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Lisa Bailey
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Georgia Way

ZBA-24-02

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 634 Goodnight Ave, Pueblo, CO 81005
APPLICANT: Casey Prutch
PROPERTY OWNER: 1Legacy Investments LLC
YEAR BUILT: 1959
LEGAL DESCRIPTION: LOTS 1 TO 5 BLK 1 ADAMS SUB
ZONE DISTRICT: Single-family Residential (R-2) Zone District
PARCEL ID: 534410001
LOT SIZE: 16,500 sq ft
CONCURRENT REQUEST: Z-24-04

REQUEST: Special Use Permit to allow for a Banquet hall in a Commerical Charter Neighborhood (CCN) Zone District (Pending Rezone)

REQUEST

634 Goodnight Ave. is a 4,968 sq ft former Mennonite Church on a 16,500 sq ft lot, east of City Park, in the State Fair & College Hill neighborhood. The church was built and operated as such until 2023 when the property was purchased by 1Legacy Investments. The new owner would like to repurpose the building and it's uses as a neighborhood-serving multipurpose center or banquet hall. A banquet hall is defined by the municipal code as an establishment, which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities.

The applicant does face some obstacles before this project can move forward. First, a Banquet Hall is not permitted use for this parcel since the property is currently zoned Single Family Residential (R-1). The applicant has submitted a concurrent application for the rezoning of this property from R-1 to Commercial Charter Neighborhood (CCN) (Z-24-04). However, even with the rezoning, the banquet hall, use is still a Use-by-review in a CCN Zone District. Therefore, the applicant is requesting review of the Special Use Permit while their rezoning application is in review to expedite the process.

ANALYSIS OF REQUEST

The applicant is asking to convert the former Mennonite Church at 634 Goodnight Ave into a Banquet Hall. This both requires them to rezone the property from R-2 to CCN and obtain a Special Use Permit for the Banquet Hall Use in the CCN Zone District. Ingress and egress to the property is taken from the alley connected to Goodnight Ave (between Dotson and Dupps Ave). The church parcel has an unpaved parking lot located adjacent to the alley. The parking spaces are not delineated at this time and according to the code, 17-4-43(b)(17), "The parking requirement shall be based on the rate of one (1) parking space for each four (4) occupants of the facility or as determined by a parking code study to be conducted by the applicant and approved by the City Traffic Engineer." Plans show designated refuse areas that will need to be screened. Landscaping and utilities are in place. Since the property is adjacent to a residential use to the south an opaque fence will be required as a buffer between the two properties. The property also meets the requirements for open space. While the immediately adjacent

properties to the subject property are all residential, Goodnight Ave is a collector street and has higher traffic volume than typical residential streets. There are also B-2, R-2, O-1, and S-1 zoned properties less than 200 ft away making the Banquet hall use more compatible with the character of the neighborhood than the current zoning allows for.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-Family Residential (R-1) Zone District	Single-family homes
East	Single-Family Residential (R-2) Zone District	Single-family homes
South	Single-Family Residential (R-2) Zone District	Single-family homes
West	Single-Family Residential (R-2) Zone District	Single-family homes

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	A plan review will be required for a Change in Occupancy/Use prior to operation. Permits may be required and will be determined during the plan review process.
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 SPECIAL 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. The subject property’s parking lot is connected directly to the rear alley between Dotson and Dupps Ave. Ingress and egress are taken from the ally connected Goodnight Ave.

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. There is an unpaved parking lot that is connected to the alley. The parking spaces are not delineated at this time and according to the code, 17-4-43(b)(17), “The parking requirement shall be based on the rate of one (1) parking space for each four (4) occupants of the facility or as determined by a parking code study to be conducted by the applicant and approved by the City Traffic Engineer.”

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

Comments: Neutral finding. Plans show designated refuse areas that will need to be screened

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

Comments: Affirmative finding. The applicant attests that the utilities are in place and the building is already being serviced.

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

Comments: Negative finding. Since the property is adjacent to a residential use, along the southern property line, an opaque fence will be required as a buffer between the two properties.

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. Any proposed future signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, CCN Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Affirmative finding. Lot area, setback requirements, frontage, and landscaping areas are compliant.

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

Comments: Affirmative finding. While the immediately adjacent properties are all residential, Goodnight Ave does have a higher traffic volume than comparable residential streets. There are also B-2, R-2, O-1, and S-1 zoned properties less than 200 ft away making the Banquet Hall use more compatible with the character of the neighborhood than the current zoning allows for.

