | | | | |
| <input type="checkbox"/> Administrative Official Determination | | | | |
| <input type="checkbox"/> Other: _____ | | | | |
| <input type="checkbox"/> Other: _____ | | | | |

(Continue Next Page)
10/2019

(Continued from Page 1)

| | | |
|--------------------|---|--|
| 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. Justification of facts required for the request. Be specific <input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input type="checkbox"/> E. Photographs. <input type="checkbox"/> F. Additional information that you believe justifies the request. <input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination. <input type="checkbox"/> H. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) | |
| Terms | By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms: | |
| | 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. 2. There are no known hazards or vicious animals present on the subject property. 3. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. 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. 6. 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: | NELSON TORRELSON - Pikes Peak Mennonite Church |
| | Signature: | Date: |
| | Applicant, if different from Property Owner | |
| Print Name: | John Beavre | |
| Signature: | <i>[Signature]</i> | Date: 7/1/21 |

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

Exhibit I. Supporting Documents

**Zoning Board of Appeals
Planning & Community Development**

Use By Review

Property Address: 1408 Spruce St. Pueblo, CO 81004

Attachment #B- Justification of Facts:

- a. Access – Access is currently providing adequate and suitable ingress and egress for a church congregation which far exceeds the future intended use of the property for 5 single family units.
- b. Parking – see above (a.) Current parking capacity and configuration is currently in excess of future intended use for multi-family units.
- c. There is plenty of space on the exterior of the current structures for any future need for refuse, all that can comply with Subsections a. and b. above.
- d. Utilities are already in place and functional for future plans.
- e. There is not expected to be any need for screening and buffering.
- f. No signage is planned for the future use.
- g. There is adequate space for any future need for required yards and open space.
- h. Residential family housing is compatible with adjacent properties in the district.

Submitted by: John R Beaupre – johnRbeaupre@gmail.com-719-744-6336

CHURCH = 2546 SF
HOUSE = 1030 SF

1408 SPRUCE ST- 81004-3427

