

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-17

Hearing Date: May 24, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 424 W. City Center Dr, Pueblo, CO 81003
APPLICANT: Sidney Aulds
PROPERTY OWNER: Forty-Three Inc.
YEAR BUILT: 1962
LEGAL DESCRIPTION: LOT 3 + E 25 FT OF 4 BLK 2 STATE ADD
ZONE DISTRICT: Single Family Residential (R-2 Zone) District
CONCURRENT REQUEST(S):
PARCEL ID: 536143004
LOT SIZE: 6786 sq. ft.

REQUEST:	Variance to reduce the required off-street parking for a commercial mixed-use redevelopment project in Regional Business (B-4) Zone District by one hundred percent (100%) from thirty-four (34) spaces to zero (0) spaces
-----------------	--

SYNOPSIS OF REQUEST

The applicant, Sidney Aulds, is representing Forty-Three Inc, a group that intends to redevelop a 66,000 SF of lot located at the corner of W. City Center Dr. and S. Greenwood St. This project is outlined in three phases and would result in 175,000 GSF of new housing space (178 Units), and 15,000 SF of new commercial space. The proposed development is a high-density, pedestrian centric, infill-redevelopment project. The multifamily off-street parking requirements (1.5 per unit) for this project and would ultimately make the project unworkable for the developers. Therefore, they are applying for a parking variance for Phase 1 of the development of (9) apartment lofts and one (1) commercial space. The Variance is to reduce the required off-street parking by one hundred percent (100%) from thirty-four (34) spaces to zero (0) spaces.

ANALYSIS OF REQUEST

In September of 2017, The Pueblo City Council approved a Text Amendment (TA-17-07) approving several modifications to the off-street parking code. Specifically, §17-4-44(a)(1) which now states:

“In the event these off-street parking requirements do not appear reasonable when applied to a specific use or combination of uses, the City Traffic Engineer or the applicant may apply to the Zoning Board of Appeals for a variance, but, unless otherwise permitted, the variance may not reduce or increase the required number of spaces by more than fifty percent (50%), unless the property is located within the City of Pueblo’s Established Development Boundary, as adopted by City Council Resolution. Properties located within the City’s Established Development Boundary, may apply for a variance up to one hundred percent (100%) of the required off-street parking requirements. The Zoning Board of Appeals may grant a variance to the minimum parking requirements if the applicant demonstrates that the project will not generate additional parking or traffic demands or increase the rated occupancy load. Applicant must also prove that parking demand can be met with an existing parking availability to include public or private parking facilities; or that the proximity of transit services, bicycle facilities, or pedestrian demand as a

neighborhood service do not warrant strict adherence to the required off-street parking requirements for the zone district and proposed use.”

This project is located within the City's Established Development Boundary and thus may apply for the one hundred percent (100%) variance indicated in §17-4-44(a)(1). Mr. Aulds has indicated that the total project will be completed in three phases. The first phase includes the development of (9) apartment lofts and one (1) commercial space with combined requirement of thirty-four (34) off-street parking spaces. The City of Pueblo Planning Department conducted a morning and evening parking utilization analysis of available on-street and public parking within five-hundred feet (500') and one-thousand feet (1,000') feet of the subject property. There are approximately seventy (70) parking spaces within five hundred (500') feet of the parcel with a utilization of approximately ten percent (10%). There are approximately six hundred (600) parking spaces within one-thousand feet (1,000') of the proposed development, including two parking garages and four public parking lots with a similar parking utilization rate around ten percent (10%) percent. Therefore, on average there are six hundred three (603) available on street or public parking spaces at any given time within less than a quarter mile (1/4 mile) from the proposed project.

Furthermore, there is one (1) existing bus stop within five hundred (500') feet, and five additional stops within one thousand feet (1,000') including the Pueblo Transit Center (123 Court St.) which currently serves as the connection hub for the entire network; six-hundred-fifty feet (650') away. Mr. Aulds has indicated they are in negotiation with the City of Pueblo to lease parking spots for this project in the Weisbord Parking Garage located adjacent to the transit center. The applicant has also indicated that space would be included in landscaping plans to include bicycle and low-powered scooter parking.

