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Sarah French

ZBA-20-02 Request for Extension

To: City of Pueblo Zoning Board of Appeals

From: Chelsea Stromberg, Planner

Through: Scott Hobson, Land Use Administrative Official

Date: February 23, 2021

Subject: **An extension of a Special Use Permit to allow Outdoor Storage in a Highway and Arterial Business (B-3 Zone) District.**

Location: 4625 North Elizabeth Street
(Lot 4, Block 1, Eaglecross Subdivision, Parcel ID: 0512318004).

Applicant: Andrew Lay, Regency Square LLC
1888 Sherman St. Ste 780. Denver, CO 80203

Property Owner: Same as applicant

Zone District: Highway and Arterial Business (B-3 zone) district.

Concurrent Requests: None.

CLARIFICATION OF PURPOSE

The applicant, Andrew Lay, requested the extension of the Special Use Permit to allow Outdoor Storage in a B-3 Zone District. The applicant states that the COVID-19 pandemic caused delays in the development of the outdoor storage facility.

The Special Use Permit was granted February 25, 2020 and allowed an Outdoor Storage Facility, defined as "a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like.", in an approximately 39,000 square foot area behind/ to the west of Regency Square Shopping Center.

FINDINGS OF FACT FOR USE BY REVIEW REQUIREMENTS

The request for an extension does not change the previous findings of fact.

FACTORS CONSIDERED IN GRANTING AN EXTENSION FOR A SPECIAL USE PERMIT

The request for an extension does not change the factors considered.

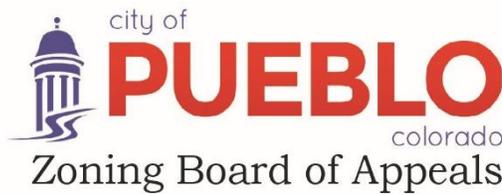
PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Staff recommends approval of the extension with the same conditions per the original staff report:

1. The outdoor storage use must comply with Sec. 17-4-5(1)b. All outdoor storage areas shall be enclosed by tight fencing, walls or closely planted landscape material, sufficient in height to totally obscure the storage areas as seen from a height of five (5) feet along the property line, and such areas and all others shall be constructed, used and maintained to have an orderly appearance at all times.
2. The outdoor storage use must comply with Sec. 17-4-5(1)a. All portions of the land area of the parcel and the adjacent street rights-of-way and alleys upon which it fronts shall be landscaped, graded, paved, fenced, planted or covered by buildings, so that no dust will blow off the site and no soil or debris will be washed upon the sidewalks, alleys or streets from the parcel in the event of a rainstorm.

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ZBA-20-02

To: City of Pueblo Zoning Board of Appeals
From: Chelsea Stromberg, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: Tuesday, January 28, 2020
Subject: **A Special Use Permit to allow Outdoor Storage in a Highway and Arterial Business (B-3 Zone) District.**

Site Location 1721 S Pueblo Blvd. Pueblo, CO 81005
Legal Description LOT 3 BLOCK 1 REGENCY SQUARE SUB

Applicant **Tyler Robinson, CAGE Civil Engineering**
 999 18th St. Ste 2110. Denver, CO 80202

Owner Regency Square LLC
 1888 Sherman St. Ste 780. Denver, CO 80203

Zone District Highway and Arterial Business (B-3 Zone) District

BACKGROUND:

The applicant is requesting a Special Use Permit to allow outdoor storage in a Highway and Arterial Business (B-3 Zone) District. The applicant states that the use will be limited to the western portion of the property, behind the Regency Square shopping center, which is approximately 39,000 square feet. The outdoor storage use will be accessed via an easement (across the western boundary of the Regency Square Subdivision (See Exhibit G. Easement Map)), to Glenroyal Drive. The Pueblo Municipal Code Sec. 17-2-2(141) defines Outdoor Storage as "a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like." The applicant intends to fence the area for security and to provide screening from the residential development to the west.

ZONING DISTRICT AND LAND USE:

The site is zoned Highway and Arterial Business (B-3 Zone) District. The standards of this district (B-3) are intended to provide areas along highways and arterial streets for location of business and services. Uses by right include but are not limited to automobile dealership, parking lot, and truck stop. Uses by Review include but are not limited to automobile pawnshop, tow service and outdoor storage. Conditional Uses include but are not limited to automobile repair shop, Recreational Vehicle sales and service, and equipment rental shop. Adjacent parcels to the north and south are also zoned B-3. Adjacent parcels across South Pueblo Blvd to the east are zoned R-1 Single Family Residential. Adjacent parcels to the west, are zoned R-4 Mixed Residential and developed with single family attached housing.

COMPREHENSIVE PLAN

The comprehensive plan depicts Arterial Commercial Mixed Use for the parcel. While the primary focus of these areas is retail sales and personal services, some office space is intermixed. This land use category does not prohibit compatible land use other than heavy industrial uses. Uses located along major routes such as I-25 and Highway 50, are designed for the regional retail market segment. Uses along other arteries are geared to community-level shopping and services. Uncontrolled "strip" expansion of commercial development along arterial roadways instead of activity nodes should be discouraged. Development should create mixed uses that do not place emphasis on the parking areas but on the commercial uses themselves.

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

There are no comments regarding Code Compliance and Law Enforcement, City Engineering, Fire Protection, Floodplain, Air Quality, Health, Parks and Recreation, nor utilities including Wastewater, Water Works, and Energy, and Telecommunications. City of Pueblo Stormwater required compliance with stormwater requirements before the installation of the landscape screening.

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: Ingress and egress is provided via an easement along the western boundary of the Regency Square Subdivision. Individuals will access the storage site from Glenroyal Drive heading south within the easement.

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: all access to this portion of the property is accessed via a private access easement, no off-street parking or loading required.

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

comments:

Affirmative finding: the use will not generate additional refuse.

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

comments:

Affirmative finding: utilities are existing to the property

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

comments:

Affirmative finding: applicant will be required to screen the outdoor storage with a minimum six foot opaque fence.

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: signs will conform with code

7 Required yards and other open space.

comments:

Affirmative finding: no yards nor open space is required.

