

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-52

Hearing Date: 8/23/2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 700 W. 6th Street
APPLICANT: Anthony Gallegos
PROPERTY OWNER: Milford Group
YEAR BUILT: 1961
LEGAL DESCRIPTION: Lengthy, on file at the Planning and Community Development
ZONE DISTRICT: Industrial (I-2) Zone District
PARCEL ID: 536200038
STRUCTURE SIZE: 3,944

REQUEST: Special Use Permit for a restaurant in an Industrial (I-2) Zone District

SYNOPSIS OF REQUEST

The applicant, Mr. Gallegos, intends to establish a restaurant at 700 W. 6th street located directly west of the Dennis Maes Judicial Center in Downtown Pueblo. A restaurant means an establishment whose primary function is providing prepared meals to customers. According to section 17-4-51 (d)(10) a restaurant is a use by review in an Industrial (I-2) Zone District, therefore the applicant is required to obtain a Special Use Permit at this location, to begin this use.

ANALYSIS OF REQUEST

700 W 6th Street is the site of the former Daylight Donuts building located at the southwest corner of the intersection of West and 6th Street. The proposed restaurant, Prime on a Dime, is part of a business plan transition of the applicant from a food truck business into a brick-and-mortar setting. The applicant will be selling the food truck and it will not be used at this site. The proposed hours of operation are 8:00 a.m. to 3:00 p.m. and there will be limited indoor dining and carry out options. There are eight to ten parking spaces at the front of the lot and additional gravel parking at the rear. The building most recently operated as a food service establishment and the location, across from a major regional employer, is an appropriate location for the proposed use. One other use is located in the building and Staff is working with the applicant to determine the parking requirement to see if the proposed use can meet the parking demand of the building.

ZONING DISTRICT AND LAND USE

Zone:	Developed with:	
North	Industrial (I-2) Zone District	Xcel Energy
East	Government Use (S-1) Zone District	Dennis Maes Judicial Center
South	Central Business (B-4) Zone District	Embroidery Plus Quick Print
West	Central Business/Industrial (B-4/I-2) Zone District	Central Pueblo Shopping Center

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 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. There is ingress and egress located off of 6th Street

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: Neutral Finding. More information is needed to determine if adequate parking exists on site. If adequate parking cannot be demonstrated the applicant will need to apply for a variance.

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

Comments: Affirmative finding. All refuse will be collected and maintained on-site.

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

Comments: Affirmative finding. Utilities are already established at this location.

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

Comments: Affirmative finding. The proposed restaurant is adjacent to B-4 and I-2 zone districts; therefore, screening and buffering will not be required for the proposed commercial use..

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 proposes using window signage.

7. Required yards and other open space.

Comment: Affirmative finding. The applicant is compliant with required yards and setback for this site.

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

Comments: Affirmative finding. Food service was the last use at this location, and it sits in close proximity to serve the justice center and most of commercial Downtown Pueblo.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

- A. Applicant must provide information demonstrating they meet the required parking load for the entire building. If they are short the number or required spaces to meet their parking requirement, they will need to apply for a parking variance.

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: ZBA-22-52	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 12/28/2023
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. Site Map

