

Yvonne Lujan-Slak
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Mike Castellucci

Sarah French

To: City of Pueblo Zoning Board of Appeals
From: Chelsea Stromberg, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: Tuesday, January 26, 2021
Request: **A Limited Use Permit to allow an outdoor storage facility in a Central Business (B-4 Zone) District.**
Site Location 4025 Lucille St. Pueblo CO 81005
Legal Description IN S2 NE4 4-21-65. CONTG 0.323A BEG PT ON E LINE S2 NE4 SEC 4 SD PT BEING 214.96 FT S + 209 FT W OF NE COR SD SEC TH SLY + // TO E LINE S2 NE4 140.97 FT TH W 100 FT TH NLY 140.97 FT TH ELY 100 FT TO PT BEG. FORMERLY 15-041-27-007
Owner Randal Wills
 4025 Lucille St. Pueblo CO 81005
Zone District Central Business (B-4 Zone) District

BACKGROUND:

The applicant is requesting a Limited Use Permit to allow an outdoor storage facility in a Central Business (B-4 Zone) District. A Limited Use Permit limits the permission to the current owner of the property, should the owner sell the property, the Limited Use Permit for an Outdoor Storage Facility would not transfer to the new owner. Pueblo Municipal Code defines an outdoor storage facility as a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like. The site is zoned Central Business (B-4 Zone) however, it has a residence, established, constructed in 1957. The applicant is requesting the Limited Use Permit in order to continue storing building materials, as well as a Recreational Vehicle within the enclosed rear and side yards. The stored materials include: chain link fence, wood, concrete block, metal siding, and metal fence posts. The wood pile is approximately one (1) foot from the northern property boundary, the metal siding is approximately two (2) feet from the eastern property boundary and the concrete block is approximately two (2) feet from the western property boundary, adjacent to residential properties. All other materials comply with setbacks. The applicant intends to only use this site to store personal materials and will not be seeking a business license in order to rent space to other people. The applicant is concurrently seeking a Variance to allow two storage containers to remain on the property, the shipping containers are storing additional building materials.

ZONING DISTRICT AND LAND USE:

	Zone:	Developed with:
North	B-4 Central Business District	Outdoor Recreation Facility
East	B-4 Central Business District	Gas Station
South	B-4 Central Business District	Car Wash
West	R-2 One and Two-Family Residential	Single Family Detached Residential

COMPREHENSIVE PLAN

The property is designated as Arterial Commercial Mixed Use which emphasizes retail, personal services and community level services. The properties to the north, east and south are also designated Arterial Commercial Mixed Use. The properties to the west are designated Urban Residential. Given the higher intensity use of the Arterial Commercial Mixed Use, the outdoor storage facility may act as a buffer between the residential and commercial uses. The use is consistent with the comprehensive plan.

PUBLIC NOTICE

The property was publicly noticed in accordance with the Pueblo Municipal Code. Specifically, the hearing was published in the Pueblo Chieftain, surrounding property owners within 100 feet of the property were noticed by mailed, and a sign was placed on the site (Attachment E). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

Code Compliance	No comment
Law Enforcement	No comment
City Engineering	No comment
Fire Protection	No comment
Energy	No comment
Telecommunication	No comment
Parks and Recreation	No comment
Stormwater	No comment
Wastewater	No comment
Waterworks	No comment

FINDINGS OF FACT FOR VARIANCE REQUIREMENTS

- 1 Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

comments:

Affirmative finding. The property is accessed from Lucille Street. The use will not generate additional traffic as it is not intended to be a commercially rented space.

- 2 Off-street parking and loading areas where required, with particular attention to the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

comments:

Affirmative finding. The use will not require additional parking, off street parking for the residence and the storage is available in the driveway.

- 3 Refuse and service areas, with particular reference to the items above.

comments:

Affirmative finding. The use will not generate additional refuse, residential refuse totes are stored adjacent to the principal structure.

