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ZBA-23-06

To: City of Pueblo Zoning Board of Appeals
From: Beritt Odom, Principal Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 4/25/2023
Request: **A Special Use Permit to allow for Residence, multifamily in a Regional Business (B-4) Zone District**
Site Location: 305, 307, 309 N. Santa Fe Ave. Pueblo, CO 81003
Legal Description: **Parcels A, B, and C, College Road Subdivision, 4th Filing RPB-21-12**
Year Built: **Period of construction 1883**
Applicant: Gary Anzuini
Property Owner: Henry Borunda
Zone District: Regional Business (B-4) Zone District

REQUEST:

Mr. Anzuini is requesting a Special Use Permit to allow multifamily residences in in three two-story downtown commercial properties in a B-4, Regional Business District, located at 305, 307 and 309 N. Santa Fe Avenue. The B-4 Zone District is reserved primarily for retail and service uses in the core commercial areas of the City. Mixed residential and commercial uses within the same structure are allowed within the second floor and the non-street front sections of the building with a Conditional Use Permit; however, Mr. Anzuini wishes to utilize the three commercial properties strictly for residential purposes; therefore, a Special Use Permit is required.

According to Mr. Anzuini's application, the three properties will be renovated into six dwelling units. Each building will have one apartment on the first floor and another apartment on the second floor. The rear portions of 305 and 307 N. Santa Fe will be renovated into two two-car garages and will include a 1,552 square foot second floor addition that will serve both addresses. According to the site plan and application, the rear portion of 309 N. Santa Fe will also be renovated into a two-car garage. A screened trash enclosure is proposed to be constructed in the southwest portion of the 309 N. Santa Fe Parcel and is intended to serve as the refuse collection point for all six residences.

BACKGROUND AND ANALYSIS:

The structure addressed 305 and 307 N. Santa Fe was constructed around 1883. In 1886, 305 N. Santa Fe was used as a printing and barber shop, and 307 was a billiards hall (Pueblo Sanborn Map, October 1886). According to the Colorado Cultural Resources Inventory, the storefront and rear portions of the building were heavily altered in the 1930's. The alterations included the application of stucco to the entire exterior, alterations to the second-story windows and fenestration pattern, the addition of two canopy metal roofs, and aluminum-framed plate glass windows on the first floor. According to the Inventory form, the alterations are likely of historic age, and "may have acquired significance in their own right." The property owner introduced steel panels on the ground and second floor façade adjacent to N. Santa Fe Ave. sometime prior to September 2022. A stop-work order was issued by Pueblo Regional Building Department for exterior modifications and interior renovations without a building permit. The proposed elevations indicate that two second-floor balconies, new windows, and two new doors will be added to the second floor. The balconies will require a revocable permit prior to a building permit being issued for construction. The façade plans indicate that the large storefront windows on the first floor will remain.

309 N. Santa Fe was also constructed around 1883; however, the Sanborn Maps do not indicate the use of the building at the time of construction. According to the Colorado Cultural Resources Inventory, the first-floor façade was altered with blue glass tiles in the 1940's; the original brick, cornice, windows and fenestration remain on the second floor. The property owner introduced steel panels on the ground-floor façade, adjacent to N. Santa Fe Ave., sometime prior to 2022. A stop-work order was issued by Pueblo Regional Building Department for exterior modifications and interior renovations without a building permit. The proposed elevations indicate that an off-set steel balcony will be introduced to the second floor, and the original windows will be altered to include a door to the balcony and a new window to the south of the existing windows. The plans show the original stone and decorative lintels remain in place for the three existing windows; however, the plans do not include a note stating that the architectural elements will remain. The original fenestration will be altered with the introduction of the new window and door. The first-floor elevations show two large windows on either side of the central entry door; the windows do not include decorative trim or architectural detailing.