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

comments:

Neutral finding: The use is compatible with other nearby services such as the car wash to the north, but is not compatible with the adjacent residential nor retail uses. However, the applicant is seeking to develop this use on underdeveloped land which is not visible from either incompatible land use.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Staff recommends APPROVAL with the following staff conditions and standard permit conditions 1-13.

STAFF CONDITIONS

- 1 The outdoor storage use must comply with Sec. 17-4-5(1)b. All outdoor storage areas shall be enclosed by tight fencing, walls or closely planted landscape material, sufficient in height to totally obscure the storage areas as seen from a height of five (5) feet along the property line, and such areas and all others shall be constructed, used and maintained to have an orderly appearance at all times.
- 2 The outdoor storage use must comply with Sec. 17-4-5(1)a. All portions of the land area of the parcel and the adjacent street rights-of-way and alleys upon which it fronts shall be landscaped, graded, paved, fenced, planted or covered by buildings, so that no dust will blow off the site and no soil or debris will be washed upon the sidewalks, alleys or streets from the parcel in the event of a rainstorm.

STANDARD PERMIT CONDITIONS

Date of issuance of permit: 2/25/2020

- 1 **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by:
2/25/2021
- 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. Easement Map
- G. Application
- H. Supporting documentation

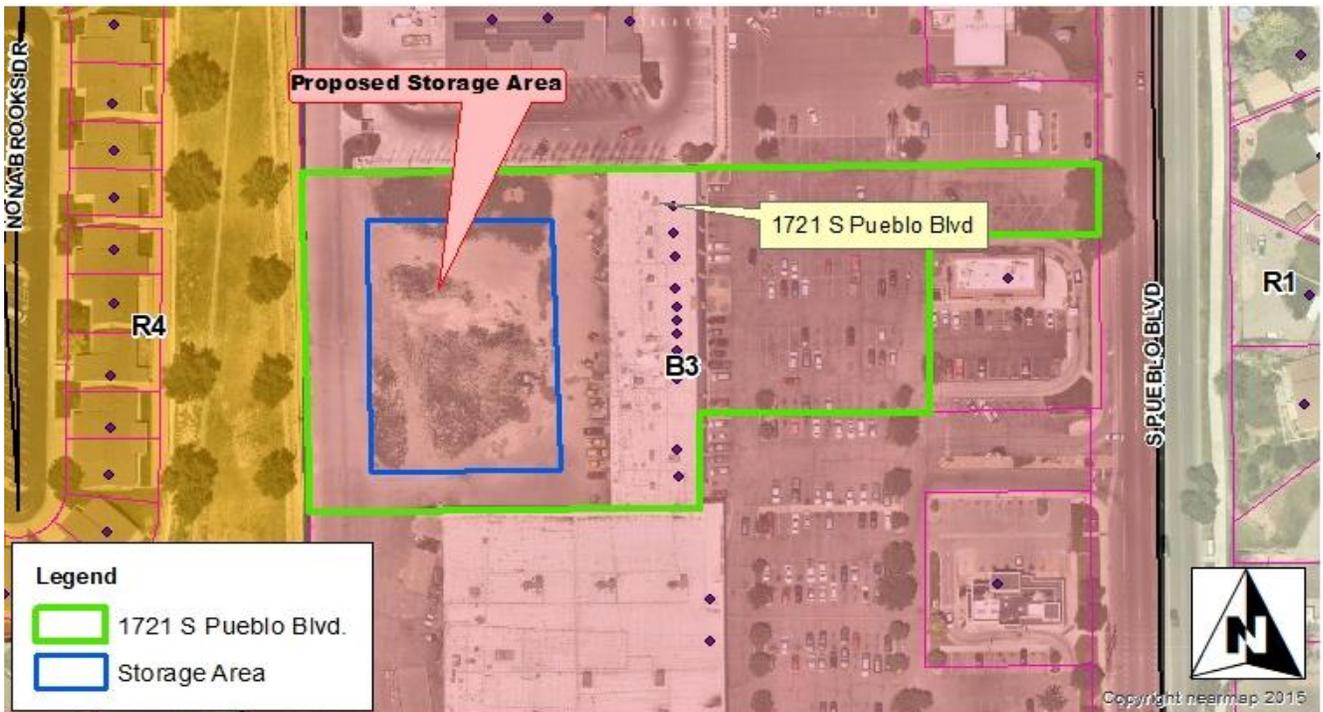