- 4 Utilities, with reference to the location's availability and compatibility.

comments:

Affirmative finding. Utilities are established.

- 5 Screening and buffering with reference to type, dimensions and character.

comments:

Neutral finding. The property is screened with six foot opaque fencing, however, no additional buffer is placed adjacent to residential properties.

- 6 Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

comments:

Affirmative finding. No signs are requested.

- 7 Required yards and other open space.

comments:

Negative finding. Materials are currently stored within the side yard setback adjacent to residential properties.

- 8 General compatibility with adjacent properties and other property in the district.

comments:

Neutral finding. Adjacent commercial uses provide community level services, and the proposed use is for personal storage of materials. The proposed use is not compatible with the adjacent residential uses, however, the existing residence on the site is compatible with surrounding uses.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Should the Zoning Board of Appeals find it appropriate to grant this Limited Use Permit, staff recommends the following conditions.

STAFF CONDITIONS

- 1 The fencing on the north property boundary shall be improved to match the fencing along the eastern property boundary in material, height, and color. Chain link with slats is not an approved fencing material.
- 2 All materials must be moved to comply with the five (5) foot side yard setback adjacent to the western property boundary.
- 3 Activities related to the outdoor storage use must be limited to the hours of 6:00am to 8:00pm to mitigate the effects of noise on adjacent residential uses.
- 4 The intent of this limited use permit is to provide for the incidental personal storage of Randal Wills, no commercial business license shall be issued for this storage facility, outdoor.
- 5 There shall be no stacking of materials which shall be visible above the surrounding enclosure or gates from ground level.

STANDARD PERMIT CONDITIONS

1/26/2021

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:

1/26/2022

- 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 PRIOR 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 BUILDING PERMIT 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 SOLELY 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

ATTACHMENTS

- A. Location Map
- B. Site Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation

