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Lisa Bailey  
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Georgia Way

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## ZBA-21-13

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 6/8/2021  
**Request:** **A Special Use Permit to allow for a Storage Facility, Outdoor in a Highway & Arterial Business (B-3) Zone District.**  
**Site Location:** Parcel # 1514200044  
**Legal Description:** HAT POR OF THE FOLLG LEGAL LYING S OF TRCT DEEDED TO CITY FOR RD BY #480411. IN SW4NW4: BEG PT ON W LINE SEC, 3095 FT N OF SW COR SEC TH E 720.16 FT TO MINN DITCH TH N 08 DEG 08 MIN E 308.8 FT TH W 764.31 FT TO PT ON W LINE SEC 14, TH S ALG THE W LN OF SD SEC 14 A DIST OF 308 FT TO THE PT OF BEG. EXCEPT S 125 FT OF W 60 FT. EXCEPT 33 FT FOR E2 OF PRAIRIE AVE IS IN CITY ORD #2775 #207116 LESS POR SOLD TO JOHNSON 33 FT X 660 FT IN SW4NW4 SEC 14-21-65 LESS POR SOLD TO SMITH BY QCD #1244669 LESS POR TO PANTHER LLC BY OCD #1313678 FORMERLY 15-142-00-042  
**Year Built:** Vacant Lot  
**Applicant:** Adam Felzien  
**Property Owner:** Vivian Wilson  
**Zone District:** Highway & Arterial Business (B-3) Zone District.

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### BACKGROUND

Parcel # 1514200044 is a 77, 445-sf. unimproved and unsubdivided parcel located near the corner of Prairie Ave and Mt Zion Way. The applicant, Adam Falzien, is requesting a Special Use Permit to allow a Storage Facility, Outdoor, in a Highway & Arterial Business (B-3) Zone District., which according to the Municipal Code requires a Special Use Permit 17-4-51 (c) 141(a) .

The subject parcel was annexed into the City of Pueblo on December 19, 1972. It remains unsubdivided and currently does not have access to utilities, including water, sewage, or electric. The applicant wishes to subdivide and develop this parcel in future phases, but currently wishes only to use the area as outdoor storage to generate income for future development. Phase One will also include a vinyl or wooden fence around the property to comply with screening and buffering requirements. In Phase Two, the applicant plans to subdivide then extend Mt Zion Way with paving, curb, and gutter while also connecting to power, water, and sewage lines as show in the plans. Most improvements are triggered through the building permit process; however the Phase One of this project will not require a building permit, and therefore the bulk of improvements will be applied in Phase Two.

Planning Department staff has worked with applicant closely on this submission, and they are aware of the subdivision requirement ahead of them if they choose to further develop the parcel.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Single-Family Residential (R-2) Zone District	Vacant Parcel
East	Single-Family Residential (R-2) Zone District	Water Retention and Drainage
South	Light Industrial (I-2) Zone District	Animal Hospital
West	Highway & Arterial Business (B-3) Zone District	Retail 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 reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

**Comments:** Affirmative finding. The site plan indicates access off Mt Zion way with a counterclockwise traffic circulation around the perimeter of the site with storage areas indicated in the center.

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 site plan indicates eighteen (18) off-street parking spaces, which exceeds the number required for self-storage facilities.

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

**Comments:** Affirmative finding. The plans indicated that there will be a dumpster placed within the screened in storage area.

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

**Comments:** Neutral finding. Sewer, electrical, and water service will need to extended to the site when the applicant decides to subdivide and construct the storage units indicated in phase two of the development plan.

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

**Comments:** Affirmative finding. The site plan indicates necessary screening and buffering.

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, B-3 Zone District Sign Regulations

7. Required yards and other open space.

**Comments:** Affirmative finding. There are no proposed structures to be located on the property at this time.

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

**Comments:** Neutral finding. There are R-2 single-family residential parcels to the north and south of this property that could be further development creating incompatibility between the two uses in the future. However, Given the width, split zoning, and no direct access to a right of way, it will be very difficult to develop the parcel with single-family homes.

#### **PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Special Use Permit staff only recommends Standard Permit Conditions 1 through 13.