A. LOCATION MAP



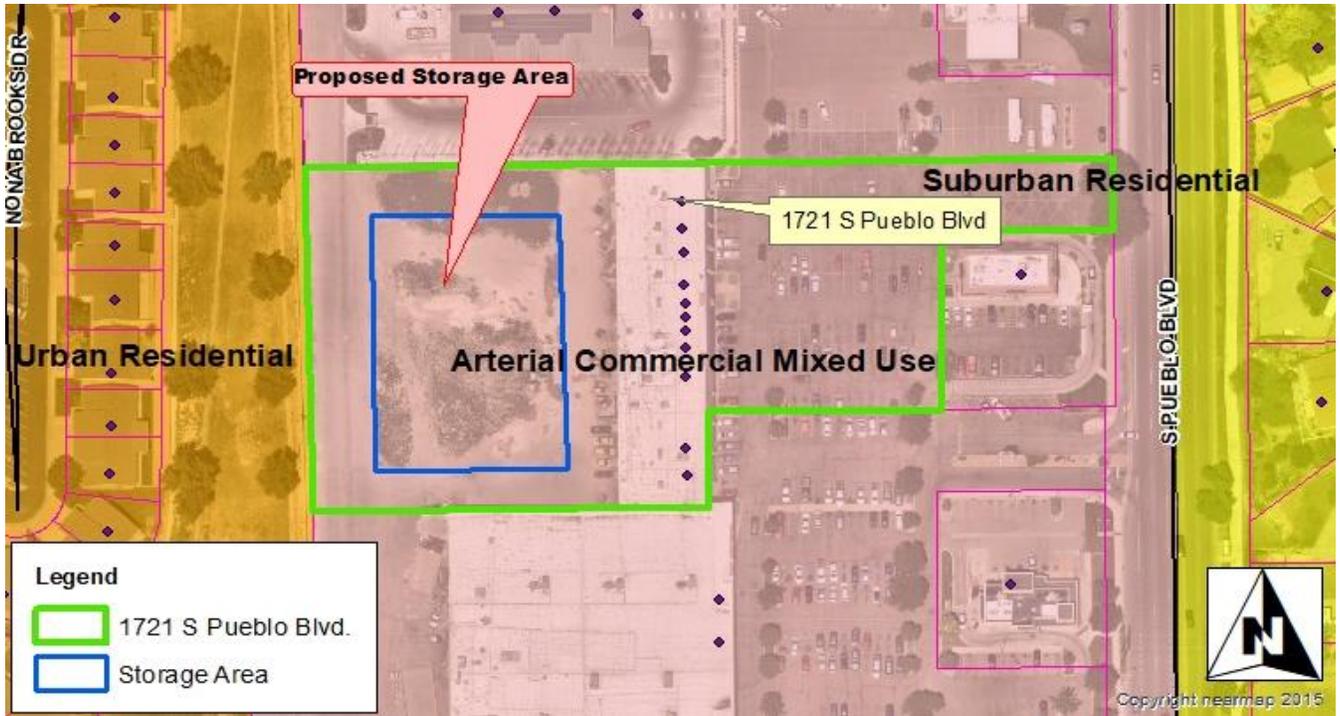
B. SITE MAP



C. ZONING MAP



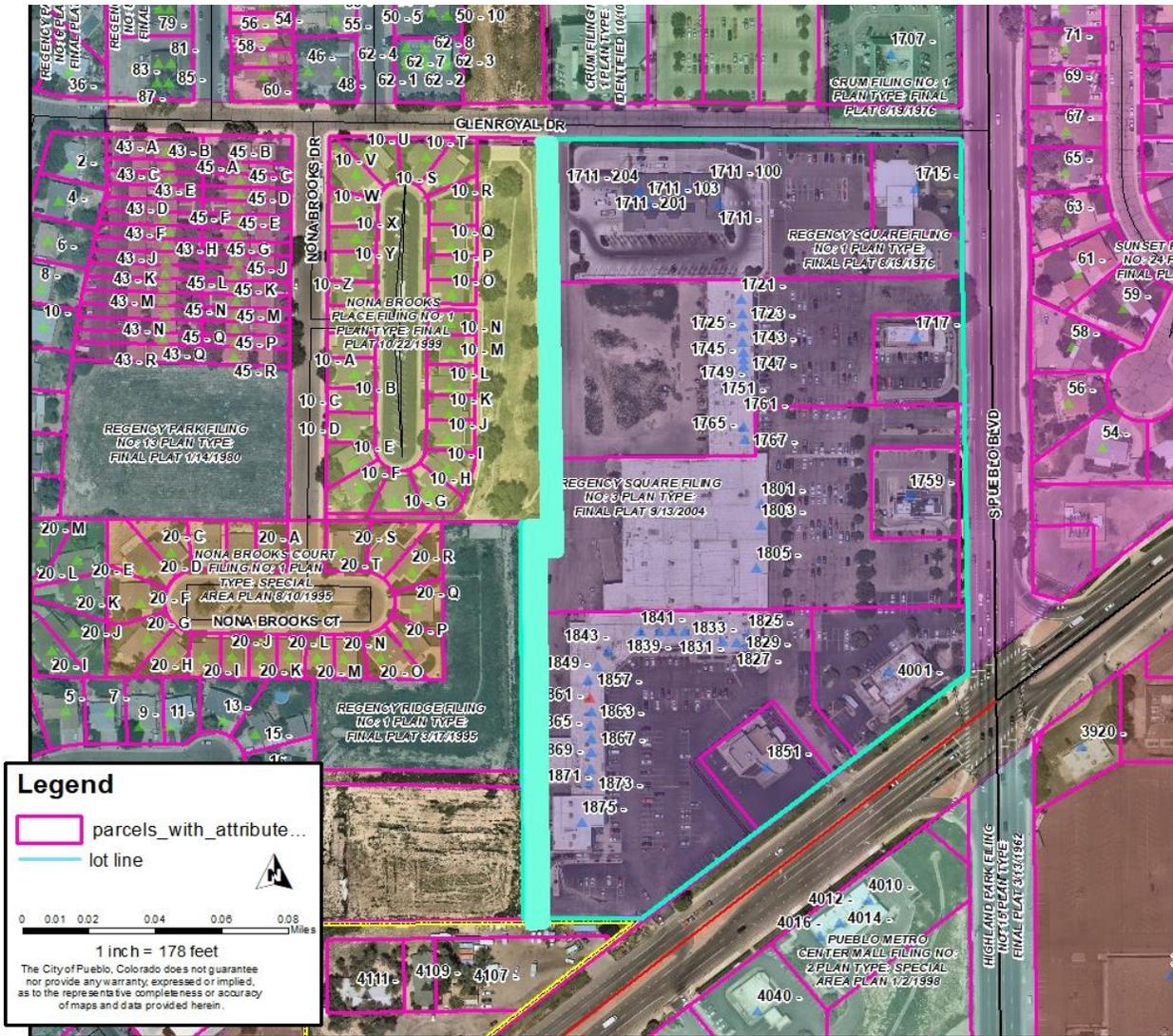
D. COMPREHENSIVE PLAN MAP



E. PUBLIC NOTICE PHOTO



F. Easement Map





Planning & Community Development
 Steven Meier, Director

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Zoning Board of Appeals Application

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

Contact Info	Property Owner:		Applicant (If different from property owner):	
	Name: Regency Square LLC		Name: Tyler Robinson	
	Address: 1888 Sherman St, Suite 780		Company: CAGE Civil Engineering	
	City, State & Zip: Denver, CO 80203		Address: 999 18 th Street, Suite 2110	
	Phone: (303)255-4700		City, State & Zip: Denver, CO 80202	
	Email: andrew@primesqft.com		Phone: (720)277-5326	Cell: (720)277-5326
		Email: trobinson@cagecivil.com		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: SW Corner Glenroyal Dr. and S. Pueblo Blvd. (Regency Square)			
	Legal Description: Lot 3, Block 1, Regency Square Sub			
	Parcel No: 1509120003		Existing Zone: B-3	
	Property Size: ~3.3 Acres			
Project Information	General Information			
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)			
	Develop the undeveloped land on the western portion of this parcel into a fenced off outdoor storage space (West of the existing building strip, east of the ex. alley, and south of the ex. car wash).			
	What is the general use of the property: <input type="checkbox"/> Residential <input 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: _____ <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-____-____)			

