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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-05

Hearing Date: 1/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 4180 Dillon Dr.
APPLICANT: Jennifer Perkins
PROPERTY OWNER: Cole WM Pueblo LLC/ CO Wal Mart Stores INC PO
YEAR BUILT: 1998
LEGAL DESCRIPTION: On File at Planning and Community Development
ZONE DISTRICT: B-3, Highway and Arterial Business District
PARCEL ID: **0513054009**
LOT SIZE: 22 acres

REQUEST: Variance to reduce the number of required off-street parking spaces in a Highway and Arterial Business (B-3) Zone District.

BACKGROUND

The north-side Walmart currently provides approximately 812 parking spaces, for the 202,847 sq. ft. retail store. Walmart was recently approved for a 7,542 sq. ft. addition to the eastern side of the building to accommodate grocery pick up orders. The addition was designed in such a way that no parking was lost, and three additional parking spaces were added to the site. Walmart is currently requesting commercial site plan approval for a fueling station that includes a 1,618 sq. ft. convenience store in the southern portion of the site. The proposed new structure requires the site to come into compliance with the landscape code. The Walmart store was constructed in 1998, prior to the landscape code requirement for parking lot islands, therefore parking lot islands were not constructed to our current standards. Walmart has chosen to move forward with constructing all required landscape island improvements. With the addition of the proposed fueling station/convenience store and required parking lot islands, the number of available parking spaces will be reduced to 735. Because of this, the applicant is requesting a variance to reduce the number of required off street parking spaces from 848 to 735.

REQUEST AND ANALYSIS

Section 17-4-43 of the Pueblo Municipal Code requires 10 parking spaces, plus one additional parking space for each 250 square feet of gross floor area in excess of 2,500 sq. ft. The total gross area of the approved grocery pickup addition, fueling station/convenience store, and existing retail store is 212,007 sq. ft., therefore requiring 848 parking spaces. With the existing, approved, and planned improvements, the applicant is able to provide 735 parking spaces, which is 77 spaces deficient of the required number.

The development of the new fueling station and associated convenience store include parking lot restriping, which will realign drive lanes in the southeastern portion of the parking lot. The restriping is anticipated to help reduce traffic conflicts and congestion. Aerial imagery of the site, from the last three years, indicates the that the southeastern portion of the parking lot is extremely underutilized by shoppers, please refer to Aerial Parking Photos. Furthermore, the creation of the grocery pickup service addition is anticipated to reduce the number of in-store trips and thereby reduce the demand for parking spaces. Staff inquired about the seasonal outdoor sales

that are generally set up in the western portion of the parking lot, the applicant provided the attached exhibit that shows the general area of the seasonal sale activities. According to the applicant, the seasonal parking lot sales take place during the months of May, June, and July and utilize approximately 73 parking spaces. Finally, the site is built on reclaimed land, and has steep slopes surrounding the southwestern, southern, and southeastern portion of the site, preventing expansion of the parking lot to accommodate the proposed fueling center and convenience store. The attached site plan includes a site analysis table detailing the number and types of parking stalls that will be provided with the proposed fueling/convenience store development.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	I-2, Industrial District and B-3, Highway and Arterial business District	Undeveloped land and a retail store
East	I-2, Industrial District	Undeveloped land
South	I-2, Single-Family Residential Zone District	Undeveloped land
West	B-3, B-3, Highway and Arterial business District	Commercial strip center

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	Email (attached) dated January 23, 2025 from Sean Maik
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. The variance will not affect light or air to adjacent properties. The reduction in parking is not anticipated to constitute a nuisance to properties as the entire parking lot is rarely fully utilized.

2. The variance will not affect the 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 variance would not affect general planning of the city regarding land use, streets, and highways since aerial imagery and visits to the site indicate the site is rarely ever fully parked. The variance is being requested, in part, to comply with other city regulations on landscaping.

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

Comments: Affirmative finding. Failure to secure the variance would mean the applicant would either have to apply for a variance for landscaping or cancel the development project which has been in process for two years.

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. The property does sit on artificially elevated land making expansion of the site difficult to house additional parking.

