

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-24-51

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** Parcel # 536450004, Pueblo, CO 81001  
**APPLICANT:** Nathan Stern  
**PROPERTY OWNER:** Full Plate Management, LLC  
**YEAR BUILT:** n/a  
**LEGAL DESCRIPTION:** THOSE POR OF LOTS 11 + 12 BLK 67 FORMER TOWN OF SOUTH PUEBLO NOW PART OF THE CITY OF PUEBLO, ACCD TO THE REC PLAT THEREOF, DESC AS FOLLOWS TO-WIT: BEG AT THE MOST NLY COR OF SD LOT 12; TH SELY ALG THE NELY LINE OF SD LOT 12 A DIST OF 90 FT, MORE OR LESS, TO THE INTERSECTION WITH A LINE DRAWN CONCENTRIC WITH + 50.0 FT NORMALLY DISTANT NLY FROM THE BURLINGTON NORTHERN + SANTA FE RAILWAY COMPANY'S (FORMERLY THE ATCHISON, TOPEKA + SANTA FE RAILWAY COMPANY) MAIL TRACK CENTERLINE, AS NOW LOCATED + CONSTRUCTED; TH WLY ALG SD CONCENTRIC LINE 110 FT, MORE OR LESS, TO THE NWLY LINE OF SD BLK 67; TH NELY ALG SD NWLY LINE 55 FT, MORE OR LESS, TO THE PT OF BEG. ALSO, ALL LOTS 13 TO 19 BLK 67 SOUTH PUEBLO ALSO VAC ALLEY ADJ (#136607) FORMERLY # 05-364-50-002 & 003  
**ZONE DISTRICT:** Regional Business (B-4) Zone District  
**PARCEL ID:** 536450004  
**LOT SIZE:** 23,396 sq ft  
**CONCURRENT REQUEST:** Z-24-52

**REQUEST:** Variance to reduce the off-street parking requirements for a multifamily residential use in a Regional Business (B-4) Zone District.

### BACKGROUND AND ANALYSIS OF REQUEST

Parcel #536450004 is a 23,396 sqft lot in the southeast corner of the South Pueblo Subdivision just north and west of the existing railroad yards. The owner and applicant, Full Plate Management LLC, would like to develop the currently vacant parcel into a 21,504 sqft, four-story, thirty-two-unit multifamily structure. Planning Department staff met with the developers in late July at which time two major obstacles were identified in moving forward with this project. Firstly, Residence, Multifamily is a use-by-review in the B-4 Zone District and thus requires a Special Use Permit to allow for this type of development. Secondly, according to Sec. 17-4-42 (b), "Each residential structure containing three (3) or more dwelling units hereafter constructed or relocated shall provide on the building site at least one and one-half (1½) accessible and usable off-street parking spaces for each dwelling unit." Based on conceptual plans provided by the applicant, the proposed thirty-two (32) units would require forty-eight (48) parking spaces. However, concept plans identify only five (5) available off-street parking spots. Therefore, a variance to reduce the off-street parking requirement is also required to meet compliance regulations and proceed with development. The applicant has submitted concurrent requests ZBA-24-51(the parking variance) and ZBA-24-52 (the special use permit) both of which would need to be approved to move forward with this project.

As stated above, the conceptual site plans show five (5) available off-street parking stalls, significantly less than the requirement of forty-eight (48) spaces. The site plan, provided by the applicant, shows 18 parking spaces along Mechanic Street on the railroad property. This parking will not be calculated as parking for the project, unless the applicant provides a contractual agreement with the railroad to allow the continuous parking use for a term of not less than 20-years (Section 17-4-44, (n)).

In analyzing whether a parking variance is appropriate, there are several considerations to analyze based on the specific location of this project; first, infill development, specifically housing-related development is a priority for reestablishing necessary critical mass which helps sustain businesses in the downtown core. The surrounding properties, which include a community garden, municipal storage, and railyard, generate less traffic volume and utilization of on-street parking compared to the commercial areas on Union Avenue and Main Street. The variance application states that parking for the multifamily development will be shared with the Fuel and Iron Food Hall and multifamily development. The Fuel and Iron Food Hall provides approximately 65 parking spaces for the 24 dwelling units and food hall. Parking availability for the proposed multifamily development within the Fuel and Iron Development site may be limited. Additionally, the applicant owns the adjacent 33,802.75 sq. ft. of unimproved land that could be improved for multifamily parking and outdoor amenities for the residents. Because the site is in the city center, close to public transit and amenities, walking and bicycling as a means of transit for residents may reduce the need for 1.5 parking space per dwelling unit.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Light Industrial (I-2) Zone District	Community Garden
East	Heavy Industrial (I-3) Zone District	Train Tracks
South	Heavy Industrial (I-3) Zone District	Train Tracks
West	Regional Business (B-4) Zone District	Parking Lot for Fuel & Iron

**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. 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.**

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: Negative finding. Strict adherence to the code would require 48 parking spots, which is unrealistic for this property in current concept form. However, the property owner has significant land holdings on neighboring properties that could be utilized through agreements to meet the parking requirements that could greatly reduce or even eliminate the need for a variance.**

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. Both the location and irregular shape of this lot present significant challenges for any development commercial or multifamily. The proximity to the railyards and bridges presents a variety of development considerations uncommon to other property in the district.**

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Variance staff recommend Standard Permit Conditions 1 through 13 and the following staff suggested 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.