(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 checked="" type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan. <input checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input checked="" type="checkbox"/> E. Photographs. N/A <input type="checkbox"/> F. Additional information that you believe justifies the request. N/A <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	<p>By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:</p> <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. 	
	Property Owner	
Signatures	Print Name:	Andrew Lay
	Signature:	Date: 01-02-2019
	Applicant, if different from Property Owner	
	Print Name:	Tyler Robinson
Signature:	Date: 01-02-2019	

City Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by: CS	Date: 1/3/20	
	Application checked for completeness by: CS	Date: 1/3/20	
	Case Manager:	Fee Paid:	
Page 2 of 2			



Regency Square – Project Narrative

Project Location: SW Corner Glenroyal Drive and South Pueblo Boulevard

Legal Description: Lot 3, Block 1, Regency Square Sub

Parcel No: 1509120003

Parcel Description:

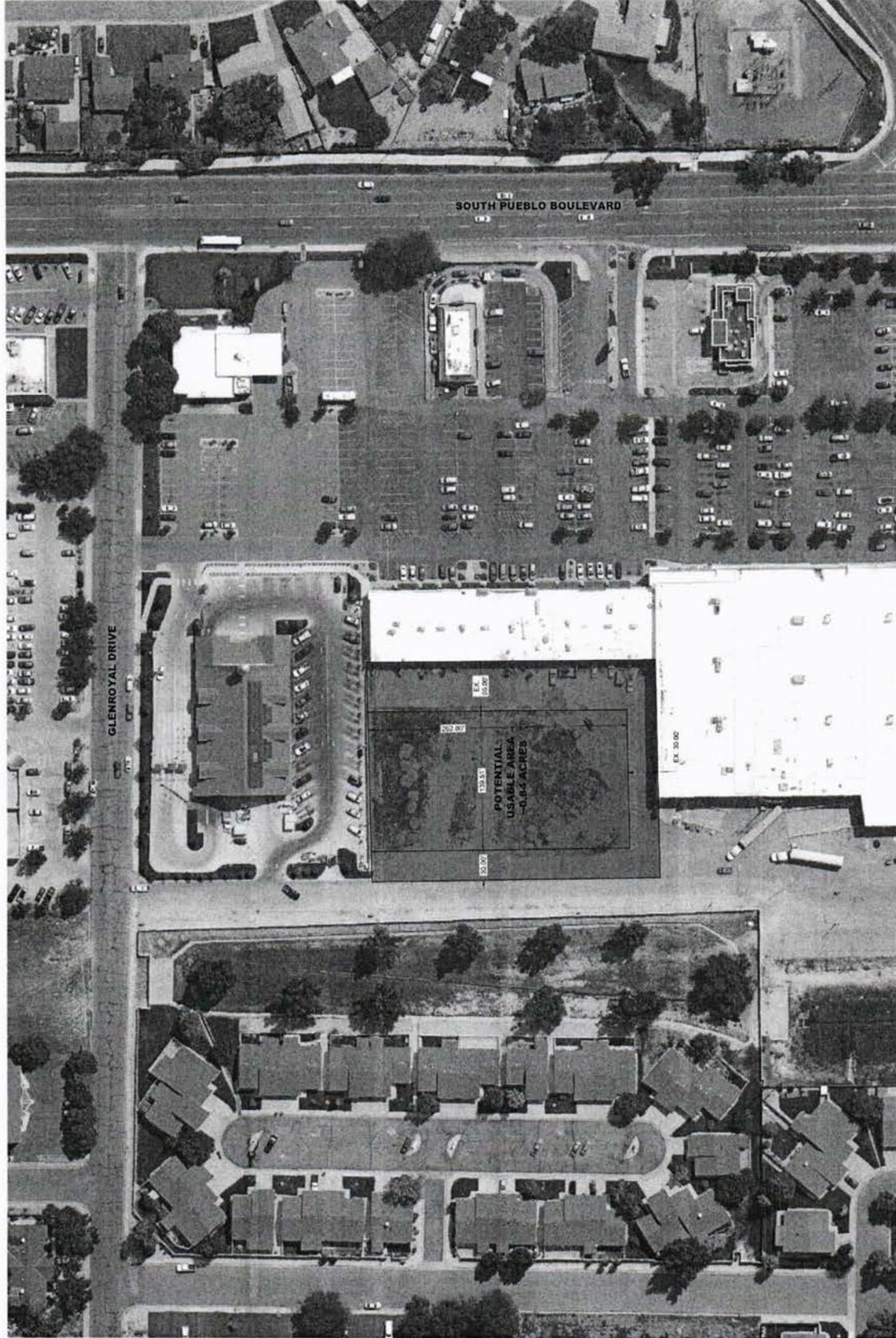
The proposed project sits on a parcel roughly 3.3 acres in size and is currently zoned B-3 (Highway and Arterial Business). The site is bordered to the West by Nona Brooks, a R-4 Residential subdivision, to the North and South by Commercial B-3 parcels, and to the East by South Pueblo Boulevard. The site can be split into two nearly equal portions, delineated by the existing commercial structure in the middle of the site. In front of the building (East of the Existing Structure), is an existing parking lot. Behind the building (West of the Existing Structure), is a predominantly vacant dirt space, encompassed by asphalt paving. The proposed project aims to develop this area.

Project Description:

As mentioned above, the proposed project will only focus on the west side of the existing building on site, a predominantly undeveloped space. **The proposed project aims to redevelop the vacant dirt space behind the building into an Outdoor Storage Area for Vehicular Parking.** The space behind the building, including existing surrounding paving is roughly 1 acre. The intent is to fence the perimeter of the outdoor storage lot to screen it from view, for both people walking/driving by, as well as for the residential subdivision to the west. This will add a layer of security and privacy to the lot. There are no new proposed structures on site and with that, no wet utilities (Water/San) will be required. The treatment for the vacant land is to be decided at this point (Pavement, Permeable Pavement, Concrete, Compacted Gravel or Aggregate Base Course, Dirt, etc.). The only utility that may be needed would be power to provide adequate lighting to the lot. Although the imperviousness will likely increase behind the building, the project will help with dust mitigation (Assuming it doesn't remain dirt).

