

ZBA-19-20 Amendment

To: Zoning Board of Appeals
From: Chelsea Stromberg, Senior Planner
Through: Scott Hobson, Land Use Administrative Official
Location: **1347 E 4th Street**
Year Built: 1968
Legal Description: Lots 28 to 30 Inc Blk 151 Fletch Hill Sub + E 5ft of Lot 31
Applicant: **Lauro Esquivel**
Property Owner: LE Roofing LLC
Zone District: Subregional Business (B-2 Zone) District
Subject: **Amendment to the conditions of a Special Use Permit to allow a transparent fence to serve as the required screening.**

BACKGROUND

The applicants requested a zone change to a B-2 Zone District to facilitate development of a banquet hall with a special use permit for the property located at 1347 E. 4th Street. On August 14, 2019, The Planning and Zoning Commission voted to recommend approval of the zone change to the Pueblo City Council. On February 25, 2020 the Zoning Board of Appeals approved a Special Use Permit to allow a banquet hall in a sub-regional business district with the following conditions:

1. Six-foot opaque fencing along the west and north property lines must be approved by the City Department of Planning and Community Development and installed prior to the issuance of a business license.
2. A variance for a reduction in parking requirements must be approved prior to the issuance of a business license.
3. The refuse container must be screened per development standards.

The applicant submitted a sketch and description of a fence with horizontal wood planks in a steel frame in 2020 for approval that met the requirements, however, when inspected, the fence that was installed is a transparent fence with vertical wrought iron rails. The installed fence does not meet the code requirements for screening along the west and north property lines nor for screening the refuse container.

ZONING DISTRICT AND LAND USE

Sub-regional business (B-2 zone) district, the standards of this district are intended to provide areas for the sale and retail of convenience type goods and services required by residents of a subregion provided that the outlets

create no nuisance. Permitted uses include but are not limited to art galleries, catering services and instructional studios. Uses by review include but are not limited to auditoriums, banquet halls, and community centers. Conditional uses include bakeries, and restaurants.

The surrounding parcels are zoned; R-2 to the north, R-4 to the west, B-1 to the East and South, and B-2 to the Southeast.

COMPREHENSIVE PLAN

The Pueblo Regional Comprehensive Development Plan Urban Area Plan Map depicts Urban Mixed Use for the site (See Attachment E). Within the Urban Mixed Use, retail uses are emphasized on the first floor of all buildings to maintain a high activity level. Office and residential apartments are encouraged on the upper floors in multi-story buildings. Some higher-density, freestanding residential may also exist in this land use category. This proposed use is consistent with the comprehensive plan, as it supports pedestrian oriented development and provides a location for social gatherings for the neighboring residential areas.

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 Stormwater, Water Works, and Energy, and Telecommunications.

CONDITIONS REQUIRED FOR A SPECIAL 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.

- Affirmative Finding. The site will be accessed from

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.
 - Affirmative finding. Parking is sufficient for the revised occupancy.
3. Refuse and service areas, with reference to the items above.
 - Negative finding; The dumpster is enclosed by the perimeter wrought iron fence which does not properly screen the dumpster
4. Utilities, with reference to the location's availability and compatibility.
 - Affirmative finding.
5. Screening and buffering with reference to type, dimensions and character.
 - Negative finding; the screening that was installed does not meet the condition of being opaque, however, the fence, as-installed, does enhance the aesthetic of the property.
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.
 - Affirmative finding; any proposed signs will conform with standards.
7. Required yards and other open space.
 - Affirmative finding; 25' front is met, 5' side is met, 15' rear is not met however it is a legal non-conforming structure; constructed in 1968.
8. General compatibility with adjacent properties and other property in the district.
 - Affirmative finding; commercial B-1 to the East, Commercial B-1 to the south (gas station), Residences to the north and west. Supports neighborhood services by providing a venue for family gatherings and functions.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

Should the Zoning Board of Appeals find it appropriate to amend the conditions of ZBA-19-20, staff recommends the following condition:

1. The applicant must install wood planks or a similar opaque material on the portion of the fence surrounding the outdoor trash and storage area.