After reviewing this application, it appears that this project meets the intent of §17-4-44(a)(1). Additionally, this case highlights that revitalization requires single occupancy vehicle (SOV) parking to be viewed with modern lenses to meet the larger goals of the urban core redevelopment such as; pedestrian scale, walkability, transit-oriented development, tourism, infill, redevelopment, and vitality. Therefore, market demand for urban housing will be the determining factor in the success of this project.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Light Industrial (I-2) Zone District	Rush's Lumber Co
East	Regional Business (B-4) Zone District	Arts Alliance Studio
South	Regional Business (B-4) Zone District	Rocky Mechanical
West	Regional Business (B-4) Zone District	HARP Riverwalk

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	No comment
Pueblo Regional Building Department	No comment
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	No comment
City Parks and Recreation Department	No comment

CONDITIONS REQUIRED FOR VARIANCE

1. The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

Comments: Affirmative finding. Redevelopment of this site will not reduce required light and air to adjacent properties; and reinvestment in this property is anticipated to increase the monetary value of adjacent properties.

2. The variance will not affect general planning of the city with respect to land use and the location of streets and highways will not be jeopardized.

Comments: Affirmative finding. This Variance will not negatively affect land use planning or the location of streets and highways.

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative Finding. The Variance in question is being requested specifically to secure mixed-use infill development of the site.

4. The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

Comments: Affirmative Finding. Infill redevelopment is particularly complicated compared to wholly new construction, specifically vertical development in a confined area with limited space for parking, access, and storage.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff recommends Standard Permit Conditions 1 through 13, and staff conditions.

- A. Commercial Site Plans must include the following prior to approval;**
 - a. Space dedicated for bicycle racks/ bicycle parking**
 - b. Space dedicated for low-powered scooter parking**
 - c. One ADA compliant parking space for pick-up and drop-off**

ATTACHMENTS

- A. Standard Permit Conditions
- B. Location Map
- C. Site 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: 5/24/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/24/2023
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. Location Map