305-309 N. Santa Fe are included in the Central Pueblo Framework Planning Area, Business District. According to the Framework Plan, the goals for the district are to recruit and maintain medium and small business, to attract professional offices, to attract retail, to make streets more pedestrian friendly, and to create design guidelines that encourage street-level retail with offices above. The Framework Plan was developed in 1994; since that time, urban planning efforts have focused on reintroducing or maintaining residential uses within downtown areas above the commercial first floors. The City of Pueblo encourages the appropriate mix of residential and commercial uses within the downtown and recently approved a text amendment to allow the mixture of residential uses above, behind, or to the side of commercial uses within the B-4, Central Business District. The purpose of limiting residential uses to the upper floors of structures or behind the commercial ground floor is to promote pedestrian activity on the street and preserve the historic storefronts of buildings. Traditionally, storefronts were almost completely composed of glass; they were designed to be as transparent as possible, which allowed natural light in and provided a large display area. The transparency minimized the sense of a barrier to the sidewalk and made the commercial business more readily accessible to the pedestrian. Introducing a residential use to the ground floor of a commercial structure, built to the property line, creates a conflict between the sanctity of the home and the pedestrians that utilize the commercial sidewalk that sits adjacent to their residential window. It is likely that the tenants will screen the windows to prevent pedestrians from having a view into their personal space, conflicting with the purpose of the large commercial storefront and the intent to maximize activity within the downtown core of the City.

A multifamily residential structure was constructed along the 200 Block of Santa Fe Ave. in 2004. The multifamily units were constructed of red brick, large windows with fenestration, and other architectural features that are complimentary with the surrounding historic commercial structures. The multifamily structure is setback from the property line approximately 16-feet, with garden apartment and first-floor apartments. The setback and stairs that lead to both the garden and first-floor apartments create a buffer between the residential units and the commercial activity on the street. Pedestrians are not able to stand on the public sidewalk and look directly into an individual's living space. In contrast, the proposed multifamily uses at 305, 307, and 309 N. Santa Fe will inappropriately place a person's living space adjacent to a public sidewalk within a commercial corridor.

The Pueblo Municipal Code, Multifamily Housing Development Design Standards, are applicable to existing structures converted to multifamily use with three or more dwelling units; therefore, 305 and 307 N. Santa Fe will be required to meet the code prior to approval of a building permit if the Special Use Permit is approved by the board. The standards require building facades and entrances to incorporate design elements and use of color. 309 N. Santa Fe is a separate building and will contain two dwelling units; because of this, the multifamily standards are not required to be met by code; however, if the Board chooses to approve the Special Use Permit, conditioning that 309 also adhere to the multifamily standards will promote consistency between the two adjacent buildings.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Central Business (B-4) Zone District	Vacant Commercial Building
East	Parking Use (S-4) Zone District	Parking Lot
South	Central Business (B-4) Zone District	Hair Salon
West	Central Business (B-4) Zone District	Parking Lot

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	Email from Melanie Turner, Interim Traffic Engineer, April 18, 2023
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, Neutral: Pedestrian access to 305 and 307 N. Santa Fe from two separate entrances adjacent to N. Santa Fe. 309 N. Santa Fe provides shared pedestrian access adjacent to N. Santa Fe. The applicant did not provide details on how the properties may be accessed from the alley. The applicant proposes that six personal vehicles will be accommodated within the proposed garages adjacent to the alley. Interim Traffic Engineer, Melanie Turner, has concerns regarding the feasibility of accommodating six cars in the proposed garages, please see the attached email from Ms. Turner, dated April 18, 2023.

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, Negative: 305 and 307 N. Santa Fe will have four dwelling units; any structure containing three or more dwelling units is considered a multifamily structure, which requires 1.5 parking spaces per dwelling unit. The plans indicate that four parking spaces will be provided for the structure, therefore the plans are short are two parking spaces. 309 N. Santa Fe will only have two dwelling units; therefore, two off-street parking spaces will be required. The applicant proposes to accommodate two parking spaces in a garage at the rear of the property; however, Interim Traffic Engineer, Melanie Turner has expressed concerns that the proposed garages will not be able to accommodate two cars, please see discussion below.

