

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-24

Hearing Date: 6/25/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 560 Pearl Street
APPLICANT: David Copperman
PROPERTY OWNER: Bluffs Opportunity Zone Business, LL
YEAR BUILT: Vacant Land
LEGAL DESCRIPTION: Parcel A Rearrangement of Property Boundaries RPB-22-08
ZONE DISTRICT: R-5,
PARCEL ID: 195009798
LOT SIZE: 3.018 acres

REQUEST: Variances to a) reduce the number of required off-street parking spaces from 147 to 123 and b) reduce the required width of landscape setback along Sumner Ave. and Neilson Ave.

DESCRIPTION OF REQUEST

The applicant is requesting two variances to facilitate the redevelopment of an unimproved parcel into a six-story multifamily building with 98 residential units located on vacant land in the Coron Park/Blocks Neighborhood. The proposed multifamily development is located on approximately three acres, in Parcel A of the Delavan Place Rearrangement of Property Boundaries, RPB-22-08. The first variance request is to reduce the number of required off street parking from 147 to 123 spaces. The second variance request is to allow a landscape setback, adjacent to the surface parking lot (located west of the proposed multifamily structure), to have a variable width, ranging from 10-ft to two-feet in width adjacent to Sumner and Neilson Ave. According to the applicant, the required surface stormwater detention facilities reduces the available lot area for parking and landscaping.

ANALYSIS

Parking Variance

According to PMC Sec. 17-4-42(b) multifamily housing requires 1.5 parking spaces for each residential unit thus requiring 147 parking space for the proposed 98 units. The applicant proposes providing 123 spaces, which equates to 1.25 parking spaces per dwelling unit. PMC Sec 17-4-44(a)(1) allows the applicant to request a 100-percent parking variance because the project is located in the Established Development Area. The City does not allow underground stormwater detention, because of this, the stormwater detention facility will be located south of the multifamily structure, taking up lot area that could have been used for parking. The above ground detention pond reduces the number of parking spaces by approximately 17 spaces. Furthermore, a portion of the property is occupied by non-buildable steep slopes. The City's Traffic Engineer reviewed the proposed site plan and added her comments outlining that up to approximately 30 on street parking spaces within a two-block area to the north and west of the property. The property is also sited near transit routes on 4th street and is within walking distance to Downtown so some residents may not need to own cars. The applicant is providing four u-shaped bike racks for eight bikes. Furthermore, the developer is providing forty-eight units with areas specifically sized to accommodate bike storage.

Landscape Variance

According to PMC Sec 17-4-7(3)(a)(1) the applicant is requesting to reduce the width of the required 10-ft landscape setback area along Sumner Ave and Neilson Ave. Reducing the width of the landscape setback will allow a greater number of surface parking spaces in an effort to maximize on-site parking for the multifamily project. The entire parking lot will be surrounded by landscaping; however, the width of the surrounding landscape area varies due to the unique lot and street layout, established by the original Delavan Place Subdivision from 1890. The proposed landscape setback width varies from 10-feet to two-feet along the entire perimeter of the parking area. A six-foot cedar fence will be constructed adjacent to the improved parking lot and set in from the surrounding landscape area, providing a screen for the adjacent single-family residences and security for the residents of the multifamily development. Landscaping adjacent to the screened parking lot will consist of mountain granite rock, decorative grasses, shrubs and deciduous trees in areas large enough to accommodate trees. While less than the 10-ft required setback, the proposed landscape setback will provide visual interest and soften the appearance of the six-foot opaque fence and surface parking lot. The remainder of the site will meet parking lot landscaping requirements. As mentioned, this site is located in the Established Development Area and the Corona Park/Blocks/Delavan Subdivision, which was platted in 1890 with narrow winding streets resulting in a unique development site with topographical and urban development constraints.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	S-1, and B-4,	Arkansas River Trail Amenities and River and restaurant
East	S-1, Governmental Use Zone District	Arkansas River Trail Amenities
South	R-5	Single-Family Homes and some multifamily structures
West	R-5 and B-4,	Single-Family Homes, self-storage, multifamily buildings and some single-family residences

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	Comments attached, redlined plan submitted June 20, 2024
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	Comments attached Andrew Hayes, email August 2, 2023.
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 reduced parking requirement and landscaping setback will not reduce light and air to adjacent properties. The development proposes to provide 1.25 parking spaces per dwelling unit instead of the required 1.5 parking spaces per dwelling unit. On-street parking is available along portions of Sumner Ave., Chapa St. and Neilson Ave., the site is accessible from the City's trail system, bus transit, and within a quarter mile of downtown. Staff does not anticipate the reduction in the monetary values of properties resulting from the construction of the multifamily structure and associated parking.

