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ZBA-21-07

TO: City of Pueblo Zoning Board of Appeals
FROM: Beritt Odom, Principal Planner
THROUGH: Scott Hobson, Land Use Administrative Official
DATE: April 27, 2021
REQUEST: **Special use permit to allow a self-storage facility.**

LOCATION: 4411 N. Elizabeth

LEGAL DESCRIPTION: Lot 2 Gredig Subdivision

APPLICANT: David Sanchez
Sanchez Investments LLC
90 N. 4th Ave., Brighton, CO 80601

PROPERTY OWNER: James F. Kasic II
903 Brooklawn Dr.
Boulder, CO 80303

ZONE DISTRICT: B-4, Central Business District

CONCURRENT REQUESTS: None

BACKGROUND:

The subject property was subdivided in 2003 to facilitate commercial development and consists of a flag lot. The lot is located behind the *Rambler Apartments* and is accessed from North Elizabeth with a 25-foot wide drive that extends west and opens into a large unimproved development site that has a lower topography than the surrounding development sites. Because of the site's location behind the multi-family/motel structure adjacent to N. Elizabeth and lower elevation it is not visible from North Elizabeth Street. However, future development to the west and south of the subject property will most likely sit at the same or similar elevation and will look directly into the self-storage site. The existing Kenworth, heavy and medium duty truck retail store, to the north and the mattress retail store to the south sit at a higher elevation and look directly into the proposed self-storage site.

The applicant is proposing to construct six storage structures varying in size from 6,000 square feet to 2,400 square feet. All storage units will be situated running north to south with "fire truck and emergency vehicle access" between and around the perimeter of the buildings. An office and

six parking spaces will be located along the eastern property line adjacent to the rear portion of the *Rambler Apartments*.

Neighborhood Compatibility

The surrounding area is zoned as follows:

North	B-4, Central Business District, Kenworth Heavy and Medium Truck Dealership
East	R-6, Multiple Residential and Commercial District, <i>Rambler Apartments</i> S-1, Government Use District, I-25
South	B-4, Central Business District, retail mattress store R-6, Multiple Residential and Commercial District, unimproved land
West	R-6, Multiple Residential and Commercial District, unimproved land

Commercial development sits adjacent to the northern and eastern portions of the site and approximately half of the southern boundary is developed with a retail mattress store. The remaining land area adjacent to the western and southern property lines of the proposed self-storage site is undeveloped and could be developed with retail, service, office, lodging, and residential uses in the future.

PUBLIC NOTICE:

The property was publicly noticed in accordance with the *City of Pueblo Municipal Code*.¹ 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. These notices occurred at least 10 days prior to the hearing.

FINDINGS OF FACT FOR SPECIAL USE PERMIT 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 are provided from North Elizabeth via a 25-foot wide drive. The preliminary site plan shows drive isles around the entire perimeter of each storage unit. The applicant indicated that all drive isles are wide enough for fire trucks and emergency vehicles. The site plan does not provide the width of the drive isles and fire has not completed an exhaustive review at this time; however, it is anticipated that adequate ingress/egress and circulation will be provided with the proposed site plan.
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, storage units are only required to provide three parking stalls, the applicants are proposing to provide approximately six parking stalls. The storage use is not anticipated to create noise, glare, or odor effects.

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

• **Comments:**

Affirmative Finding. Refuse will be provided south of the office along the eastern property line. A “yard” is also proposed south of the office.

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

• **Comments:**

Affirmative finding, the applicant indicated that a water tap is available on the east side of N. Elizabeth and the water line will run down the 25-foot drive that accesses the development site. Sewer, power, and gas are all available on site.

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

• **Comments:**

Negative finding, the applicant accurately indicates that the site is completely screened from N. Elizabeth by the apartment development that sits adjacent to the eastern property line. However, properties along the western boundary and a portion of the southern boundary remain unimproved and may be developed with a variety of uses in the future, including residential, lodging, office and commercial.

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:**

Negative finding, the applicant indicated that they will utilize the existing sign on N. Elizabeth. The existing sign is located on Lot 1, Gredig Subdivision, which is a separate lot from the proposed storage units. All signs must be located on the same lot as the self-storage use or the owners of both sites may create an approved Master Sign Program allowing the shared use of the sign per Section, 17-10-05, of the Pueblo Municipal Code.

