

ZBA-23-25

Hearing Date: July 25, 2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Jay-Michael Baker, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1275 Drew Dix Pkwy, Pueblo, CO 81008
APPLICANT: Nate Reeve
PROPERTY OWNER: LV Petroleum
YEAR BUILT: Current Building Permit Request C-22-19, TA Travel Center
LEGAL DESCRIPTION: Lots 1-12 Pinon Ridge Commercial Center Filing 1 (RPB-22-14, Pinion Ridge Subdivision)
ZONE DISTRICT: B-3
PARCEL ID: 501009003, 501009005, 501009008, 501009004, 501009007, 501009011, 501009012, 501009001, 501009002, 501009009, 501009006, 501009010
LOT SIZE: Approx. 760,000 square feet

REQUEST:	A variance to waive the parking lot end cap and island landscape performance standards for the TA Travel Center parking lot.
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SYNOPSIS OF REQUEST

The subject property is located in the Pinon Ridge Commercial Center on Pueblo's North Side there is a concurrent building permit request for the TA Travel Center, which is a convenience store and travel center. The applicant is requesting a variance to wave the parking lot end cap and island landscape performance standard for the large truck parking area, and to transfer some of those requirements to other portions of the site. The large truck parking area is intended for overnight or longer-term parking of large commercial tractor-trailers.

ANALYSIS OF REQUEST

The applicant is requesting a variance to waive Landscape Performance Standard 17-4-7 (3) B. 1-3 pertaining to "Parking Lot" landscaping. The code states, "Parking lots with more than five (5) regular spaces shall provide end cap landscape at each end of all rows of parking spaces and internal landscape islands within the row of parking spaces so that there are no more than ten (10) to fifteen (15) consecutive parking spaces within a landscape island. (et. al.)"

The applicant states that the Municipal Code's requirement of internal and end-of-row landscaping is not conducive for the areas frequented by tractor-trailers/semi-trucks because the islands are difficult for trucks to see and navigate and, as a result, are often hit and damaged by trucks. Additionally, the applicant notes, they complicate drainage, snow removal, and create a challenge to keep trees and shrubbery alive when they are surrounded by hard surfaces that are constantly hit by trucks. This request is strictly for parking areas designed specifically for the use of large tractor-trailer parking and will not include short-term parking for standard vehicles that are located up to the convenience store, travel center, restaurant or other retail/commercially developed structures.

This request will replace the required parking islands and their landscape requirements with a replacement landscape plan. The truck islands totaled 14,707 square feet, with 16 required trees and 64 required shrubs. The applicant plans to replace the islands with 17,520 square feet of additional landscape on the north edge of the property, that will have 17 trees and 69 shrubs. Please see Attachment H for details. The replacement landscaping is outlined in red.

This request will not have any impact on the land use, density of use, or the location of streets and highways surrounding the applicant's property. The removal or redesign of end-of-row or internal landscape islands will not,

in any way, impact the density of the use, the use of the applicant’s property, or the use or location of surrounding streets, highways, or rights-of-way.

The Love’s Travel Stop and Country Stores, located directly south of the applicant’s property, was granted a similar variance on March 23, 2010, ZBA-008-2010, waiving the parking lot island landscape performance standard for a large truck parking area.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Pueblo County I-2	LivWell Dispensary
East	NA	I-25 Corridor, Outside of City Limits
South	B-3	Convenience Store and Travel Center
West	Pueblo County A-1	Undeveloped, Outside of City Limits

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. The closest developed property is of similar use as a travel center and convenience store. To the north and to the west, are undeveloped parcels located within Pueblo County outside of the city limits of the City of Pueblo. To the east, is the Interstate 25 corridor and has no other use or development.

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. The addition will not negatively affect the general planning of the city.

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

Comments: Neutral Finding. Failure to receive this variance would not prohibit the development of the tractor-trailer parking area. As noted in the analysis, failure to receive this variance may result in a hardship to keep islands landscaped due to potential for islands to be damaged by tractor-trailers. Additionally, as noted, the islands may complicate drainage and snow removal.

