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ZBA-21-01

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 4/27/2021
Request: **A Special Use Permit to allow for a Gas Station in a Neighborhood Business (B-1) Zone District.**
Site Location: 318 Minnequa Ave, Pueblo, CO 81004
Legal Description: LOTS 1 TO 4 INC BLK 27 LAKE MINNEQUA ADD
Year Built: 1966
Applicant: Nassir A. Wared
Property Owner: Nassir A. Wared
Zone District: Neighborhood Business (B-1) Zone District.

BACKGROUND

The subject property is 1,296 sqft, built in 1966, is a former gas station in the Lake Minnequa Addition subdivision, southwest of CF + I Steel. In accordance with Section 17-4-51 (3)(c) (3.1) of the Pueblo Municipal Code (PMC), The applicant, Nassir A. Wared, is required to obtain a Special Use Permit to allow for a Gas Station in a Neighborhood Business (B-1) Zone District.

The service station/gas station use has been vacant since approximately 2014. With the 2018 code change service station is no longer a use by right in a B-1 Zone District and is now considered a use by review.

Gas station means a facility limited to retail sales of gasoline, motor oil, lubricants, motor fuels, travel aids, and minor accessories for passenger type vehicles. In addition, such facility may provide for sale prepackaged food items and tangible consumer goods, primarily for self-service by the customer. Does not include Automobile repair, minor, major or body shop. Car wash and fast food permitted as accessory use by right.

The proposed use for 318 Minnequa Ave is a neighborhood convenience store and gas station. Merchandise to be offered for sale will be basic food items, prepackaged, bottled and fountain drinks, tobacco products and basic auto service items. There will be no automotive service-related function offered.

The subject property was originally developed specifically for this proposed use. With a few minor improvements such as; residential screening and buffering, reestablishment of the tree lawn, and a staff believes that the reactivation of this property will enhance the surrounding area.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two-Family Residential (R-3) Zone District	Single Family Homes
East	Government Use (S-1) Zone District	I-25 (CDOT ROW)
South	Neighborhood Business (B-1) Zone District	Single Family Home
West	Subregional Business (B-2) Zone District	Liquor Store

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

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Code Enforcement	No comment
Pueblo Board of Water Works	No comment
City Wastewater Department	No comment
City Parks and Recreation Department	No comment

CONDITIONS REQUIRED FOR LIMITED USE PERMIT

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 accessible via Minnequa Ave and Evans Ave.

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. There is sufficient off-street parking along the west elevation. Noise and glare will be mitigated by residential buffering.

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

Comments: Neutral finding. Refuse collection and deliveries of merchandise shall be hidden from plain view by privacy fencing complimentary to the exterior finish. However, this will produce increased commercial activities along the southern property boundary.

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: Affirmative finding. A six (6) foot opaque fence must be installed on southern property boundary per Staff Condition #1

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. Any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, for a B-1 Zone District.

7. Required yards and other open space.

Comments: Affirmative finding. Yards and open space are adequate, including reestablishment of the tree lawn (landscaping) along western property boundary per Staff Condition #2

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

Comments: Affirmative finding. The subject property historically operated as a gas station. With its proximity to I-25 and capacity to serve the local neighborhood it remains a prime location for this use.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

The use will conform to the zone district. Staff recommends APPROVAL with the following staff conditions and Standard Permit Conditions 1 through 13.

STAFF CONDITIONS

1. A six (6) foot opaque fence must be installed along the entire southern property boundary.
2. Reestablishment of the tree lawn (landscaping) along western property boundary along Evans Ave. Landscaping of the tree lawn must conform with section 17-4-47(b)(2)g.2 "...the traditional treelawn (containing trees and turf only) in the right-of-way by the applicant. Planting Plans for re-establishing the traditional treelawn are required to be submitted for review but are not required to be prepared by a Landscape Architect."