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 and the following staff condition as well as condition:

1. The applicant must provide updated civil plans for the proposed fueling station that includes the correct figures related to building area and parking calculations, prior to the Planning Department approving the building permit request.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map, Zoomed Out
- C. Aerial Map, Close Up
- D. Zoning Map
- E. Public Notice Photo
- F. Site Photos
- G. Application
- H. Site Plans and Attachments

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 Zoomed Out

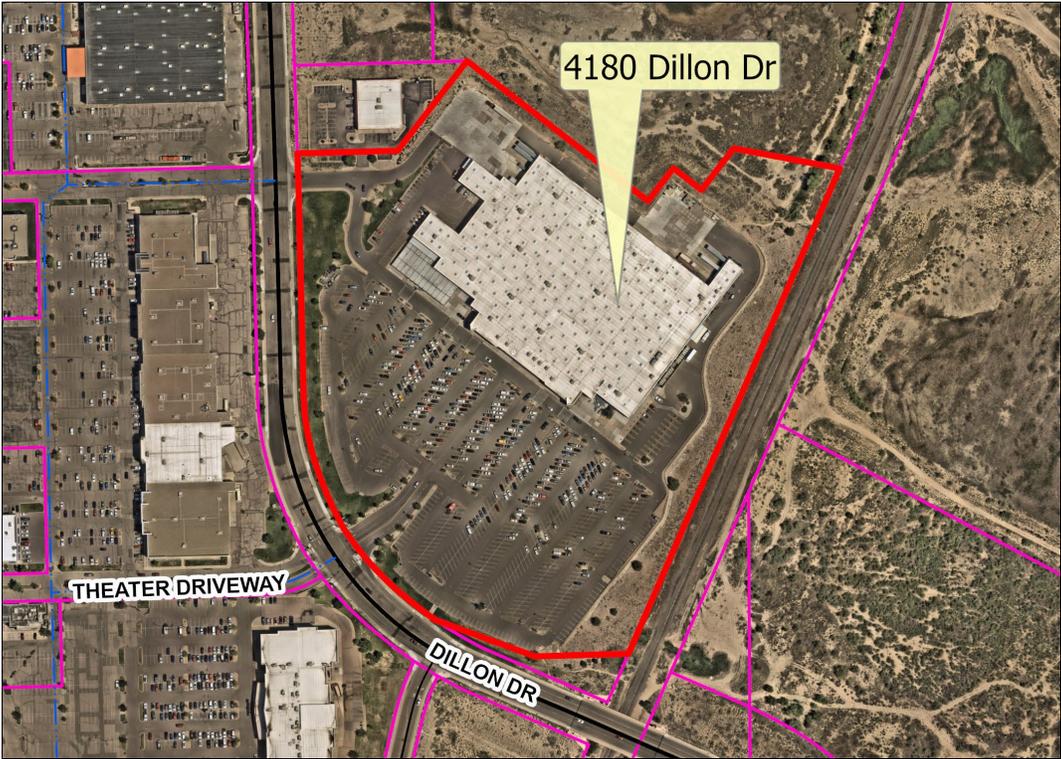
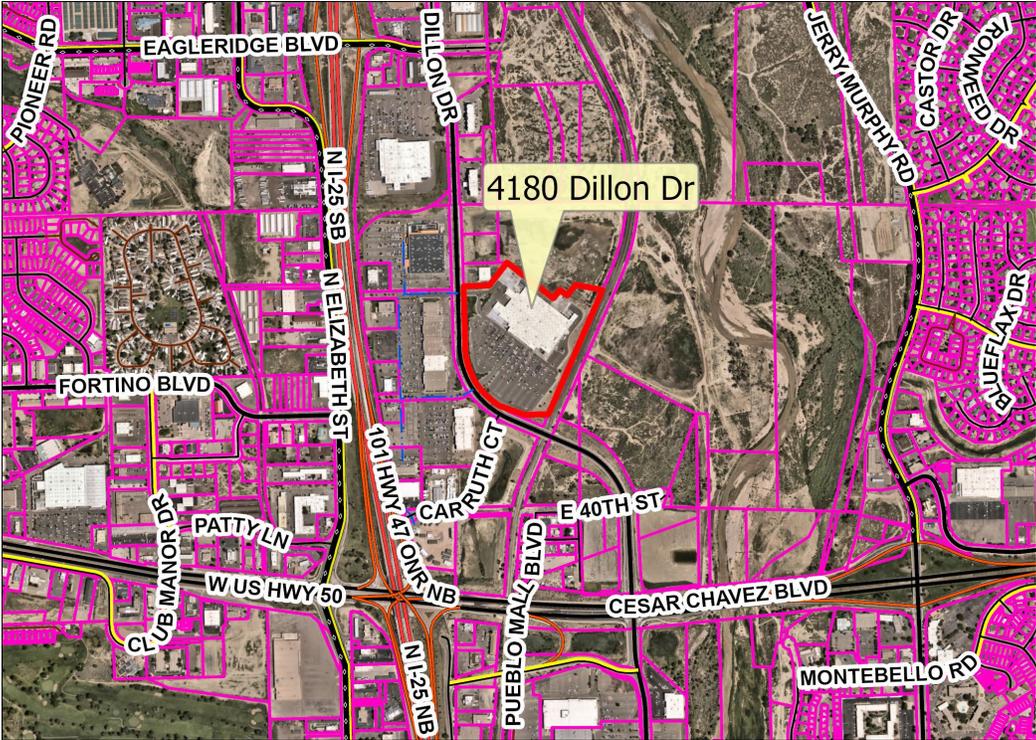


