

ZBA-24-26

To: City of Pueblo Zoning Board of Appeals
From: Mikaylin Hackley
Through: Scott Hobson, Land Use Administrative Official
Date: 4/23/2024
Request: **A Special Use Permit to allow for a mobile food vendor in a Historic Business (HB) Zone District**
Site Location: 109 E C St.
Legal Description: **LOTS 15 + 16 BLK 58 SOUTH PUEBLO**
Year Built: 1950
Applicant: Jessica Casack
Property Owner: Charles Martinez
Zone District: Historic Business (HB) Zone District
Parcel Number: 536408005

BACKGROUND

The applicant is requesting a Special Use Permit for a mobile food vendor in a Historic Business District. The subject property consists of an approximately 1800 square foot structure that opens onto a large, gated patio space. The structure has housed several previous businesses including a bar and music venue, Phil’s Radiator Service (see Exhibit I) but is currently vacant. The applicant intends to reopen the existing building to provide restrooms, seating, and beverage service to patrons who order food from the mobile food truck that will be parked on the patio, with both indoor and outdoor seating available for patrons.

REQUEST AND ANALYSIS

The applicant has an established food truck business, “The Lunchbox Food Truck” and leased this property specifically to operate the truck in a more permanent location. In their application, the applicant explains that the food truck has been in operation since 2017, and she intends to provide a “family-friendly, fun, and safe environment” in the Union Ave. Historic District. The applicant attests that if approved, the venue will not be open past 10:00 p.m. unless there is a festival or a special event. The attached floor plan of the existing building shows a beverage bar that includes coffee, non-alcoholic, and alcoholic drinks, seating, and restrooms. The large patio space provides ample space for the food truck to park and serve customers, so no public streets or rights-of-way will be impacted. Revitalizing this space is anticipated to bring more pedestrian traffic to the area and support other commercial uses for surrounding properties. As presented, the granting of this Special Use Permit as the mobile food unit and associated indoor and outdoor dining is similar in nature to surrounding uses and is an appropriate and fitting use for the downtown area.

ADJACENT ZONING AND LAND USES

Zone:		Developed with:
North	Historic Business (HB) Zone District	Commercial/Office Space
East	Historic Business (HB) Zone District	Commercial/Office Space
South	Industrial (I-2) Zone District	Commercial/Office Space
West	Historic Business (HB) Zone District	Commercial/Office Space

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 Exhibit F). 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. The food truck will not have any drive-up service; all patrons will be walk-up only.

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: Affirmative Finding. Off-street parking requirements are triggered when new construction or a new land use is introduced (Section 17-4-43, Pueblo Municipal Code). The proposed food truck, dining areas, and beverage service are similar in nature to the previous bar use. Street parking exists adjacent to the property, with angled parking along C Street. Additionally, there is parallel street parking south of the alley along C Street.

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

Comments: Affirmative finding. Dumpsters for Union Ave business are located in and serviced from the alley that runs south of the property. The applicant will be responsible for ensuring all waste produced from the business is properly disposed of on-site.

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

Comments: Affirmative finding. All food preparation will be done in the food truck, and the existing structure is already being serviced with utilities.

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

Comments: Affirmative finding. The proposed use should not be disruptive to any surrounding properties and the applicant intends to have operating hours end at 10:00pm, so no screening or buffering should be necessary.

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 intends to hang a removable banner sign with the food truck logo on the western-facing wall of the existing structure. The applicant will need to apply for a sign permit, at which time any and all signage will be reviewed using the Historic Business District standards to ensure neighborhood compatibility.

7. Required yards and other open space.

Comments: Affirmative finding. No yards or other open space is required for this use.