Project Access:

The site intends to provide ingress/egress via the drive that runs north/south along the west side of the property between Glenroyal Drive and West Northern Avenue. At this point, it is our understanding that an access easement may be required from the owner(s) to the North or South to legally provide this access.



REGENCY SQUARE
 CONCEPT SITE PLAN
 JANUARY 2020
 SHEET 1 OF 1

Regency Square

Outdoor Storage
View: NW Corner

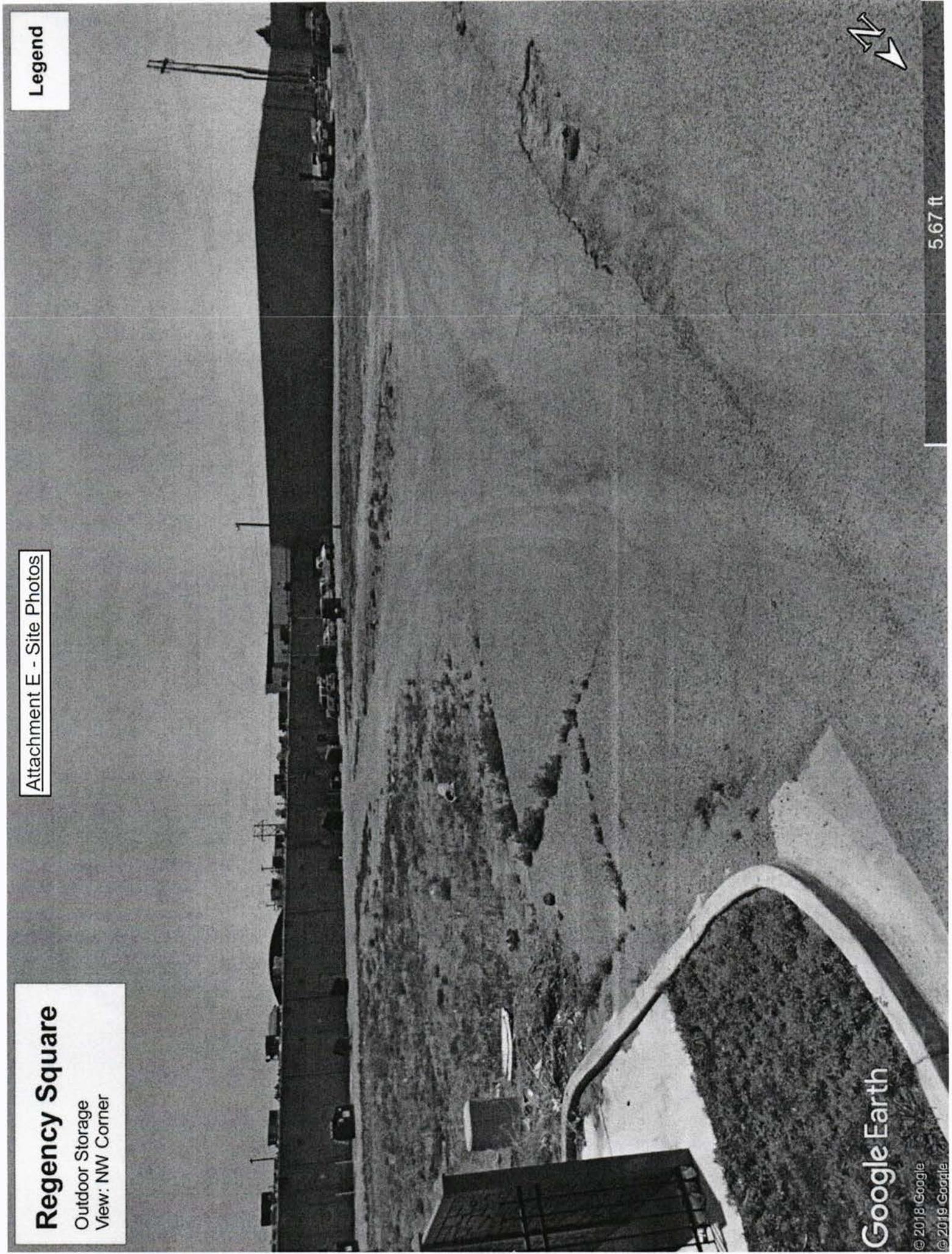
Attachment E - Site Photos

Legend

Google Earth

© 2018 Google
© 2019 Google

5.67 ft



Regency Square

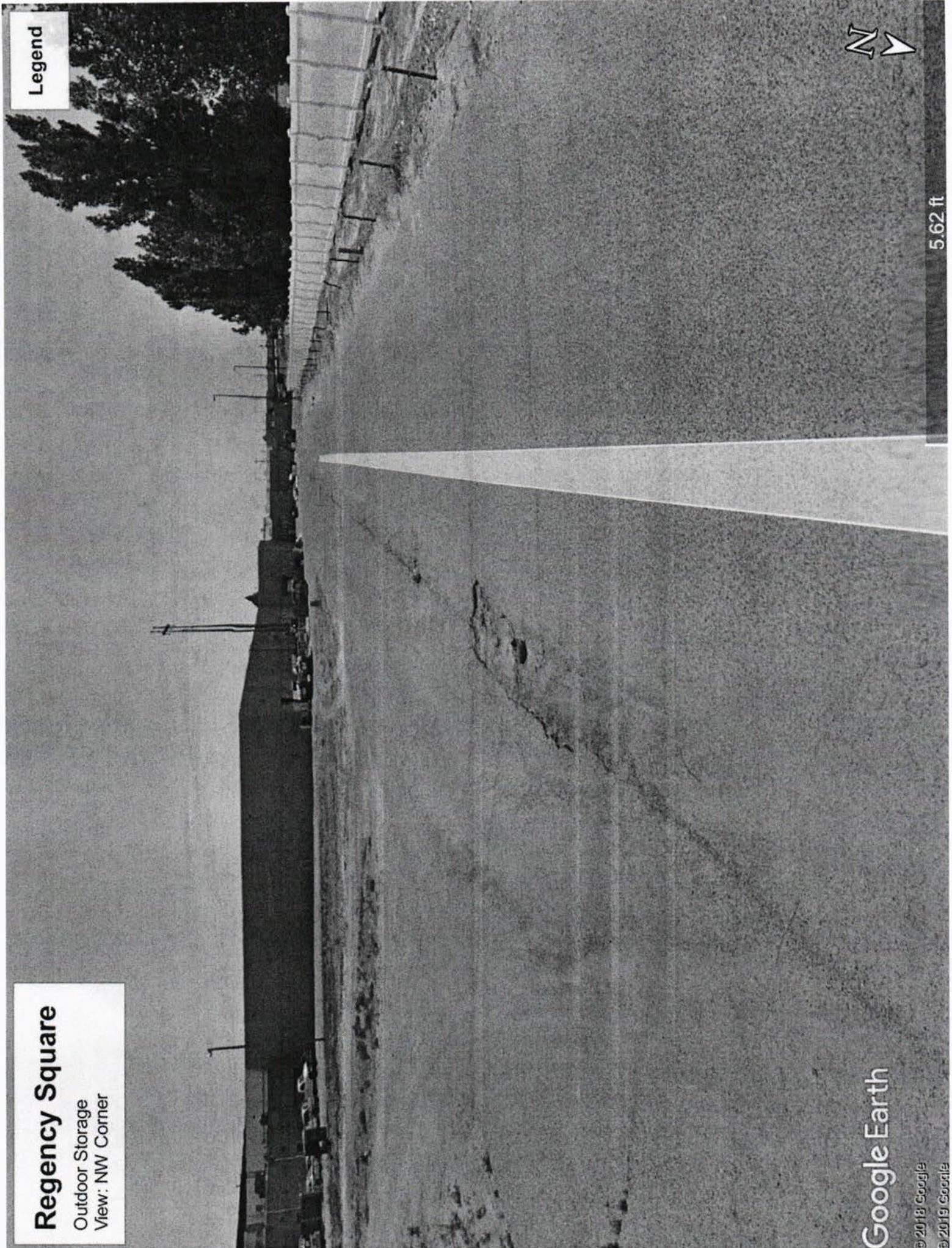
Outdoor Storage
View: NW Corner

Legend

Google Earth

© 2018 Google
© 2019 Google

5.62 ft



