

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-60

Hearing Date: 11/26/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi
THROUGH: Scott Hobson
LOCATION: 124 Midway Ave, Pueblo, CO, 81004
APPLICANT: Gary Anzuini
PROPERTY OWNER: Westley and Breanna Latka
YEAR BUILT: 1900
LEGAL DESCRIPTION: Lot 4 Block P South Pueblo
ZONE DISTRICT: Central Business (B-4) Zone District
PARCEL ID: 536308006
LOT SIZE: 0.16 Acres

REQUEST: Variance to reduce parking requirements by 100% in a Central Business (B-4) Zone District.

BACKGROUND

The applicant is requesting a variance to reduce parking requirements by 100% at 124 Midway Ave. The subject property is a zero-point sixteen (0.16) acre lot located north of the Pueblo Library across S Union Avenue in The Blocks neighborhood. It sits within a Central Business (B-4) Zone District, near a tattoo shop to the west and a yoga studio to the east. Across Midway Ave to the north are several single-family homes. The house on the subject property was built in 1900. The property was purchased by Westley and Breanna Latka, owners of Stoke Pizza, a mobile catering service that specializes in stone-fired pizza. The owners' website indicates that they intend to open a permanent restaurant at the subject property next summer. A restaurant is a use-by right in a Central Business (B-4) Zone District, and the owners would need to obtain a business license before officially opening the location. When the business license is pulled, commercial requirements for off-street parking requirements for restaurants will be triggered. The applicant submitted a variance request to reduce parking requirements by one hundred percent (100%) on October 7, 2024.

The applicant provided a seating plan which shows 57 total seats – 14 inside and 43 outside. However, the client has stated they would prefer a total occupancy of 72. With the consideration of employees, the rated occupancy will be assumed to be 76 for this request. Typically, Staff determines occupancy based the calculated maximum number of people that can safely occupy a space at any given time. However, staff was unable to calculate the exact rated occupancy for the building based off the seating plan provided. An exact estimate is also uncertain since the building has not yet been approved to be used as a restaurant. Once they apply for a business license, the exact occupancy will need to be calculated, and the maximum occupancy may be reduced before the site can be developed.

REQUEST AND ANALYSIS

The Zoning Board of Appeals has the authority to grant up to a 100% parking reduction for the subject property since it is within the Established Development Area (Sec 17-4-44). The Pueblo Municipal Code requires that restaurants like the proposed Stoke Pizza "shall be provided with at least one (1) parking space for each three (3) persons of rated occupancy load" (Sec 17-4-43). As mentioned, staff is basing this variance request off a

maximum 76 occupancy. Thus, the subject property would be required to provide an estimated 28 off-street parking spaces to comply with Code. The property provides one ADA off-street parking space but no other spaces. The proposed site plan indicates they plan to rely heavily on outdoor space for customer seating, reducing area available for off-street parking. Even without using outdoor space for seating, the lot is narrow with steep topography– severely reducing the site’s ability to provide all 28 spaces.

S Union Ave. has bike lanes and provides public, on-street parking spaces up to two hours. Public parking is also available along Midway Ave; however, the residential neighborhood adjacent to Midway Ave also utilize the street for parking because the area was developed at the turn of the century, pre personal vehicle. Photos taken on November 19th show that 2 cars were parked on S. Union St. westbound, while 4 were parked eastbound (See Exhibit F). Additionally, there are four bus stops within a two-minute walk from the subject property. One is located outside the Pueblo Library, right across the street from the subject property on S Union Ave. Two more stops are located south, across E Abriendo Ave. The fourth stop is west of the subject property on W Abriendo Ave (See Exhibit H). Developing the subject property for a restaurant might increase the use of these underutilized transportation options. Many customers that live in the surrounding area south of the Arkansas River would be able to walk to the site.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Multiple Residential and Office (R-5) Zone District	Single-Family Homes
East	Central Business (B-4) Zone District	Fountain of Health Yoga Studio
South	Government Use (S-1) Zone District	Pueblo Library – Rawlings Branch
West	Central Business (B-4) Zone District	Mesta Hostel

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	Routing and Plan Review for Change in Occupancy are required to be completed, along with appropriate permits and inspections.
Fire Department	No problem with the variance; however, the exact rated occupancy is required for appropriate permits and inspections.
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. The parking variance would not reduce the required light and air to adjacent properties. The subject property and surrounding properties are zoned for commercial use. Customer parking along S. Union Ave. is assumed to not constitute a nuisance; however, customer parking along Midway Ave. could potentially cause a nuisance to the neighboring residents if they do not have off-street parking, and their typical on-street parking is consumed by restaurant customers.

