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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-03

Hearing Date: 1/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 634 Goodnight Ave
APPLICANT: Casey Prutch
PROPERTY OWNER: Wesley Lavong
YEAR BUILT: 1959
LEGAL DESCRIPTION: LOTS 1 TO 5 BLK 1 ADAMS SUB
ZONE DISTRICT: Sub-Regional Business (B-2) Zone District (contingent on rezoning)
PARCEL ID: 534410001
LOT SIZE: 16329

REQUEST:	Variance to reduce required parking spaces in a Sub-Regional Business (B-2) Zone District
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BACKGROUND

The applicant is requesting a parking variance to reduce the number of required off-street spaces for a general office use from 19 spaces to 11 spaces. There is a concurrent rezoning case, Z-24-23, to rezone this lot from Single-Family Residential (R-2) to Sub-Regional Business (B-2) in order to accommodate the new proposed use, but this parking variance will also be required in order to convert the existing building into this new use.

The subject property 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 into multi-tenant office space.

REQUEST AND ANALYSIS

Per parking code, office uses require 5 parking spaces plus 1 additional space per every 250 gross square feet over 1250 square feet. For this two-story building, that would come out to a total requirement of 19 spaces. As shown in a parking study completed by Gagliano Engineering, Inc. (Exhibit H) the site has 11 off-street and there are 10 on-street, public parking spaces in immediate vicinity of the building. Two of the 11 spaces are van-accessible, which is adequate for ADA requirements regardless of the granting of this parking variance.

With such limited available space for off-street parking, redevelopment of this currently unused building would be exceptionally difficult, creating a unique hardship for the property owners. In summer of 2024, the applicants submitted concurrent rezoning and parking variance requests for this property with the hope of converting the space into a banquet hall or event venue. At that time, staff calculated that this assembly use would have necessitated 57 parking spaces, so the requested parking variance was nearly 3 times greater. The previous parking variance was approved 3-0 at the July 23, 2024 meeting of the Zoning Board of Appeals, and the new proposed parking variance is considered far less intense.

ZONE 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.”
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: Affirmative finding. The structure is commercial in nature, but the site does not provide infrastructure for the required parking to support commercial uses. 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.

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. 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.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends only 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: 1/28/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/28/2026
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