The plans indicate that a total of six off-street parking spaces will be provided in garages located at the rear of 305-309 N. Santa Fe. Access to the garages will be provided through the 14-foot-wide alley. The garages for 305 and 307 N. Santa Fe are proposed to be constructed at property line. Melanie Turner, Interim Traffic Engineer, provided the following comments in an email, April 18, 2023:

1. Two car garages generally have a 16-foot-wide garage door opening, it may not be possible to accommodate two 16-foot-wide garage doors within a structure that is approximately 42-feet wide.
2. The parking maneuvers must take place solely in the alley and the property owner's garage; therefore, it is unlikely that a second car will be able to pull into the garage if another vehicle is already parked in the garage. The required turning movement to get into the garage will take up a great deal of space unlike traditional residential garages that are accessed directly from a straight driveway.
3. It is likely that only one car will fit in each garage.

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

Comments, Negative: one dumpster and trash enclosure will be provided for all six units at 309 N. Santa Fe. 309 N. Santa Fe is a separate building from 305 and 307 N. Santa Fe and is located on a separate parcel. Staff suggests that the Board condition the property owner establish a shared refuse easement, specifically providing perpetual trash services to the tenants and owners of 305 and 307 N. Santa Fe.

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

Comments, Affirmative: all utilities are established.

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

Comments, Negative: the applicant proposes to introduce residential uses directly upon the public sidewalk within the City's central downtown.

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: no signs are proposed at this time.

7. Required yards and other open space.

Comments, Neutral: no open space or yards are proposed for residential uses. However, no yards are required within the B-4 Central Business District. Open space is not required but may be an amenity that tenants prefer.

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

Comments, Negative: The proposed multifamily uses at 305, 307, and 309 N. Santa Fe will inappropriately place a person's living space adjacent to a public sidewalk within a commercial corridor. A mixture of residential and commercial uses is appropriate in downtown urban environments; however, appropriate integration of residential uses require that they are either stepped back from the primary public right-of-way or located above commercial uses.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following conditions:

1. 309 N. Santa Fe must adhere to Pueblo Municipal Code, Section 17-4-14 Multifamily housing development design standards, to ensure consistency with 305 and 307 N. Santa Fe.
2. Provide a shared perpetual refuse easement specifically for the tenants/owners of 305 and 307 N. Santa Fe on the 309 N. Santa Fe property for the entire area planned for the screened refuse container.

3. Provide an analysis that demonstrates that personal vehicles are able to make the parking maneuvers required to fit two cars in each of the three proposed two car garages. The analysis must be completed by a licensed Traffic Engineer.
4. Secure the necessary eight off-street parking spaces required for the proposed project or a variance for the number of parking spaces that cannot be accommodated on site or on a separate parcel as allowed by Pueblo Municipal Code, Section 17-4-44, (f), and (g).

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: 4/25/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/25/2024
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 the 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 C. Aerial Map