Exhibit C. Site Map



Exhibit D. Zoning Map

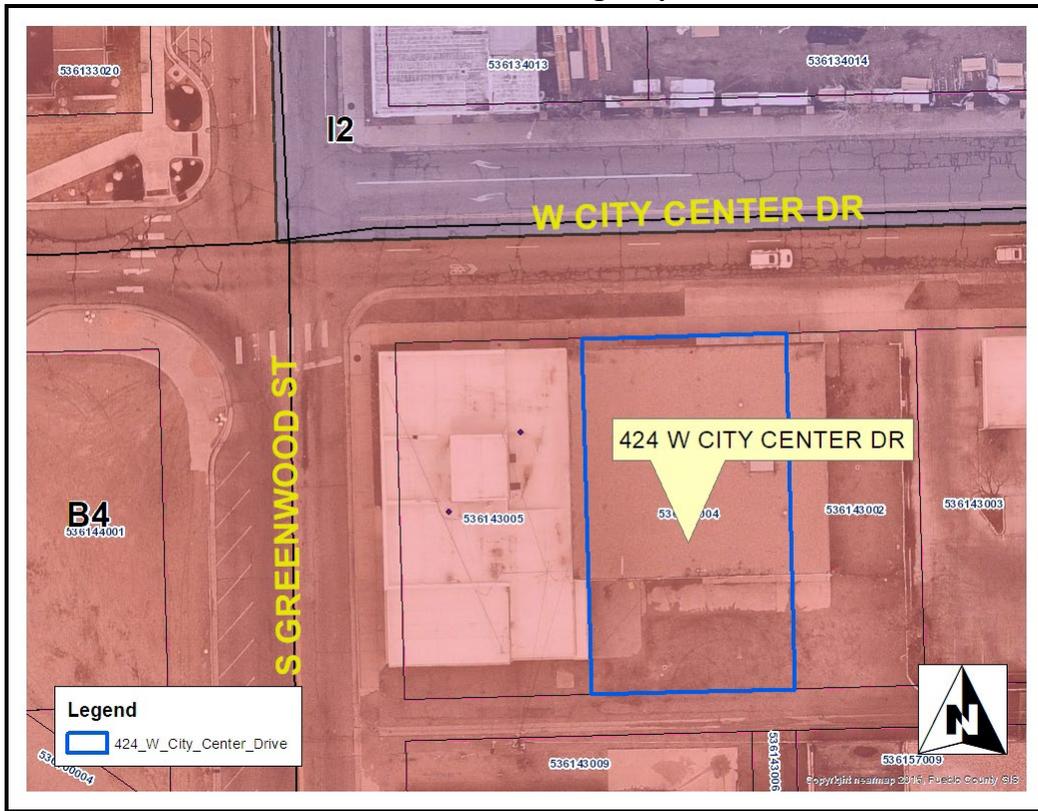


Exhibit E. Comprehensive Plan Map

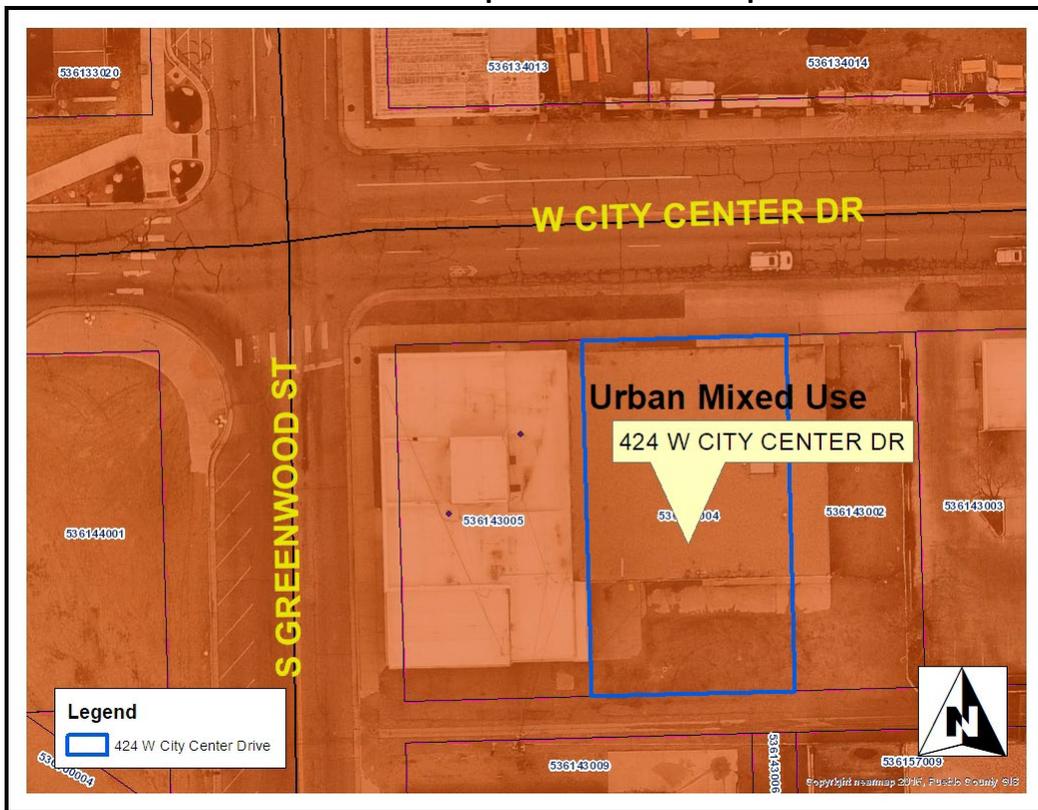


Exhibit F. Public Notice



Picture taken from W City Center facing South

G. Site Pictures



Exhibit H. Application



04/26/2022

22-64

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Apr 25, 2022

Applicant

Sidney Aulds
sidney@residentialventures.com
10200 East Girard Ave
Building C, Suite 145
Denver, CO 80231
318-355-8973