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. Availability of public, on-street parking along Union Ave suggests the parking variance would not negatively affect general planning of the city with respect to land use, streets, and highways. The subject property is located in the Established Development Area, which allows for a 100-percent variance due to its location within the densely developed urban core of the City. Multiple transportation options are available near the site, and developing this sight may encourage more use of these underutilized transportation methods.

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

Comments: Affirmative finding. Developing the subject property for commercial use would be challenging without reducing parking requirements. Midway Ave. sits approximately 10-feet higher than Union Ave., making on-site parking for any commercial or residential use unfeasible.

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. The narrow shape and topography of this lot is common to other lots in the area because it is located in the Blocks Neighborhood. The subject property is not alone in unique disadvantages within the context of the neighborhood; however, when compared to typical B-4 zoned properties within the urban core of downtown, it is considered unique in that it is narrow and has steep topography. The lot topography constitutes a disadvantage as the northern portion of the lot sits 10-feet higher than the southern portion of the lot. All commercial development adjacent to the south side of Midway Ave. would face unique challenges to provide adequate off-street parking spaces.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends Standard Permit Conditions 1 through 13.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 11/26/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/26/2025
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



Barstools facing Union Ave.



2-Hour Parking on Union Ave



Off-Street ADA Parking

Exhibit G. Application

 City of Pueblo PLACE

October 8, 2024

24-186
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 10/7/2024

Primary Location
124 MIDWAY AVE
PUEBLO, CO 81004
Owner
LATKA WESTLEY THOMAS
5 TWILIGHT LN PUEBLO ,
CO 81005-1031