7. Required yards and other open space.

• **Comments:**

Affirmative finding. The preliminary site plan appears to comply with required yard setbacks. At the time of building permit, the applicant will be required to comply with the required yards.

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

• **Comments:**

Affirmative finding, the self-storage use is compatible with the commercial and multi-family residential use that surround it. With proper screening and buffering the use is not anticipated to be incompatible with future development adjacent to the south and west of the site.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:

Staff recommends APPROVAL of the application with the following staff condition and standard permit conditions:

STAFF CONDITION:

1. Construct a minimum 6-foot-tall opaque fence along the southern and western property lines of Lot 2 Gredig subdivision adjacent to the R-6 parcel, legally described as:

NW2 NE4; NE4 NW4 13-20-65 A PARCEL OF LAND IN NW4 NE4 + NE4 NW4 SEC 13-20-65
DESC AS: BEG AT N4 COR SD SEC 13 TH W + ALG N LINE DIST 300 FT TH S + // TO N-S
C/L OF SD SEC DIST 641.45 FT TH E + // TO S LINE SD NE4 NW4 SEC 13 DIST 500 FT TH N
+ // TO N-S C/L DIST 391 FT TH W + // TO S LINE DIST 200 FT TO N-S C/L TH N + ALG SD
N-S C/L DIST 250 FT TO PT BEG. (PARCEL NUMBER 513000004).

STANDARD PERMIT CONDITIONS:

Date of issuance of permit: January April 27, 2021

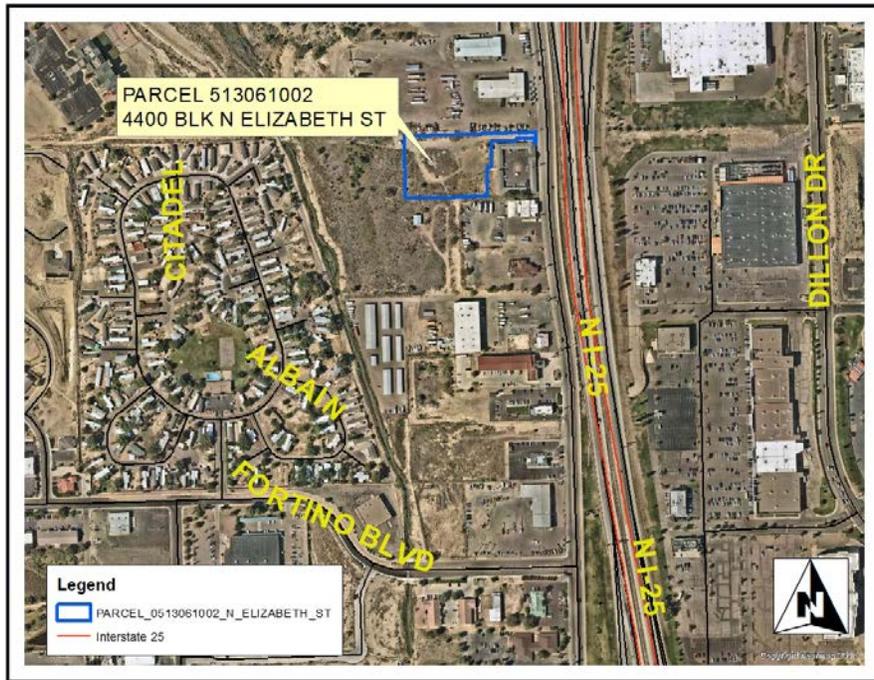
1. **Time Limits:** Zoning permit shall become invalid unless work or action authorized by permit is fully executed by April 27, 2022.
2. **Required Revisions:** Any revisions or additions to plans required as a result of approval must be submitted and stamped "approved" prior to the sign-off of the 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. Supporting Documents
- H. Preliminary Plot Plan
- I. Application