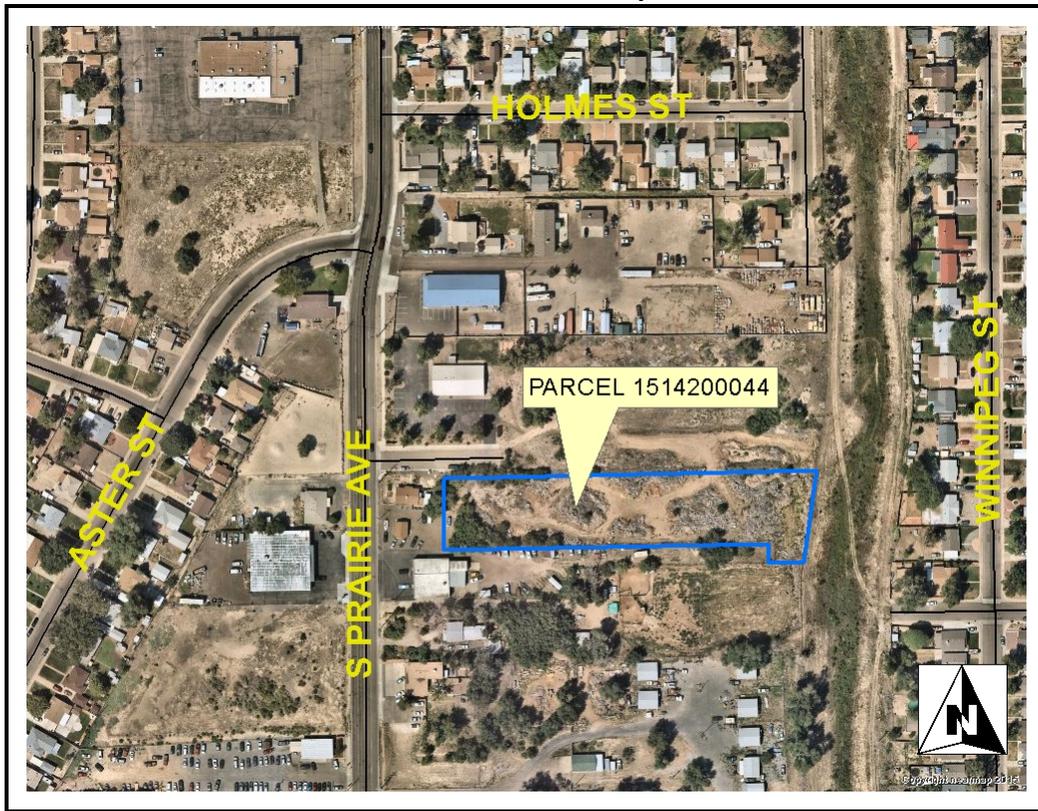
#### **ATTACHMENTS**

- 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

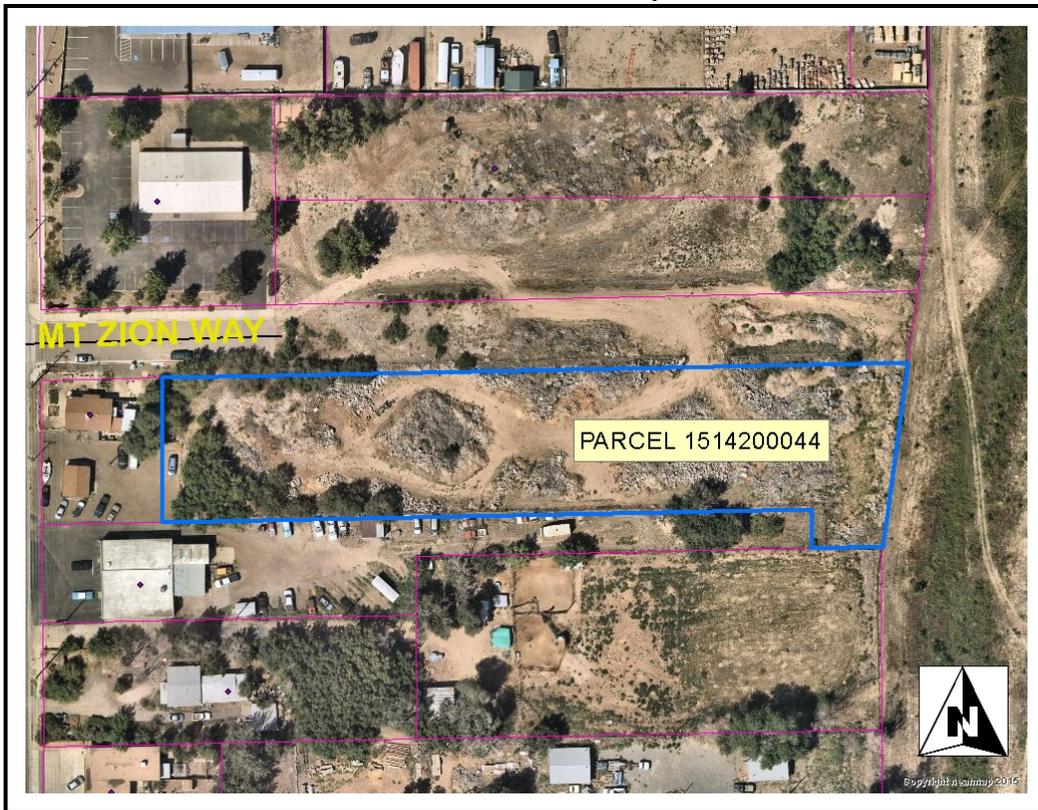
**Exhibit A. Standard Permit Conditions**