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. This property suffers a unique disadvantage not common among other commercial parking lots, but only found specifically in parking lots constructed for the singular use of parking tractor-trailers.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

ATTACHMENTS

- A. Standard Permit Conditions
- B. Location Map
- C. Site Map
- D. Zoning Map
- E. Public Notice Photo
- F. Site Photos
- G. Application
- H. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 7/25/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/25/2024
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 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



E. Public Notice Photo







Exhibit G. Application

6/12/23, 4:54 PM

23-110



City of Pueblo PLACE

6/12/2023

23-110

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 6/12/2023

Primary Location

1275 DREW DIX PKWY
PUEBLO, CO 81008

Owner

LV PETROLEUM LLC
4425 W SUNSET RD LAS
VEGAS, NV 89118-4321

Applicant

Nate Reeve
 801-621-3100
 office@reeve.co
 5160 S 1500 W
Riverdale, UT 84405

Internal

ZBA Case Number

ZBA-23-25

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

07/25/2023

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

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

Type of Request*

Variance

Variance Type*

Landscape

Provide a short description of the proposed request:*

To request a variance to the landscape performance standards.

What is the general use of the property*

Commercial

Detailed explanation of the request as listed above. *

We respectfully request a waiver from providing parking lot islands in the large truck parking area.

Justification of facts required for the request. Be specific.*

The site plan that has been submitted in connection with applicant's property provides an overview of the facts relevant to the request. As demonstrated by the site plan, the applicant's property is designed to serve as a Convenience Store and Travel Center with specific parking areas and amenities focused on semi-truck drivers. The Code's requirement of internal and end-of-row landscaping islands is not conducive for these areas frequented by semi-trucks for the reasons outlined in this application. According to City staff, the travel center to the South received a variance like the one requested by the applicant in approximately 2010.

Are there any concurrent zoning requests?*

No

Variance Justification of Facts

Give details to support how your variance won't (1) reduce light and air for nearby properties, (2) otherwise Ⓜ bother nearby properties, or (3) lower neighborhood market values.*

In this requested variance, the applicant is seeking a variance from the parking requirements in the design and construction of parking lots, imposed by Code Section 17-4-7(3)b., including the requirement that parking lots with more than five (5) regular parking spaces include end cap landscape islands at the end of rows of parking spaces and internal landscape islands so that there are no more than ten (10) to fifteen (15) consecutive parking spaces without an island. This variance is requested because the parking lot involved is for a Convenience Store and Travel Center that will feature "truck parking spaces" instead of regular parking spaces and travel lanes for semi-trucks and trailers.

This requested variance—the removal of the requirement for end-of-row-islands and internal islands—is necessary because landscape islands, both internal and end-of-row, do not work within truck parking areas because they are difficult for trucks to see and navigate and, as a result, are often hit and damaged by trucks. In addition, they complicate drainage, snow removal, and it is challenging to keep the landscaping in the islands alive when they are surrounded by hard surfaces and constantly hit by trucks.

This requested variance—the removal of the requirement for end-of-row-islands and internal islands—will not reduce the light and air for nearby properties or otherwise bother nearby properties. It is the applicant's understanding that the travel center located to the South of applicant's property received a variance like the one that applicant is now requesting for the same reasons that applicant is now advancing. Likewise, the requested variance is not expected to have any impact on the property values of real property located within one hundred feet of the property for which the variance is requested.

Give details to support how your variance won't negatively affect the intended use of your property, surrounding properties, public streets, and rights-of-way.* ⓘ

This requested variance—the removal of the requirement for end-of-row-islands and internal islands—will not have any impact on the land use, the density of use, or the location of streets and highways surrounding the applicant's property. The removal or redesign of end-of-row or internal landscape islands will not, in any way, impact the density of the use, the use of the applicant's property, or the use or location of surrounding streets, highways, or rights-of-way. As noted above, the travel center located to the South of applicant's property received a variance like the one that applicant is now requesting, so this variance will not be out of character with similar variances/uses allowed in the area.

How would your variance improve the use and development of the property?* ⓘ

This requested variance—the removal of the requirement for end-of-row-islands and internal islands—will improve the use and development of applicant's property. Strict adherence to the requirements of Code Section 17-4-7(3)b could create an unworkable and possibly hazardous situation on applicant's property. Landscape islands in areas of the parking lot used by semi-trucks create a potential hazard because they are very difficult for drivers to see and avoid. The result would be islands that are hit by truckers, causing damage to the islands, to the trucks, and the likely destruction of the landscaping in the islands.

Why does the code as-written present you with a particularly unique challenge?* ⓘ

This requested variance—the removal of the requirement for end-of-row-islands and internal islands—presents the applicant with a unique challenge because landscape islands, both internal and end-of-row, do not work within truck parking areas in that they difficult for trucks to see and navigate and, as a result, are often hit and damaged by trucks. This challenge is unique to applicant's property because of the anticipated traffic by semi-trucks and other large vehicles.