Exhibit C. Aerial Map Close Up

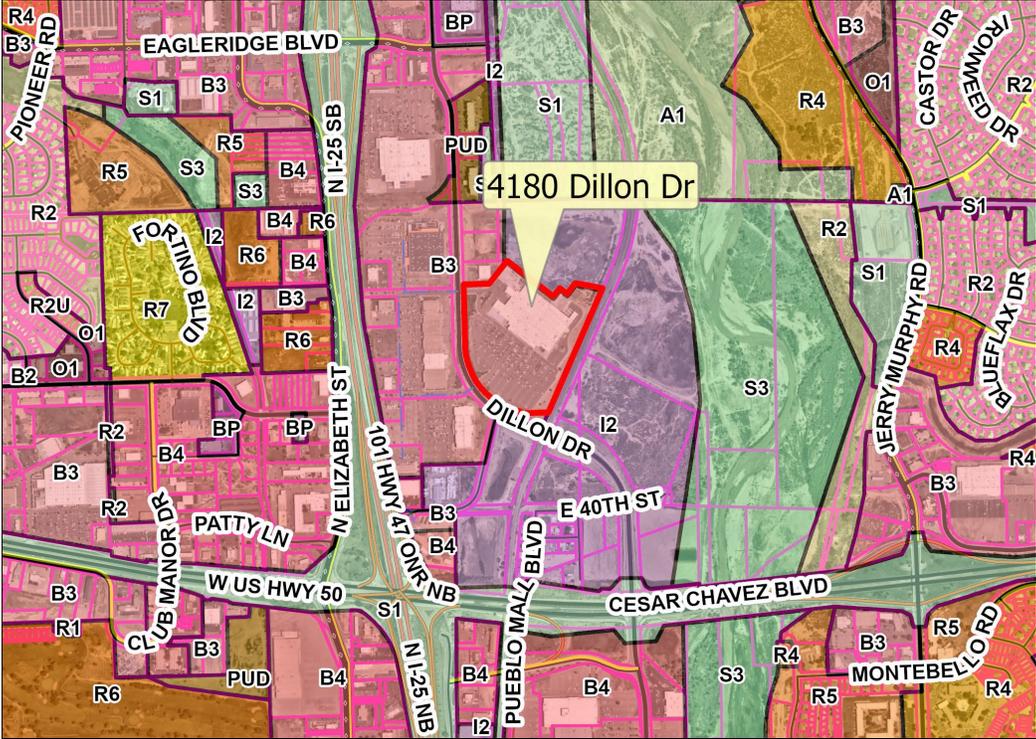


Exhibit D. Zoning Map

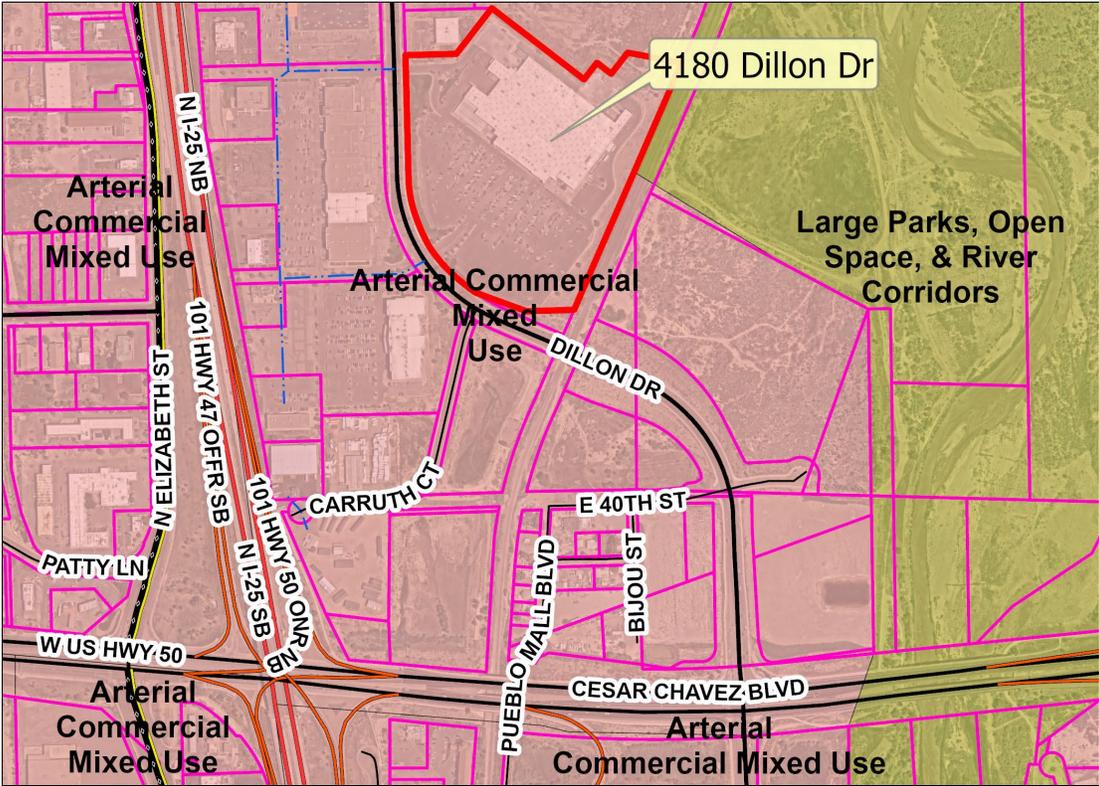


Exhibit E. Comprehensive Plan Map



Exhibit F. Site Photos





Exhibit G. Application

12/20/24, 8:15 AM

24-237



December 20, 2024

24-237
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 12/19/2024

Primary Location
4180 DILLON DR
PUEBLO, CO 81008
Owner
COLE WM PUEBLO LLC C/O
WAL MART STORES INC ,
C/O WAL MART STORES INC PO
BOX 8050 MS05 BENTONVILLE ,
AR 72712-8055

Applicant
 Jennifer Perkins
 559-447-3119
 japerkins@ceieng.com
 710 W Pinedale Avenue
Fresno, CA 93711

Internal

ZBA Case Number

ZBA-25-05

Planner Assigned

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Address Validation by GIS?