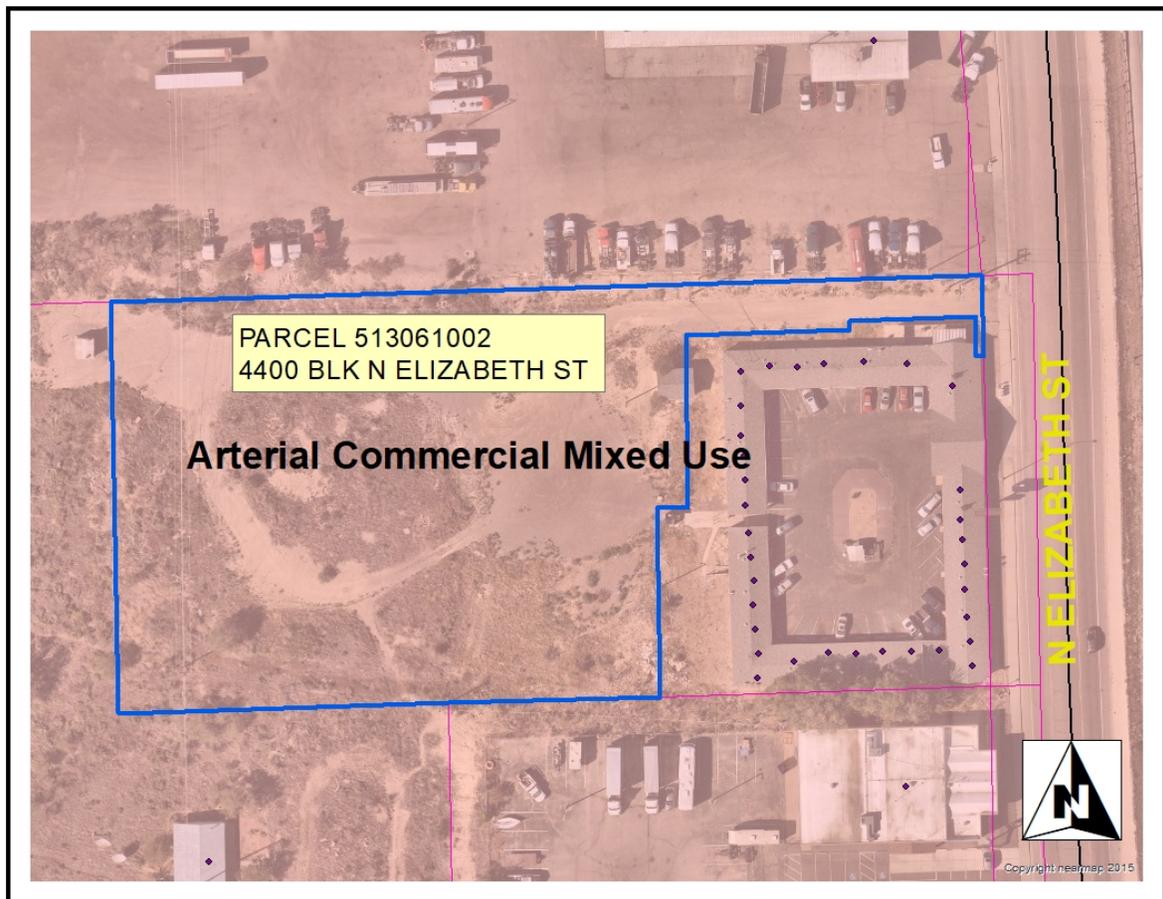
(A) LOCATION MAP



(B) SITE MAP



(C) ZONING MAP



(D) COMPREHENSIVE PLAN MAP



(E) PUBLIC NOTICE POSTER POSTED ADJACENT TO NORTH ELIZABETH



**(F) SITE PHOTOGRAPHS:
Lot 2 Gredig Subdivision looking east (Rambler Apartments)**



Lot 2 Gredig Subdivision looking west at the unimproved R-6 parcel



Lot 2 Gredig Subdivision looking north at Kenworth



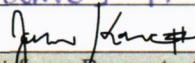
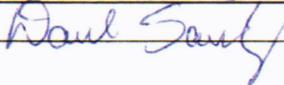
Lot 2 Gredig Subdivision looking south at Pueblo Sleep Solutions