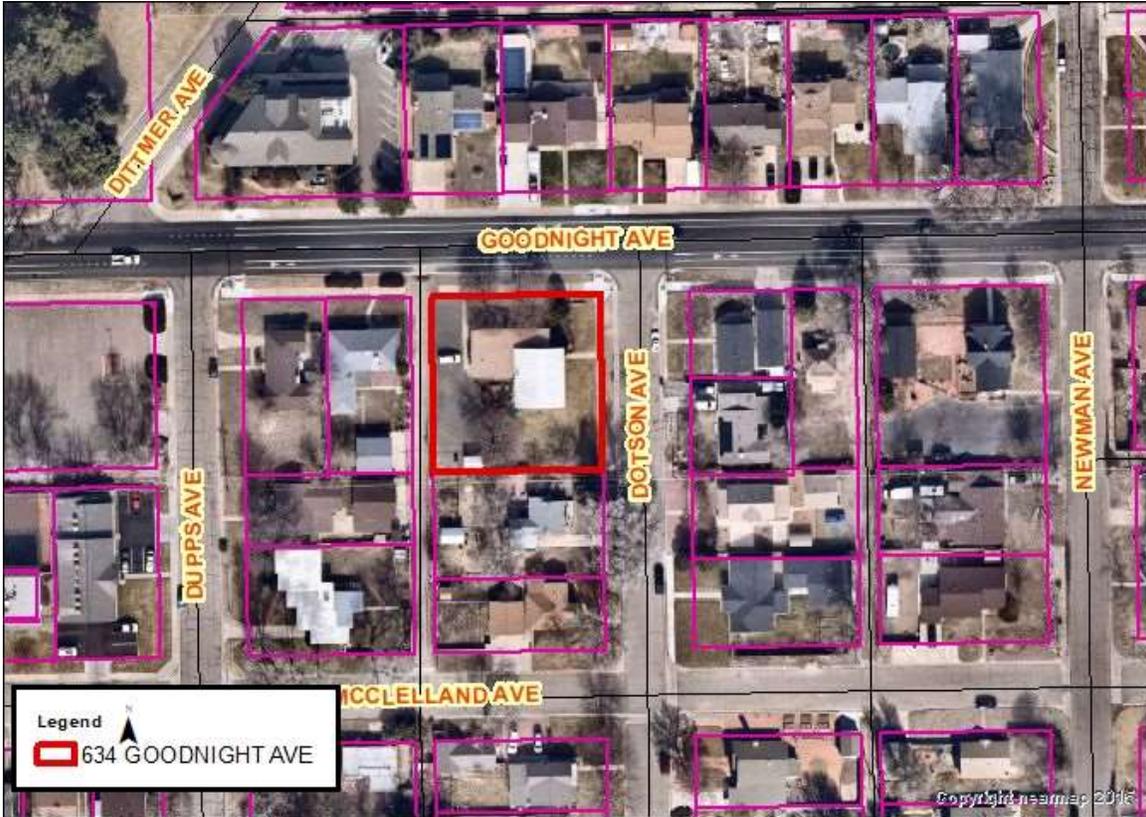


Exhibit C. Zoning Map

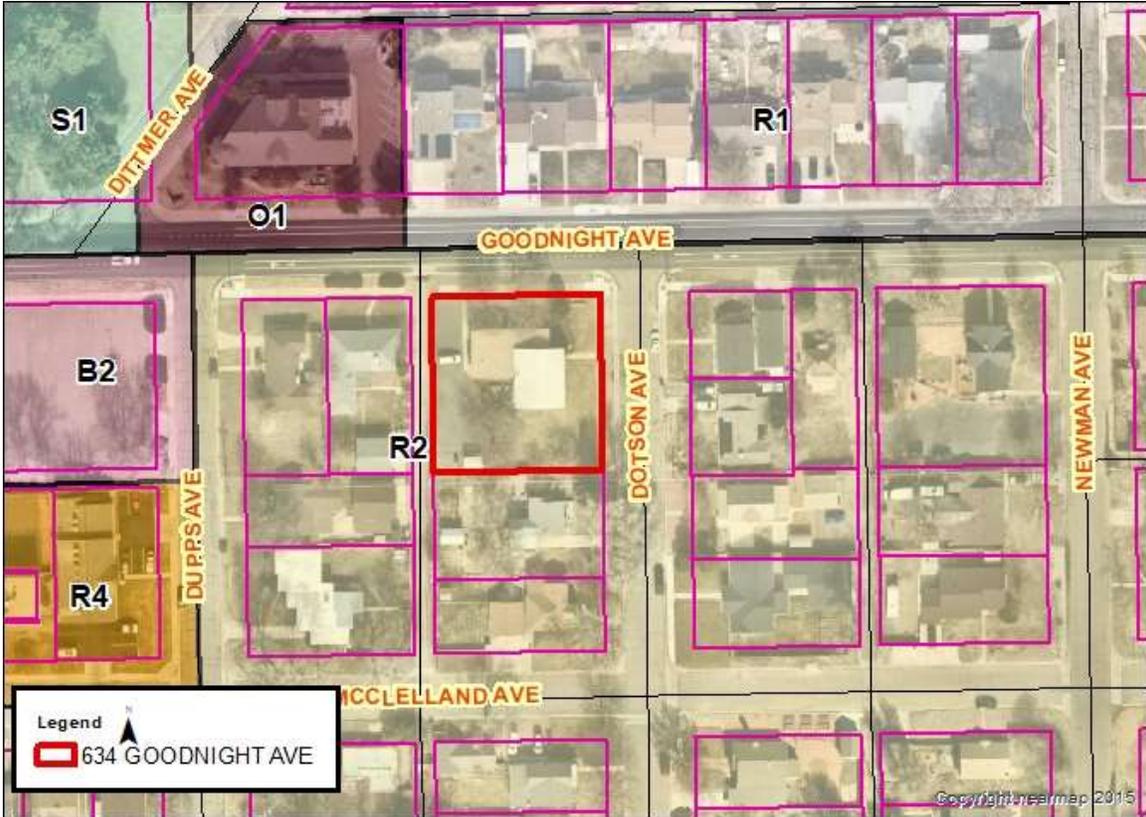


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



November 22, 2024

24-222

Zoning Board of Appeals - Special Use Permit & Variances
Status: Active
Submitted On: 11/22/2024