Regency Square

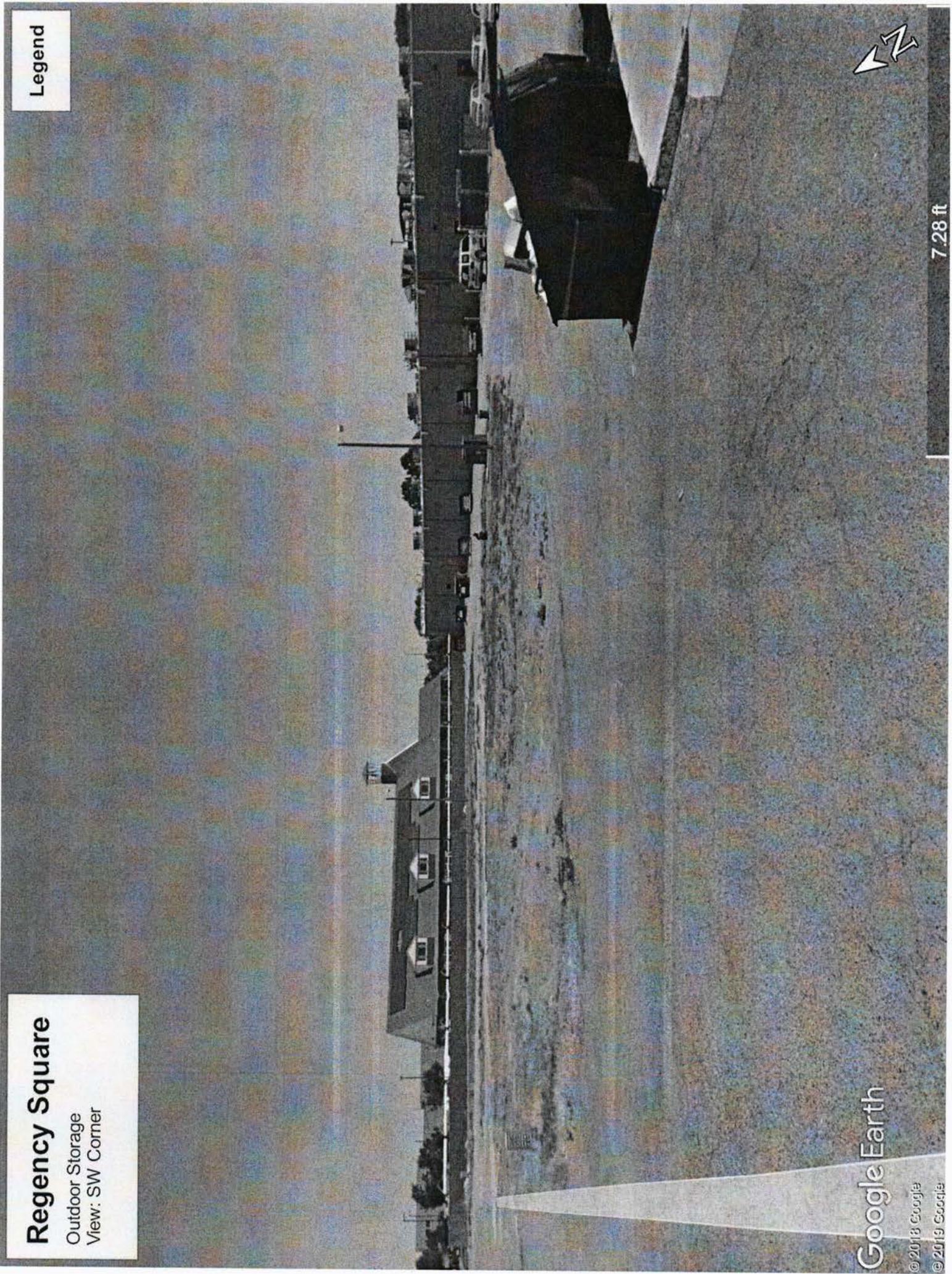
Outdoor Storage
View: SW Corner

Legend

Google Earth

© 2018 Google
© 2019 Google

7.28 ft



Regency Square

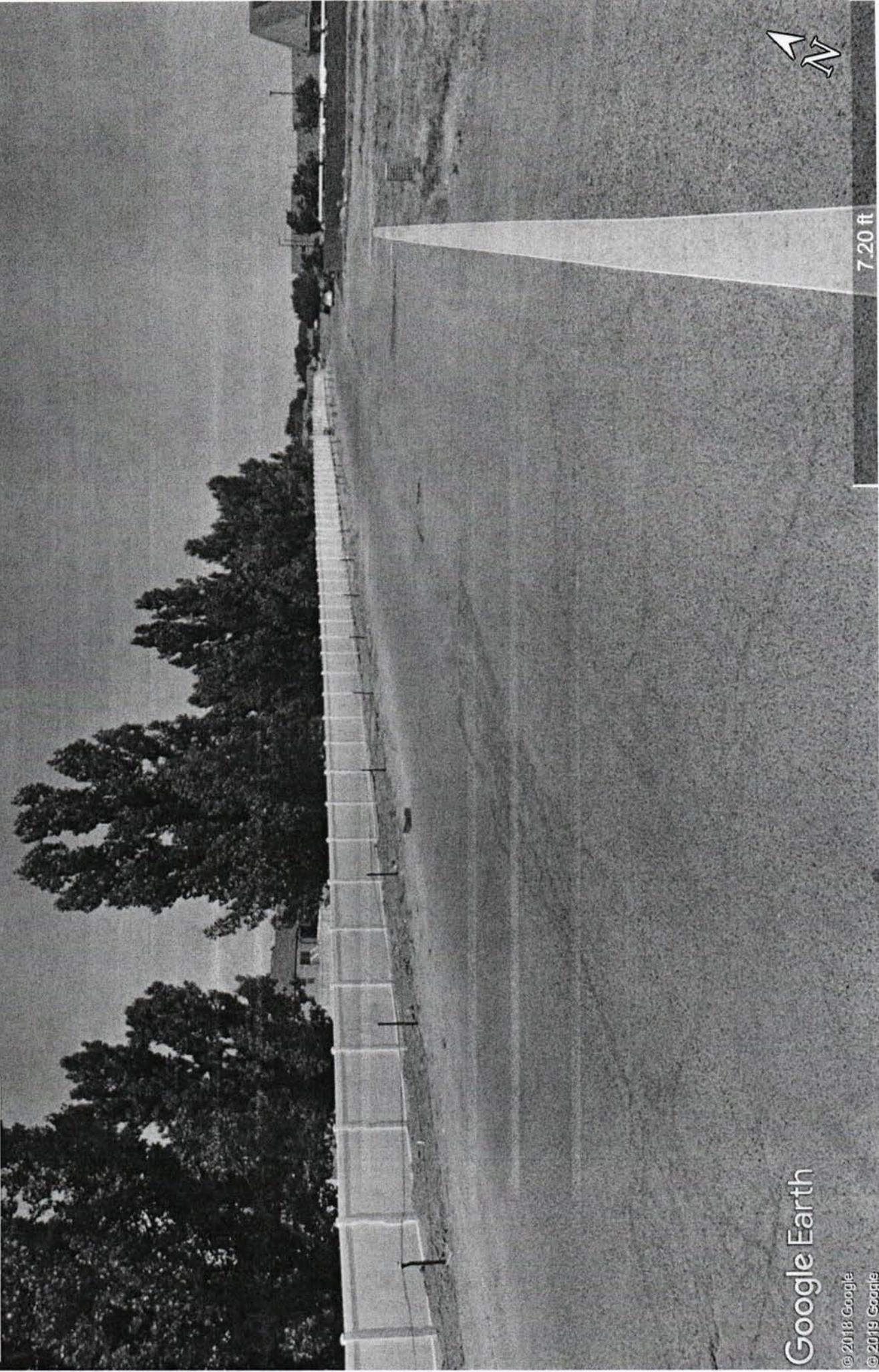
Outdoor Storage
View: SW Corner

Legend

Google Earth

© 2018 Google
© 2019 Google

7.20 ft



Pueblo County Assessor Parcel 1509120003

Current Transfer Information

<u>Sale Date</u>	<u>Sale Amount</u>	<u>Grantor</u>	<u>Grantee</u>	<u>Other Details</u>
9/30/08	65000	REGENCY / PETERSON TRU	REGENCY SQUARE INVEST	Rcpt# 1784026 Bk/Pg 0/0 MULTIPLE PROPE
9/30/08	N/A	REGENCY/BROWN/VELLUTI	REGENCY / PETERSON TRU	Rcpt# 1784024 Bk/Pg 0/0 HISTORY UPDATE
9/30/08	N/A	REGENCY SQUARE INVEST	REGENCY/BROWN/VELLUTI	Rcpt# 1784022 Bk/Pg 0/0 HISTORY UPDATE
