

Weston Burrer
Chair

Rudy Martinez
Vice Chair

PUEBLO

Zoning Board of Appeals

Ralph Scaplo
Secretary

Mike Castellucci

Allison Ernst

Zoning Board of Appeals
City of Pueblo, Colorado
Tuesday, July 26, 2011-7:00 p.m.
Interim City Council Chambers-301 W. "B" Street

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 7:00 p.m. with Chairperson Weston Burrer presiding.

Board Members Present: Ralph Scaplo, Rudy Martinez, and Allison Ernst

Board Members Absent: Mike Castellucci

Staff Members Present: Jeff Bailey, P.E., Assistant City Manager for Development Services; Carrie Muchow, Planner; Ramona Baca, Court Reporter; and Paul Willumstad, Board Attorney.

APPROVAL OF MINUTES

Motion to approve the minutes from the May 10, 2011 special meeting by Scaplo, second by Martinez.

Motion passed 4-0.

Motion to approve the minutes from the June 28, 2011 meeting by Scaplo, second by Martinez.

Motion passed 4-0.

APPROVAL OF AGENDA

Motion to approve the agenda for the July 26, 2011 meeting by Scaplo, second by Martinez.

Motion passed 4-0.

PUBLIC HEARINGS AND ACTION

CONSENT AGENDA

Variances

1. 035-2011 1803 Spruce Street (Mark Lopez Construction) R-2

A **Variance** to allow an existing house and a new patio cover to encroach into the side yard setback.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Bessemer Neighborhood at the intersection of Logan Ave. and Spruce St. The applicant is requesting a variance from Section 17-4-2 of the Pueblo Municipal Code (PMC), to allow an existing house and a new patio cover to encroach into the side yard setback by three feet (3'). The owner would like to add the back patio to protect the door and windows at the rear and provide further improvements to the property.

Analysis

The home was built almost 60 years before the zoning code and during this period it was normal to build a house close to the lot lines, as is the case here. Because of this, the house is at a disadvantage for adding on to in any way. The proposed patio addition meets all other zoning requirements, aside from the setback. To require the owner to set the patio cover three feet (3') inside the corner of the house to meet the setback requirements would not only look odd from the rear but would place the cover half way through a window.

A patio cover has significantly less impact on neighboring properties than an enclosed addition would have.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. Standard permit conditions 1-13.
2. The patio must be architecturally compatible with the house and may never be enclosed.
3. All storm water run off must be directed to the street.

COMMISSION ACTION

Motion to approve by Scaplo, second by Martinez with the following conditions:

1. Standard permit conditions 1-13.
2. The patio must be architecturally compatible with the house and may never be enclosed.
3. All storm water run off must be directed to the street.

Motion passed 4-0.

REGULAR AGENDA

Special Use Permit

2. 038-2011 807 San Angelo Avenue (Child's Play Daycare) B-1

A **Special Use Permit** to allow a child care center.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Sunny Heights neighborhood. According to Section 17-4-51 (6)(c)(3.1) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate a child care center for a maximum of 45 children. The center will employ five (5) full time employees and two (2) part time employees. There are twelve (12) parking spaces and a play area to the rear of the building.

The property was originally zoned R-3 and received a Special Use Permit in 1976 to operate as a church. Then in 2001 the property was rezoned R-4 and received a Special Use Permit to operate as a child care center. In 2003 the property received a third Special Use Permit to operate as a charitable organization. Finally in 2009 the property was rezoned to B-1, the current zoning, and received a Special Use Permit to operate a meal preparation service. While the property operated as a child care center previously there were no known issues with the use and at the time the Special Use Permit application was heard, no one testified against the use.

Analysis

Child care centers have always been considered a neighborhood service. People want to be able to drop kids off on their way to work without going out of their way too far. The location of this property in the middle of a residential area would allow that for the surrounding homes, and this neighborhood currently does not have a child care center to serve the surrounding residences.

The coloring and architecture of the building helps the commercial building blend in with the surrounding residences and makes it feel tied in with the block. There is also nice landscaping that was installed along both Lucille and San Angelo in association with one of the other Special Use Permits that helps it blend in with the neighborhood and buffer the parking lot. This property is also not on a busy street so kids playing outside will not have to breathe in car exhaust or have to hear typical high-traffic-street noises.

While it may be a concern for some to have the sounds of playing children so close to residences, the rear play area is fenced on two sides with opaque fencing that at it's tallest is eleven feet (11') tall and tapers down to seven feet (7') tall to help buffer the residences. The hours of the center will only be from 6:00 in the morning to 6:00 in the evening.

Staff feels this is a great location for a child care center.

Staff has discussed the parking lot and building location with the Transportation Division and the Transportation Division has no problems or concerns with the location or building/parking lot arrangement.

Staff did locate one sex offender within one block and a second a little further down the same street just outside the typical one block radius. The Applicant has been notified of this.

City Staff defers to the State Child Department of Human Services; Divisions of Child Care to further inspect and license the operation.

RECOMMENDED MOTION

Staff recommends **APPROVAL** with the following conditions:

1. The Special Use Permit is contingent on City Council approving the Text Amendment adding Child Care Center to the Uses by Review in the B-1 Zone District. The Planning and Zoning Commission has recommended approval to City Council. City Council will review the Text Amendment at their August meeting.
2. The applicant must provide proof of State licensure within 90 days of this approval.
3. The parking lot must be restriped.
4. All graffiti must be removed within 24 hours of the tagging.
5. Standard permit conditions 1-13.

HEARING

Bambi Creek, 807 San Angelo Avenue, Pueblo, CO appeared and testified in favor of the application.

COMMISSION ACTION

Motion to approve by Martinez, second by Ernst with the following condition(s):

1. The Special Use Permit is contingent on City Council approving the Text Amendment adding Child Care Center to the Uses by Review in the B-1 Zone District. The Planning and Zoning Commission has recommended approval to City Council. City Council will review the Text Amendment at their August meeting.
2. The applicant must provide proof of State licensure within 90 days of this approval.
3. The parking lot must be restriped.
4. All graffiti must be removed within 24 hours of the tagging.
5. Standard permit conditions 1-13.

Motion passed 4-0.

Variances

3. 030-2011 1164 Eagleridge Blvd. (CLID, LLC) B-3

A **Variance** to allow a parking reduction for an existing building.

(Continued to the August 23rd Hearing)

4. 023-2011 2932 Denver Blvd. (Allee Surveying, LLC) R-2

A **Variance** to allow an existing garage to encroach into the side yard setback.

(Continued to the August 23rd Hearing)

ADJOURN

There being no further business the meeting was adjourned at 7:23 p.m.