Primary Location

634 GOODNIGHT AVE
PUEBLO, CO 81005

Owner

1LEGACY INVESTMENTS LLC
918 E EVANS AVE 918 E Evans Ave
PUEBLO , CO 81004-2537

Applicant

Casey Prutch
719-744-3161
casey@cocannabisexchange.com
634 Goodnight Ave
Pueblo, CO 81005

H. Supporting Documents



Property Owner Affidavit

Please type or print clearly. Illegible applications will not be accepted.

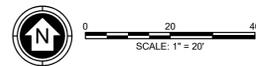
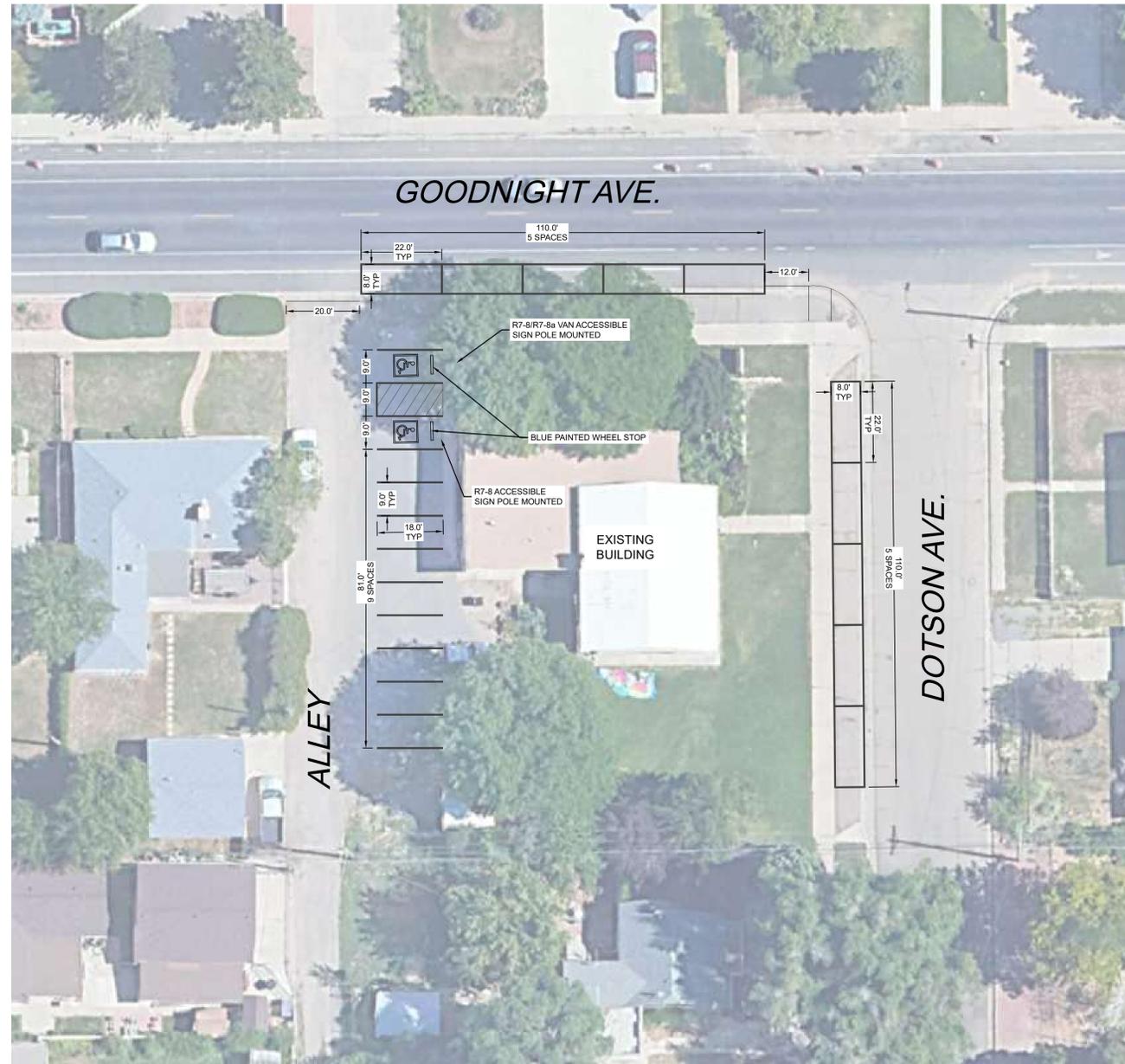
Property Owner and Applicant information table including Name, Address, City, State, Zip, Phone, and Email for Wesley Lavong and Casey Prutch.

