

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, November 22, 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, Mike Castellucci and Allison Ernst

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 October 25, 2011 meeting by Scaplo, second by Martinez.

Motion passed 5-0.

APPROVAL OF AGENDA

Motion to approve the November 22, 2011 agenda by Castellucci, second by Scaplo.

Motion passed 5-0.

PUBLIC HEARINGS AND ACTION

REGULAR AGENDA

Special Use Permit

1. **063-2011 805 S. Main Street (The Perfect World, LLC) B-2**
A **Special Use Permit** to allow a recording studio

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Mesa Junction neighborhood. According to Section 17-4-51 (11) (c) (4) of the Pueblo Municipal Code (PMC), the applicant is requesting a Special Use Permit as a Use by Review to operate a recording studio.

The use would be allowed in a B-3 zone so is therefore a use by review in a B-2 zone.

Analysis

While a recording studio may sound like a high impact business at first, the impact is actually very minimal and similar to that of an office (a use by right in this zone). First, recording studios of this size typically only have one artist or group at a time and they tend to stay for long periods of time so traffic is minimal coming and going from the site. Second, by nature, recording studios must be sound proofed in order to get the best quality recording, and if no exterior sound can get into the recording, no interior sound will get out to bother neighbors either. Third, most recording studios hold regular business hours, even if they operate seven (7) days a week (retail uses with these hours are uses by right in a B-2 zone). Finally, they do not require any outdoor modifications or potential nuisance causing items such as large, bright lights (a gas station is a use by right in a B-2 zone) or a large loading zone for trucks (grocery stores and restaurants are uses by right in this zone).

Encouraging small, locally-owned businesses such as this one keeps the neighborhood active and workers and recording artists alike are likely to visit other retailers and restaurants while in the area.

RECOMMENDED MOTION

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

1. The two landscape areas along Olney St. must be returned to grass with one deciduous, non-ornamental tree planted in the strip between the two driveways.
2. The parking lot must be restriped.
3. The trash area must be screened. Location of the trash area and screening will be administratively approved by Staff prior to signing the business license.
4. Standard permit conditions 1-13.

HEARING

Carl Lucero, 1611 Crestmoor Drive, Pueblo, CO appeared and testified in favor of the application.

Jerome Binfet, 4709 Bayweed Court, Pueblo, CO appeared and testified in favor of the application.

COMMISSION ACTION

Motion to approve by Castellucci, second by Ernst with the following conditions:

1. The two landscape areas along Olney St. must be returned to grass with one deciduous, non-ornamental tree planted in the strip between the two driveways.
2. The parking lot must be restriped.
3. The trash area must be screened. Location of the trash area and screening will be administratively approved by Staff prior to signing the business license.
4. Standard permit conditions 1-13.

Motion passed 5-0.

VARIANCES

2. 062-2011 221 W. 14th Street (NorthStar Engineering) R-5

A **Variance** to allow a reduction in parking lot islands.

BACKGROUND

Staff Report by Carrie Muchow.

Synopsis

The subject property is located in the Downtown Neighborhood near Mineral Palace Park. The applicant is requesting a variance from Section 17-4-7(b) (3) b.1. of the Pueblo Municipal Code (PMC), to allow the reduction of parking lot islands from 11 to 6.

After being reviewed by the Department of Transportation, the applicant was required to significantly change the layout of the parking lot to close one proposed driveway and incorporate an internal drive isle. This change required 5 additional parking lot islands which the applicant is now seeking a variance for.

Analysis

Had the original parking plan not been changed based on City Staff recommendations, the drive isle and resulting islands would not have been necessary. Not only does this change potentially increase the construction cost but installing the drive isle has reduced the number of parking spaces originally proposed and to install the additional islands would reduce the number of spaces even more. Obviously traffic safety must take priority and unfortunately in this case it means having to meet other parts of the Code affected by the change.

The applicant is proposing the closed driveway that now requires landscaping as an exchange for the landscaping required in the parking lot islands. However, based on the plan, it appears the only landscaping in this area will be grass, no trees or shrubs. 17-4-7(b) (3) b.3. requires every island to have one tree planted in it so in this case the site would have an additional 5 trees if the parking islands were installed. It doesn't appear these trees are being proposed elsewhere. If the applicant is truly moving landscaping requirements to the closed driveway area, trees will need to be planted in addition to the grass.

Because the additional landscaping in the parking islands is a direct consequence of City requirements, it seems unfair to require all landscape be transferred to other locations on the site. However, it is important to keep in mind that these changes were required based on safety and good parking lot design practice so to not require any additional landscaping would be equally unfair to other properties who have been held to this standard. It's also important to note that the surrounding parking areas do not have any street trees or landscape islands. Because there are already fewer trees than would be required on a new development, Staff feels a good compromise would be to require three (3) of the five (5) trees to be replanted elsewhere on the site.

RECOMMENDED MOTION

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

1. Three (3) of the trees required in the islands must be placed elsewhere on the site. Placement of the trees in the adjacent parking lot's tree lawn would be acceptable for meeting this requirement.

2. Standard permit conditions 1-13.

HEARING

Kim Kock, NorthStar Engineering, 111 East 5th Street, Pueblo, CO appeared and testified in favor of the application.

COMMISSION ACTION

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

1. Three (3) of the trees required in the islands must be placed elsewhere on the site. Placement of the trees in the adjacent parking lot's tree lawn would be acceptable for meeting this requirement.
2. Standard permit conditions 1-13.

Motion passed 5-0.

OTHER BUSINESS

Video on Proper Board Etiquette, "In the Scope of your Authority: Preventing Public Officials' Liability."

ADJOURN

There being no further business the meeting was adjourned at 7:22 p.m.