ATTACHMENTS

ZBA-19-20

- A. Standard Permit Conditions
- B. Location Map
- C. Site 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: June 22, 2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by June 22, 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. Location Map



Exhibit C. Site Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

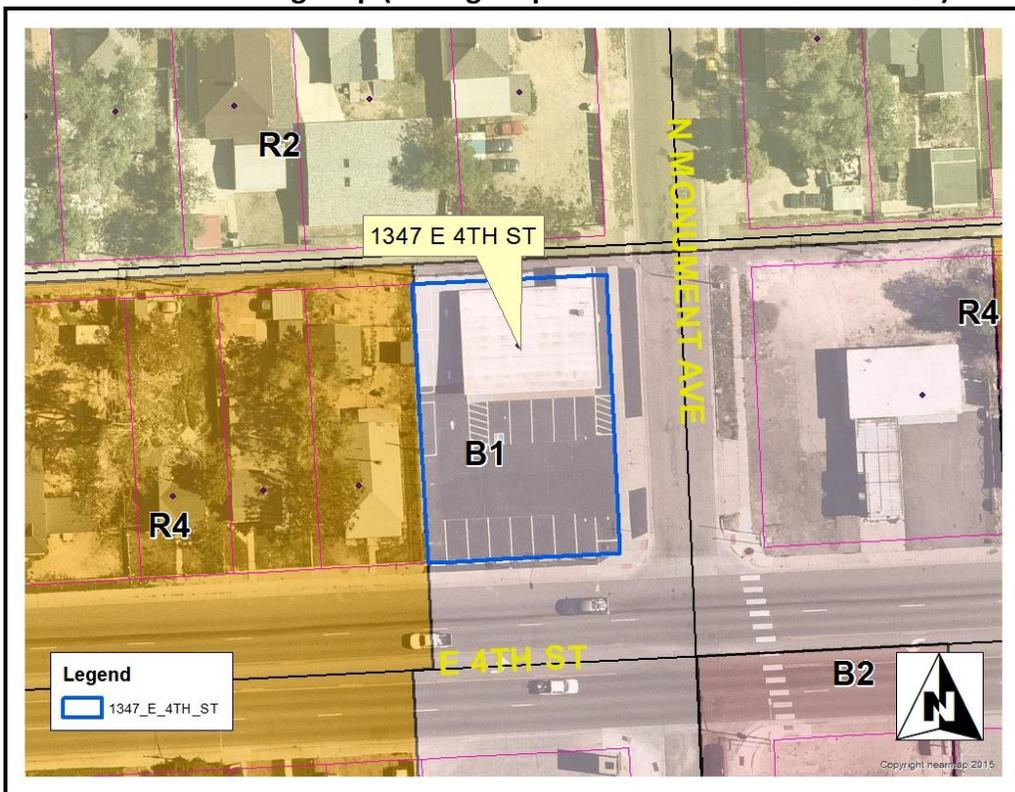


Exhibit E. Comprehensive Plan Map

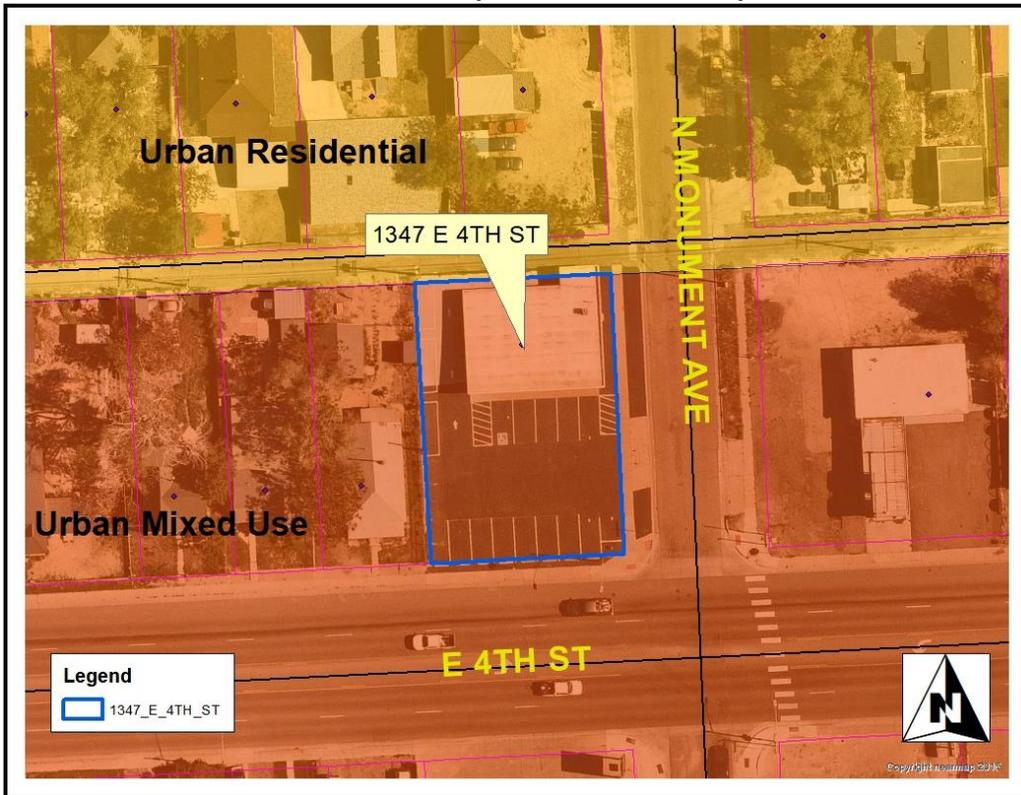


Exhibit F. Public Notice Photo



Exhibit F. Site Photographs





Exhibit G. Application



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: LE Roofing LLC	Name: Lauro Esquivel	
	Address: 2110 E. 4th Street	Company: LE Roofing LLC	
	City, State & Zip: Pueblo, CO 81001	Address: 2110 E. 4th Street	
	Phone: (719) 406-8623	City, State & Zip: Pueblo, CO 81001	
	Email: ddonohue@LERoofing.com	Phone: (719) 406-8623	Cell: (719) 671-3127
	Email:		
<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location:	1347 E. 4th Street, Pueblo, CO 81001-3905	
	Legal Description:	LOTS 28 TO 30 INC BLK 151 FLETCHER HILL SUB + E 5FT OF LOT 31	
	Parcel No:	432206019	Existing Zone:
	Property Size:	9600.00 Sq Ft	
Project Information	General Information		
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)		
	Special use permission to use existing one story building for banquet/event hall 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 checked="" 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: _____	

(Continue Next Page)

7/13

201902090

Exhibit I. Supporting Documents

FW: ZBA-19-20



Bartholomew Mikitowicz

To ddonohue@leroofing.comCc [Chelsea Stromberg](#)

Reply
 Reply All
 Forward
 ...

Wed 9/11/2019 2:07 PM



Good Afternoon,