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

Comments: Affirmative finding. Reviving this vacant building and patio space will encourage more activity in the downtown area and negate the blight the vacancy is currently causing.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 4/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/23/2025
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 B. Site Map



Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application



City of Pueblo PLACE

4/1/2024

24-64	Primary Location	Applicant
Zoning Board of Appeals -	109 E C ST	Jessica Casack
Special Use Permit &	PUEBLO, CO 81003	719-252-5170
Variances	Owner	thelunchbox.llc@yahoo.com
Status: Active	MARTINEZ JOSEPH	1124 Constitution Rd
Submitted On: 4/1/2024	M/MARTINEZ CHARLE	Pueblo, Co 81001
	345 DUPPS AVE PUEBLO , CO	
	81005-1222	

Internal

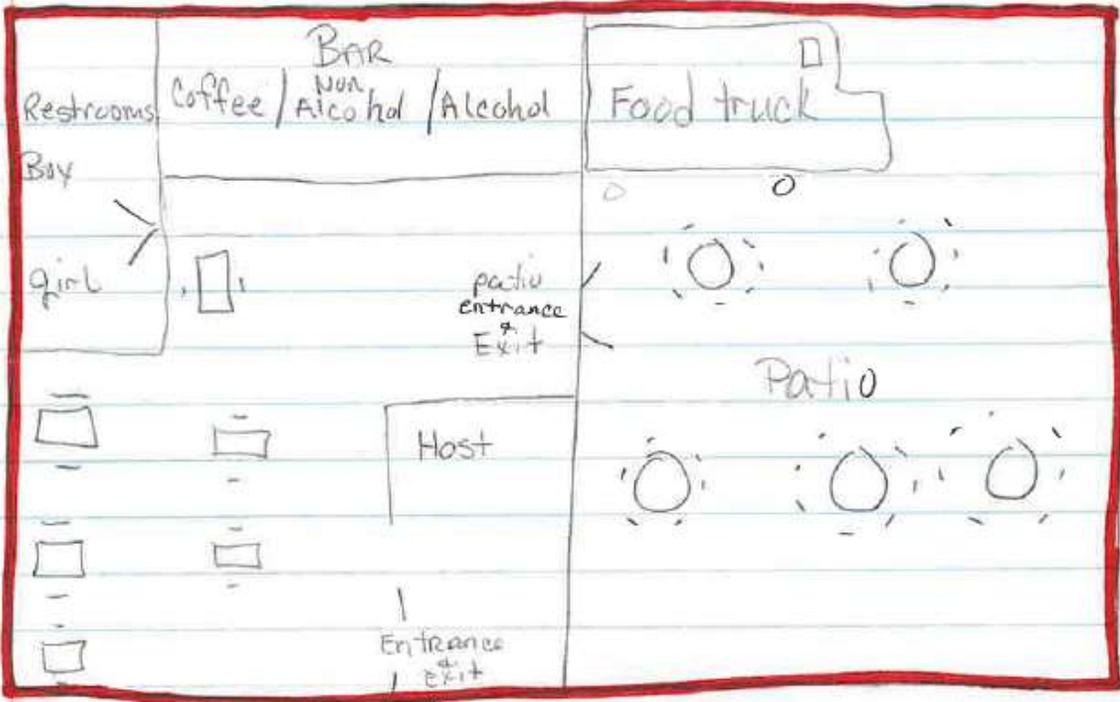
ZBA Case Number	Planner Assigned
ZBA-24-26	-

Exhibit I. Supporting Documents

109 E. "C" STREET Leslie Drier & Dennis Purcell
 1/13/99 CASE # 3-99
 Application has been made for a Special Use Permit as a Use by Review to allow a drinking place in an H.B. Historic Business Zone District.
 2/2/99
 Leslie Drier, partnerh, Steve Drew, partner and general contractor, and Russell DeSalvo, real estate broker, appeared in support of the application noting the proposed use is much better then the previous use of a radiator shop. There was no opposition,
 After discussion, Mr. Thomas, seconded by Mr. Musso, moved to grant the Special Use Permit as a use by review for a drinking place. Motion carried 5-0.

137 Fl.

43ft



← C Street →

↑ Union St. ↓

Foodtruck
25ft.
long
8ft
wide



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: Charlie Martinez		Company:	
Address: 109 E. C St.			
City: Pueblo		State: Co	Zip: 81003
Phone: 719.289.2017	Email:		
Applicant:			
Name: Jessica F. Casack		Company: Presteys the lunchbox	
Phone: 719.252.5170	Email: the.lunchbox.llc@yahoo.com		
Property Address:			

I, Charlie Martinez, hereby state that I am the owner of record of the property located at 109 E C. St. Pueblo, Co. 81003, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Presteys the Lunchbox at said location.

Charlie Martinez 4-8-2021
Signature of Property Owner Date