ZBA

Hearing Date

01/28/2025

Hearing Results

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Board Conditions

Appeal Term End Date

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Permit Completion Date

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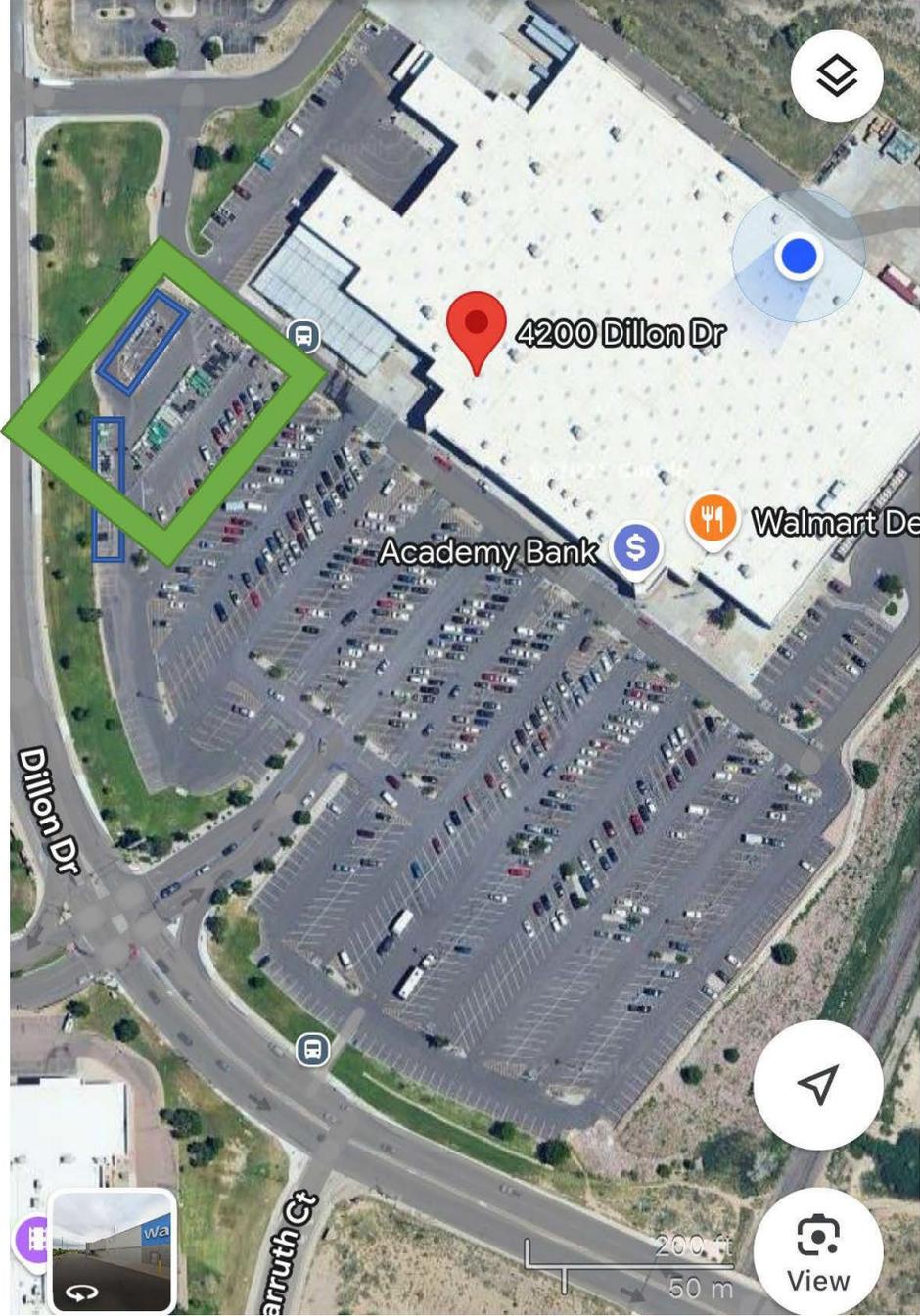
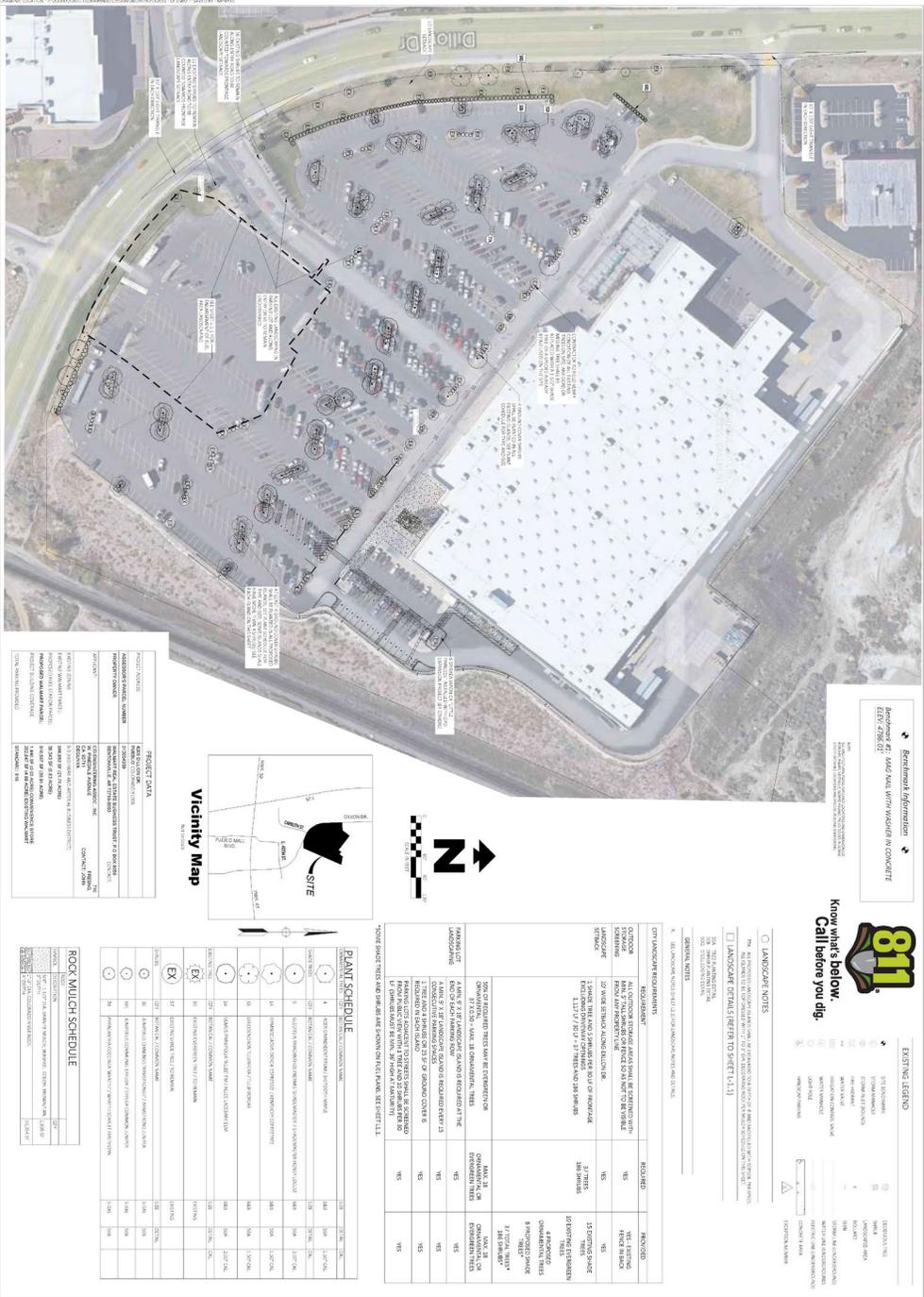


