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Georgia Way

ZBA-24-44

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: Wesley Lavong, 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, ZBA-24-02

REQUEST: Variance to reduce the off-street parking requirement in a proposed CCN Commercial Charter Neighborhood Zone District, existing R-2, Single-Family Zone District

BACKGROUND AND ANALYSIS OF 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 wants to repurpose the building and its 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 a permitted use for this parcel since the property is currently zoned Single Family Residential (R-2). The applicant has submitted a concurrent application for the rezoning of this property from R-2 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.

A Special Use Permit (ZBA-24-02) for a banquet hall was approved with conditions in March 2024. Among these conditions was that "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."

In April, the applicant submitted a study completed by Gagliano Engineering, Inc. (Exhibit H) which identified 11 off-street and 10 on-street parking spaces. Due to the size of the assembly area and its maximum occupancy of 228 individuals, at rate of 1 parking space per every 4 occupants, this site requires 57 Parking spaces to comply with the code. While the applicant does not anticipate events using the full capacity of the assembly area that is not taken into consideration for that calculation. There is an additional turf area that could be used for additional parking to the south of the principal structure, however, this turf area is not large enough to accommodate the required 46 required parking spots. Since this parcel was already developed with limited off-street parking, the repurposing of property from a religious institution to a banquet hall has presented a unique set of obstacles for the applicant which requires a Variance before proceeding.

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	Regional Building has the following stipulations: 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. (PRBD Response from ZBA-24-02 and Z-24-04)
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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The structure meets the setback requirements for the zone district.

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. This variance would not jeopardize general planning of the city with respect to land use, streets, or highways.

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

Comments: Neutral finding. Strict adherence to the code would require 57 parking spots, which is unrealistic for this property. However, this property is currently in an R-2 Zone District, which is residential. The code does not intend for high volume commercial traffic in a R-2 Zone District. Conversely, this property is located on Goodnight Ave., which is a collector roadway. Commercial uses and higher traffic volumes are generally appropriate adjacent to collector roadways.

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: Neutral finding. At the time the church was developed, adequate off-street parking was not established, creating a challenging situation for future owners and users of the property. The structure is commercial in nature, but the site does not provide infrastructure for the required parking to support commercial uses. Now that the new owner and applicant are trying to redevelop this property, parking has become a significant issue in this process. This neighborhood has a mixture of uses, including a currently vacant restaurant building located a half block west of the site and a medical facility to the northwest of the site. All of which support higher traffic volumes than normally found in a residential neighborhood accessed by local roadways.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

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: 7/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/23/2025
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. Aerial Map