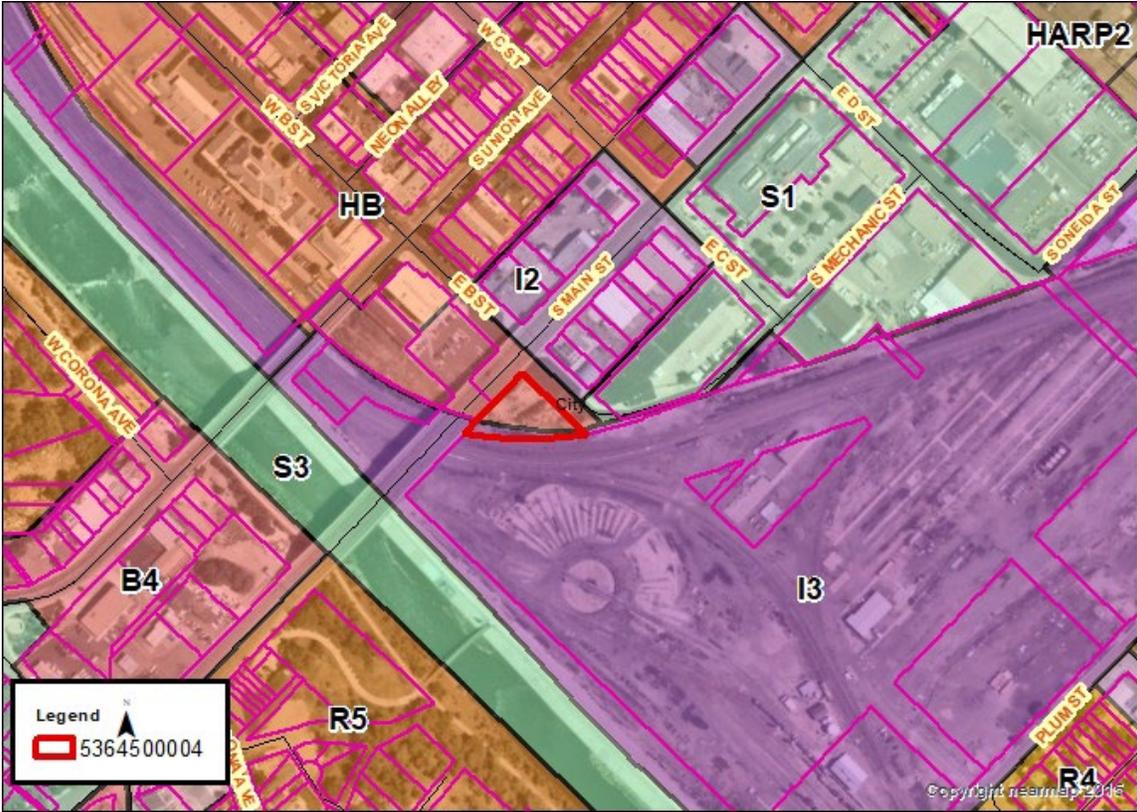
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>9/24/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>9/24/2025</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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

 City of Pueblo PLACE

August 28, 2024

**24-165**  
Zoning Board of Appeals - Special Use Permit & Variances  
Status: Active  
Submitted On: 8/26/2024

**Primary Location**  
0 538450004  
PUEBLO, CO 81002  
**Owner**  
FULL PLATE MANAGEMENT, LLC  
3273 S TULARE CIR DENVER , CO 80231-4363

**Applicant**  
 Nathan Stern  
 720-480-4592  
 nathan@fuelandironrealty.com  
 3273 S. Tulare Cir.  
Denver, CO 80231

---

### Internal

 ZBA Case Number

 Planner Assigned

-

 Address Validation by GIS?

