

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-24-52

**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-24-51

**REQUEST:** A Special Use Permit to allow for a Residence, multifamily in a Regional Business (B-4) Zone District.

### BACKGROUND AND ANALYSIS OF REQUEST

The subject property is a 23,396 sq. ft. parcel located in 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 sq. ft., four-story, thirty-two-unit multifamily structure. Planning Department staff met with developers in late July at which time two major obstacles were identified in moving forward with this product. 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, 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 applications, ZBA-24-51(the parking variance) and ZBA-24-52 (the special use permit) which must be approved by the Zoning Board of Appeals to move forward.

Site plans indicate ingress, and egress will be taken off E. B Street. There is clearly a parking deficiency however the applicant has submitted a concurrent variance (ZBA-24-52) to reduce the off-street parking requirements at this site. 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)). Refuse and service areas are not indicated on the concept plan, however, there is room for

trash enclosures which will be required as part of the commercial review process under the landscape code review. There are currently no utilities servicing this location; however, the proximity to existing electric, water, and sewer allows for future connections.

Multifamily development with six or more dwelling units in a R-4 and R-5 Zone District require a minimum of 1,000 sq. ft. of lot area per dwelling unit or 8,000 sq. ft. of lot area, whichever is greater. Both the R-4 and R-5 Zone Districts require 20-percent of the lot area to be landscaped open space for the use of the residents. The R-5 Zone District requires four or more habitable stories to provide 50-percent of the lot area in landscaped open space. If the proposed multifamily residential structure were being developed in either the R-4 or R-5 Zone Districts, the minimum required lot area would be 32,000 sq. ft., the proposed development parcel is approximately 8,604 sq. ft. smaller than what would be required in a multifamily residential zone district. The site plan does not provide dimensions of the lot or proposed structures; therefore, it is difficult to determine if, at a minimum, 20-percent of the parcel area could be landscaped open space with the proposed five parking stalls. The plans do not call out outdoor amenity areas for the residents.

The proposed multifamily housing is located adjacent to an active railroad yard, which is zoned I-3, Heavy Industrial. The applicant states that screening elements will be provided on the northwest corner, facing the Main Street Bridge, which will provide privacy for the residents, noise dampening, and glare reduction from vehicular traffic. In addition to the developer proposed screening; the landscape code, Section 17-4-7, (b), (3), d., requires a 10-foot landscaped buffer and a six-foot tall opaque fence to buffer residential and non-residential uses. It is unclear the how effective a six-foot tall opaque fence will be in screening the residential use from the adjacent industrial railroad uses. Residents will likely be subjected to noise, odor, and vibrations stemming from rail yard operations and possibly from traffic on the Main Street Bridge. Fuel and Iron Food Hall and apartments are located approximately 250 feet to the north and similarly situated in proximity to the railroad yard. The apartment units are currently occupied making it a successful mixed-use project, despite the proximity to the railroad yard. If the Board makes the necessary findings of fact to approve the multifamily residential use, the development must comply with the Pueblo Municipal Code, multifamily housing development and design standards, Section 17-4-14 and landscaping standards, 17-4-7.

Guiding Principal 1, of the 2022, Pueblo Regional Comprehensive Plan, states that the City should actively seek to diversify the range of housing types available in the region, provide lifestyle options between rural and urban, and promote higher density housing. The proposed downtown multifamily residential complex furthers the goals of the Regional Comprehensive Plan.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Light Industrial (I-2) Zone District	Community Garden
East	Heavy Industrial (I-3) Zone District	Railroad Yard
South	Heavy Industrial (I-3) Zone District	Railroad Yard
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 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' ingress and egress will be taken from E B Street.**

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: Negative finding. Section 17-4-42, (b), requires 1.5 parking spaces per dwelling unit, the proposed 32 dwelling unit project will require 48 parking spaces. The applicant is proposing to provide five off-street parking spaces and states that parking for the multifamily development will be shared with the Fuel and Iron Food Hall mixed use development. The Fuel and Iron Food Hall and multifamily development 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. The applicant is requesting a concurrent parking variance ZBA-24-51 to address this deficiency.**

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

**Comments: Affirmative finding. The application states that a trash enclosure will be provided and regularly maintained. Refuse and service areas have not been indicated on the concept plan, however, there is room for trash enclosures which would be required within the commercial review process under the landscape code review.**

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

**Comments: Affirmative finding. There are currently no utilities servicing this location however the proximity to existing electric, water, and sewer allows for future connections.**