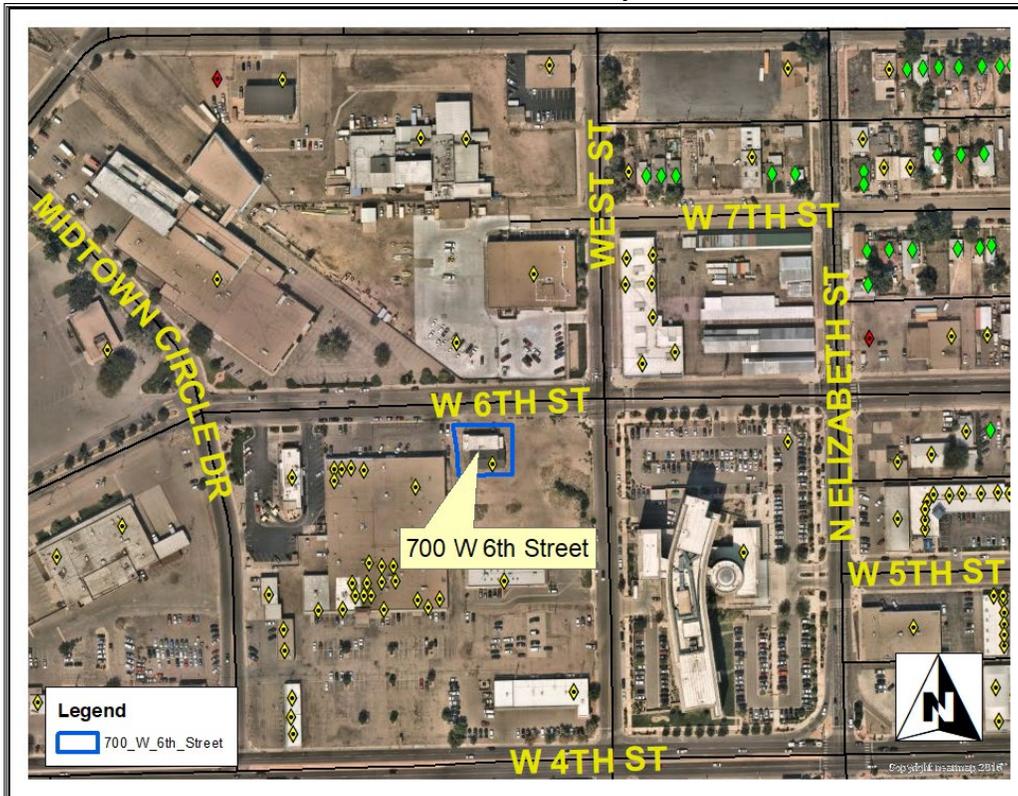


Exhibit C. Aerial Map

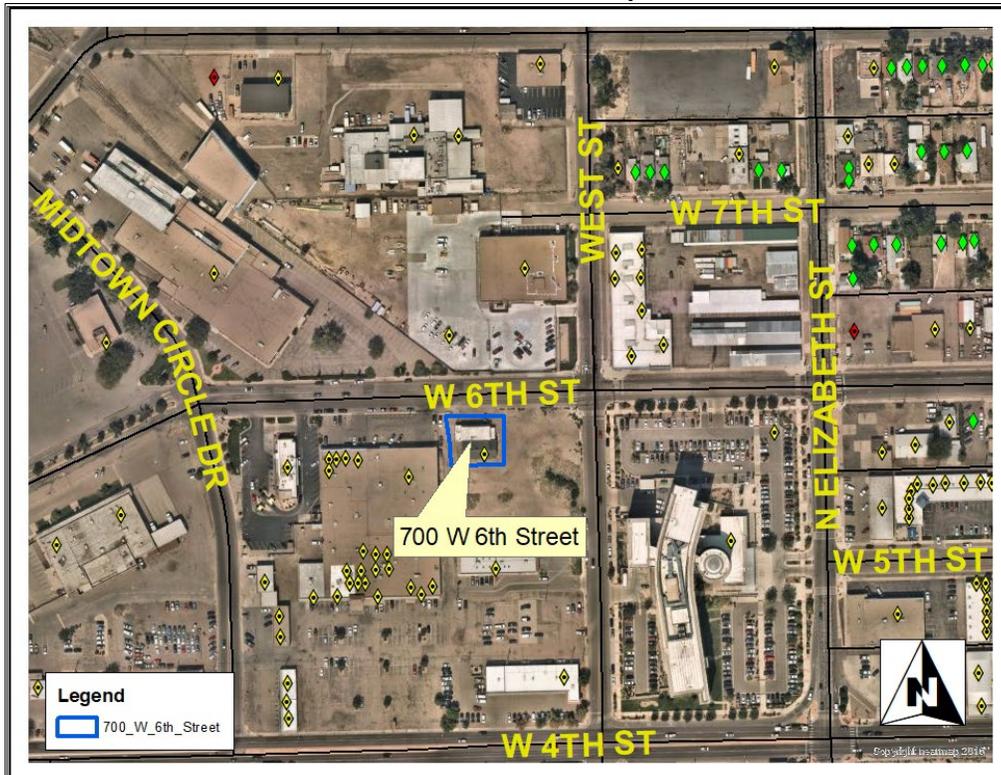


Exhibit D. Zoning Map

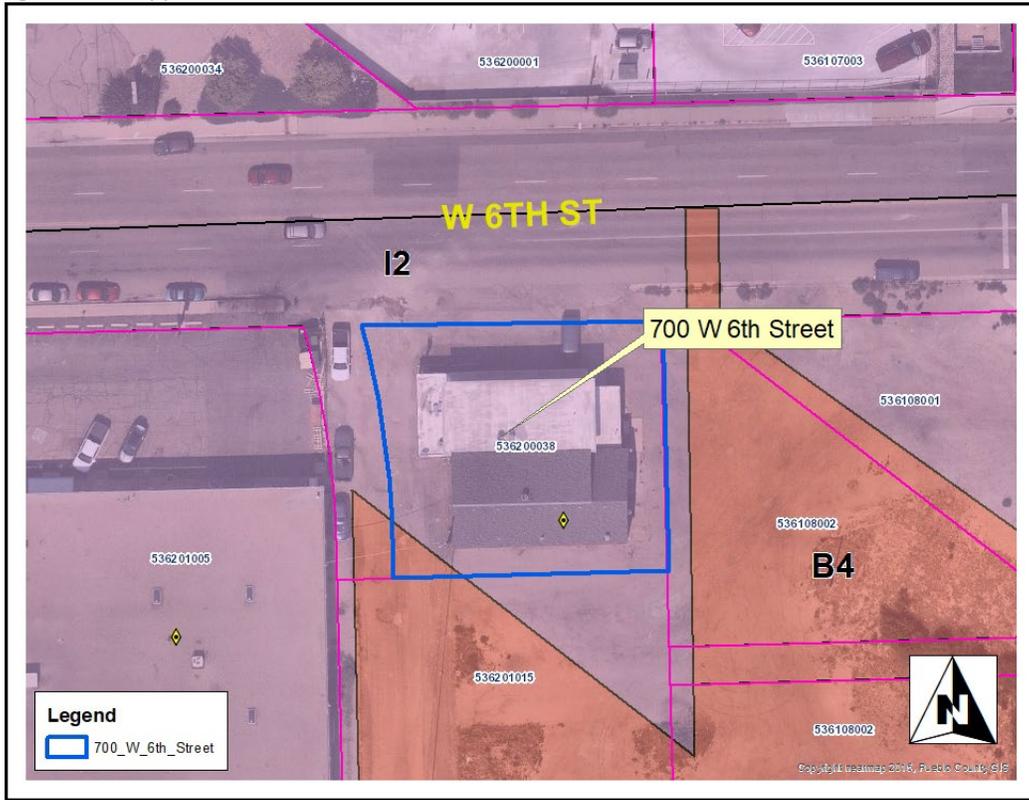


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos





11/30/22, 8:09 AM

OpenGov



11/30/2022

22-192

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Nov 29, 2022

Applicant

ANTHONY GALLEGOS
primeonadime@hotmail.com
3124 SKYVIEW AVE
PUEBLO, CO 81008
7192711299

Primary Location

700 W 6TH ST
PUEBLO, CO 81003

Owner:

MILFORD GROUP PUEBLO LLC
PO BOX 50676 COLORADO SPRINGS , CO 80949-0676

Internal

ZBA Case Number
ZBA-22-52

Planner Assigned
--

ZBA

Hearing Date
12/28/2022

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:

--

Is a 1-year inspection required?

--

Scope of Work

<https://puebloco.viewpointcloud.io/#!/explore/records/39074/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 1/4

11/30/22, 8:09 AM

OpenGov

Type of Request

Use by Review (Special/ Limited Use Permit)

Type of Use by Review

Special Use Permit

Provide a short description of the proposed request:

Restaurant Use

What is the general use of the property

Commercial

Detailed explanation of the request as listed above.

Multi-Unit, I'd like to rent the main unit in order to allow my catering customers and short order pick-ups.

Justification of facts required for the request. Be specific.

Please see attachment

Please see the attached document for assistance with Justification of Facts:

[ZBA Use by Review Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_\(Greenwich_Mean_Ti...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...)

Please see the attached document for assistance with Justification of Facts:

[ZBA Non-Residential Variance Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_\(Greenwich_Mean_Ti...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_Ti...)

[ZBA Residential Variance Assistance \(https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT__06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_\(Greenwich_Mean_Ti...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT__06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_Ti...)

Are there any concurrent zoning requests?

No

Use by Review Justification of Facts

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

Existing structure, sufficient parking in place, steady traffic flow, and fire/ER safety access currently in place.

Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

See attached

Describe refuse and service areas, with particular reference to the items in the two questions above.

See attached

Describe utilities, with reference to the location's availability and compatibility.

In place/existing, no change

Describe screening and buffering with reference to type, dimensions and character.

See attached

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

Sufficient Lighting, no known discrepancies

Describe how you will comply with the required yards and other open space.

All is currently in compliance and will continue to be. We plan to work closely with neighbors and surrounding businesses.

Describe the general compatibility with adjacent properties and other property in the district.

Same type of functionality/commercial and vacant lots

Terms

Is the applicant and property owner the same?