Figure showing seasonal parking lot displays.



Landscaping plan showing the reduction of spaces for parking lot islands.

From: [Sean Maik](#)
To: [Wade Broadhead](#)
Cc: [Charles Roy](#)
Subject: RE: Dutch Bros Approval Transfer to a new permit
Date: Thursday, January 23, 2025 9:47:51 AM

Hey Wade,

Just to touch base again after our conversation earlier today, I do not believe that there is enough concern to deny the variance. I know that there are some points of view against straying away from the parking code, but I think that the observable evidence overwhelmingly justifies the variance.

Chuck,

What are your thoughts on this? Please let me know if I may be speaking out of term. Do we need to perform any further analysis to justify the variance decision?

Thanks!

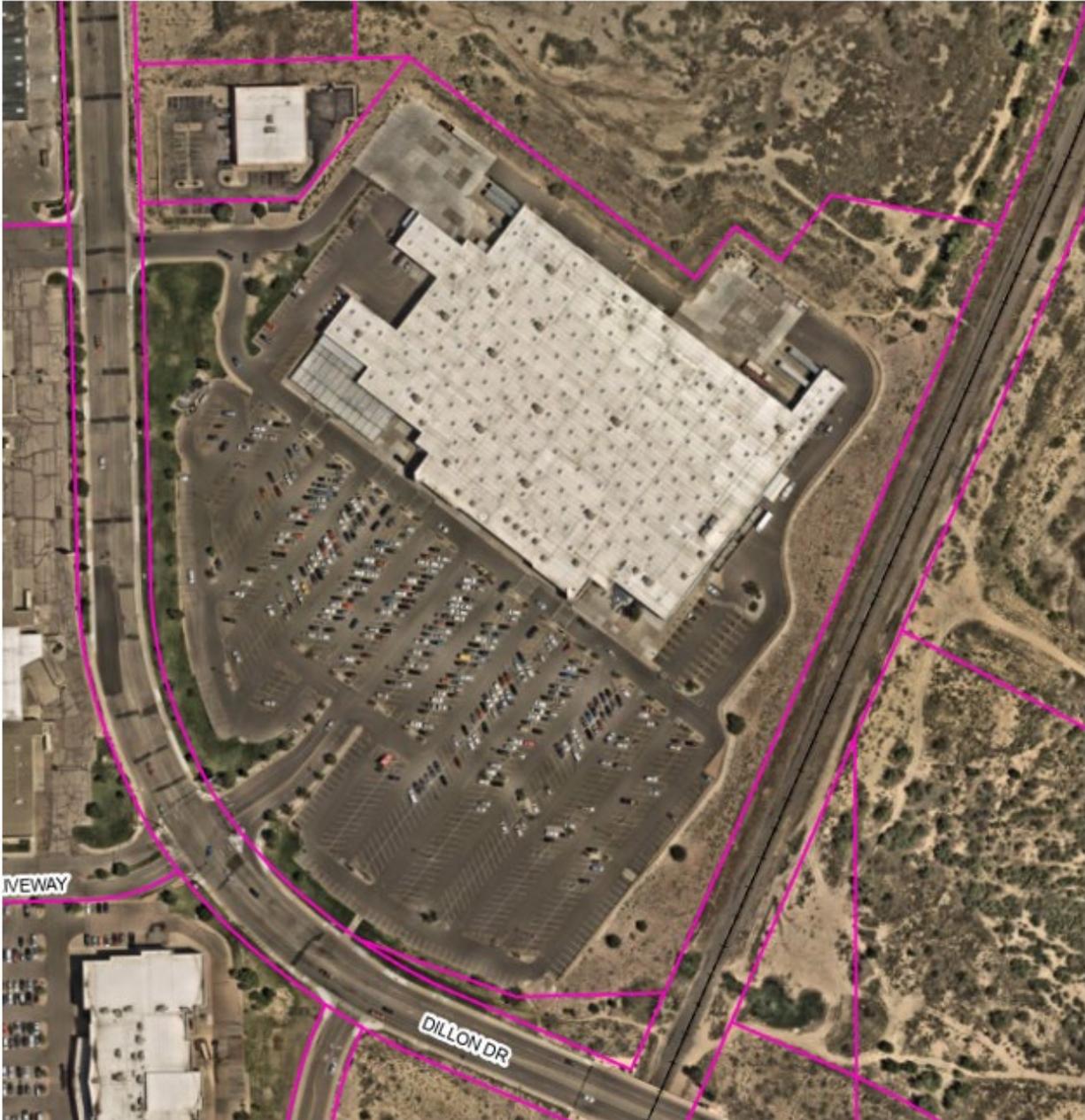
-Sean

From: Wade Broadhead <WBroadhead@pueblo.us>
Sent: Thursday, January 23, 2025 9:03 AM
To: Sean Maik <SMaik@pueblo.us>
Subject: RE: Dutch Bros Approval Transfer to a new permit