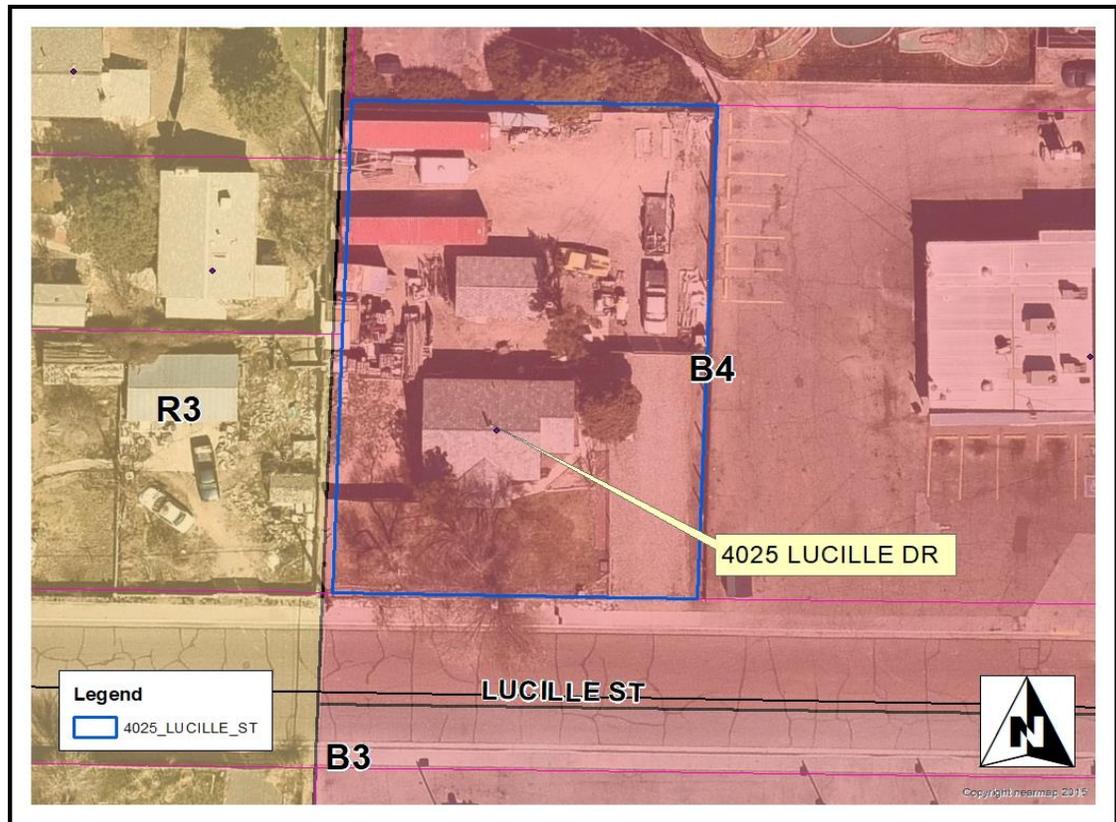
A. LOCATION MAP



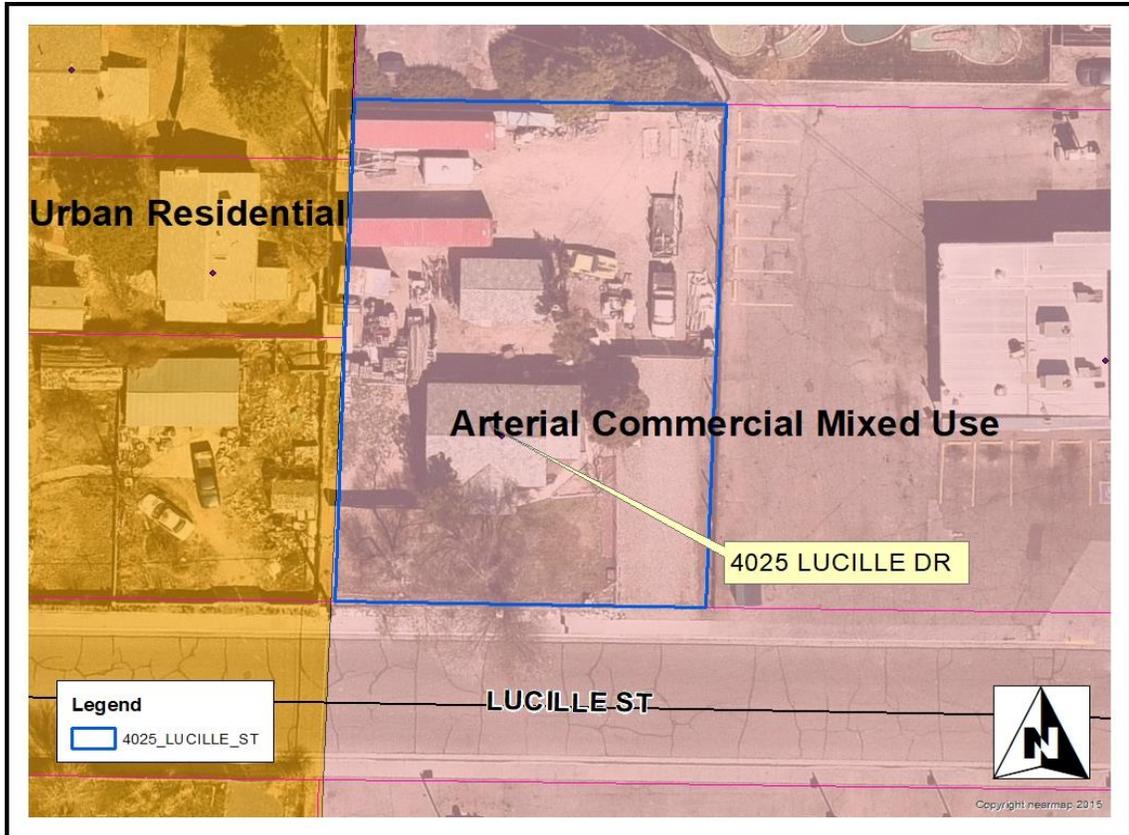
B. SITE MAP



C. ZONING MAP

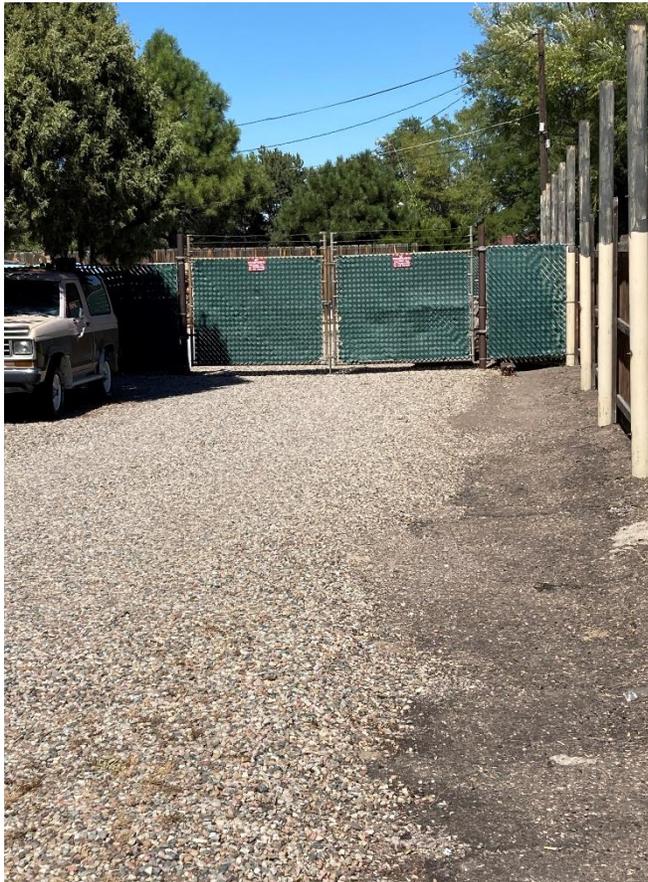


D. COMPREHENSIVE PLAN MAP



E. PUBLIC NOTICE PHOTO











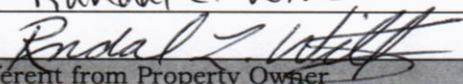
Zoning Board of Appeals Application

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

Property Owner:		Applicant (if different from property owner):	
Contact Info	Name: Randal L. Wills	Name:	
	Address: 436 McClelland Avenue	Company:	
	City, State & Zip: Pueblo, CO 81005	Address:	
	Phone: (719) 821-3889	City, State & Zip:	
	Email: Sheri_wills@ajg.com	Phone: ()	Cell: ()
		Email:	
<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location: 4025 Lucille, Pueblo, CO 81005		
	Legal Description: see attached		
	Parcel No: 1504100015	Existing Zone: B-4	
	Property Size: see attached		
Project Information	General Information		
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)		
	Application for a Special Use permit for storage facility- outdoor.		
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other _____		
	Scope of work: <input checked="" type="checkbox"/> Special Use Permit (Limited Use Permit): <input checked="" type="checkbox"/> Use by Review <input type="checkbox"/> Home Daycare <input type="checkbox"/> Home Occupation (Total # of children: _____) <input type="checkbox"/> Other: Storage facility, outdoor <input type="checkbox"/> Variance: <input type="checkbox"/> Setback <input type="checkbox"/> Parking <input type="checkbox"/> Landscape <input type="checkbox"/> Lighting <input type="checkbox"/> Height <input type="checkbox"/> Signs <input type="checkbox"/> Other: _____ <input type="checkbox"/> Appeal: <input type="checkbox"/> ZBA Decision (Case Number: ZBA-_____-_____) <input type="checkbox"/> Administrative Official Determination <input type="checkbox"/> Other: _____ <input type="checkbox"/> Other: _____		