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 Parking Variance at said location.

Signature of Property Owner: Wesley Lavong
Date: 06/28/



Know what's below.
Call before you dig.



PARKING NOTES:

BUILDING AREA:
4968 SF

PARKING CALCULATIONS:

Office Space; Professional or Medical
Minimum 5 spaces up to 1250 SF, plus 1 additional space for every 250 SF
4968-1250=3718 | 3718/250=14
5 spaces plus 14 additional, variance of 8 off-street spaces

The Office Space; Professional or Medical, will primarily operate during normal business hours Monday through Friday

PARKING REQUIRED:

19 Spaces
(2) ADA Van Accessible Space

EXISTING ONSITE PARKING PROVIDED:

9 REGULAR
2 VAN ACCESSIBLE
11 TOTAL

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 #534410001

LOT SIZE:

0.38 ± ACRES



- * IF SIGNS ARE POLE MOUNTED, BOTTOM OF SIGN TO BE 7.0' ABOVE FINISHED GRADE
- * IF SIGNS ARE WALL MOUNTED, BOTTOM OF SIGN TO BE 5.0' ABOVE FINISHED GRADE

ACCESSIBLE ACCESS NOTES:

- 1V:48H MAX SLOPE IN ANY DIRECTION FOR ACCESSIBLE PARKING STALLS, AISLE WAYS, OR LANDINGS
- MAX SLOPE OF RAMPS SHALL BE 1V:12H FOR A MAXIMUM 30 INCH RISE. MAX CROSS SLOPE SHALL BE 1V:48H
- MINIMUM LANDING LENGTH SHALL BE 60 INCHES
- CURB STOPS TO BE INSTALLED AT ALL DESIGNATED REGULAR PARKING SPACES WITH THE VAN ACCESSIBLE SPACE AND ACCESS AISLE PAINTED BLUE
- EACH HANDICAP SPACE MUST HAVE EITHER R7-8 OR R7-8(a) SIGN.
- A DETECTABLE WARNING SURFACE TO BE INSTALLED CONSISTING OF RAISED TRUNCATED DORIES WITH A DIAMETER OF .9" (23 mm), A HEIGHT OF .2" (5 mm), AND A CENTER-TO-CENTER SPACING OF 2.35" (60 mm) AND SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES (PER ADAAG).
- 4" WHITE PAVEMENT MARKINGS FOR PARKING STRIPES