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 staff recommended conditions:

1. **The applicant must provide a six-foot tall opaque fence along the entire southern property line.**
2. **The trash receptacle must be placed outside of the required setbacks and away from the sidewalk. In addition to screening and enclosing the dumpster with an approved opaque material (not chain link with slats). Per Sect 17-4-7(b)(3)(e)(1), "Trash containers shall be completely screened from public view of adjacent nonindustrial property and public streets. Containers shall be screened by a building, an approved opaque fence or wall, or an evergreen planting creating a continuous screen at least five (5) feet in height at the time of installation. Metal or plastic chain link fence slats shall be permitted only in conjunction with evergreen planting."**
3. **Prior to approval of a zone change to CCN, the applicant must provide a parking study and address any parking deficiencies if such deficiencies are identified by the study.**

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation.

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 3/26/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/26/2025
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 C. Aerial Map

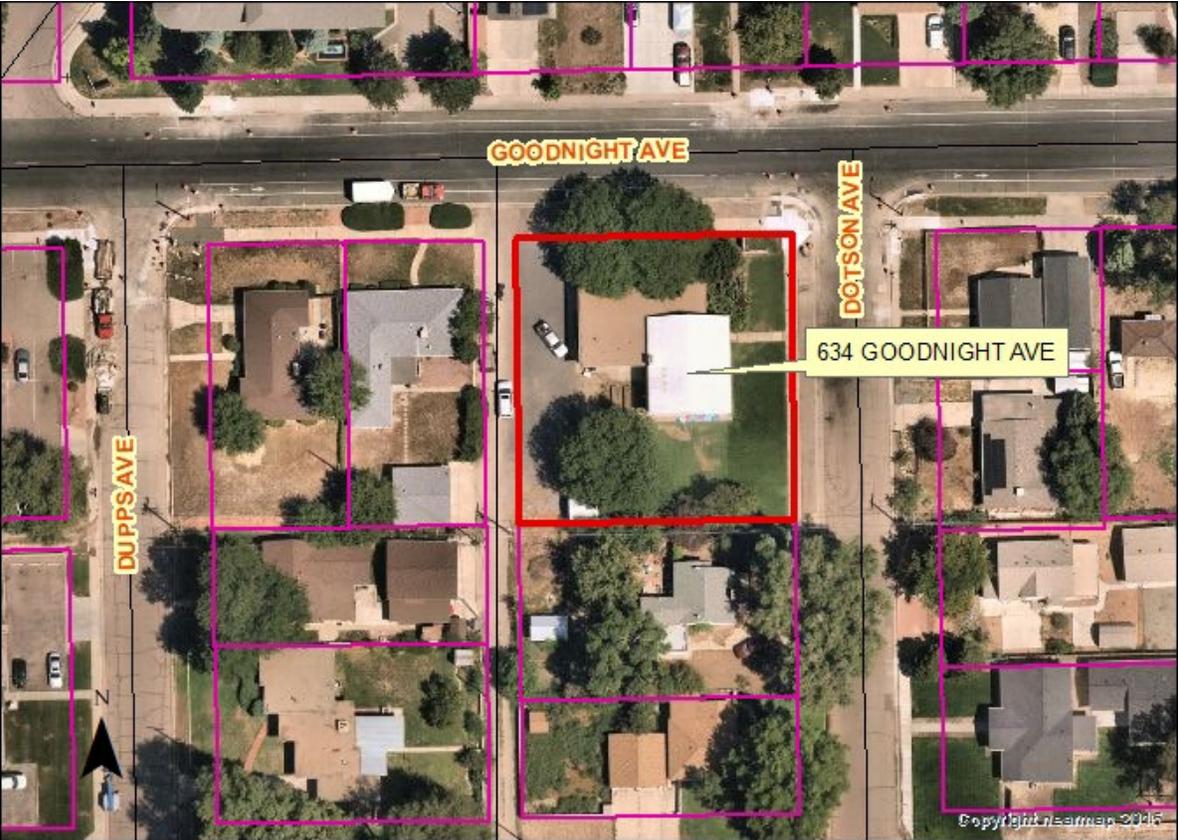


Exhibit D. Zoning Map

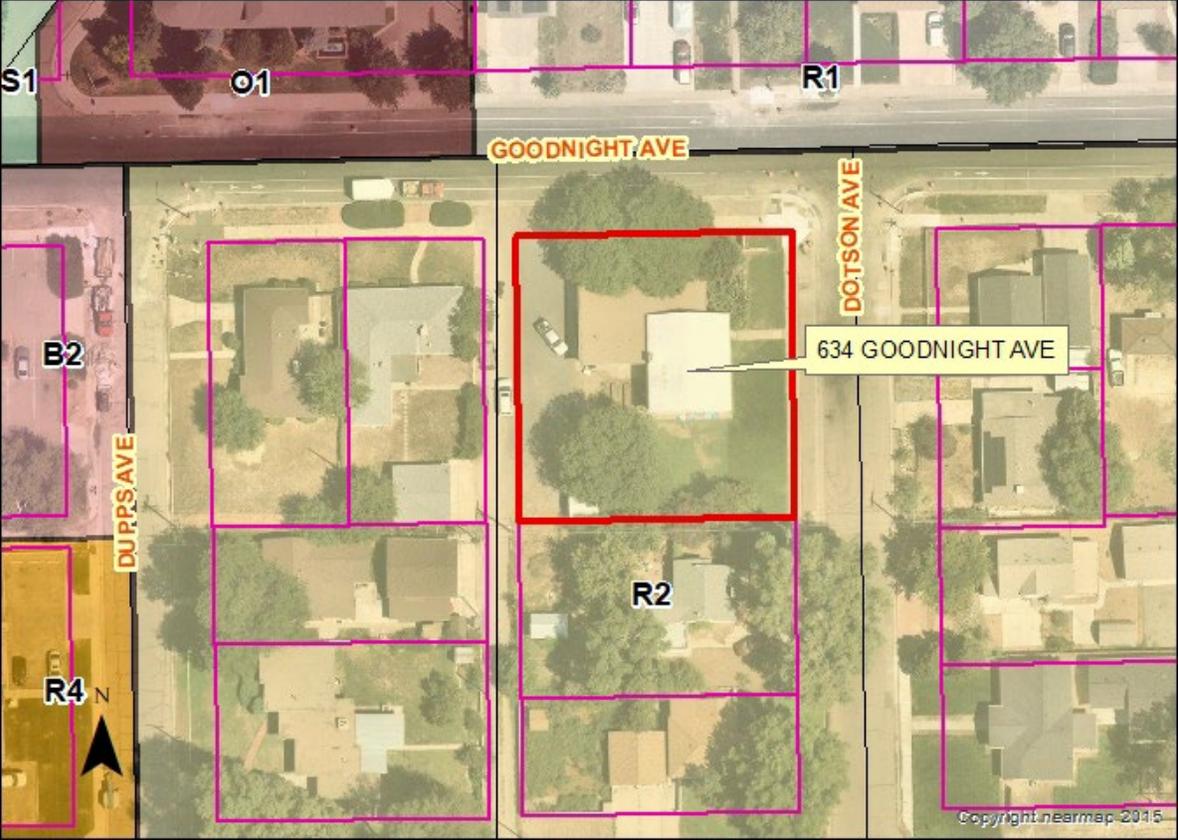