<b>Standard Permit Conditions</b>	
Date of Issuance of Permit: <b>6/8/2021</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>6/8/2022</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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.

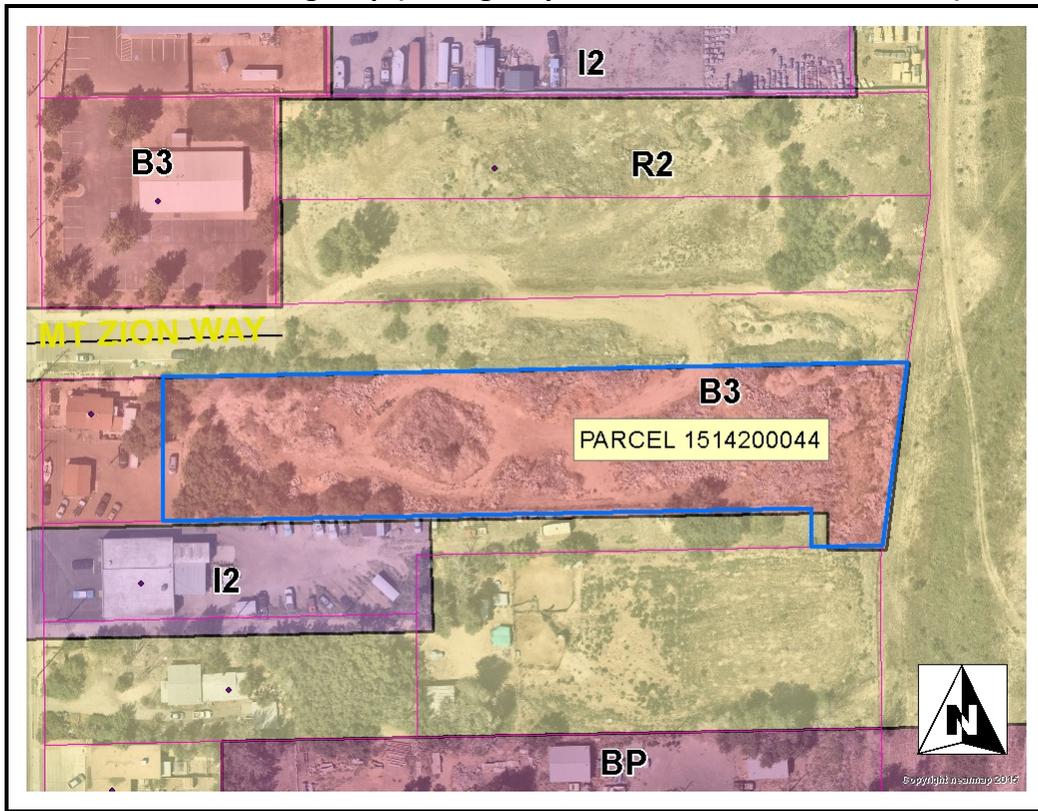
**Exhibit B. Site Map**



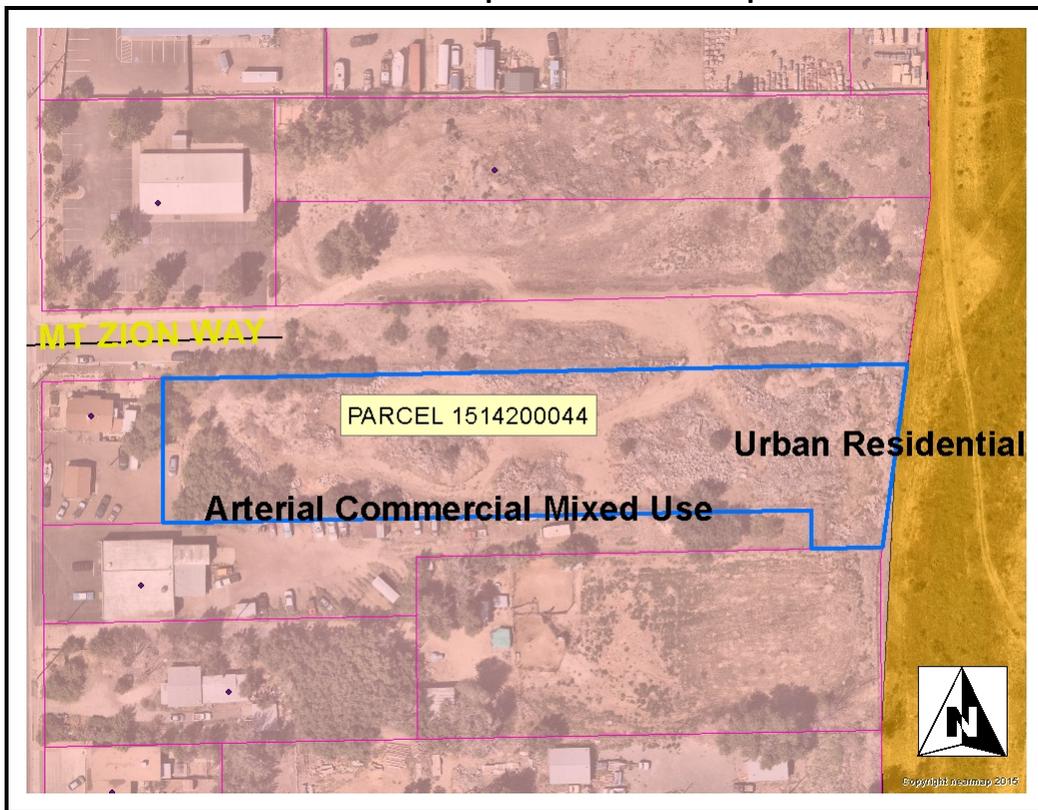
**Exhibit C. Aerial Map**



**Exhibit D. Zoning Map (Zoning Map Amendments Recommended)**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



Taken from Mt Zion Way facing east.

**Exhibit G. Site Photos**



Taken from parking facing southeast.



Taken from parking facing northeast.

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 #:

<b>Contact Info</b>	<b>Property Owner:</b>		<b>Applicant (if different from property owner):</b>	
	Name: <u>Vivian Wilson</u>		Name: <u>Adam Felzien</u>	
	Address: <u>4696 Walden Ct</u>		Company:	
	City, State & Zip: <u>Denver CO 80249</u>		Address: <u>2815 W Pueblo Blvd</u>	
	Phone: <u>(719) 303-373-7724</u>		City, State & Zip: <u>Pueblo CO 81005</u>	
Email:		Phone: <u>(719) 250-5736</u> Cell: <u>(719) 250-5736</u>		
		Email: <u>adam.felzien@gmail.com</u>		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
<b>Property Info</b>	<b>Project Location:</b> <u>TBD MT 210N</u>			
	Legal Description: <u>See attached from County Assessor Site</u>			
	Parcel No: <u>1514200044</u>		Existing Zone: <u>B-3</u>	
	Property Size: <u>approx 600 x 120, 1.72 acres</u>			
<b>Project Information</b>	<b>General Information</b>			
	Provide a short description of the proposed request:			
	<u>Zoning special use permit for property to be used for outdoor boat, vehicle, RV, camper storage and or mini storage facility</u>			
	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 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-____-____)				
<input type="checkbox"/> Administrative Official Determination				
<input type="checkbox"/> Other: _____				
<input type="checkbox"/> Other: _____				