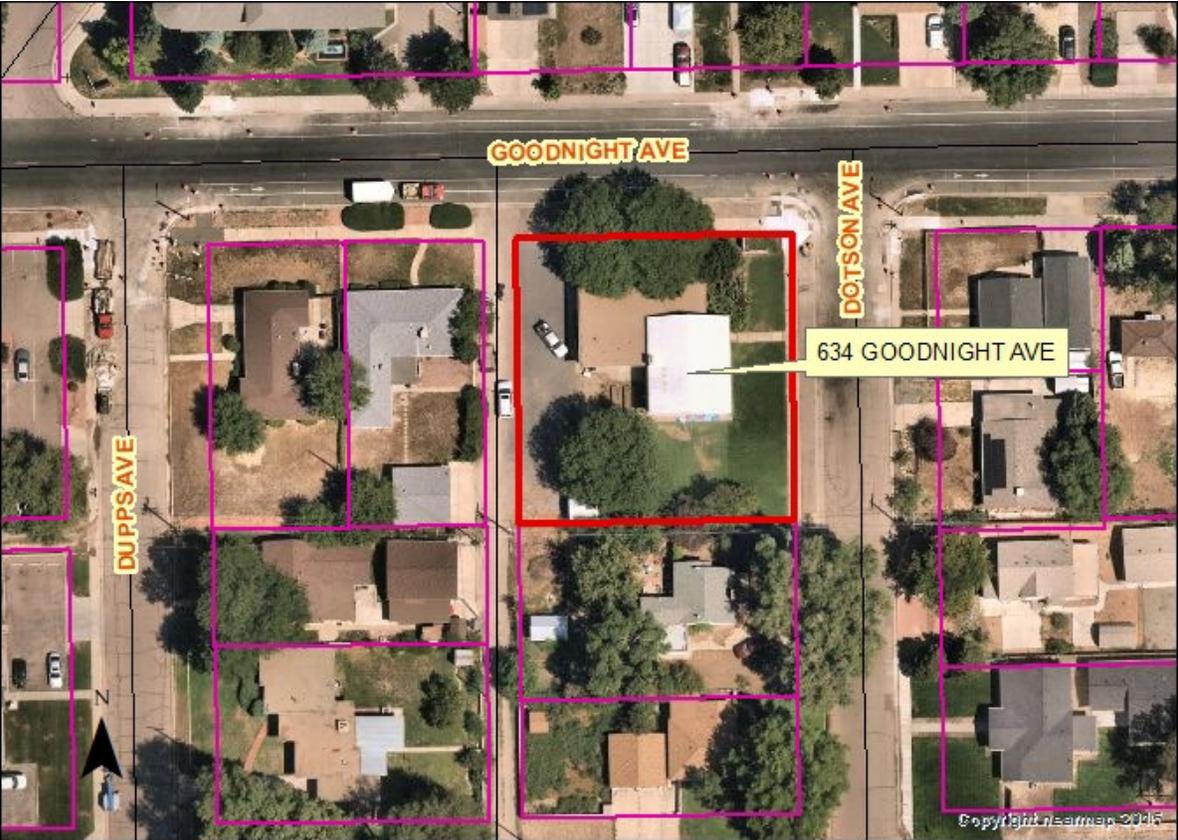


Exhibit C. Zoning Map

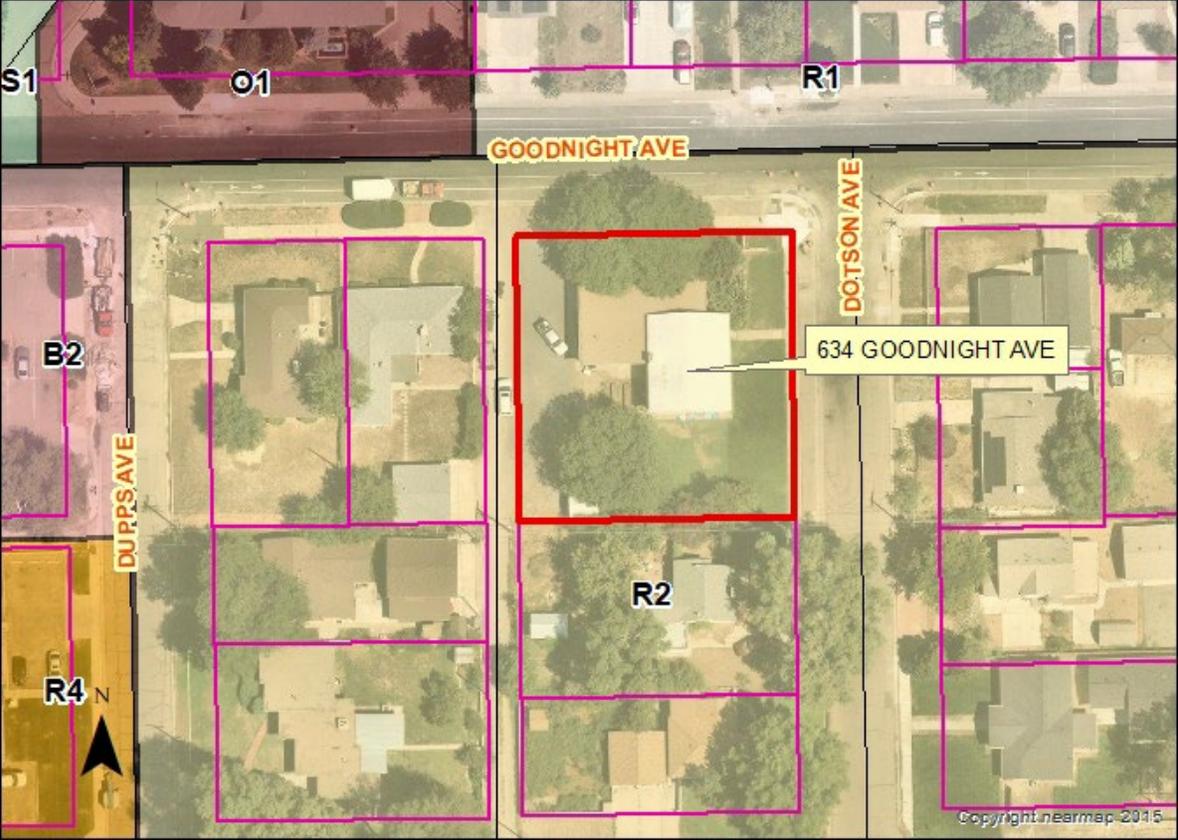


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



G. 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

G. Application



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: wesleylavong@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			