Terms

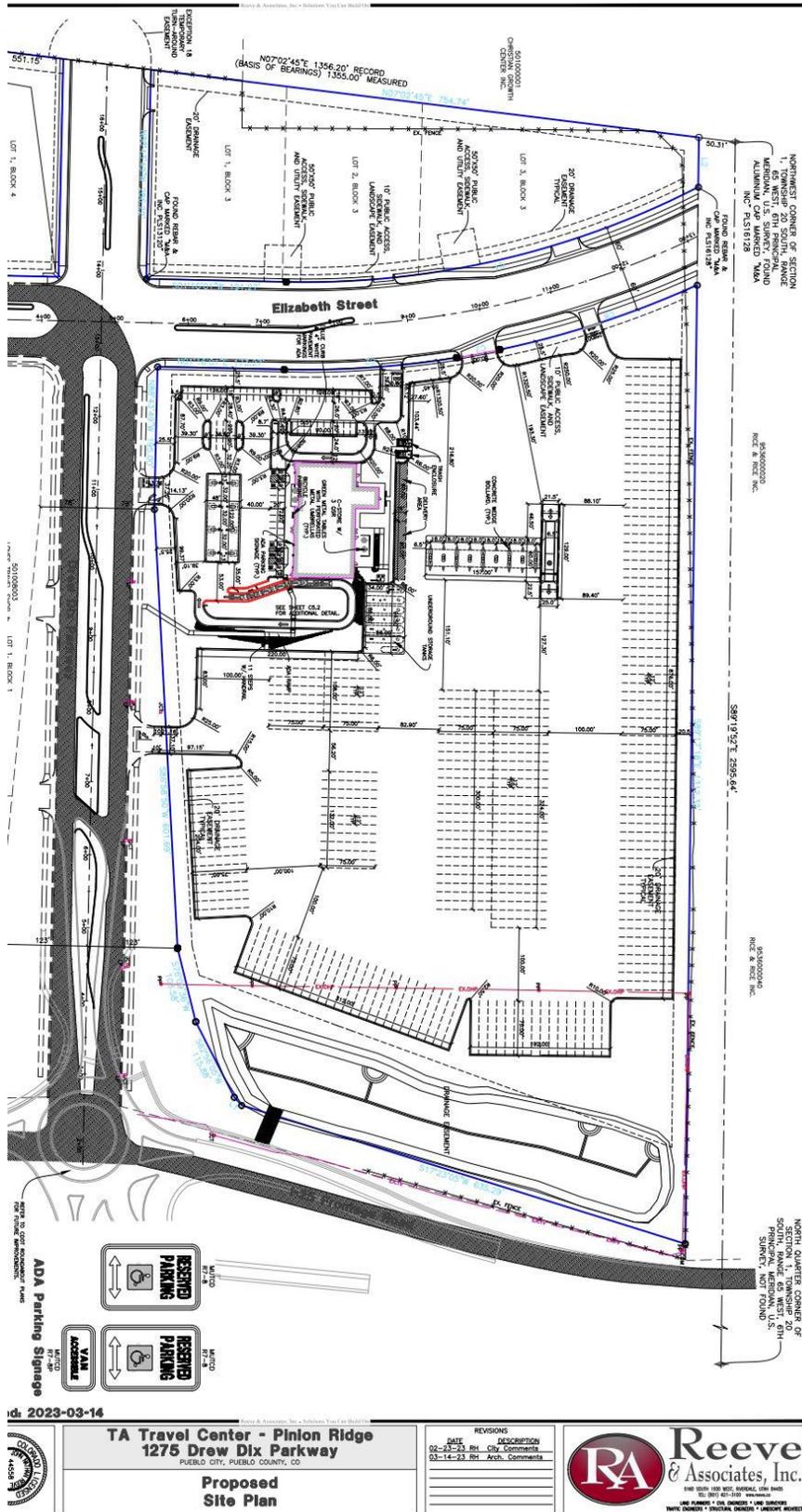
Is the applicant and property owner the same?*

No

Applicant Signature*

✔ Nate Reeve
Jun 12, 2023

Exhibit H. Supporting Documents





Revised: 2023-05-18



TA Travel Center - Pinlon Ridge
1275 Drew Dix Parkway
 PUEBLO CITY, PUEBLO COUNTY, CO

Variance Exhibit

REVISIONS	
DATE	DESCRIPTION



Revised site plan