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Chair

Steve Anselmo  
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Lisa Bailey  
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Yvonne Lujan-Slak

Georgia Way

## ZBA-22-43

Hearing Date: 9/27/2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Senior Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 25 E Red Creek Springs Rd, Pueblo, CO 81005  
**APPLICANT:** Gary Anzuini  
**PROPERTY OWNER:** Super Real Estate LLC  
**YEAR BUILT:** 1972  
**LEGAL DESCRIPTION:** POR LOT 29 BLK 1 WESTWOOD VILLAGE: BEG AT PT ON N LINE RED CREEK RD AS DESC IN BK 39 P 398 WH PT IS 130 FT WLY OF E LINE SEC 4-21-65 + WH PT IS ALSO TH SW COR OF TR DESC IN BK 1652 P 707, TH N ALG WLY LINE OF SD TR A DIST 100 FT TO NW COR, TH N 88 DEG 37 MIN 21 SEC W 70 FT M/L TO W LINE OF SD LOT 29 TH S ALG W LINE OF SD LOT 29 A DIST 100 FT M/L TO N LINE OF SD RED CREEK RD, TH E ALG N LINE OF RED CREEK RD 70 FT M/L TO PT OF BEG.  
**ZONE DISTRICT:** Regional Business (B-4) Zone District.  
**PARCEL ID:** 1504401029  
**STRUCTURE SIZE:** 1,782 sqft

<b>REQUEST:</b>	Variance to reduce the off-street parking requirement by four (4) spaces from eleven (11) spaces to seven (7) spaces in a Regional Business (B-4) Zone District.
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### SYNOPSIS OF REQUEST

25 E Red Creek Springs Rd. is a one thousand seven hundred eighty-two (1,782) sqft commercial building constructed in 1972, on a 7,000 square foot parcel. The building is in the West Village Subdivision, west of Pueblo Blvd. The applicant, Mr. Anzuini, is working with Regency Liquor Store to expand the interior of the building and to add drive-thru window service to the existing building. The addition will be done in two phases. Phase one, is a three hundred ten (310) sqft addition on the west side of the existing structure which will create the drive-thru window, and phase two is a one thousand one hundred sixty-one (1,161) sqft addition on the east side of the building for inventory storage. According to Section 17-4-43, (a), an increase of floor area of 1,000 square feet requires the site to be brought into compliance with the B-4 Zone District parking requirements. The applicant is requesting to reduce the number of parking spaces from 11 to seven spaces prior to requesting a building permit for the second phase construction.

### ANALYSIS

The parking plan for both the drive through window and storage additions indicate a total of seven parking spaces, one of the seven parking spaces is ADA Accessible. The gross floor area of the liquor store with both additions will be 3,243 square feet, which requires 11 spaces. The 7,000 square foot parcel is comparatively smaller than the surrounding commercial parcels, which limits redevelopment opportunities for the site. The proposed additions will result in the northern portion of the property being fully built out, leaving the southern portion the site available for parking (located in front of the store). According to the parking plan, there will only be enough space for seven parking spaces on site and future landscaping is anticipated to be installed within the right-of-way between the sidewalk and property line. The applicant states that the addition of the drive-through

window will reduce the need for parking as customers will utilize the drive-through services instead of walk-in service. Additionally, because the 1,161 square foot addition is for storage; the retail space will remain the same.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Regional Business (B-4) Zone District	SS Submarine Sandwiches
East	Regional Business (B-4) Zone District	Jackson Hewitt Tax Service
South	Subregional Business (B-2) Zone District	Loaf 'N Jug Convenience Store
West	Mixed Residential (R-4) Zone District	Single-family Residential

**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	<p>Parking variance needed as the square footage of the building requires 10 spaces.</p> <p>A parallel parking space could be installed in between the driveway and alley to add another space. That same space can also be utilized as the loading zone.</p> <p>Where is the loading zone going to be?</p> <p>Include a no queuing in alley sign for the drive through.</p> <p>Will the power poles need to be relocated to give access to the drive through?</p> <p>The parking lot should be ADA compliant.</p> <p>Conditioned approval upon future parking variance.</p>
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. Granting of the parking variance will not reduce light and air, be a nuisance, or reduce 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. Strict adherence to the parking code would prohibit the intended infill and expansion of commercial retail services.**

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: Neutral finding. This commercial structure was built in 1972 and is on comparably smaller lot than the adjacent businesses, however expansion of the building/business is a discretionary choice of the business owners.**

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

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

1. Phase 2 of the project must be permitted separately, through the commercial review process.
2. Provide one onsite bicycle-rack.

#### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>ZBA-22-43</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>9/27/2023</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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

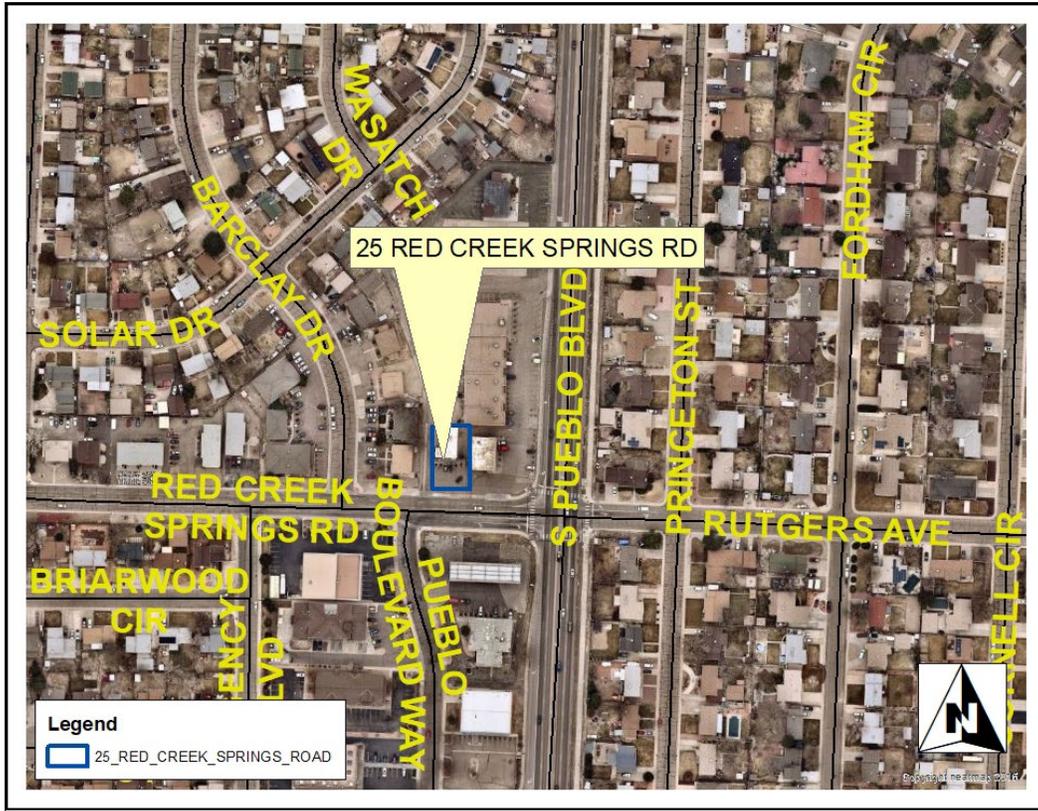
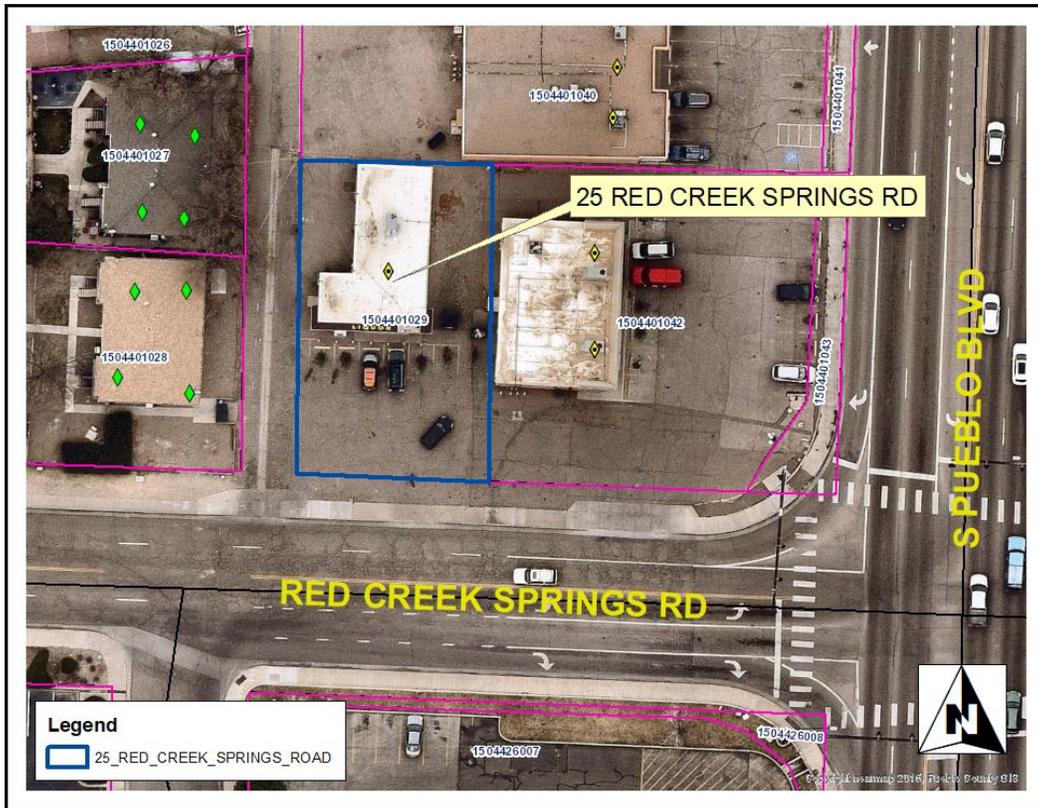
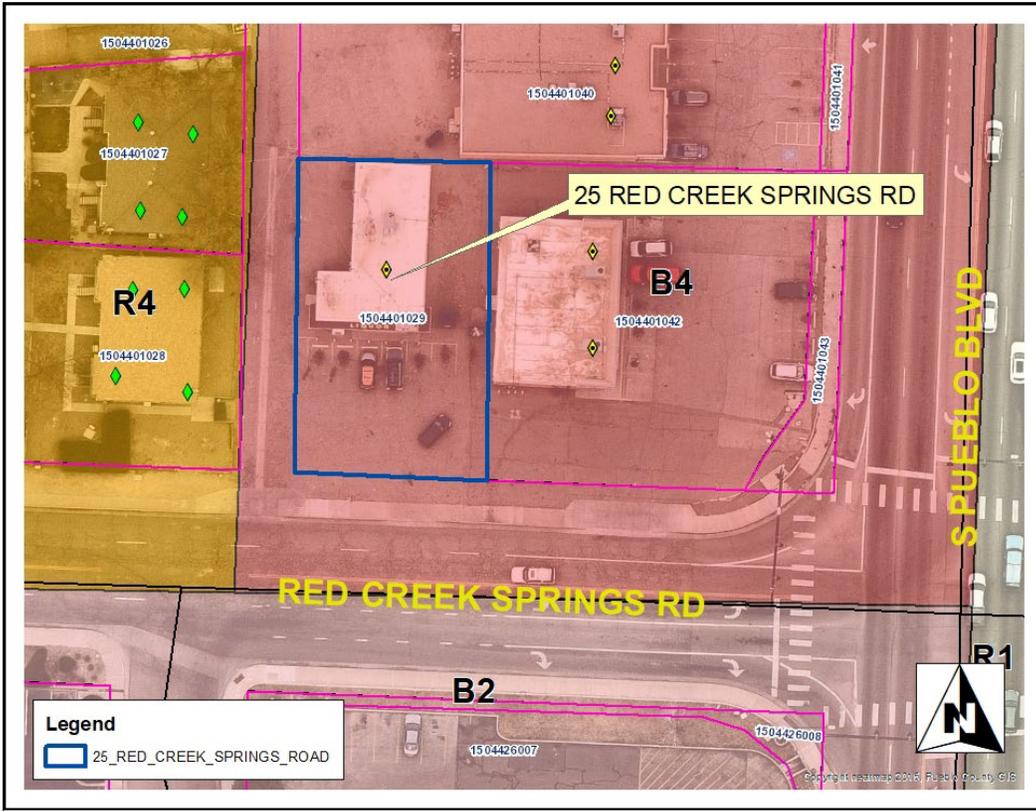