ATTENTION!
REPRODUCTION OF THIS DRAWING
MAY HAVE CAUSED DISTORTION

#	Date	Comment

Gagliano Engineering, Inc. - (719) 547-7073
MAIL: P.O. Box 2520, PUEBLO, CO 81004
OFFICE: 1740 Eagleridge Blvd, Suite #150, PUEBLO, CO 81008

PARKING PLAN
634 GOODNIGHT AVE

PUEBLO, CO 81005

PROJECT NO.: **2024-061**

SCALE: as shown
DRAWN BY: jvg CHECKED BY: jvg
DATE: 04/17/24 SHEET NO.: **PARKING**

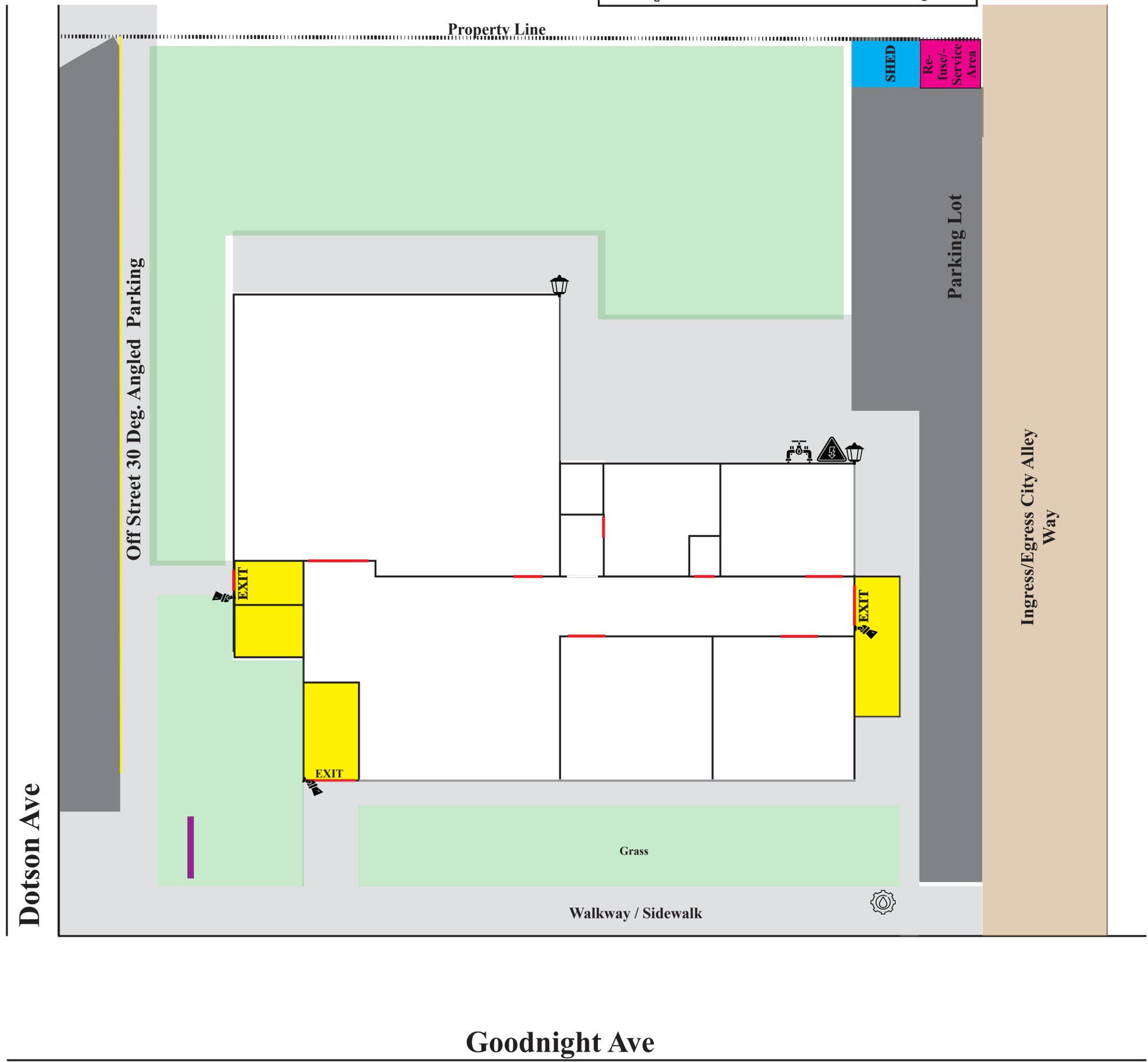
PREPARED UNDER THE DIRECT SUPERVISION OF
JOSEPH V. GAGLIANO, PE
COLORADO REGISTRATION NO. 37210