6/24/08	N/A	NELSON TR ET AL	REGENCY SQUARE INVEST	Rcpt# 1779972 Bk/Pg 0/0 HISTORY UPDATE
6/17/08	92600	REGENCY SQUARE INV ET NELSON TR ET AL		Rcpt# 1773302 Bk/Pg 0/0 MULTIPLE PROPE
6/17/08	N/A	REGENCY SQUARE INVEST	REGENCY SQUARE INV ET	Rcpt# 1773300 Bk/Pg 0/0 HISTORY UPDATE
6/29/07	N/A	REGENCY SQUARE INV LL	REGENCY SQUARE INVEST	Rcpt# 1733319 Bk/Pg 0/0 HISTORY UPDATE
6/29/07	7500000	REGENCY SQUARE PUEBLO	REGENCY SQUARE INV LL	Rcpt# 1733314 Bk/Pg 0/0 MULTIPLE PROPE
9/29/05	N/A	DELTA PLAZA INVESTMEN	REGENCY SQUARE PUEBLO	Rcpt# 1636669 Bk/Pg 0/0 HISTORY UPDATE
4/23/99	4400000	REGENCY SQUARE PARTNE	DELTA PLAZA INVESTMEN	Rcpt# 1276112 Bk/Pg 0/0 MULTIPLE PROPE
/A	N/A	REGENCY SQUARE PARTNE		Rcpt# 524036 Bk/Pg 0/0 HISTORY UPDATE