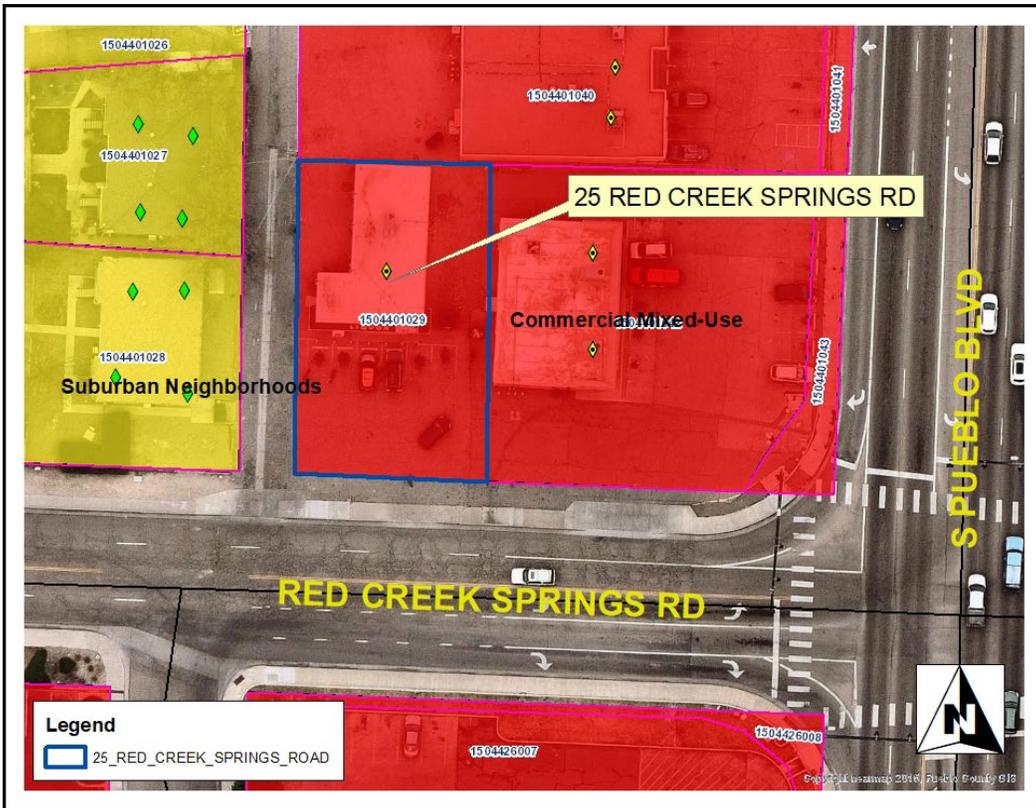
Exhibit C. Aerial Map



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



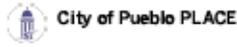
(Parking lot facing east)



(Rear of the building facing south)



(Parking lot facing north)



08/30/2022

**22-148**

Zoning Board of Appeals - Special Use Permit & Variances

**Status:** Active

**Date Created:** Aug 30, 2022

**Applicant**

Gary Anzuini  
ganzuini@comcast.net  
9 Dittmer Circle  
PUEBLO, CO 81005  
7192516870