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 proposed parking and landscape variance will not affect the general planning of the city with respect to the locations of streets and highways.

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

Comments: Affirmative finding. The surrounding residential neighborhood is zoned for multifamily development and historically developed with a mixture of multifamily and single-family dwelling units. Without the variance to allow 1.25 parking spaces per dwelling unit the project, as proposed, will not be able to be constructed. The property suffers from unique topographical challenges being sited on a steep cliff and within a historic neighborhood comprised of narrow curving streets and odd-shaped lots.

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. The proposed multifamily development is located within a constrained site due to the steep cliff along the eastern portion of the site and within the historic 1890's residential neighborhood. The constrained site does not have the ability to accommodate current stormwater, parking and landscaping development standards. The site is located within the Established Development Boundary which allows for greater flexibility related to parking, and landscaping due to the typical constraints of historic neighborhoods.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. Clearly show the location of the six-foot cedar fence, along the boundary of the improved parking lot, on the commercial site plan and landscape plan that will be reviewed as part of the building permit process. The fence must be set in from the landscape setback, allowing the landscape setback to be seen from the surrounding neighborhood.

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 Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 6/25/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2024
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. Aerial Map



Exhibit C. Zoning Map

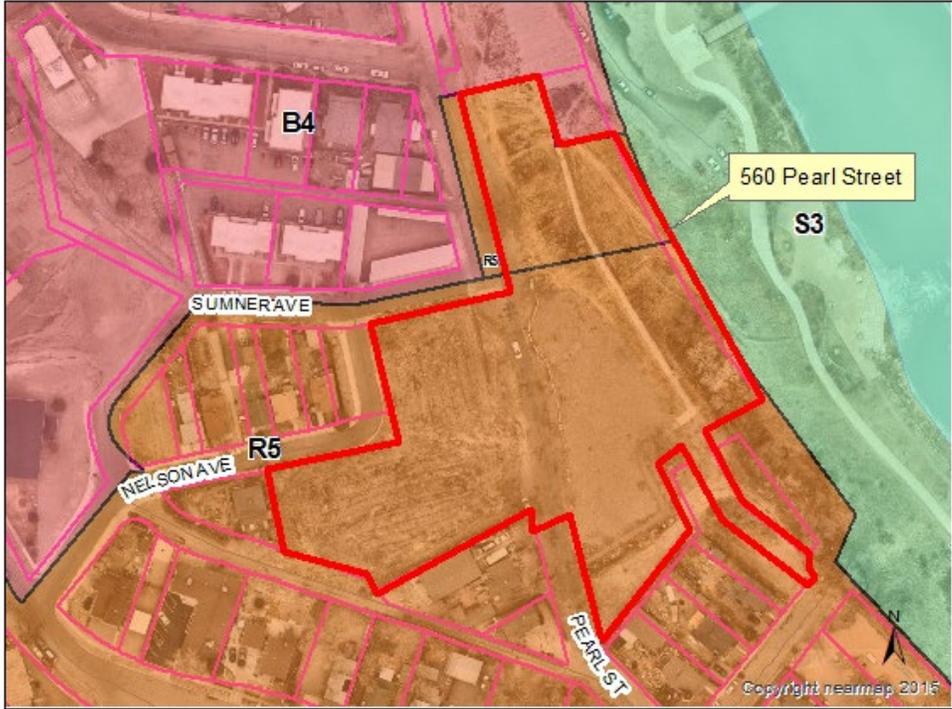


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos, Proof of Posting



Existing conditions along Neilson Ave



Existing Conditions along Neilson Ave



Overview of the site where Pearl Street runs south through the project.

Exhibit G. Application

3/29/24, 2:40 PM

24-62



City of Pueblo PLACE

3/29/2024

24-62
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 3/29/2024

Primary Location
560 PEARL ST
PUEBLO, CO 81004
Owner
David Copperman
PO Box 6771 Denver, co
80206

Applicant
David Copperman
415-515-3484
dc@oreamos.co
770 n locust st
denver, co 80220

Internal

ZBA Case Number
ZBA-24-24

Planner Assigned
-

Address Validation by GIS?

ZBA

Hearing Date
04/23/2024

Hearing Results
-

Board Conditions

Appeal Term End Date
-

Permit Completion Date
-

3/29/24, 2:40 PM

24-62

🔒 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*

Parking

3/29/24, 2:40 PM

24-62

Provide a short description of the proposed request:*

Provide parking ratio of 1.37 in lieu of 1.5

What is the general use of the property*

Multi-Family

Detailed explanation of the request as listed above. *

A parking ratio of 1.5 is required per code, however our site configuration only can accomodate a parking ratio of 1.37. This is 134 parking stalls for 98 units.