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: James F. Kasic II	Name: David Sanchez	
	Address: 903 Brooklawn Dr.	Company: Sanchez Investments LLC	
	City, State & Zip: Boulder Co 80503	Address: 90 N 4th Ave	
	Phone: (303) 564-1663	City, State & Zip: Brighton Co 80601	
	Email: JKASIC@comcast.net	Phone: ()	Cell: (720) 338-5123
		Email: rcventures@gmail.com	
<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location:		
	Legal Description: Lot 2 Gredig Subdivision, Formerly #05-130-088		
	Parcel No: 513061002	Existing Zone: B-4	
	Property Size: 2.13 Acres		
Project Information	General Information		
	Provide a short description of the proposed request: The lot is currently vacant. We would like to propose a zoning change that would allow a self storage facility.		
	What is the general use of the property: <input 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 type="radio"/> Use by Review <input type="radio"/> Home Daycare <input type="radio"/> Home Occupation (Total # of children: _____) <input checked="" type="checkbox"/> Other: self storage		
<input type="checkbox"/> Variance:			
<input type="radio"/> Setback <input type="radio"/> Parking <input type="radio"/> Landscape <input type="radio"/> Lighting <input type="radio"/> Height <input type="radio"/> Signs <input type="radio"/> Other: _____			
<input type="checkbox"/> Appeal:			
<input type="radio"/> ZBA Decision (Case Number: ZBA-_____-_____)			
<input type="radio"/> Administrative Official Determination <input type="radio"/> 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 type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input 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 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:	James F. Kasie II
	Signature:	 Date: 4/1/2021
	Applicant, if different from Property Owner	
Signatures	Print Name:	David Sanchez
	Signature:	 Date: 4-1-21

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 <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
Case #:		

Letter of request for Zoning Variance (Revised)

April 1, 2021

Revised April 11, 2021

James F. Kasic II – Owner

903 Brooklawn Drive

Boulder CO 80303

David Sanchez - Representative

Sanchez Investments, LLC

15100 Almstead St. Hudson, Co 80642

720-338-5123

Site location

4400 N Elizabeth Street Lot 2, Pueblo, CO 81008

Legal Description -- LOT 2 IN GREDIG SUBDIVISION, FORMERLY #05-130-00-088 COUNTY OF PUEBLO, STATE OF COLORADO

Current Zoning

B-4

Reason for Request

The request is for a Variance to the current zoning of B-4 to S1 for use as a self-storage facility.

This lot is currently a vacant piece of land located west of the Rambler Apartments on North Elizabeth Street. It is a flag lot consisting of 2.13 acres.

Response to (Sec. 17-5-33)

5 a) Ingress and Egress to the facility will be off N Elizabeth St. The Ingress and Egress is adequate access for a Fire Truck or Other Emergency Vehicles. There will be an emergency exit gate on the Northeast corner of the facility.

b) Off street parking and loading areas will be within the facility boundaries and will have no effect on N Elizabeth St. The new storage area will not produce any unusual noise to the neighbors and will be closed at night. Low impact down lighting will be used to prevent light pollution to neighbors. No odors

are expected from the new facility or tenants. The facility will fit well with the location and will have good access to I-25 for new customers.

c) The refuse is located to the south of the office. There will be adequate space for the Trash truck to safely enter and exit the location.

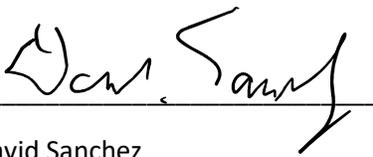
d) The utilities are available by the different departments. A new water tap is available on the East side of N Elizabeth St. The new water line will run down the driveway to the office. A new Sewer Tap will be available about 125' West of the office on the property. Power is available on the North Property Line. The gas line is available at the West Property Line at N Elizabeth St. but may not be used.

e) The Storage Facility is down grade from N Elizabeth St. and is screened by buildings and parking lots.

f) The signage is already in place. The sign on N Elizabeth St. in front of the Rambler Motel has been in use for years and will be used to advertise the Self Storage Facility. It is owned by the property.

g) Required open space and drainage will be addressed in the open drainage areas.