Location

424 W CITY CENTER DR
PUEBLO, CO 81003

Owner:

FORTY-THREE INC / PUEBLO CITY CENTE
10200 E GIRARD AVE STE C145 DENVER , CO 80231-5512

Internal

ZBA Case Number

ZBA-22-17

Planner Assigned

--

ZBA

Hearing Date

05/24/2022

Hearing Results

--

Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

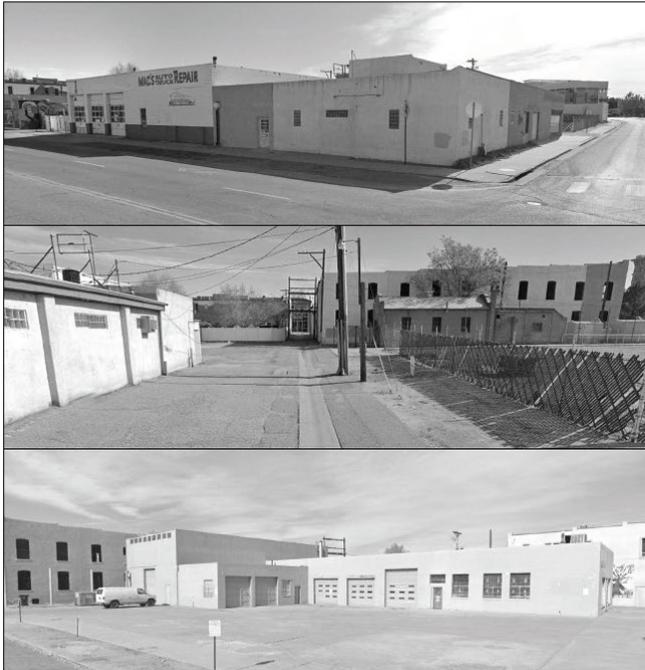
--

Public Notice zoning poster must be displayed UNTIL:

--

Exhibit I. Supporting Documents

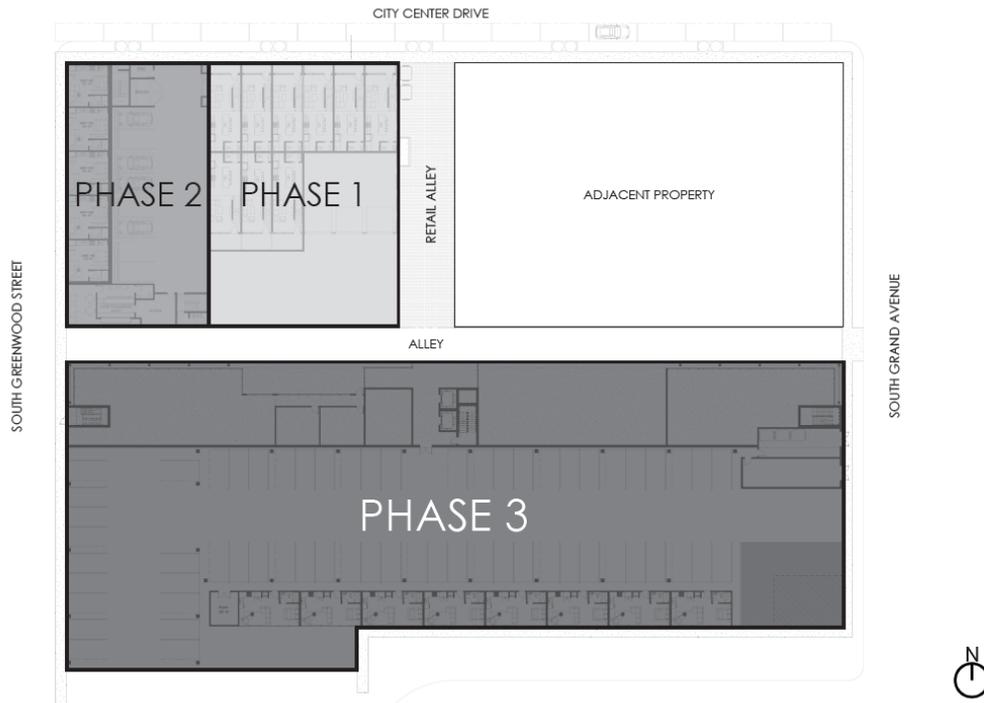
PROJECT DATA 



LOT SUMMARY

ADDRESSES:	102 S GREENWOOD STREET 116 S GREENWOOD STREET 115 S GRAND AVENUE 424 W CITY CENTER STREET
LOT SIZE:	66,000 SF
ZONE DISTRICT:	B-4
PARKING:	RESIDENTIAL: 1.5:UNIT RETAIL: 1:300GSF RESTAURANT, BAR: 1:3 OCCUPANTS HOTEL: 1:UNIT + 2 BICYCLES: 5% OF TOTAL SPACES
HISTORIC LANDMARK:	NO
EXISTING USES:	CARPET CLEANING, AUTOBODY SHOP
EXISTING GROSS FLOOR AREA:	33,800 GSF OF EXISTING BUILDINGS
EXISTING BUILDING OCCUPANCIES:	NONE
PROPOSED USES:	MULTI-FAMILY MIXED-USE
PROPOSED GROSS FLOOR AREA:	175,000 GSF APARTMENTS 15,000 SF COMMERCIAL
NUMBER OF DWELLING UNITS:	178 APARTMENT UNITS
BUILDING STORIES:	6 STORIES
BUILDING HEIGHT:	70'-0"

