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Lisa Bailey
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Georgia Way

ZBA-24-63

Hearing Date: November 26, 2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1003 Liberty Lane
APPLICANT: Jeff Neulieb, Archway Pueblo Liberty LLC
PROPERTY OWNER: Archway Pueblo LLC
YEAR BUILT: 1957
LEGAL DESCRIPTION: LOTS 18 TO 26 INC. BLK 27 BELMONT 11TH & POR OF VAC ST LYING SELY & ADJ TO LOT 18 TO 21 LESS TRACT IN #445204 (NOW BELMONT 11TH RE-PLAT) ALSO LESS 0.18A OUT OF A POR OF LOTS 20 & 21 TO CHAMPION HOMES OF PUEBLO
ZONE DISTRICT: Multiple Residential and Office (R-5) Zone District
PARCEL ID: 0419413002
LOT SIZE: 1.6 acres

REQUEST: Variance to encroach 17-feet into the required twenty-five-foot front yard setback, resulting in an eight-foot front-yard setback adjacent to Bonforte Blvd. in a R-5 Multiple Residential and Office District.

BACKGROUND AND ANALYSIS

1003 Liberty Lane is a 1.4-acre parcel developed with a church situated in the center of the Belmont neighborhood and the applicant is proposing to erect two multifamily buildings north and west of the existing church. The planned western apartment structure will encroach seventeen feet into the required twenty-five-foot front yard setback along Bonforte Blvd., in order to preserve the existing church. The applicant proposes redeveloping the property for senior affordable housing and purchased the property from the prior Christ Congregational Church in 2022.

The church was erected in 1957 and designed by Elizabeth Wright Ingraham, granddaughter of Frank Lloyd Wright, and is an excellent example of Mid-Century architectural design. The 2014 *In Pursuit of the American Dream: Pueblo in the Modern Age 1940-1982*, citywide historic context Preservation Action Plan, element *E.1 Landmark Modern Resources*, recommended that Christ Congregational Church be one of the first seven midcentury landmarks designated by the City's Historic Preservation Commission (page 180-181). After discussions with city staff and potential funding agencies, the applicant plans to retain the church building for a community/leasing center. Preservation of the church building requires one of the new buildings to be sited toward the edge of the site. In their application the applicant requests variances from both the Liberty Lane and Bonforte Blvd. frontages, after reviewing their most recent site plan and treating Bonforte as the primary front yard setback, only one variance into the front yard setback on Bonforte Blvd. is required.

The property owner applied to rezone the parcel from R-1, Single Family Residential to R-5, Multiple Residential and Office, which would allow the multifamily use. The Planning and Zoning Commission recommended approval of the rezoning (Z-24-11) with City Council approval on September 23, 2024, Ordinance 10802.

The proposed redevelopment of the property consists of two buildings, Building One, a three-story apartment building located in the northeast section of the lot. Building Two is a three-story apartment building located in the western corner of the lot. The original church sits in the center of the lot making compliance with the required setback difficult. The western building will front Bonforte Blvd., a minor arterial and Liberty Lane. The required front yard setback in a R-5 Zone District is twenty-five feet (on Bonforte Blvd) and twelve and half feet on the second front yard (Liberty Lane). The proposed apartment will encroach seventeen feet into the front yard setback on Bonforte Blvd. Bonforte Blvd. has a 100-foot right of way resulting in approximately 20-feet of right of way between the western property line and back of sidewalk adjacent to Bonforte Blvd. The proposed eight-foot setback from the western property line creates the appearance of a substantial setback from the improved street portion of Bonforte Blvd., despite the reduced front yard setback from the actual property line.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Multiple Residential and Office (R-5) District	Commercial strip center and vacant parcel
East	Multiple Residential and Office (R-5) District and R-1. Single Family Residential	Single-Family Home and Medical Office Building
South	Multiple Residential and Office (R-5) District and Office O-1	Medical offices
West	Multiple Residential and Office (R-5) District	Commercial buildings, Supportive Housing and Apartments

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. Due to the 100-foot wide Bonforte Blvd. right of way, the encroachment into the front yard setback will not reduce light and air to adjacent properties.

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 front-yard variance will not affect the general planning of the city with respect to land use and location of streets. The proposed western multifamily structure will sit approximately 30-feet from the back of sidewalk along Bonforte Blvd., and will allow ample space between structures on the development site and the adjacent commercial and residential structures. The variance will facilitate preservation an architecturally significant church and provide low-income housing to seniors, both promote the goals of the comprehensive plan and a preservation action plans.

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

Comments: Affirmative finding. Compliance with the current setback regulations would prevent construction of the two multifamily structures and preservation of the historic church.

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 large development site has an irregular shape with an architecturally significant historic church sited in the middle of the site. The church has a minimal footprint compared to the overall size of the lot; however, because of the irregular lot shape and the location of the church in the center of the lot, utilizing the remaining portions of the lot for infill affordable housing while concurrently preserving the church for a leasing office would not be feasible without a setback variance. Complying with the setbacks would mean the destruction of the historic resource.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses 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



Looking west across the northern portion of the site, dentist office adjacent.