### ZBA

 Hearing Date

 Hearing Results

-

-

 Board Conditions

 Appeal Term End Date

 Permit Completion Date

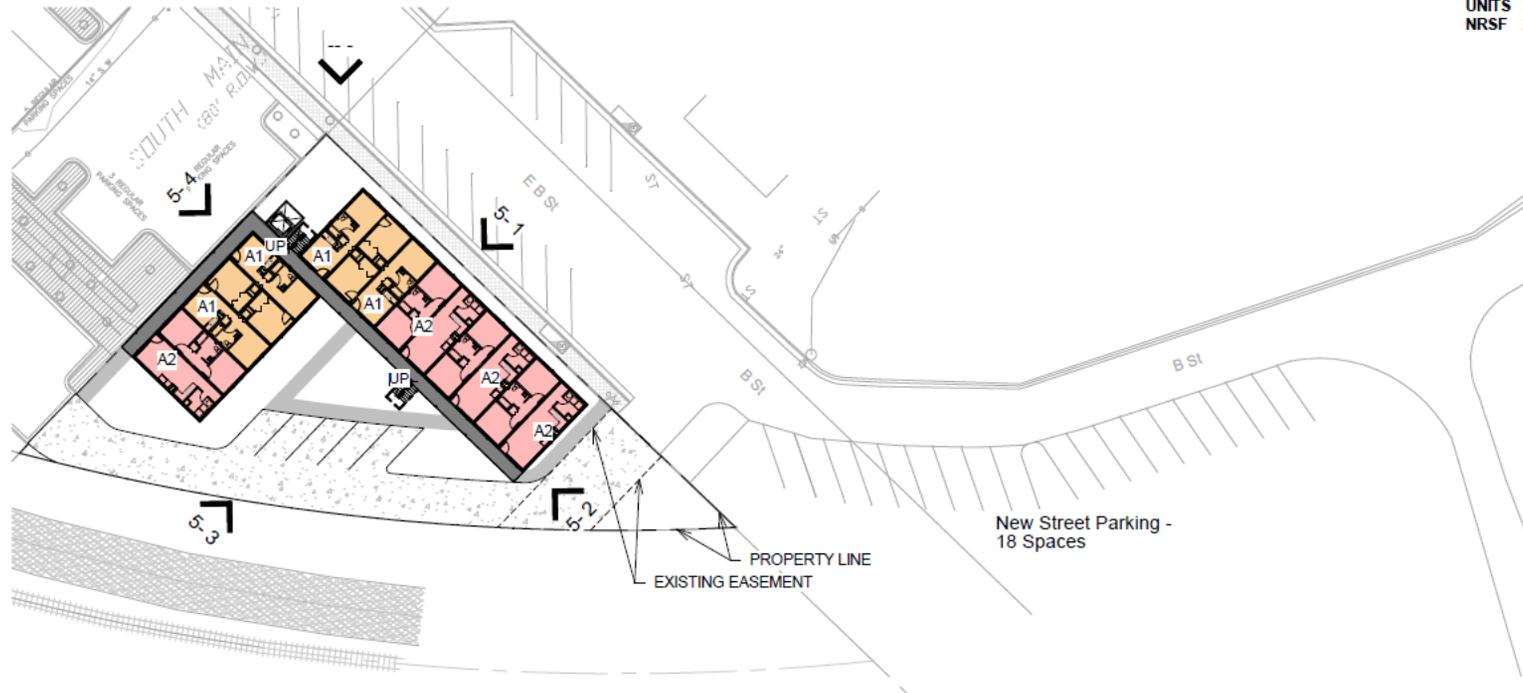
-

-

H. Supporting documentation.



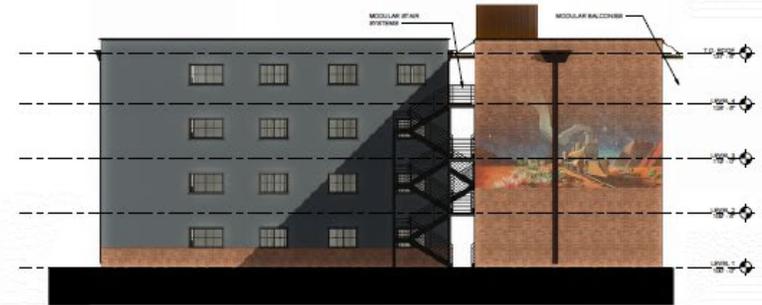
- 16 UNITS - A1  1 BEDROOM - 576 SF
- 16 UNITS - A2  2 BEDROOM - 768 SF
  
- UNITS** 32
- NRSF** 21,504 SF



Scale: As indicated  
24102.0



1 NORTH-EAST ELEVATION  
1/8" = 1'-0"



2 SOUTH-EAST ELEVATION  
1/8" = 1'-0"



3 SOUTH-WEST ELEVATION  
1/8" = 1'-0"



4 NORTH-WEST ELEVATION  
1/8" = 1'-0"

Scale: 1/8" = 1'-0"  
24102.0

CONCEPT ELEVATIONS