SITE PLAN 



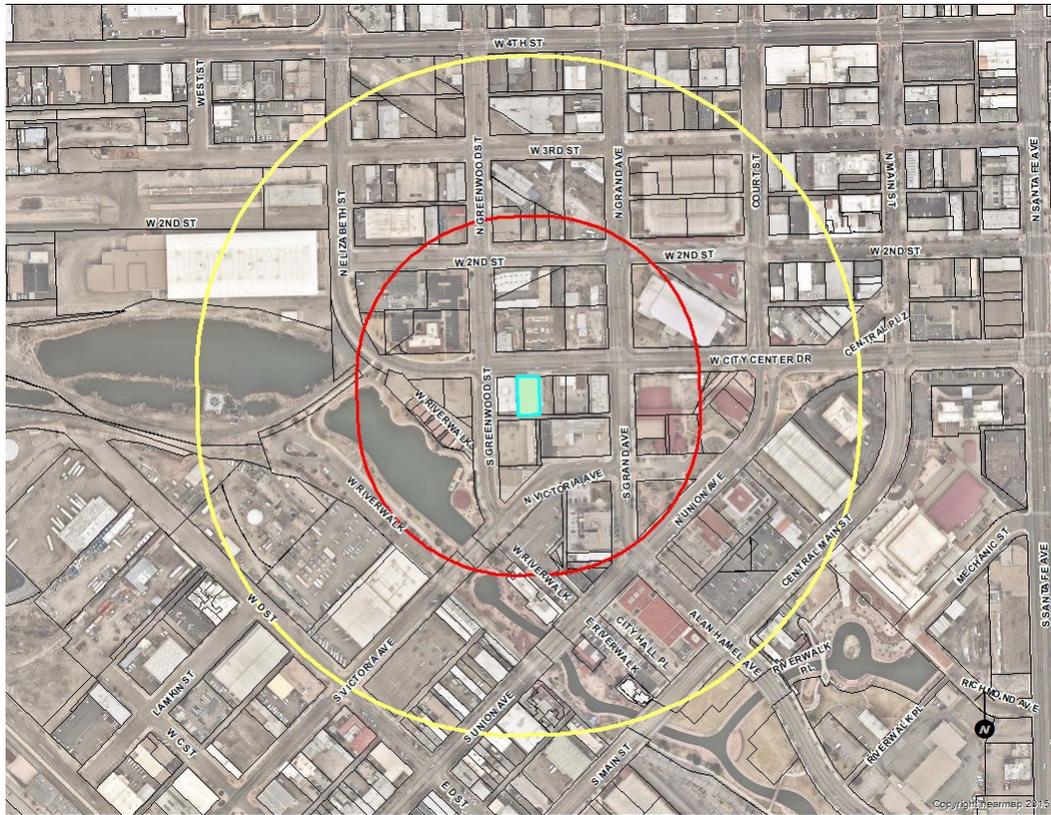


Figure 1: 500' & 1,000' Buffer

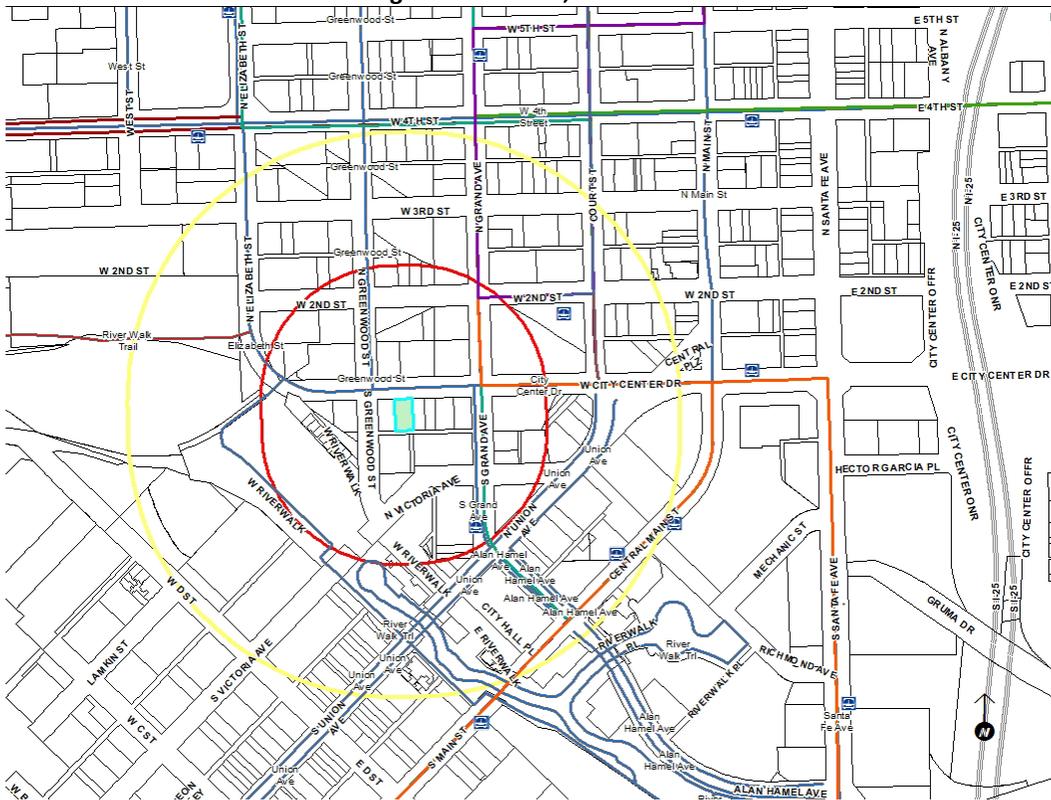


Figure 2: Local Transit & Stops



Figure 3 Building Rendering





Adjacent Public & On Street Available Parking 9:00 AM 5/19/22