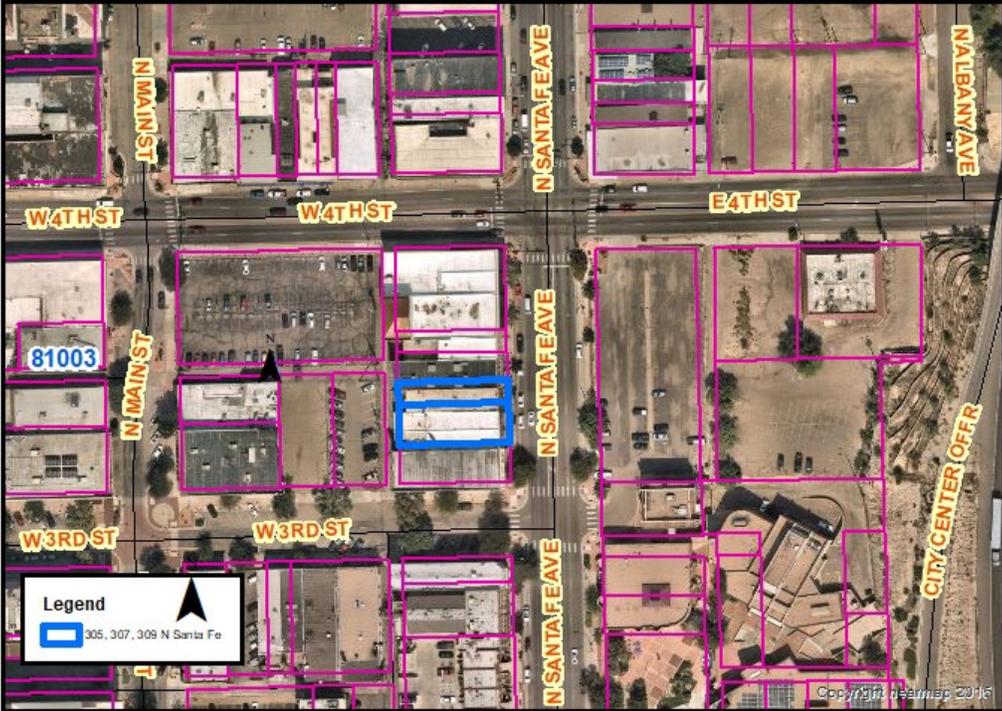


Exhibit D. Zoning Map

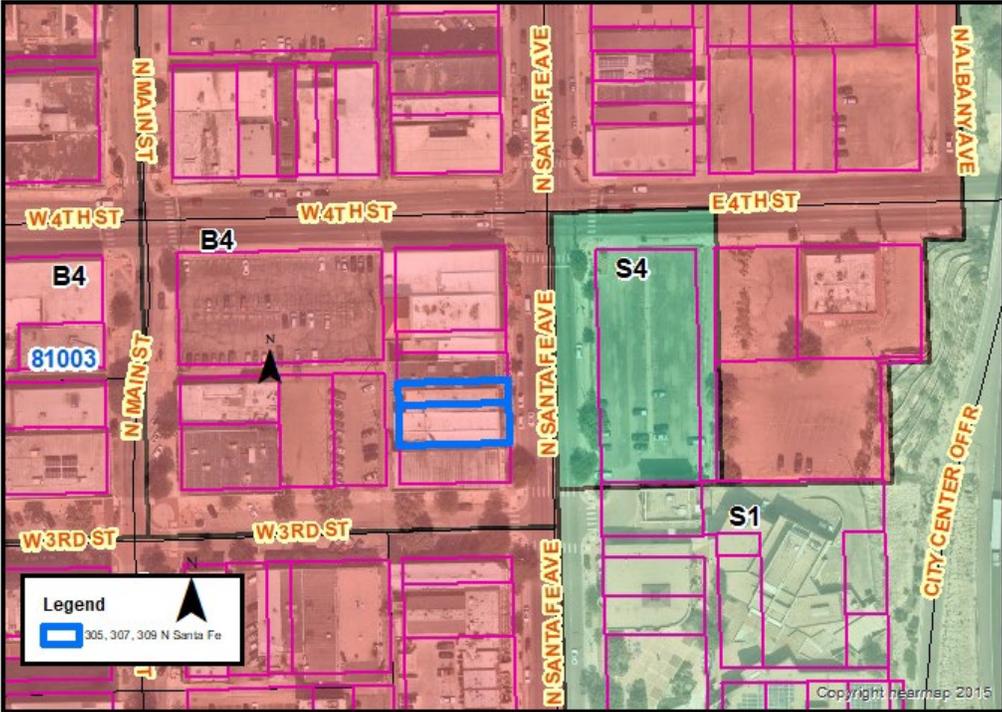


Exhibit E. Comprehensive Plan Map

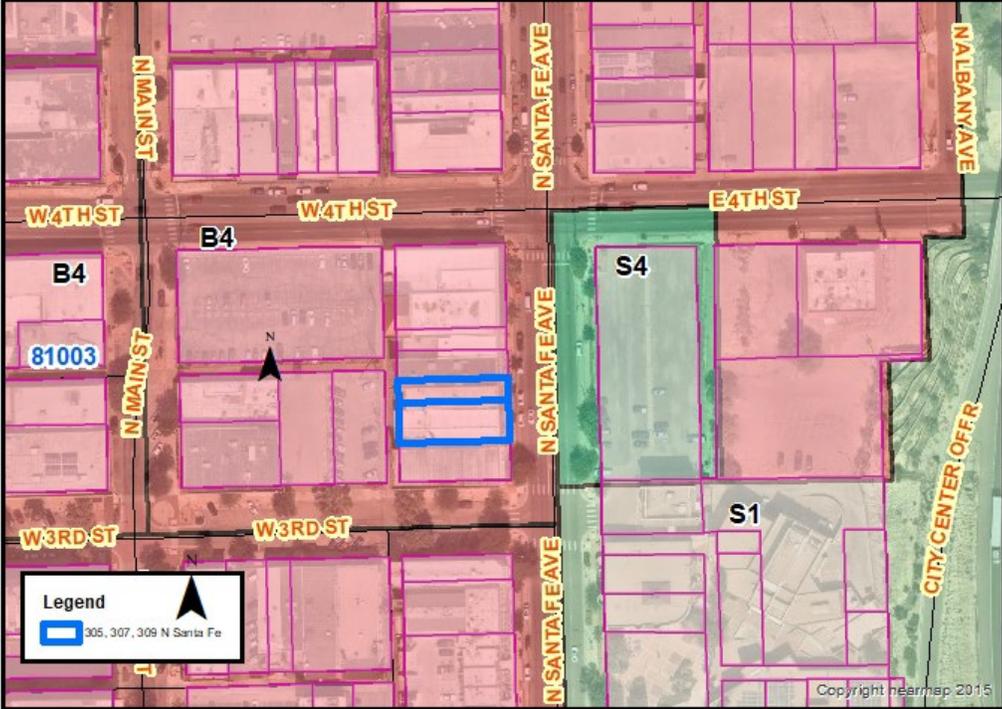


Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application



02/07/2023

23-30

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Feb 7, 2023

Applicant

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

Primary Location

309 N SANTA FE AVE
PUEBLO, CO 81003

Owner:

3XX SANTA FE RE LTD
1 ROCKBRIDGE LN PUEBLO , CO 81001-1306

Additional Locations

305 N SANTA FE, A & BPUEBLO COO 81003
307 N SANTA FE AVE, A & BPUEBLO CO 81003

Internal

ZBA Case Number
ZBA-23-06

Planner Assigned
--

ZBA

Hearing Date
03/28/2023

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:



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

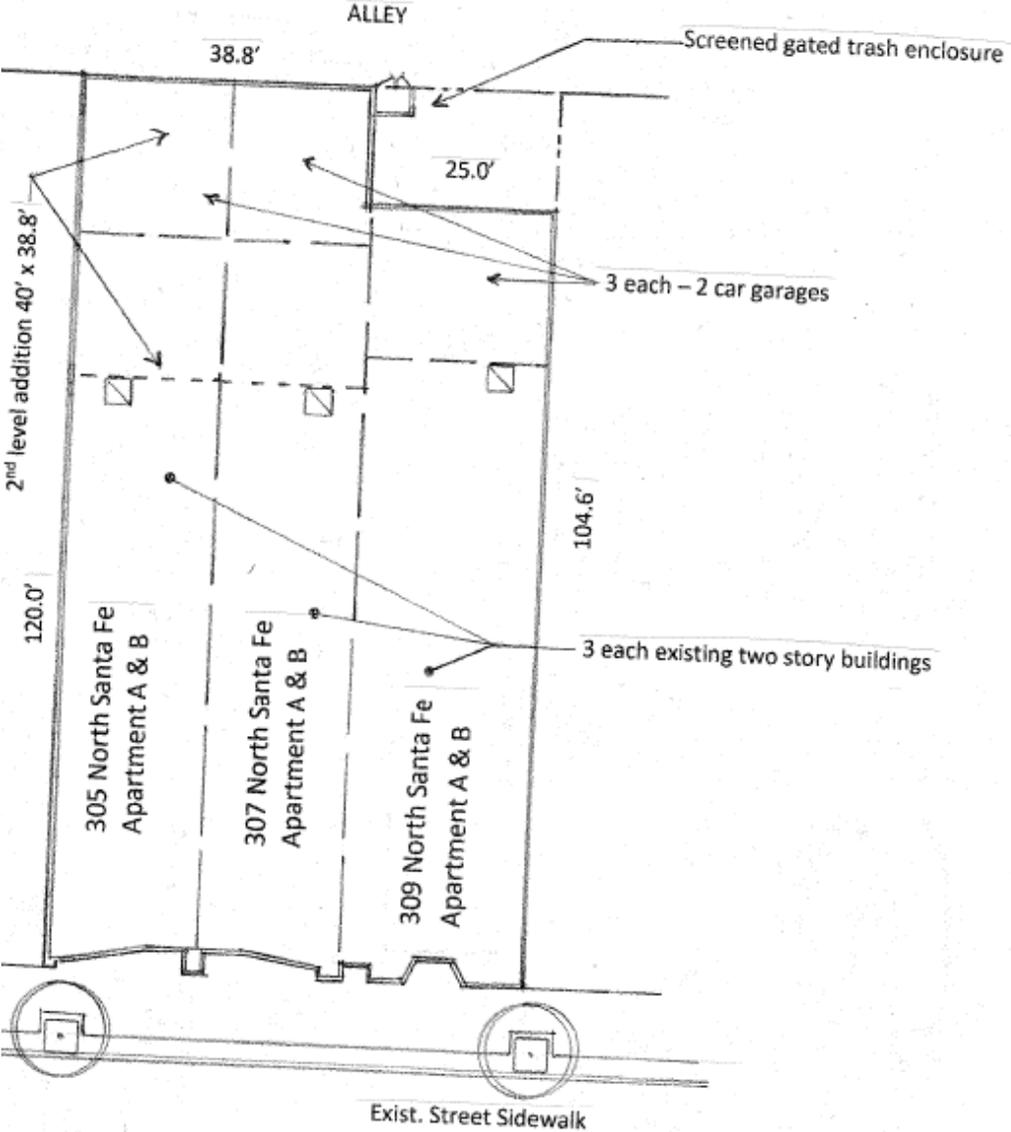
Property Owner Affidavit

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

Property Owner:			
Name: Henry Borunda		Company:	
Address: 1 Rockbridge Lane			
City: Pueblo		State: CO	Zip: 81001
Phone: (719) 250-0000	Email: Hank.Borunda@gmail.com		
Applicant:			
Name: GARY ANZWINI		Company: ANZWINI DEVELOPMENT	
Address: 9 DITTMER CIRCLE			
City: PUEBLO CO.		State: COLO	Zip: 81005
Phone: 719-251-6870	Email: GANZWINI@COMCAST.NET		
Property Address:			

I, Henry Borunda, hereby state that I am the owner of record of the property located at _____, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application at said location.

[Signature] 2/11/23
Signature of Property Owner Date



SANTA FE DRIVE



SITE PLAN

1" = 20'

From: [Melanie Turner](#)
To: [Beritt Odom](#)
Cc: [Macario Torres](#)
Subject: RE: ZBA-23-06 Multifamily on Santa Fe
Date: Tuesday, April 18, 2023 12:14:21 PM
Attachments: [image002.png](#)
[Site Plan.pdf](#)

Beritt,

I have reviewed this request. Although what the applicant is asking is not illegal, it may not be feasible. 2-car garages usually have 16' wide openings. The first question is :

- Can a 2-car garage opening even fit in the narrow buildings of 305 and 307 North Santa Fe?

Secondly, I question the ability to make turning movements into the garage. When using two car garages built on single family residences, the driver is pulling straight in. In this case, they are pulling in while making a turning movement, which takes up more room. Of course, there are a lot of factors here (size of cars, depth of garage, etc.)

- It is unlikely that a 2nd car will be able to pull into the garage if another vehicle is already parked in it.

Thirdly:

- The parking maneuvers must take place solely in the alley and property owner's garage. They vehicle must not encroach onto other property (across the alley).

Currently there is a fenced parking lot on the west side of the driveway. But there may building there in the future. But even if there weren't a physical barrier, encroaching is illegal without legal permission to do so.

- Since it is more reasonable that only one car is likely to fit in each garage, depending on how many units are planned, you may need to apply for a parking variance as well.

In conclusion, I am not disapproving of the is request, I just want you to be aware that it might not be as feasible or useful as you envision it to be. Let me know if you have any questions.

I would like to make/keep these comments in OpenGov. I'll call you to see how I can do that.

Thanks

Melanie Turner, P.E.

INTERIM TRAFFIC ENGINEER | DEPT OF TRANSPORTATION
CITY OF PUEBLO, COLORADO
719.553.2702 OFFICE
mturner@pueblo.us | 350 ALAN HAMEL AVE



From: Beritt Odom <bodom@pueblo.us>