Pueblo County Assessor Parcel 1509120003

Name: REGENCY SQUARE INVESTORS, LLC
Location Address: 1721 - S PUEBLO BLVD 1767401 81005
Mailing Address: 426 1ST ST, EDEBERKA, CA 95501 0404
Assessor Nbrhd: 0 (1)

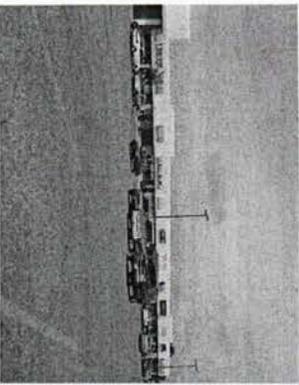
Tax District: 60B

Legal Description: LOT 3 BLK 1 REGENCY SQUARE SUB

Abstract Class: COMM LAND MULTI-USE (B-3) **Actual Value:** 424710 **Assessed Value:** 123166
and Information: 141570.00 SqFt

Improvements: COMMERCIAL MULTI-USE 291474 84527

Non-Residential Structure #1	Year Built:	1977	Year Remodeled:	N/A
ASONARY SHOPPING CENTERS	Use:	100% SHOPPING CENTER (NEIGHBORHOOD)		
Verage Quality				
Total Value, Land and Imps:		716184	207693	



Building Area: 20300 **Perimeter:** 720
Number Stories: 1 **Basement Area:** 0
Finished Basement: 0 **Mezzanine Area:** 0
Wall Height: 14 **Floor?:** Yes
Electrical?: Yes **Plumbing?:** Yes
Elevator?: no **Sprinkler?:** no
HVAC: 100% Package Unit

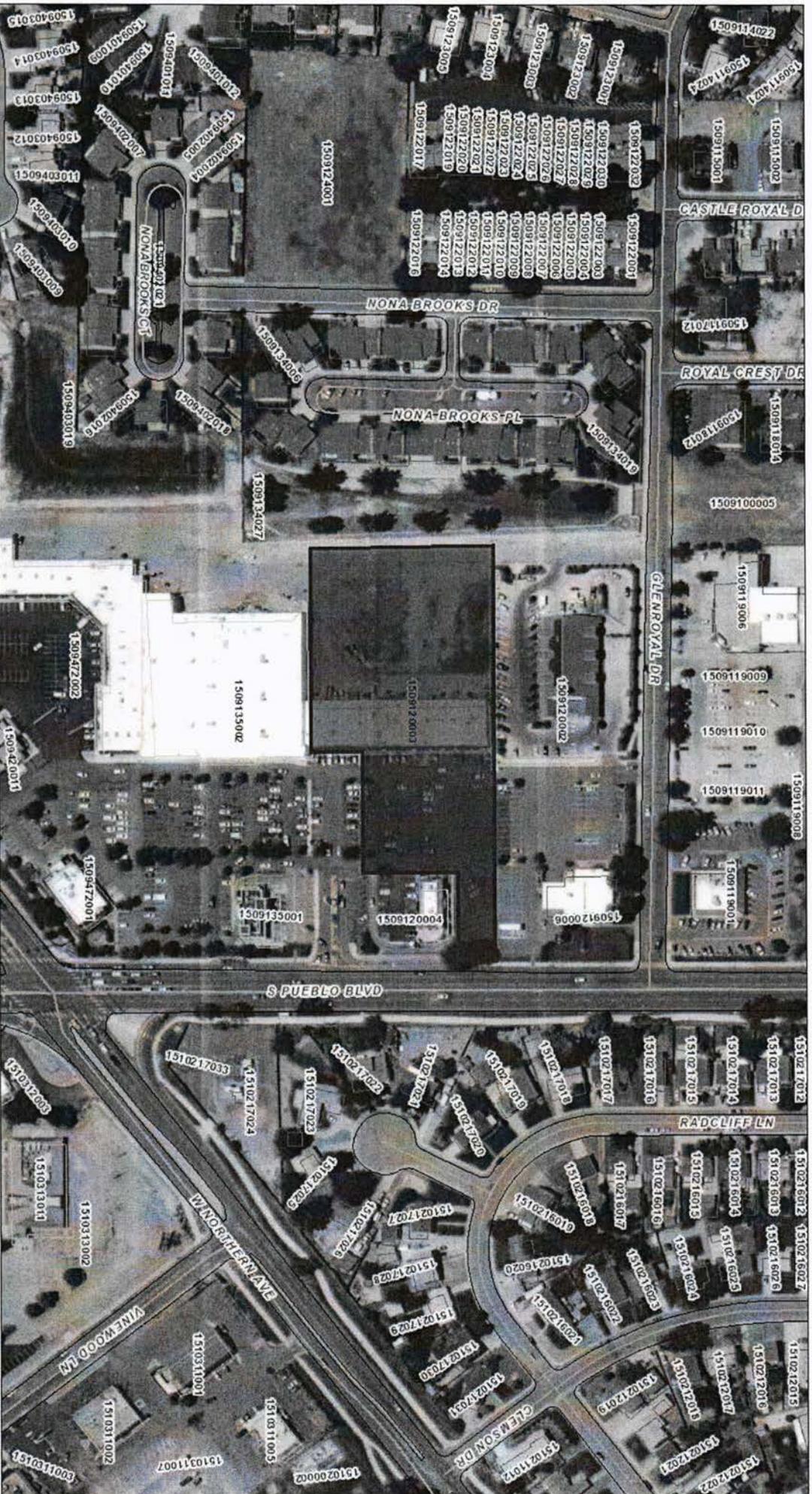
Current Tax Information for tax year 2018

111 Levy: 0 **Property Type:** FGD FEE **Total Tax Amount:** \$ 95.46
111 Levy: 88.763 **Property Type:** REAL **Total Tax Amount:** \$ 19,435.46

... (Continued on next page) ...

Regency Square

Attachment H - Assessor Info



December 31, 2019



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