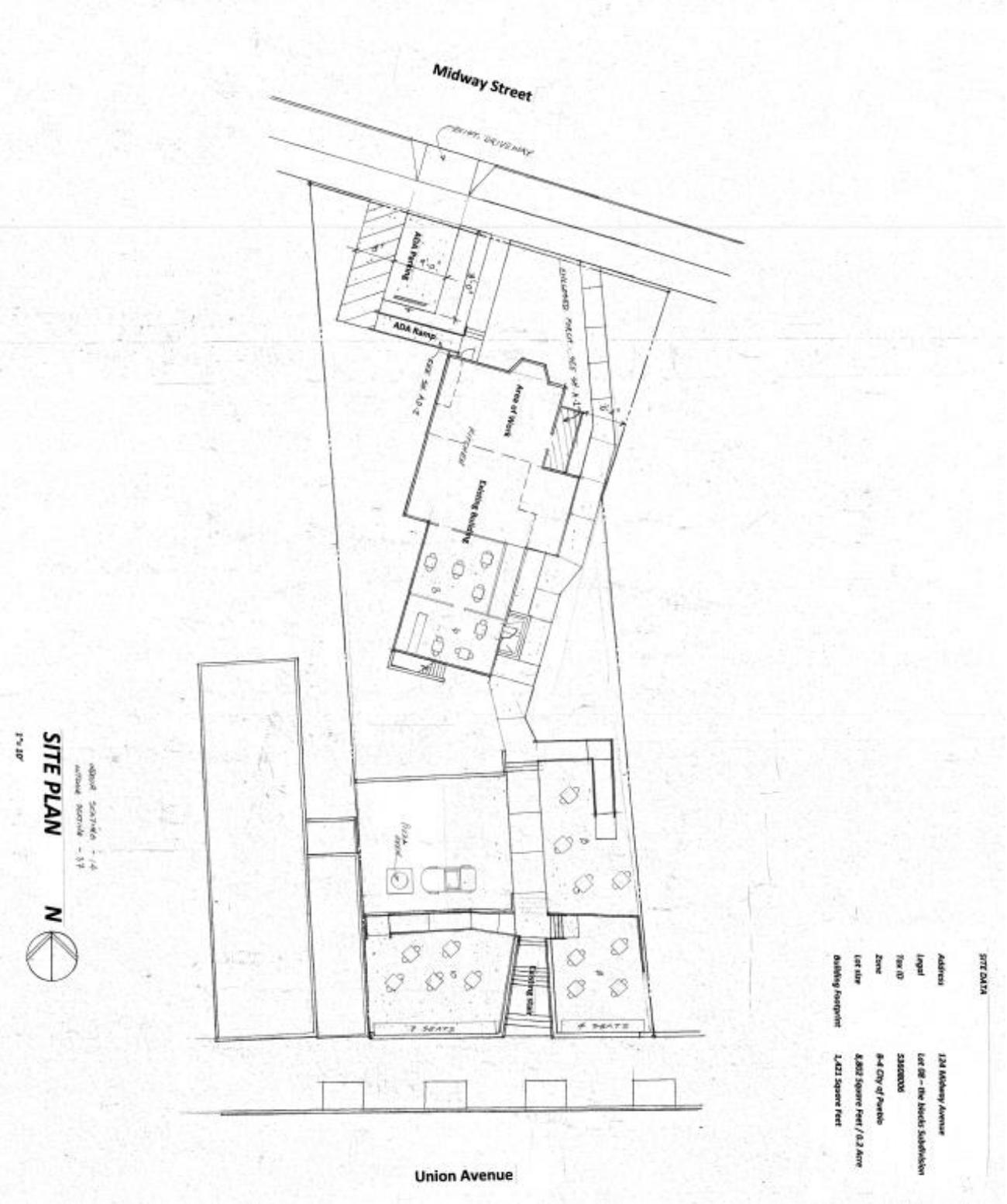
Applicant

Gary Anzuini

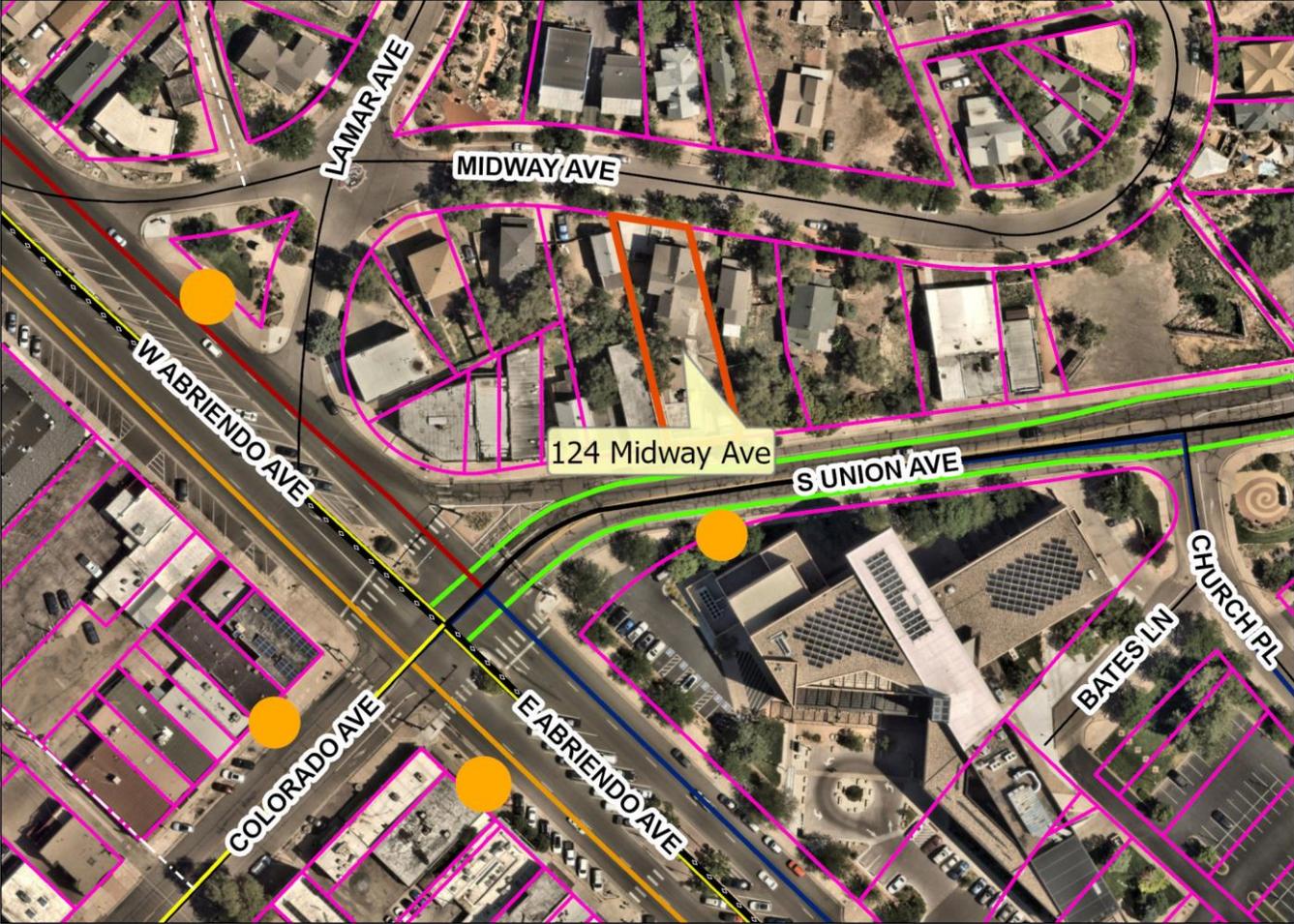
719-251-6870
 ganzuini@comcast.net

9 Dittmer Circle
PUEBLO, CO 81005

H. Supporting Documents



Applicant Site Plan



Bus Stops

Westley Latka
Breanna Latka
Stoke Pizza Restaurant
124 Midway Avenue
Pueblo, CO 81004
stokepizza@gmail.com

City Planning Department
Parking Variance
Pueblo, CO

I hope this letter finds you well. We are writing on behalf of Stoke Pizza to discuss the parking requirements outlined in the city codes and to advocate for a reevaluation of these mandates in light of our restaurant's unique position and the benefits it brings to our community.

Currently, there are 25 on-street parking spaces available on Union Avenue, along with Library parking after hours and additional street parking on Midway Avenue. This ample parking supply demonstrates that our restaurant is well-equipped to accommodate customers without the need for extensive parking lots, which often detract from the vibrancy of our city by creating large, uninviting concrete spaces.

Many cities across the nation, such as San Francisco and Portland, have recognized that prioritizing green spaces and pedestrian-friendly environments can lead to a more engaged community and a stronger local economy. By reducing parking requirements, these cities have transformed their urban landscapes, resulting in increased foot traffic and greater overall sales tax revenue.

At Stoke Pizza, we believe that our focus should be on enhancing the dining experience and fostering a lively atmosphere that attracts both locals and visitors. Instead of allocating valuable real estate to parking lots, we propose utilizing our space to create an inviting dining area that can accommodate more patrons and promote a sense of community. This aligns with current trends in urban planning that prioritize walkability and sustainability over car-centric development.

Additionally, the revenue generated from our restaurant contributes significantly to local sales tax, which directly benefits our city. By allowing us to invest in our business rather than in unnecessary parking infrastructure, you will enable us to focus on enhancing our offerings and increasing our contribution to the local economy.

We urge you to consider the broader implications of maintaining rigid parking requirements. By following the lead of other progressive cities that have opted to reduce these mandates, we can cultivate a thriving local economy while maintaining the character and charm that make our community special.

Thank you for your time and consideration.

Sincerely,
Westley Latka
Breanna Latka
Owners, Stoke Pizza
719-369-5757