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

Per discussions with stormwater, the code changed requiring a variance in order to provide underground stormwater detention. After many discussions with Andrew Hayes and Noah Stamm, it was determined that an aboveground detention 'rain garden' was required and a better use of site space than meeting the 1.5 parking ratio. It was discussed and understood and accepted that by providing above ground detention as provided on the drawings, that 13 parking stalls would be eliminated. As challenged by transportation to increase the volume of the rain garden and provide additional stalls, we are already requesting a variance from stormwater to increase the steepness of the rain garden to hold more water volume, and providing retaining walls to increase this further, both of which are being done to get to the current layout that provides stormwater acceptable volume of water, and maximizes parking to the point the site can accomodate. Thank you for your understanding.

Are there any concurrent zoning requests?*

Yes

Provide information on the concurrent request*

stormwater variance application from 4:1 to 3:1, also 24-50 setback variance.

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.*

1. A parking reduction does not reduce light or air for nearby properties.
2. Reducing parking won't the neighborhood in any way, all parking will be on site.
3. This project when completed will increase the value of the neighborhood properties.

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.*

The intended use of the property is R5 multifamily. By allowing parking reduction, you facilitate growth in the neighborhood.

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

If accepted, the parking variance will facilitate the ability to build 98 units as designed and accommodate stormwater's requirement of above ground detention. Below ground detention has a history of failure, lack of maintenance causing stormwater to change their code. Given the unique landscape of the property, Pearl st bisecting it, and the bluff dropoff, there is only so many sf that is buildable and this variance will allow for the best version of the site to be utilized.

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

Given the site constraints, we are already building our building off the edge of the bluff at great expense. There is no more land available for parking and rain water detention and as closely worked with stormwater and transportation, this requested variance reflects the best version of site detention combined with allowable parking.

3/29/24, 2:40 PM

24-62

Terms

Is the applicant and property owner the same?*

Yes

Applicant/Property Owner Signature*

✓ David Copperman
Mar 29, 2024

Attachments



Site plan

Pages from 2123 - 24.03.18 Bluffs ARCH Set.pdf
Uploaded by David Copperman on Mar 29, 2024 at 11:05 AM