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Public Notice Photo
- G. Site Photographs
- H. Application
- I. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 4/27/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/27/2022
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 <u>PRIOR</u> 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 <u>BUILDING PERMIT</u> 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 <u>SOLELY</u> 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.

Exhibit B. Site Map

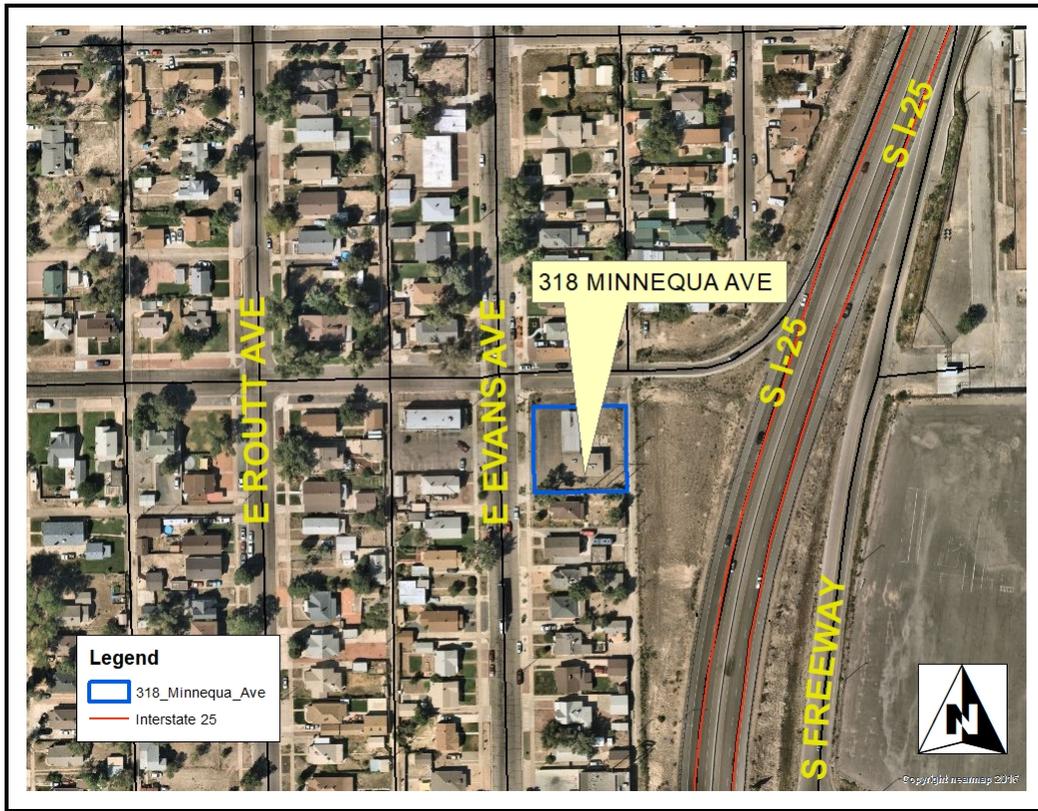


Exhibit C. Aerial Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

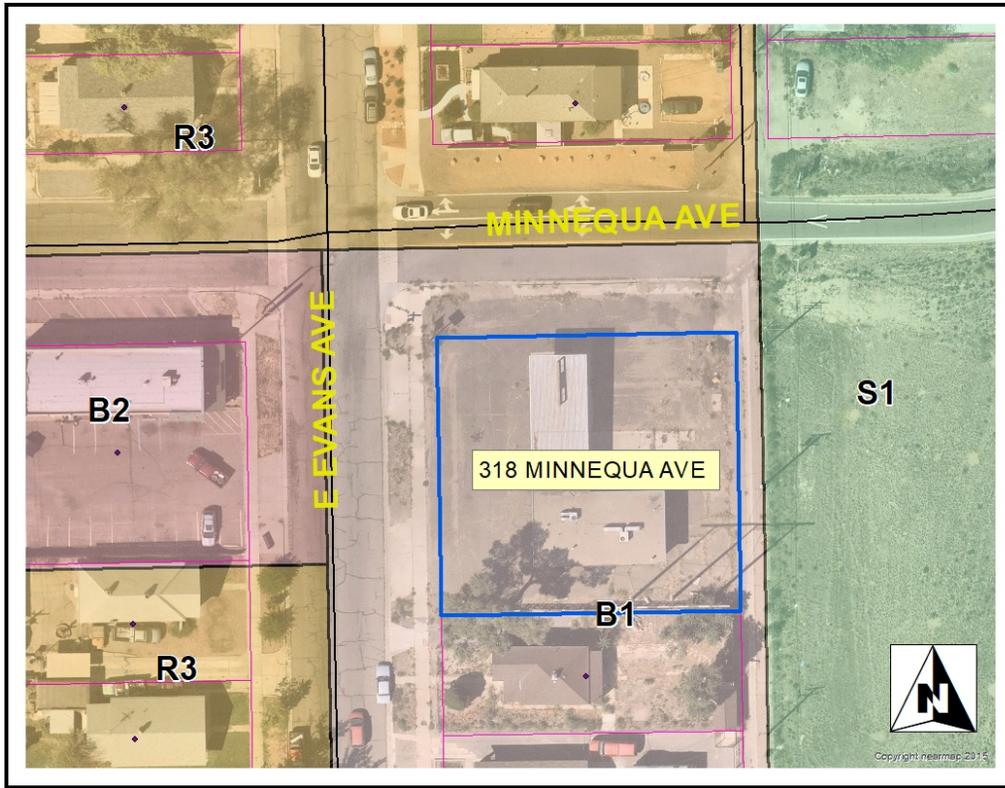


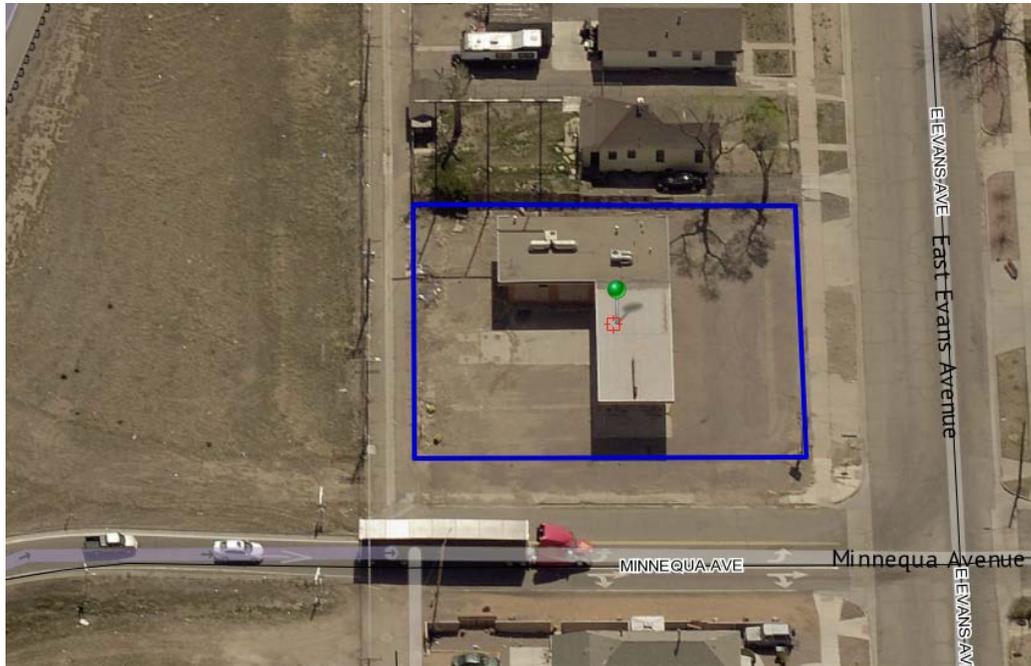
Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Taken from East Evans Ave facing southeast.