Overview of the site looking northeast from Liberty Lane.

Exhibit G. Application

 City of Pueblo PLACE

October 28, 2024

24-200
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 10/26/2024

Primary Location
1003 LIBERTY LN
PUEBLO, CO 81001
Owner
ARCHWAY PUEBLO LIBERTY
LLC
8585 W 14TH AVE STE A
LAKEWOOD , CO 80215-4860

Applicant
 Jeff Neulieb
 303-832-4474 ext. 71370
 jeffn@kephart.com
 2555 Walnut St.
Denvevr, Co 80205

Internal

 **ZBA Case Number**

 **Planner Assigned**

—

 **Address Validation by GIS?**

ZBA

 **Hearing Date**

 **Hearing Results**

—

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 **Board Conditions**

 **Appeal Term End Date**

 **Permit Completion Date**

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🔒 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*

Setback

Provide a short description of the proposed request:*

The applicant requests a reduction in the front setbacks along two street frontages: from 12.5 feet to 5 feet along Bonforte Boulevard and from 25 feet to 10 feet along Liberty Lane. These setback reductions are sought to allow for greater spacing between the new senior multi-family affordable housing buildings and the preserved church building on-site, which is planned to serve as the community's clubhouse.

What is the general use of the property*

Multi-Family

Detailed explanation of the request as listed above. *

The existing church, an integral architectural feature of the development, was originally designed by Elizabeth Wright-Ingram, the granddaughter of renowned architect Frank Lloyd Wright. Preserving this historic structure aligns with the applicant's vision of integrating significant cultural heritage into the project's design while also enhancing the sense of place and fostering community identity. The setback modifications will accommodate the efficient layout of the new residential buildings without compromising the integrity and prominence of the preserved church.

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

These adjustments represent a thoughtful balance between the preservation of architectural legacy and the creation of much-needed affordable housing for seniors.

Are there any concurrent zoning requests?*

No

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.*

The requested front setback reductions will not negatively impact the surrounding area. (1) The reduced setbacks will not obstruct light or airflow to nearby properties, as the new buildings remain within height and bulk standards appropriate for the site and neighboring context. (2) The variance will not introduce any noise, traffic, or disturbances that would disrupt adjacent properties. Landscaping and thoughtful design will further soften the visual impact along the streetscapes. (3) Preserving the church as the community clubhouse enhances the site's character and ensures a seamless fit within the neighborhood, which is expected to maintain or even enhance local property values. By combining historic preservation with high-quality senior housing, the project adds long-term value to the area.

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 requested front setback reductions will not negatively impact the intended use of the property, surrounding properties, public streets, or rights-of-way for the following reasons:

1. Preservation of Property Functionality:

The setback adjustments ensure an optimal site layout, balancing new senior affordable housing with the preservation of the existing church, which will serve as the community clubhouse. The reduced setbacks along Bonforte Boulevard (5') and Liberty Lane (10') still allow for safe pedestrian access, attractive landscaping, and buffering between the buildings and the street. This efficient design maintains the intended use of the property to provide quality senior housing with amenities that foster a connected, vibrant community.

2. No Impact on Adjacent Properties:

The height, bulk, and spacing of the new residential buildings remain in harmony with surrounding developments. Careful site planning ensures that the placement of buildings will not create visual or physical barriers that could interfere with neighboring properties. Additionally, the church's reuse as a clubhouse ensures that the historic structure remains an asset, contributing to the overall aesthetic and value of the area rather than disrupting neighboring land uses.

3. Public Streets and Traffic Flow:

The reduced front setbacks will not hinder traffic visibility, street operations, or pedestrian circulation along Bonforte Boulevard or Liberty Lane. The design preserves necessary sightlines at intersections and driveways to ensure safety for both pedestrians and vehicles. Since the project provides adequate internal parking and walkways, there is no anticipated increase in on-street parking demand or congestion.

4. Protection of Rights-of-Way and Public Access:

The setback reductions do not encroach on any public rights-of-way or obstruct access. All sidewalks, utility easements, and public infrastructure within or near the site will be maintained according to local standards. Furthermore, the enhanced proximity of the buildings to the street encourages walkability and creates a more pedestrian-friendly environment along both Bonforte Boulevard and Liberty Lane, aligning with community goals for connectivity and accessibility.

In summary, the requested variances are carefully calibrated to enhance the functionality of the site without negatively affecting adjacent properties, public streets, or community infrastructure. The project preserves the architectural significance of the church while delivering affordable housing, all in a manner that aligns with neighborhood character and municipal planning objectives.

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

The existing church, an integral architectural feature of the development, was originally designed by Elizabeth Wright-Ingram, the granddaughter of renowned architect Frank Lloyd Wright. Preserving this historic structure aligns with the applicant's vision of integrating significant cultural heritage into the project's design while also enhancing the sense of place and fostering community identity. The setback modifications will accommodate the efficient layout of the new residential buildings without compromising the integrity and prominence of the preserved church.