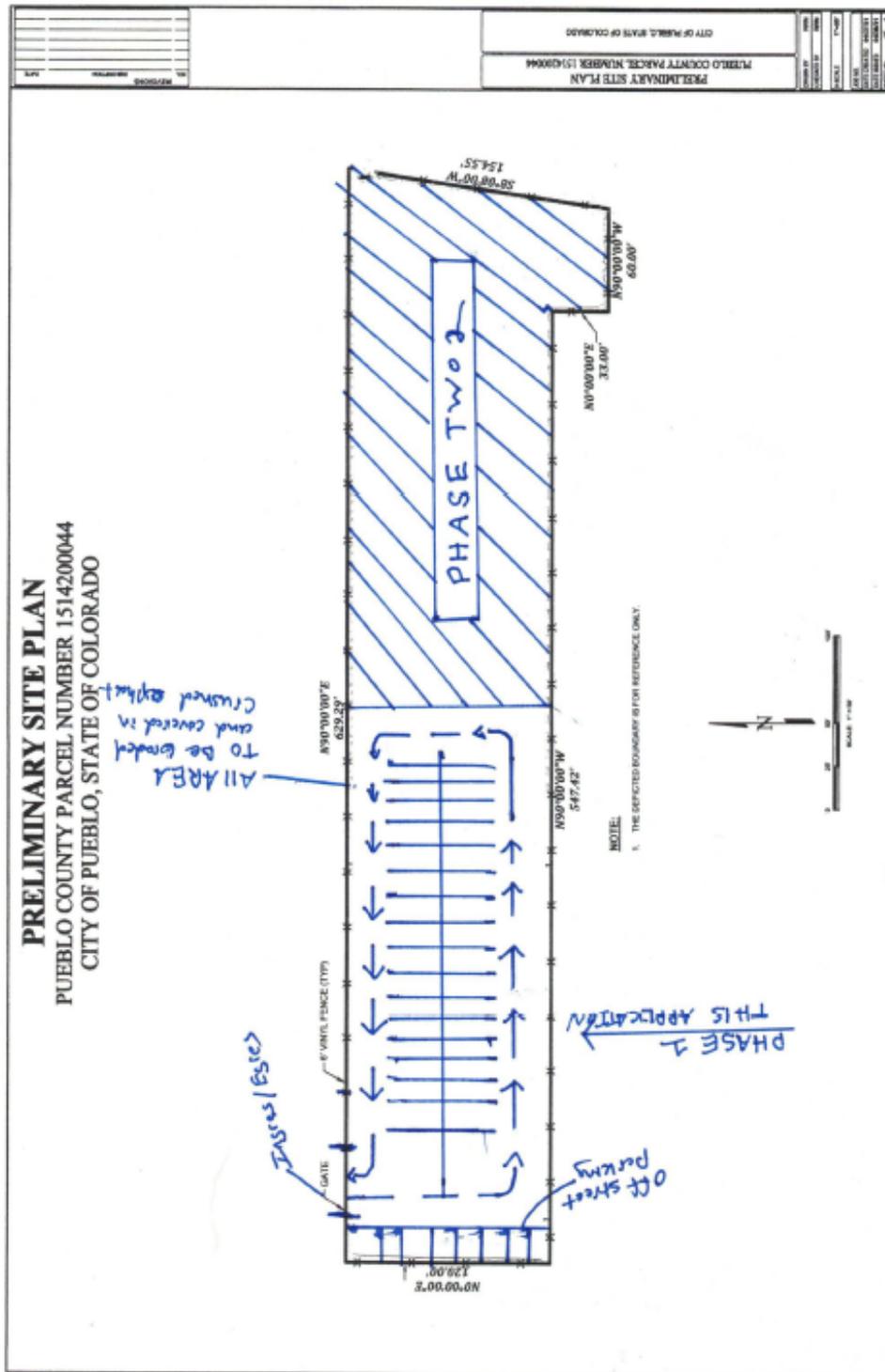
06/2020

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<b>Attachments</b>	<b>Attachment Checklist:</b>	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific.</li> <li><input type="checkbox"/> B. Justification of facts required for the request. Be specific</li> <li><input type="checkbox"/> C. Site plan, if variance. Must depict requested variance on plan.</li> <li><input type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire).</li> <li><input type="checkbox"/> E. Photographs.</li> <li><input type="checkbox"/> F. Additional information that you believe justifies the request.</li> <li><input type="checkbox"/> G. Copy of determination letter, if appealing Administrative Official Determination.</li> <li><input type="checkbox"/> H. Pueblo County Assessor's Property Information print out <a href="http://www.co.pueblo.co.us">www.co.pueblo.co.us</a></li> </ul>	
<b>Terms</b>	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"> <li>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.</li> <li>2. There are no known hazards or vicious animals present on the subject property.</li> <li>3. All requisite fees have been paid to the City of Pueblo.</li> <li>4. All information in this application, and all attachments, are true and accurate to the best of my knowledge.</li> <li>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.</li> <li>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.</li> </ol>	
<b>Signatures</b>	Property Owner	
	Print Name:	
	Signature:	Date:
	Applicant, if different from Property Owner	
Print Name:	Adam Felzien	
Signature:		Date: 4-26-21

<b>Office Use Only</b>	<b>Zoning Compliance (Completed by City Staff)</b>	
	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

Exhibit I. Supporting Documents



Zoning Board of Appeals Application Attachments

A. Explanation of request

I am in the process of purchasing the property that is under review. Upon purchase I would like to use the property as an outdoor storage and mini storage facility. As planned there will be two phases, phase one is what this application is for, special use for outdoor storage of boats, campers, RV's, automobiles. Phase 2 will come in the future when funding is available for subdivision, extending Mt Zion and paving with a cul-de-sac at the far east end.