**Primary Location**

25 RED CREEK SPRINGS RD  
PUEBLO, CO 81005

**Owner:**

SUPER REAL ESTATE LLC  
25 E RED CREEK SPRINGS RD PUEBLO , CO 81005-1804

**Internal**

**ZBA Case Number**  
ZBA-22-43

**Planner Assigned**  
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**ZBA**

**Hearing Date**  
09/27/2022

**Hearing Results**  
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**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:**  
--

**Scope of Work**

**Type of Request**  
Variance

**Variance Type**  
Parking

**Exhibit I. Supporting Documents**

# **Anzuini Development**

**9 Dittmer Circle**

**Pueblo, Colorado 81005**

**ganzuini@comcast.net**

**719 251 6870**

**To: Pueblo Community Development Department**

**Re: 25 Red Creek Springs Road. Parking Variance Request**

**Tax Parcel: 1504401029**

**Date: 08/17/2022**

**PARKING VARIANCE REQUEST**

**To Whom it may Concern;**

**There will be a small addition on the east side of the structure that will create more storage space for the business owner.**

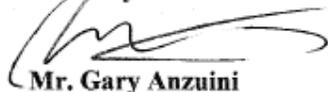
**Surface parking by code is 11 spaces required, including 1 van assessable ADA space.**

**Proposed surface parking will have 7 spaces, including 1 van assessable ADA space**

**The building owner has recently added a drive through pick-up window, which will handle about 50% of the business sales volume.**

**Thank you for your consideration of this request.**

*Sincerely*



**Mr. Gary Anzuini  
Authorized Representative**

# Anzuini Development

225 West Riverwalk  
[ganzuini@comcast.net](mailto:ganzuini@comcast.net)

Pueblo, Colorado 81003  
719 251 6870

To: Pueblo Community Development Department

Re: Regency Liquor 25 Red Creek Ranch Road

Tax Parcel: 1504401029

Date: 08/29/2022

## JUSTIFICATION OF FACTS

To Whom it may Concern;

- a. **Neighborhood Compatibility:** A parking variance for this property will not reduce required light and air to adjacent properties. Surrounding properties include; the rear walls of existing retail buildings to the north and east, a Convenience Store across Red Creek springs Road to the South and a 4-Plex apartment building across the alley to the West. Setbacks from existing building to adjacent buildings are; North 4-6” between buildings; East 5’-8” between buildings; South 118’ between buildings; West 44’ between buildings. The addition will be 13 feet tall, lower than the two adjacent retail buildings and the residential duplex across the alley.
- b. **Avoiding bad legal precedents:** The requested parking relief for the project will better fit the parking demand for this property.
- c. **Hardship imposed by the City Zoning Code:** The current Parking Code will not allow the building owner maximize storage space within the proposed expanded premises. This hardship requires constant deliveries of product without much capacity to store inventory on site. Constant arrival of delivery vehicles blocks customer access to the retail liquor store.

- d. **Hardship unique to this location: This property is not large enough to support additional parking, the new drive through pickup window relieves the need for most of the on-site walk-in customer surface parking.**

Sincerely

**Mr. Gary Anzuini**  
**Authorized Representative**

### 2018 IBC Building Code Analysis

Address	25 East Red Creek Ranch Road
Tax Schedule Number	1504401029
Legal	Portion of Lot 29;Block 1;Westwood Vil.
Zone	B4 - City of Pueblo
No. of Stories	1 Story
Existing Building Size	1,989 SF
Proposed Addition	1,164 SF
Total size after construction	3,153 SF
Occupancy Load Premises	14 Persons
Building Height	14 feet
Construction Type	5-B
Occupancy	B-Small Retail

### Parking Calculation

Total size after construction	3,153 SF
Parking Required @ 1space per 300 SF	11 spaces (1 ADA Assessable)
Parking Provided	7 spaces (1 ADA Assessable)
Requested variance	37% parking space reduction

### Parking Plan

1" = 20' - 0"