(Continue Next Page)

(Continued from Page 1)

Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input checked="" type="checkbox"/> B. Justification of facts required for the request. Be specific <input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input type="checkbox"/> E. Photographs. <input type="checkbox"/> F. Additional information that you believe justifies the request. <input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination. <input checked="" type="checkbox"/> H. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) 	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> 1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application. 2. There are no known hazards or vicious animals present on the subject property. 3. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application. 6. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense. 	
Signatures	Property Owner	
	Print Name:	Randal L. Wills
	Signature:	 Date: 09-08-2020
	Applicant, if different from Property Owner	
Signatures	Print Name:	
	Signature:	Date:

Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by:	Date:
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	<input type="checkbox"/> Approved
	Case #:	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions

JUSTIFICATION OF FACTS – 4025 LUCILLE STREET, PUEBLO, CO 81005

- A. Access- In and out path of property is free of debris and any obstacles that could be a problem for pedestrian or vehicle travel. Property is accessed off of Lucille Street.
- B. Off street parking/loading- 4 parking spaces; No issues present.
- C. Refuse area- Specific trash containment area; Maintained weekly or more often if necessary.
- D. Utilities- No availability, access, or compatibility issues are present.
- E. Screening/Buffering- Outdoor storage area is surrounded by 6-7' fence with a locking gate.
- F. Signs- No signs are or will be present on the property other than a "No Trespass" post on the gate.
- G. Required Yard/Open Space- Not required or needed.
- H. General Compatibility with Adjacent Properties- Property fits in with neighborhood properties as far as residential characteristics, i.e., yards, porches, general house features.

LETTER OF REQUEST – 4025 LUCILLE STREET, PUEBLO, CO 81005

As the owner of 4025 Lucille Street, Pueblo, CO 81005, I am applying for a Special Use Permit for outdoor storage at that location.

It is my intent to use the North section of my property for outdoor storage. The entire property at this location is situated behind a 6'-7' privacy fence.

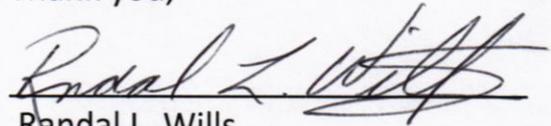
The outdoor storage will constitute of building materials such as concrete blocks, lumber, and miscellaneous metal framing. All of the items will be used for planned projects for my personal use and property improvement.

As a long-time property owner, I seem to be in need of building materials for maintenance and repairs. My purpose for the building materials is to improve my property, not to accumulate useless items. I feel that this will help to improve my property value as well as improve the neighborhood.

By being granted this permit, I will have a location on my own property in which to store materials for future use. I intend to do a better job of keeping the area in order according to the regulations presented to me during this process.

Your consideration in granting this permit will be greatly appreciated, and I am willing to learn more about how we can work together to get this accomplished.

Thank you,


Randal L. Wills

Pueblo County Assessor Parcel 1504100015

Name: WILLIS RANDAL L + SHERILYN
Location Address: 4025 LUCILLE ST, 81005
Mailing Address: 436 MCCLELLAND AVE, PUEBLO, CO 81005 1317
Assessor Nbhd: 118 (GOODNIGHT SCH, CHERRY LN) **Tax District:** 60B

Legal Description: IN S2 NE4 4-21-65. CONTG 0.323A BEG PT ON E
 LINE S2 NE4 SEC 4 SD PT BEING 214.96 FT S + 209
 FT W OF NE COR SD SEC TH SLY + // TO E LINE S2
 NE4 140.97 FT TH W 100 FT TH NLY 140.97 FT TH ELY
 100 FT TO PT BEG. FORMERLY 15-041-27-007

Land Information:	.32 Acres	Abstract Class SING FAM RES LAND (B-4)	Actual Value 4000	Assessed 286
--------------------------	-----------	--	-----------------------------	------------------------