REQUIRED



Photographs

_DSC7010.jpg
Uploaded by David Copperman on Mar 29, 2024 at 11:09 AM

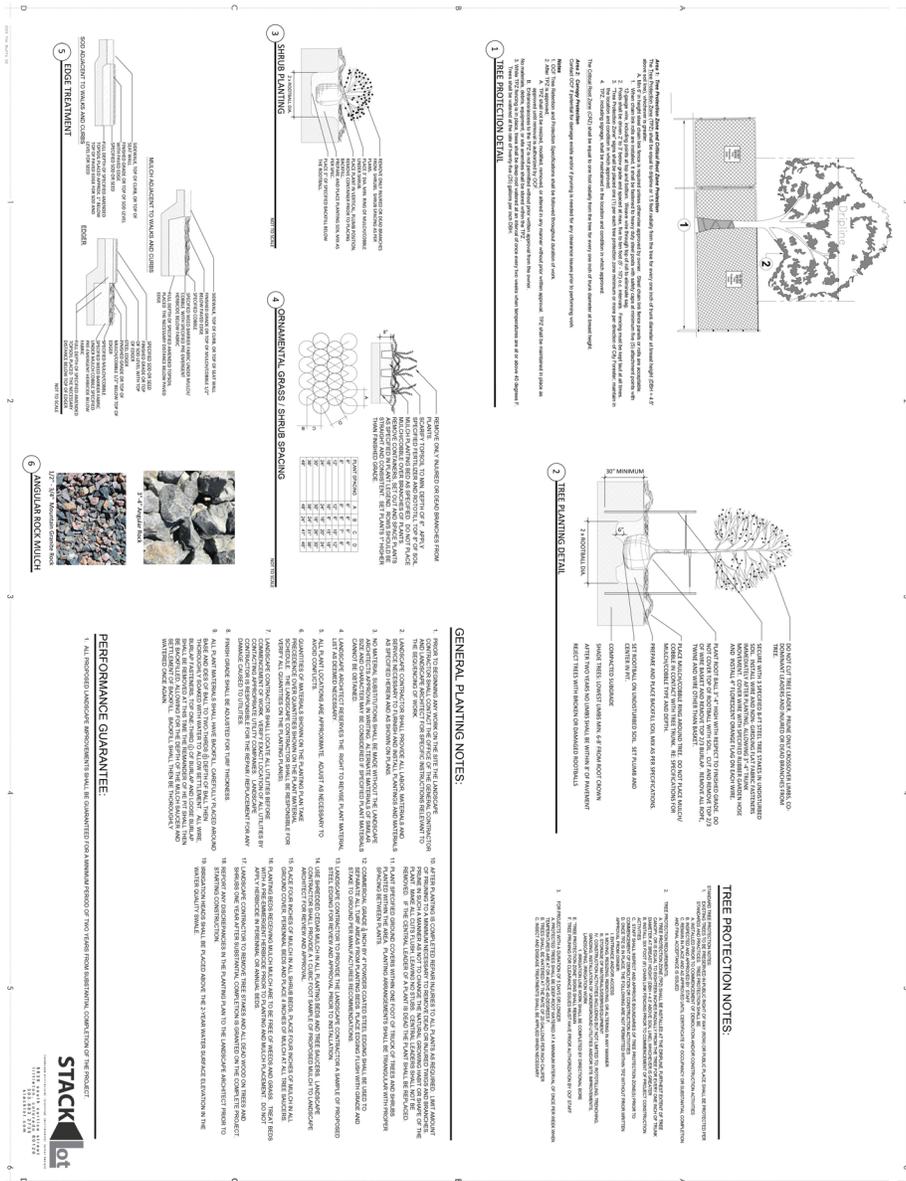


Additional information that you believe justifies the request.

Memo Style - Andrew Hayes.pdf
Uploaded by David Copperman on Mar 29, 2024 at 11:08 AM

History

Date	Activity
3/29/2024, 2:37:18 PM	Cindy Capritta changed Hearing Date from "" to "04/23/2024" on Record 24-62
3/29/2024, 2:37:18 PM	Cindy Capritta changed ZBA Case Number from "" to "ZBA-24-24" on Record 24-62
3/29/2024, 2:30:32 PM	Cindy Capritta approved approval step Fee Review on Record 24-62
3/29/2024, 12:26:24 PM	Cindy Capritta altered approval step Fee Review, changed sequence from "1" to "0" on Record 24-62
3/29/2024, 12:26:24 PM	Cindy Capritta assigned approval step Fee Review to Cindy Capritta on Record 24-62



THE BLUFFS MULTIFAMILY
558 PEAR STREET
PUEBLO, CO 81004

VENTURE ARCHITECTURE
1414 E. 1st Avenue, Suite 100
Pueblo, CO 81003
Tel: (719) 553-2259
Fax: (719) 553-2611
www.venturearchitect.com

STACK lot
1111 S. 1st Avenue, Suite 100
Pueblo, CO 81003
Tel: (719) 553-2259
Fax: (719) 553-2611
www.stacklot.com

LANDSCAPE NOTES & DETAILS LA.03

PERFORMANCE GUARANTEE

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND SPECIFICATIONS PROVIDED BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION AND SPECIFICATION OF ALL PLANTING MATERIALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION AND SPECIFICATION OF ALL PLANTING MATERIALS.

2. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND SPECIFICATIONS PROVIDED BY THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION AND SPECIFICATION OF ALL PLANTING MATERIALS. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE SELECTION AND SPECIFICATION OF ALL PLANTING MATERIALS.

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David Copperman

From: Andrew Hayes <AHayes@pueblo.us>
Sent: Wednesday, August 2, 2023 2:27 AM
To: David Copperman
Cc: Conrad Hawkins; Melanie Turner; Angel Llanes; Scott Hobson; Beritt Odom; Noah Stamm; Joe Martellaro
Subject: Re: [External] RE: above ground detention

Hi David,

I am supportive of reducing the number of spots as you have shown to accommodate the above-ground detention while maintaining a parking space-to-dwelling unit ratio of 1.3 or higher. However, a variance from the Zoning Board of Appeals will have to be granted to approve the change.

Scott/Berritt - would one of you please weigh in on the process/submittals required to pursue the parking variance?

Thanks!

Andrew

Andrew E. Hayes, P.E.
Director of Public Works | City of Pueblo
211 E. D Street | Pueblo, CO 81003
Phone: 719-553-2267 | E-mail: ahayes@pueblo.us
Website: www.pueblo.us



From: David Copperman <dc@oreamos.co>
Sent: Thursday, July 27, 2023 10:41 AM
To: Joe Martellaro <jmartellaro@pueblo.us>; Noah Stamm <NStamm@pueblo.us>; Andrew Hayes <AHayes@pueblo.us>

Email from Public Works Director Andrew Hayes, August 2, 2023