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

**Comments: Affirmative finding. The applicant states that screening elements will be provided on the northwest corner of the parcel to shield the multifamily dwelling units from traffic on the Main Street Bridge. Additional screening and buffering will be required between the industrial and residential uses along the southern and the eastern property line.**

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, B-4 Zone District Sign Regulations.**

7. Required yards and other open space.

**Comments: Neutral finding. The B-4 Zone District allows for 100-percent lot coverage and does not require any setbacks. The site plan shows the proposed multifamily structure constructed along the front and northwest property lines with some open space to the south. The plans are not dimensioned, it is difficult to determine how much open space will be provided to the residents. The applicant owns 33,802 sq. ft. of unimproved contiguous land to the north that could serve as parking and an outdoor amenity areas for residents.**

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

**Comments: Affirmative finding. this project is highly compatible with the with the properties and mixed commercial/residential uses in the adjacent HB zone district. It also bolsters the placemaking efforts of the existing Fuel & Iron project. However, the proposed multifamily development is located adjacent to the active railroad yard, which is zoned I-3, Heavy Industrial.**

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

If the Board makes the necessary findings to approve this Special Use Permit, staff recommend Standard Permit Conditions 1 through 13 and the following staff suggested condition:

1. The Special Use Permit to allow a 32-unit multifamily residential use is contingent upon either the granting of a variance to reduce the off-street parking requirement, or the applicant provides an alternative mechanism, as allowed by the Pueblo Municipal Code, to provide the required 48 parking spaces.