No

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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: Milford Group Pueblo LLC		Name: Anthony Gallegas	
	Address: PO Box 50676		Company: Prime inc. DBA Prime on a Dime	
	City, State & Zip: Colorado Springs, CO 80944		Address: 3124 Skyview Ave.	
	Phone: (719) 459-6129		City, State & Zip: Pueblo CO 81008	
Email: bking@earthx.us		Phone: ()	Cell: (719) 271-1299	
		Email: primeonadime@hotmail.com		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: 700 W. 6th St. Pueblo, CO 81003-2398			
	Legal Description: Lengthy - Please see attached			
	Parcel No: 536200038		Existing Zone: I2	
	Property Size: 3944 sf as per county assessor			
Project Information	General Information			
	Provide a short description of the proposed request:			
	I would like to use this location as a storefront to sell prepared food. I will prepare the majority of items offsite and transport them to this location for sale. I intend to use hot/cold cases to keep the food fresh.			
	What is the general use of the property: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial			
	<input type="checkbox"/> Multi-Family <input type="checkbox"/> Other _____			
Scope of work:		<input checked="" type="checkbox"/> Special Use Permit (Limited Use Permit):		
		<input checked="" type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) <input checked="" type="radio"/> Other: 8, 32, 33		
		<input type="checkbox"/> Variance:		
		<input type="radio"/> Setback <input type="radio"/> Parking <input type="radio"/> Landscape <input type="radio"/> Lighting <input type="radio"/> Height <input type="radio"/> Signs <input type="radio"/> Other: _____		
		<input type="checkbox"/> Appeal:		
		<input type="radio"/> ZBA Decision (Case Number: ZBA-____-____) <input type="radio"/> Administrative Official Determination <input type="radio"/> Other: _____		
		<input type="checkbox"/> Other: _____		

06/2020

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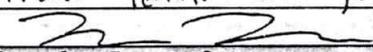
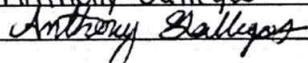
Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input checked="" type="checkbox"/> B. Justification of facts required for the request. Be specific <input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input checked="" type="checkbox"/> E. Photographs. <input checked="" 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 checked="" type="checkbox"/> H. Pueblo County Assessor's Property Information print out www.co.pueblo.co.us 	
Terms	<p>By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:</p> <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. 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. 	
	<p>Property Owner</p> <p>Print Name: Trevor Terrill - Managing Partner The M:Ford Group</p> <p>Signature:  Date: 11-20-2022</p> <p>Applicant, if different from Property Owner</p> <p>Print Name: Anthony Gallegos</p> <p>Signature:  Date: 11-17-22</p>	
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

Attachment A: Detailed Explanation Of The Request

As the owner and operator of Prime On A Dime, I intend to use the commercial site located at 700 W. 6th St. Pueblo, CO 81003 as a storefront to sell my prepared food items. I have been a chef in the Pueblo Community for over 12 years and I've worked in the food industry for nearly 21 years. I have operated my current business, which is a food truck and catering service, since 2019. Currently, I rent a commercial kitchen in downtown Pueblo and utilize my food truck to prepare short order meals and larger catering services to the public. If this special use request is permitted I plan to offer a stationary location for my customers to pick up their food orders. With my cooking experience I have the flexibility to offer food items that only require ovens, warmers, and coolers for food preparation and storage. 90% of the items I intend to sell will be prepared offsite at my commercial kitchen and brought over to this site for storage, sale, and pick-up. If permitted, I would bring this site up to code with the Pueblo Health Department and Fire Department by installing necessary sinks, refrigeration, and fire safety equipment. In the future, I would like the opportunity to allow minimal seating for guests who might like to dine-in. There is sufficient parking in place currently, off of the street in the property's lot. Most importantly, by granting this request, the citizens of Pueblo, mainly those who live and work in the downtown area would have a new option to visit my store for lunch which is a benefit to our community.

Attachment B: Justification Of Facts Required For The Request

As mentioned in Attachment A, I believe that using this commercial property as a site for the community to order and pick up lunch and catered items is a benefit to the downtown area. The property is surrounded by several small businesses and I do believe they would be in favor of having a new restaurant nearby. I also believe that this may attract new clientele to the area and that we would provide diverse food. This request, if granted, also supports small business owners in Pueblo. There is ample parking for the customers that we intend to serve without disrupting any surrounding businesses.

Attachment F: Additional Information That I Believe Justifies The Request

About Prime On A Dime



Est. September 2019
Operated by Anthony & Latasha Gallegos

During Q3 of 2019 we launched our brand, menu, website, and food truck.
Our first public appearance in the food truck took place December 14th, 2019!



In 2020, our first full year in operation, we sold over \$28,000 in food items from our Food Truck. Momentum started picking up, we started to build a customer base and our brand recognition. We built trust and favor with our customers.



At Prime On A Dime, we had big plans for 2021 however, COVID-19 changed the restaurant industry among others. We adjusted to safety protocols outlined by the city and continued to operate as much as possible. Fortunately for us at the time we were a mobile unit with no dine-in so we tried to service our customers to the best of our ability with social distancing, online ordering, to-go, and delivery options. Many customers were afraid to venture out in public

Attachment H, 3 of 7