Actually can you look at this case, a variance for parking at wal mart? 24-237 on opengov

Email from Sean Maik, Transportation Department

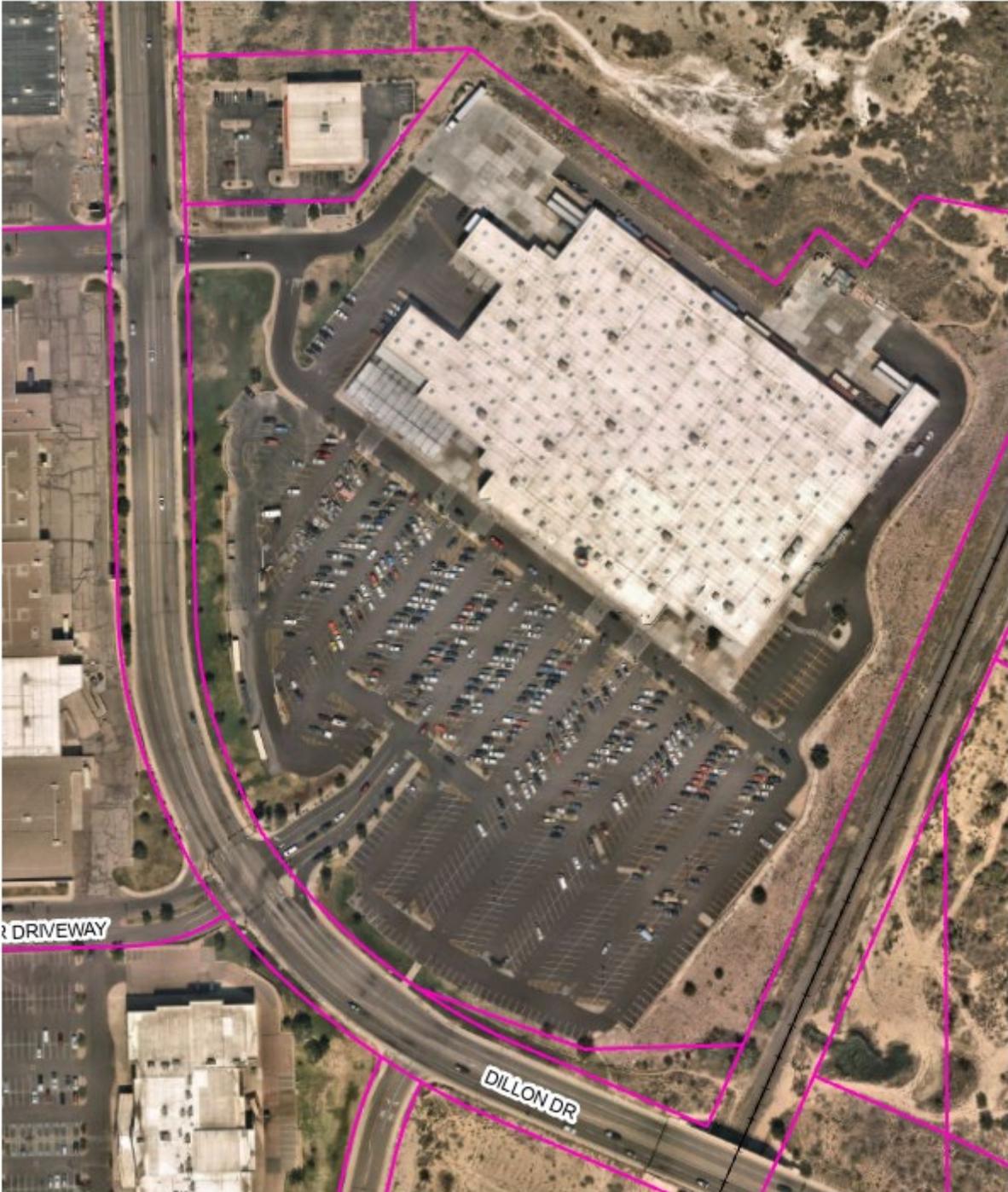
Aerial Parking Photos



July 2024



August 2023



September 2022