Exterior Site Plans

634 Goodnight Ave
Pueblo, CO 81005

21 Total Parking Spaces; 2 Handicap

Legend			
	— Door		— Gas Meter
	— Stairs		— Existing Signage
	— Electric Meter		— Security Lights
	— City Water Access		— Existing Lights



Goodnight Business Center
634 Goodnight Ave
Pueblo, CO 81005

Floor Plans



First Floor

Scale

1" = 5ft



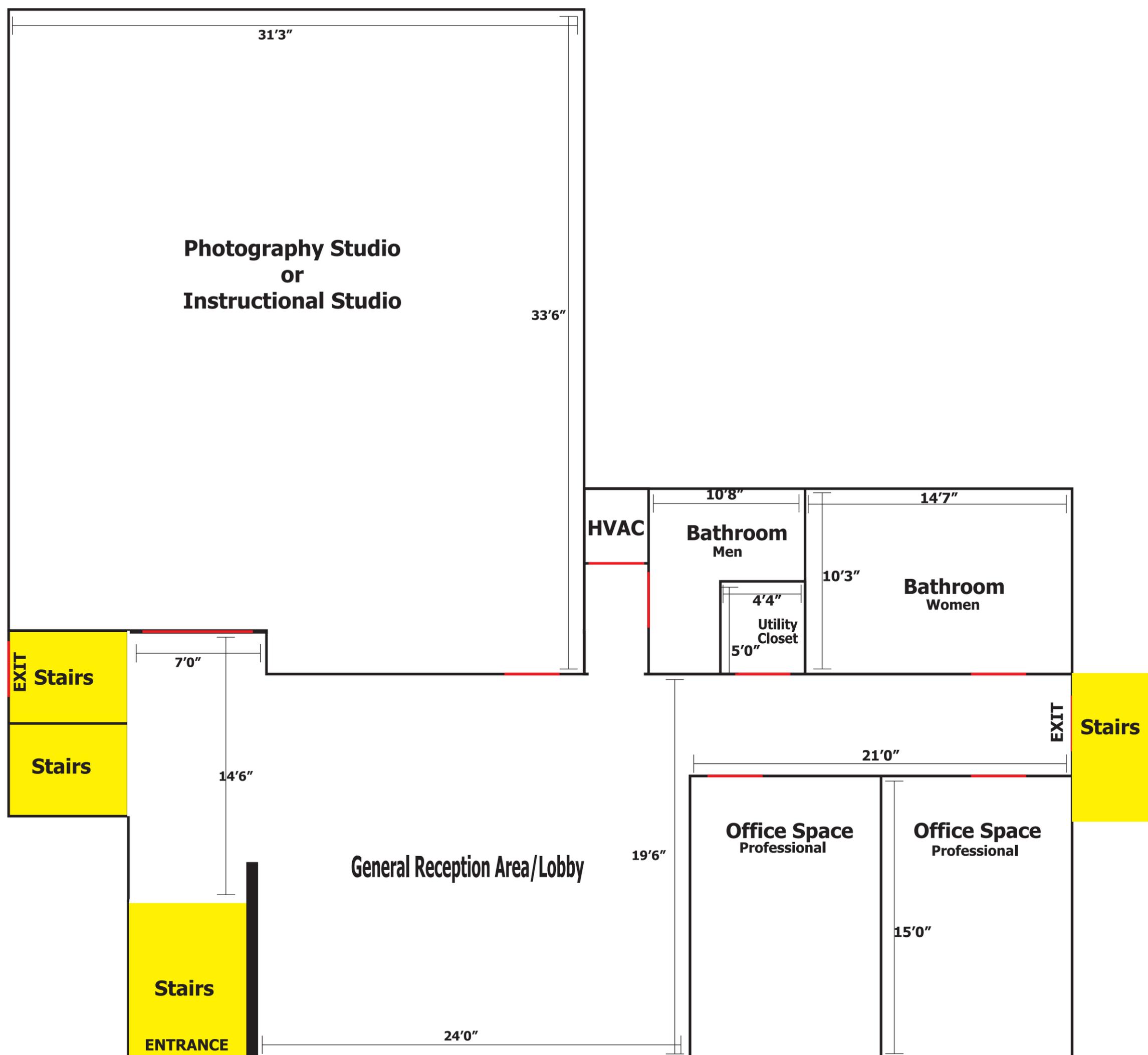
SCALED ON
16"x11.5" Art Board

ISSUED

Drawn By
Casey Prutch

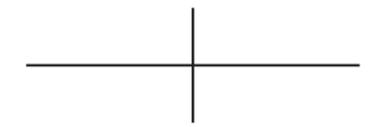
Note: This drawing was made using measurements obtained with a standard 50' tape measure. These plans and measurements were obtained by Casey Prutch. Casey Prutch is not a state certified engineer. Measurements may be (+/-) 6". The purpose of this drawing is to show the use by right businesses allowed for a B-2 Zoning District

FP-FF-1.0



Goodnight Business Center
634 Goodnight Ave
Pueblo, CO 81005

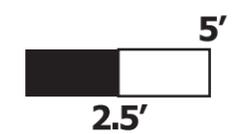
Floor Plans



SECOND FLOOR

Scale

1" = 5ft



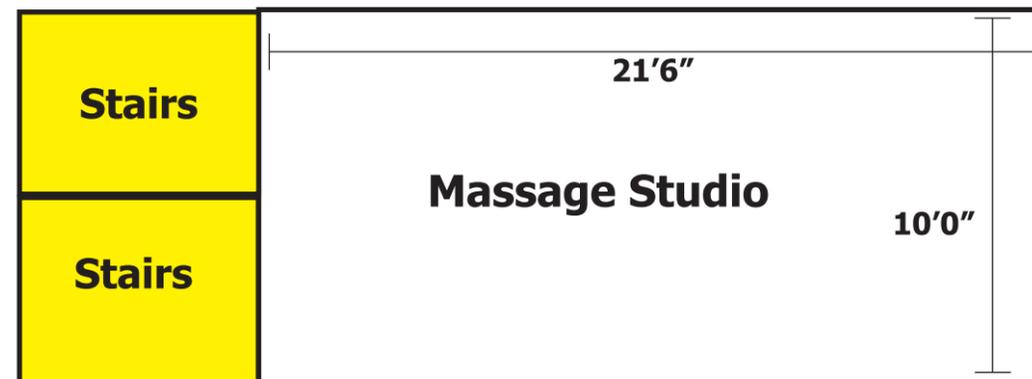
SCALED ON
16"x11.5" Art Board

ISSUED

Drawn By
Casey Prutch

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FP-SF-1.0



Goodnight Business Center
634 Goodnight Ave
Pueblo, CO 81005

Floor Plans



Basement

Scale
1" = 5ft



SCALED ON
16"x11.5" Art Board

ISSUED

Drawn By
Casey Prutch

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FP-BS-1.0