#### **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

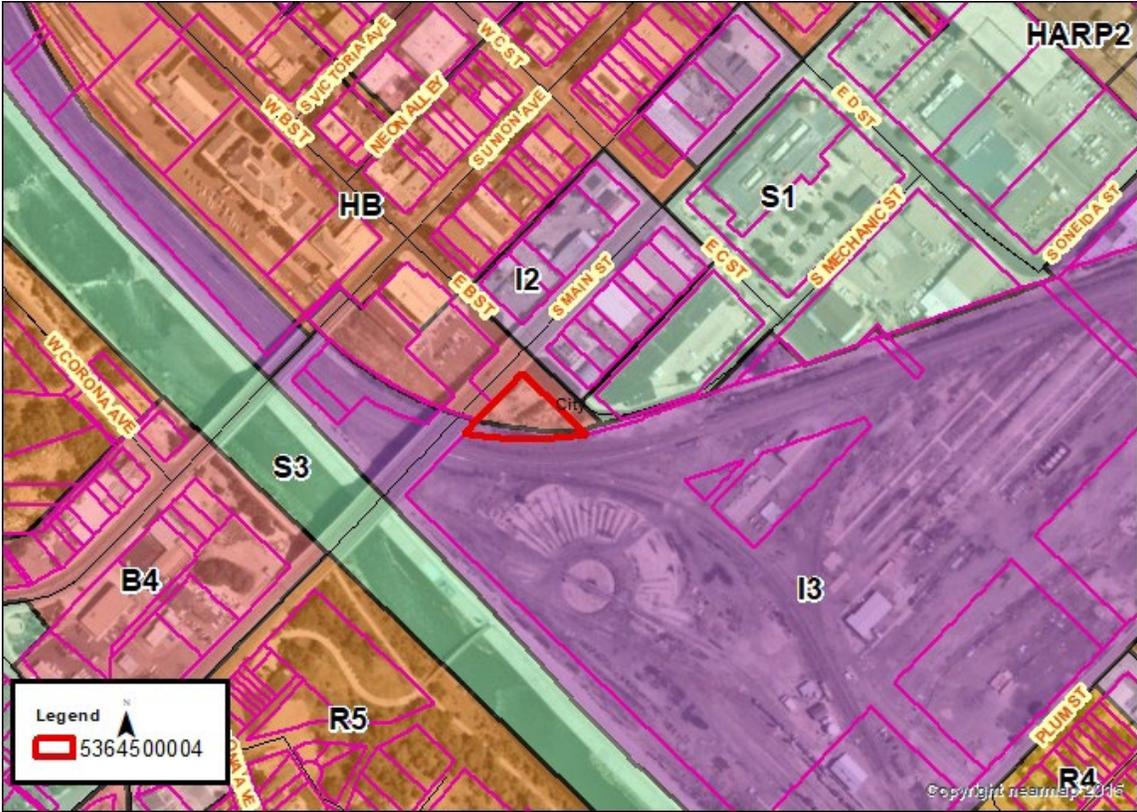


Exhibit D. Comprehensive Plan Map



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

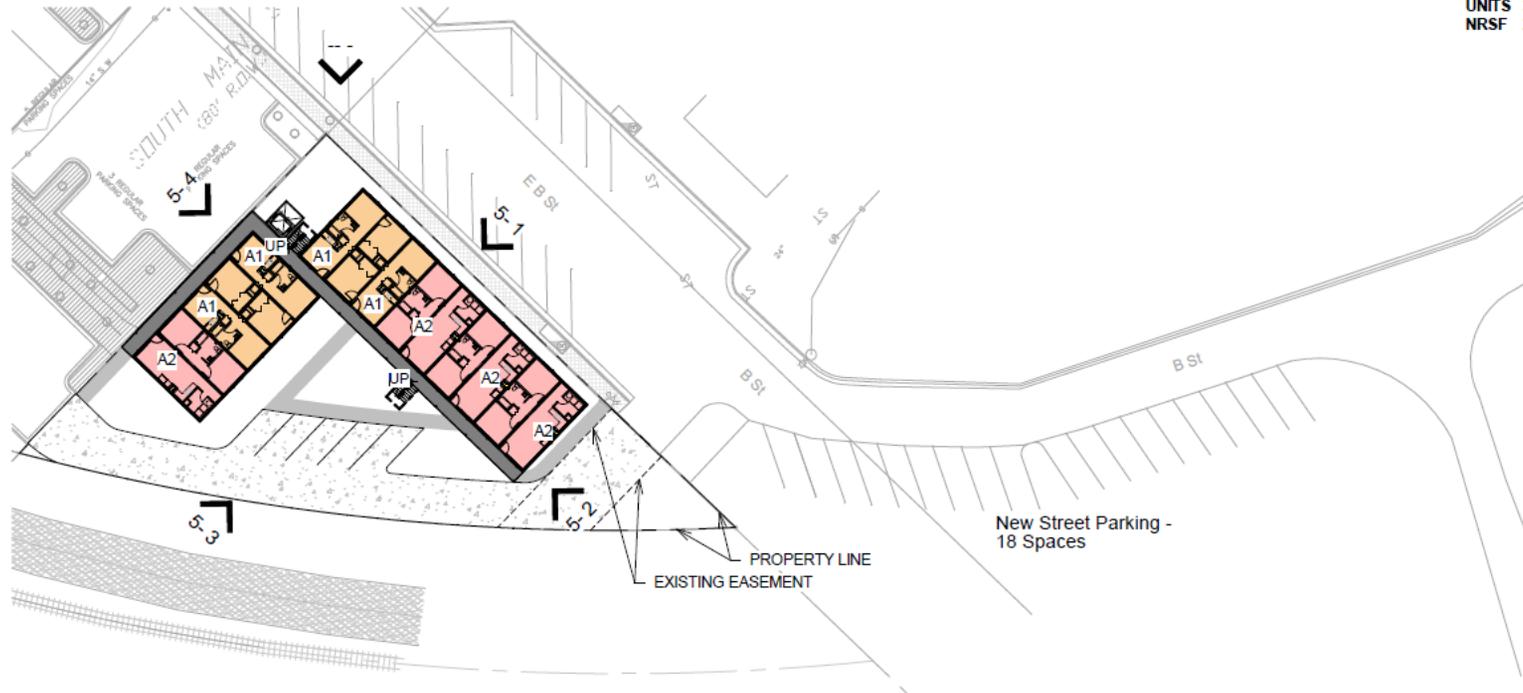
—

—

H. Supporting documentation.



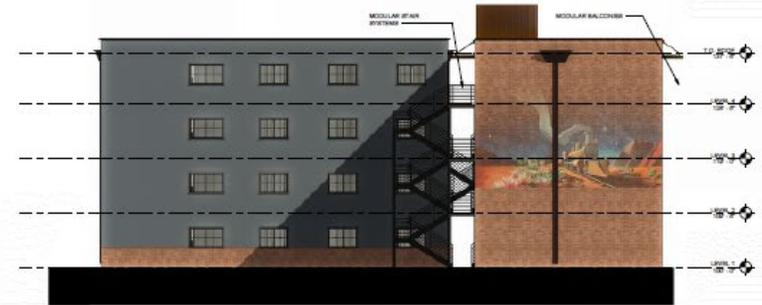
- 16 UNITS - A1  1 BEDROOM - 576 SF
- 16 UNITS - A2  2 BEDROOM - 768 SF
- UNITS** 32
- NRSF** 21,504 SF



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