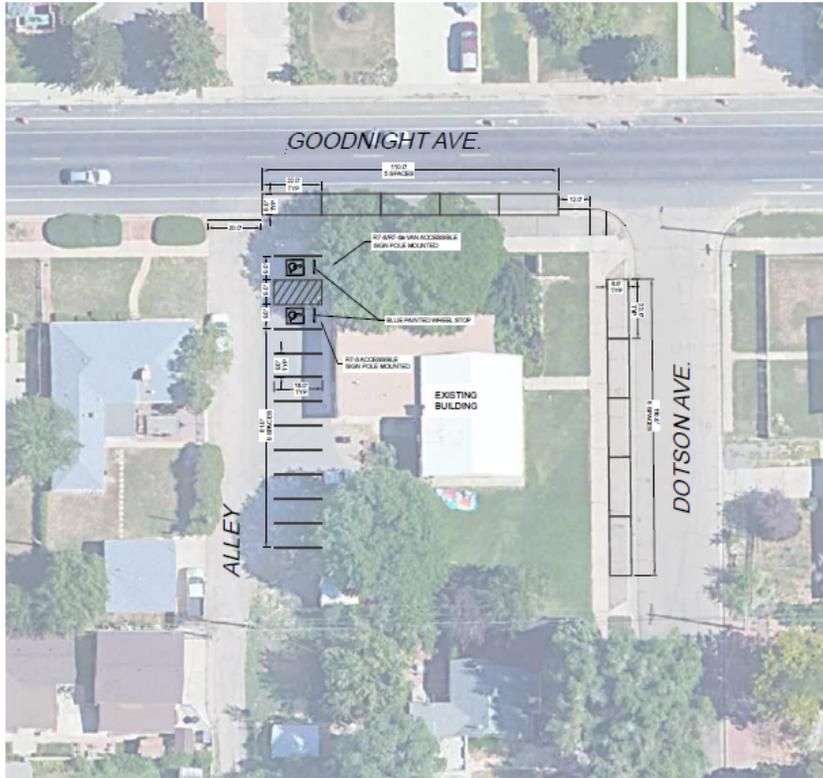
I, Wesley Lavong, hereby state that I am the owner of record of the property located at 634 Goodnight Ave. Pueblo, CO 81005, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.
(application type)

 01/10/2024
 Signature of Property Owner Date

H. Supporting documentation.



Know what's below.
Call before you dig.