B. Justification

There is a necessary need and desire in the community for more storage facilities. All storage units in the proximity are at full capacity and have waiting lists for future clients. After calling all storage units in a 3 mile radius as well as multiple other storage facility near the south side of town there was a total of 3 storage units available. With all storage units operating a full capacity or near capacity, there is a strong need for additional facilities.

a. Access

Access would come from Mt Zion heading east off of Prairie Ave, turning south into the property



## Zoning Bored of Appeals Application Attachments

## b. Off street parking

Parking would be available to the west of the gate. Parking would be for clients dropping off motorhomes or automobiles and needing a ride home in another vehicle.

## c. Refuse

There is ample space for waste service. Clients would be responsible for removal of their personal belongings, but a dumpster would be made available to keep the property clean and clear of waste.

## d. Utilities

Utilites are available, all neighboring properties have utilities. At this time the only utility service needed would be electricity. I am ready to incur all cost associate with this task.

## e. Screening and buffering

The perimeter of phase one of the property plan would be fenced with vinyl or wood fence, as well as landscaped to maintain a visually attractive area. Concrete or asphalt would be poured at entrance and through gate. Past the gate crushed asphalt approximately 3/8" to 1/2" in size would be spread around the east end of property for phase one. The crushed asphalt would be adequate for dust mitigation. Also no sound, smoke, odor, vibration, dust, glare, or heat would be measurable beyond the outer boundaries of the parcel.

## f. No signage other than on the entrance gate

## g. As mentioned in section e, open space would be covered in concrete, asphalt, or crushed asphalt.

## h. General compatibility with adjacent property

I have spoken with all neighboring property owners as well as owners across the street (Prairie Ave) None of which have opposed my plan.

To the north, The Rabbi at the church was very open to the idea of the land being put to good use and understood the need for additional storage facilities.

Zoning Board of Appeals Application Attachments



To the south and south west, Rick Prigmore, owner of Prigmore's Alignment, uses the land behind his building and to the south of this lot for storing customer's vehicles as well as personal storage of his own vehicles



To the south east there are other leased garages



At the far east end there is a drainage ditch with no immediate neighbors.

## Zoning Bored of Appeals Application Attachments

At the west end, Prairie Ave and Mt Zion there is one home that also belongs to Rick Prigmore. This home and garage would block nearly all view of the proposed plan from Prairie Ave.



- C. Site plan is included with packet
- D. No business applications available
- E. As mentioned in above points, there is a strong need for more storage in our community. All neighboring facilities being at 100% capacity shows that we need more storage available to meet the needs of the community. I am proposing to build and maintain an attractive facility to address this need and to meet the City of Pueblo's requirements for architectural design. Many of the neighboring storage facilities have not met the current requirements for obscured fencing and have constructed steel buildings and or portable storage facilities to avoid these rules. I can assure you that my goal is to build and maintain a clean, attractive, code compliant facility to meet the needs of fellow Pueblo citizens.

Adam Felzien

3614 Marmot Ct

Pueblo, Colorado 81005

May 2, 2021

Pueblo Planning and Community Developing

211 E D St

Pueblo, Colorado 81003

To whom it may concern:

I am currently under contract to purchase the parcel number 1514200044. The purchase is contingent on the land being made available to be used outdoor storage. The parcel is currently zoned B-3, and I am requesting a special use permit. I have sectioned the property into two phases. The first phase will be outdoor storage, boat, camper, RV, automobiles etc. The second phase will be developed at a later time as funding becomes available and would include ministorage. I am aware that an additional special use request would be needed for phase 2, and that there are large costs associated with subdividing the property to make it ready to build on. That is why my plans have been amended and split into two phases.

I am looking forward to meeting the needs of our community and offering an additional and attractive storage facility on Pueblo's south side. If more information is needed please contact me.

Thank you for help in making my goals a reality!

Sincerely

Adam Felzien

[adam.felzien@gmail.com](mailto:adam.felzien@gmail.com)

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