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application

1/10/24, 2:42 PM

24-13



City of Pueblo PLACE

1/10/2024

24-13

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active
Submitted On: 1/10/2024

Primary Location

634 GOODNIGHT AVE
PUEBLO, CO 81005

Owner

1LEGACY INVESTMENTS LLC
E EVANS AVE 918 Pueblo, CO
81004

Applicant

Casey Prutch
 720-427-8471
casey@cocannabisexchange.com
 635 W. Corona Ave
Unit 25/27
Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-24-02

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

02/27/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

Specially Requested Hearing



Planning & Community Development

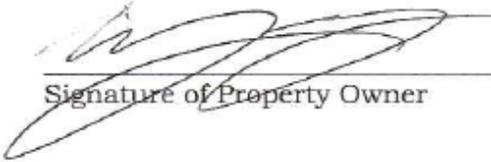
211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

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

Property Owner:		
Name: Wesley D Lavong	Company: 1 Legacy Investments LLC	
Address: 918 E. Evans Ave		
City: Pueblo	State: CO	Zip: 81004
Phone: 610-312-1226	Email: wesleylvong@gmail.com	
Applicant:		
Name: Casey Prutch	Company: Goodnight Event Center LLC	
Phone: 720-427-8471	Email: casey@cnhawc.com	
Property Address: 634 Goodnight Ave. Pueblo, CO 81005		

I, Wesley Lavong, hereby state that I am the owner of record of the property located at 634 Goodnight Ave. Pueblo, CO 81005, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.
(application type)

 01/10/2024
 Signature of Property Owner Date