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

The current code presents a unique challenge for this project because it enforces standard front setback requirements without accounting for the complexities of integrating historic preservation with new affordable housing.

Terms

Is the applicant and property owner the same?*

No

Applicant Signature*

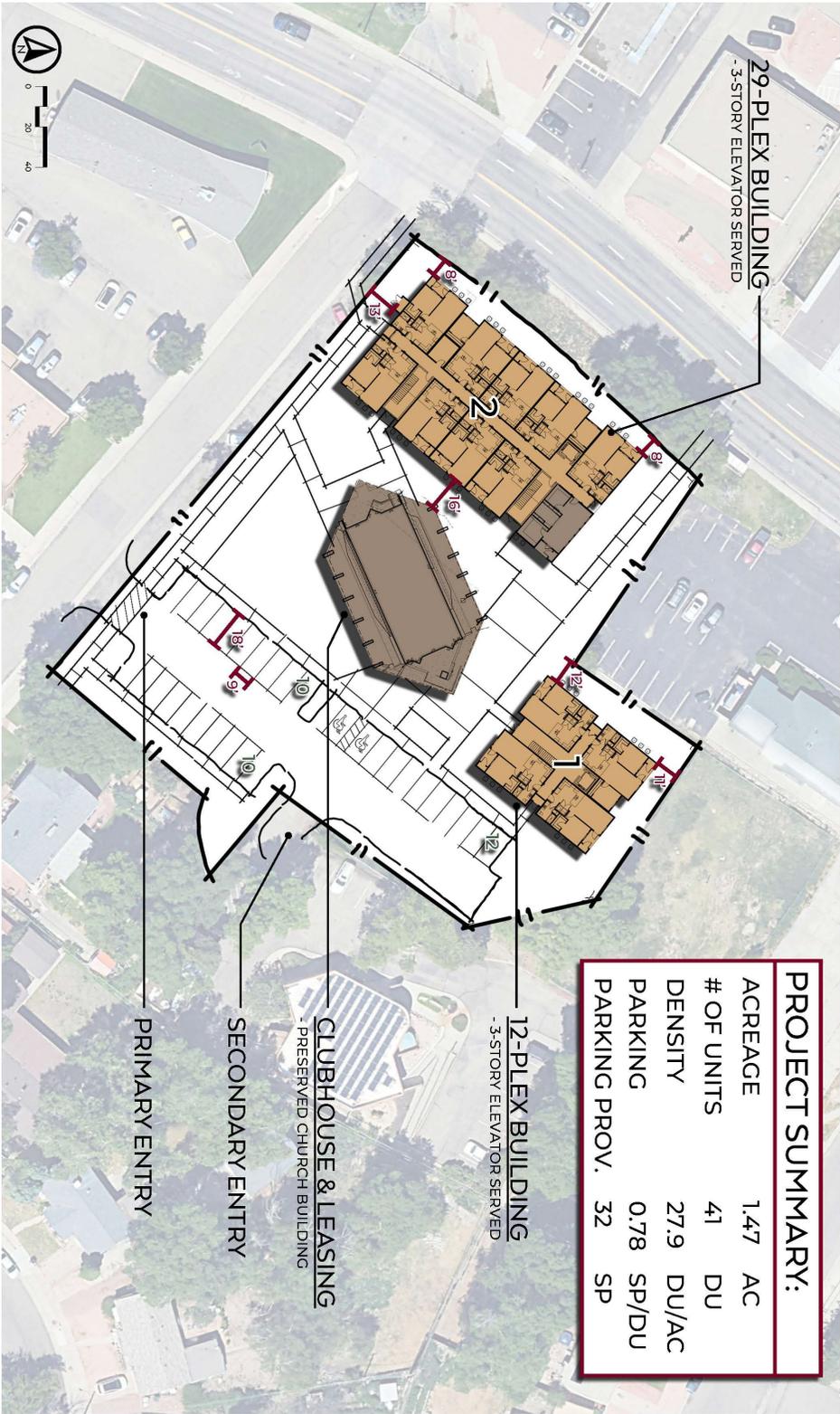
✓ Jeffrey James Neulieb
Oct 25, 2024

Attachments

 **Site plan** **REQUIRED**
20241023_CSP 6.pdf
Uploaded by Jeff Neulieb on Oct 26, 2024 at 1:40 PM

 **Property Owner Affidavit** **REQUIRED**
Complete_with_Docusign_Property_Owner_Affida VARIANCE REQ 10
25 24.pdf
Uploaded by Jeff Neulieb on Oct 26, 2024 at 1:39 PM

H. Supporting Documents



LIBERTY LANE APARTMENTS
PUEBLO, COLORADO
CONCEPTUAL SITE PLAN | KA#223118 | DATE 10/25/2024

CRAFT ARCHWAY COMMUNITIES
CIVIL DESIGN
KEPHART