H. Application



Planning & Community Development

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: <i>NASSIR .A WARED</i>		Name:	
	Address: <i>8060 E Girard Ave #1008</i>		Company:	
	City, State & Zip: <i>Denver CO 80231</i>		Address:	
	Phone: <i>(720)898-4245</i>		City, State & Zip:	
	Email: <i>Warecluse@gmail.com</i>		Phone: ()	Cell: ()
		Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: <i>318 Minnevara Ave Pueblo CO 81004</i>			
	Legal Description: <i>Gas station</i>			
	Parcel No: <i>15-124-10-001</i>		Existing Zone: <i>Commercial</i>	
	Property Size: <i>Lot Size 13,000 sq Feet 1296 sq Ft Building</i>			
Project Information	General Information			
	Provide a short description of the proposed request:			
	<i>Remodel and renovate existing gas station pumps, underground Tanks, signs, canopy, Bathrooms, parking lot, Flooring, landscaping</i>			
	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 type="radio"/> Other: _____				
<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: _____				

06/2020

(Continue Next Page)(Continued from Page 1)

Attachments	Attachment Checklist:	
	The following list of attachments are required to accompany all applications: <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 checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input checked="" type="checkbox"/> E. Photographs. <input checked="" type="checkbox"/> F. Additional information that you believe justifies the request. <input checked="" 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: 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:	Nasir Wared
	Signature:	<i>Nasir Wared</i> Date: 3/09/21
	Applicant, if different from Property Owner	
	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 <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions
	Case #:	

Exhibit I. Supporting Documents

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FEDEX_AURORA_QUINCY

PAGE 02/09

March 17th 2021

Planning & Community Development
 City of Pueblo
 211 East D. Street
 Pueblo, CO 81003

Greetings,

318

The proposed use for 311 Minnequa, Pueblo, Co 80003 is Neighborhood Grocery/ Convenience Store and Gas Station. Merchandise to be offered for sale will be basic food items both fresh and prepackaged, drinks both bottled and fountain, tobacco products and basic auto service items like washer fluid, oil and other automotive related items.

There will be NO automotive service-related function such as fluid change or any other labor related service offered.

Justification:

- Historically the site has dispensed fuel and was originally constructed as a service station
- This is a large corner lot with 2 curb cuts on each street
- Access on the North elevation of the site is immediately off Interstate 25 south Minnequa exit ramp and is the only business on Minnequa between the Interstate and E. Evans avenue.
- Access is available on the west elevation from E. Evans avenue
- Since the site was originally designed as a service station, particular attention was paid to traffic flow by the original architects.
- Fuel will only be dispensed from pumps located on the north elevation in the same proximity as originally engineered more than 50 years ago
 - (NOTE) the old tanks and pumps were removed before the current ownership purchased the site. All new state approved and inspected underground infrastructure will be installed.
- Ample parking is provided on the west elevation of the site this is where access to the original service bay was and again attention was paid to providing traffic flow and parking when the site was originally designed.
- There is sufficient area on the east and south elevations to facilitate delivery of fuel and merchandise without disturbing the flow of customer traffic.
- There is sufficient area on either the east or south side of the site to place refuse receptacles.
- Vender service areas such as refuse collection and load in/out of merchandise shall be hidden from plain view by privacy fencing complimentary to the exterior finish of the structure and neighborhood.
- Access for fuel trucks shall be off Minnequa on the east side of site along the alleyway
- Delivery of merchandise shall be off E. Evans and through doors on the south elevation of the structure
- Signage shall be of approved size and type per code as well as a grandfathered 60 foot high back lit sign at the south east corner of the site.
- Lighting around the structure and site for security and ambience shall be of the type filtered and focused in a manner to be aesthetically pleasing and non-intrusive to neighboring properties.

Respectfully tendered, Thank you