Improvements:	SINGLE FAMILY RES		73179	5232
----------------------	-------------------	--	-------	------

Total Value, Land and Imps:	77179	5518
------------------------------------	--------------	-------------

Residential Structure #1	Year Built: 1957	Year remodeled: 0	
---------------------------------	-------------------------	--------------------------	--

Well Above Average Quality
 Effective Year Built: 1957



Rooms:	4	Bedrooms:	2
---------------	---	------------------	---

Bathrooms:	1		
-------------------	---	--	--

First Floor:	780	Above First Floor:	780
---------------------	-----	---------------------------	-----

Half Story Area:	780	Total Basement Area:	780
-------------------------	-----	-----------------------------	-----

Finished Basement:	0		
---------------------------	---	--	--

Total Garage Area:	330	Total Carport Area:	0
---------------------------	-----	----------------------------	---

Total Porch:	420	Roof Type:	Gable Roof
---------------------	-----	-------------------	------------

Composition:	Asphalt Sgls		
---------------------	--------------	--	--

HVAC:			
--------------	--	--	--

Fireplace:	NO	Landscaping:	YES
-------------------	----	---------------------	-----

Misc:			
--------------	--	--	--

Current Tax Information for tax year 2019

Mill Levy: 0	Property Type: PCD FEE	Total Tax Amount: \$	\$10.28
Mill Levy: 99.101	Property Type: REAL	Total Tax Amount: \$	\$546.84

Current Transfer Information

Sale Date	Sale Amount	Grantor	Grantee	Other Details
08/16/90 928943	31500	SAME (KENT JESSE)	WILLIS RANDAL L + SHE	Rcpt# 928943 Bk/Pg 0/0 HISTORY UPDATE
03/28/89 885682	N/A	KENT/STEPHENS/TWEEDY/	SAME (KENT JESSE)	Rcpt# 885682 Bk/Pg 0/0
02/26/88 856340	N/A	KENT J	KENT/STEPHENS/TWEEDY/	Rcpt# 856340 Bk/Pg 0/0
01/27/88 854306	10500	SUTCLIFFE EVELYN L	KENT JESSE	Rcpt# 854306 Bk/Pg 0/0
N/A 203809	N/A	SUTCLIFFE EVELYN L	SUTCLIFFE EVELYN L	Rcpt# 203809 Bk/Pg 0/0

Chelsea Stromberg Attachment G

From: Todd Berisford
Sent: Friday, October 30, 2020 11:08 AM
To: Chelsea Stromberg
Subject: RE: ADA Grievance - 4025 Lucille St.

Hi Chelsea,

I did make a sidewalk report on this address. The issue is the sidewalk has a greater than 2% cross slope. It is actually over 9%. This is a common theme in this area of town because there isn't much right of way for a walk around. It could be solved with the proper drive cut in the curb and gutter and then adding the sidewalk but that would alter the driveway behind the walk at significant cost as well as right of way issues. We also could get an easement from the property owners in this area and do the walk behind sidewalk. I also believe this was a CDBG project that was completed in 1999 and was before the DOJ ruling in 2004.

Todd Berisford
Associate Field Engineer
tberisford@pueblo.us
City of Pueblo
Office-719-553-2289
Cell – 719-320-6492



From: Chelsea Stromberg <CStromberg@pueblo.us>
Sent: Friday, October 30, 2020 10:44 AM
To: Todd Berisford <tberisford@pueblo.us>
Cc: Betty Aragon <baragon@pueblo.us>
Subject: FW: ADA Grievance - 4025 Lucille St.

Hi Todd,

I'm working on a case for 4025 Lucille and I believe you inspected the site for ADA compliance recently. Could you please tell me specifically what was out of compliance so I can include that information in the staff report/conditions of approval?

Thank you!

Chelsea Stromberg
Planner
City of Pueblo
Planning & Community Development Department