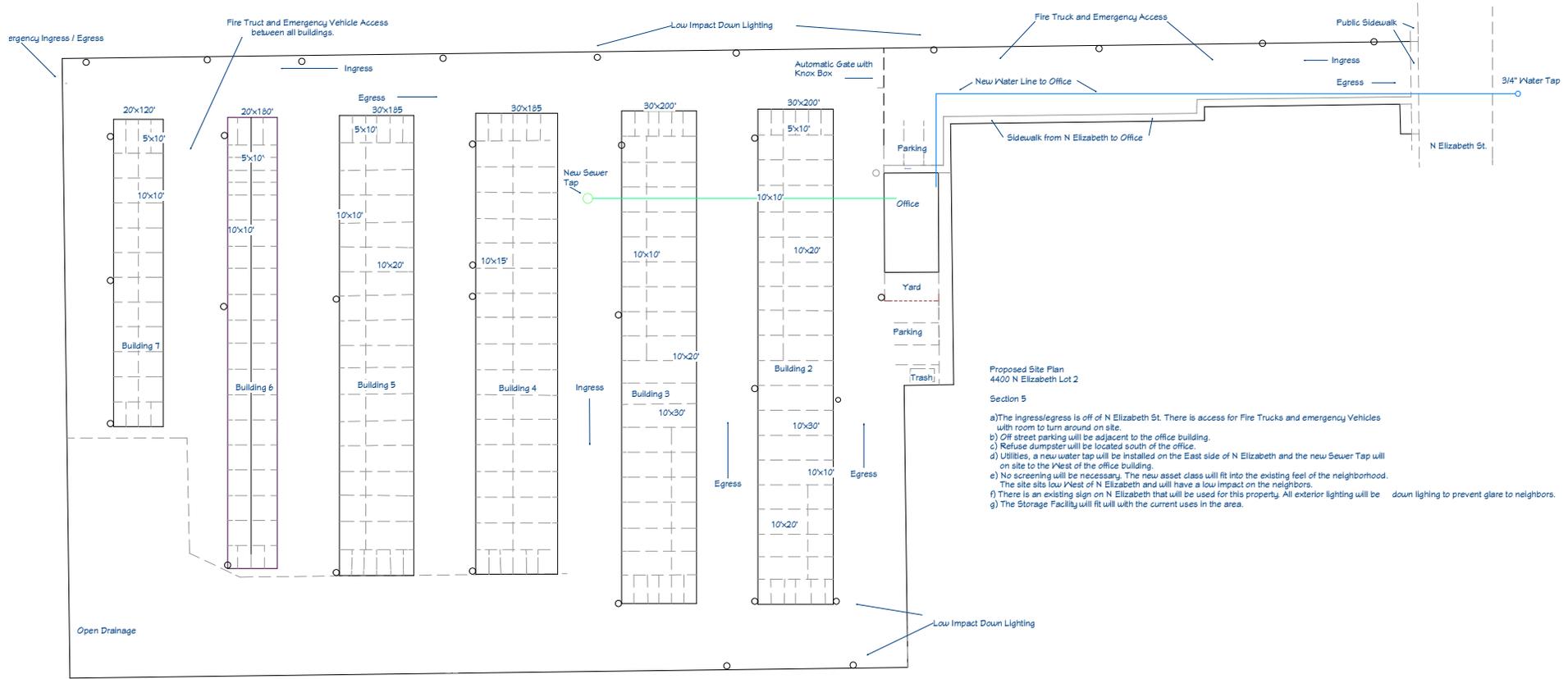
h) The Self Storage Facility will be a low impact business that will fit well with the neighbors. With the location and grade, most of the facility will not be visible from the street.



David Sanchez

4/12/2021

Date



Proposed Site Plan
4400 N Elizabeth Lot 2

Section 5

- a) The Ingress/Egress is off of N Elizabeth St. There is access for Fire Trucks and emergency Vehicles with room to turn around on site.
- b) Off street parking will be adjacent to the office building.
- c) Refuse dumpster will be located south of the office.
- d) Utilities, a new water tap will be installed on the East side of N Elizabeth and the new Sewer Tap will be on site to the West of the office building.
- e) No screening will be necessary. The new asset class will fit into the existing feel of the neighborhood. The site sits low West of N Elizabeth and will have a low impact on the neighbors.
- f) There is an existing sign on N Elizabeth that will be used for this property. All exterior lighting will be down lighting to prevent glare to neighbors.
- g) The Storage Facility will fit with the current uses in the area.