PARKING NOTES:
 REGULAR VEHICLES: 3,400 SF AREA ONLY
 → 3,400 SF (RT) MAX. VEH.
PARKING CALCULATIONS:
 ASSEMBLY AREA @ 1 SPACE PER 4 OCCUPANTS
 (1 OCCUPANT PER 15 SF PER BLDG)
 = 13,600/15 / 4 = 22 SPACES
 OFFICE AREA @ 1 SPACE PER 200 SF
 = 3,000 / 200 = 15 SPACES
 THE ASSEMBLY AREA WILL BE USED PRIMARILY AT
 NIGHT AND ON WEEKENDS.
 THE OFFICE AREA WILL BE USED WEEKDAYS WITH
 NORMAL BUSINESS HOURS.
PARKING DETAILS:
 10 SPACES (REGULAR VEHICLES) ONLY
 INCLUDING 1 ACCESSIBLE SPACE
EXISTING ON-STREET PARKING PROVIDED:
 5 REGULAR
 1 VEH. ACCESSIBLE
EXISTING ON-STREET PARKING PROVIDED:
 10 REGULAR (PARALLEL)

ADDRESS:
 634 GOODNIGHT AVE.
 PUEBLO, CO 81005
ZONING:
 ZONE DISTRICT: SUP (ZBA-24-02)
LEGAL DESCRIPTION:
 LOTS 1 TO 5 BLK 1 ADAMS SUB
TAX SCHEDULE:
 PARCEL #024410001
LOT SIZE:
 0.30 ± ACRES



• IF SIGNS ARE PAID MARKERS WITHIN OF SIGN TO BE 2' OF ABOVE FINISHED GRADE
 • IF SIGNS ARE WALL MOUNTED, BOTTOM OF SIGN TO BE 5' OF ABOVE FINISHED GRADE

ACCESSIBLE ACCESS NOTES:

- 1% MAX SLOPE IN ANY DIRECTION FOR ACCESSIBLE PARKING STALLS, ASLE WALKS, OR LANDSCAPE
- MAX SLOPE OF CURBS SHALL BE 1:12 FOR A MAXIMUM 30 INCH RISE. MAX CROSS SLOPE SHALL BE 1:48"
- MINIMUM LANDING LENGTH SHALL BE 80 INCHES
- CURB STOPS TO BE INSTALLED AT ALL DESIGNATED REGULAR PARKING SPACES WITH THE VAN ACCESSIBLE SPACE AND ACCESS ASILE PAINTED BLUE
- EACH HANDICAP SPACE MUST HAVE EITHER RT-4 OR RT-6(S) SIGN
- A DETECTABLE WARNING SURFACE TO BE INSTALLED CONSISTING OF RAISED TRIANGULAR COBBLES WITH A DIAMETER OF .9" (23 mm), A HEIGHT OF .2" (5 mm), AND A CENTER-TO-CENTER SPACING OF 3.3" (80 mm) AND SHALL CONTRAST VISUALLY WITH ADJACENT SURFACES (PER ADAAG)
- 4" WHITE PAVEMENT MARKINGS FOR PARKING STRIPES

Gagliano Engineering, Inc. - (719) 547-7073
 P.O. Box 3520 31740 Englewood Blvd, Suite #150
 Pueblo, CO 81004 Pueblo, CO 81008

PARKING PLAN
 634 GOODNIGHT AVE
 PUEBLO, CO 81005

PROJECT NO: **2024-061**
 SCALE: 1/4"=1'-0"
 DRAWN BY: PG CHECKED BY: PG
 DATE: 04/10/24 DRAWING NO.: 20240204.dwg
 SHEET NO.: **PARKING**

ATTENTION!
 REPRODUCTION OF THIS DRAWING
 MAY HAVE CAUSED DISTORTION

#	Date	Comment
1	---	---

PREPARED UNDER THE DIRECT SUPERVISION OF
 JOSEPH V. GAGLIANO, P.E.
 COLORADO REGISTRATION NO. 37210