We've received some comments from other city departments regarding your application for a special use permit. Please respond to the questions/comments below:

Wastewater Department:

1. Will there be a full kitchen in the banquet hall building or will all food be supplied by outside caterers?

City of Pueblo Transportation Department:

1. The site plan submitted doesn't look feasible. Please review the parking standards found in the Pueblo Municipal Code, at this link [Parking standards](#), and re-submit the site plan using the standard parking space dimensions of 9' x 18'. I've included a map of the site with dimensions from the county assessor. The white box is approximately the size of a standard parking space.
2. Given the occupancy you listed in your application of 100 people, according to our standards, you would need approximately 34 parking spaces. The Zoning Board has recently denied a similar application due to insufficient parking. Are you planning to have a parking agreement with a nearby property to supply enough parking? If so, please supply the location of that property and the length of the agreement.

Colorado Department of Transportation:

1. CDOT will require a new Access Permit for your driveway on 4th Street. The existing driveway may need to be modified or removed from 4th Street to be in compliance with the State Highway Access Code. Do you plan to keep the driveway off 4th Street or will you remove it to make room for more parking spaces?

Please feel free to contact us with any questions. We would be happy to meet with you over the phone or in person.

Bart I. Mikitowicz

Planner

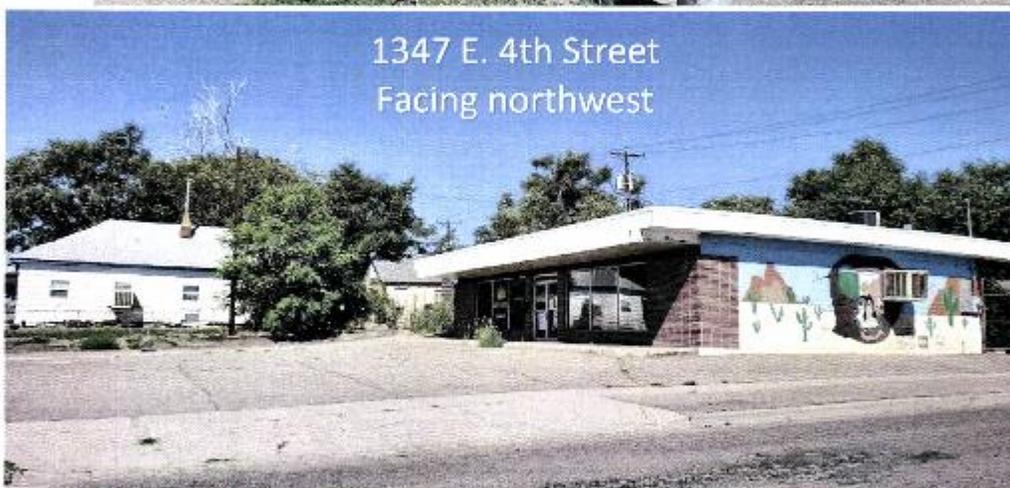
211 East D Street, Pueblo, CO 81003

P: (719) 553-2321 | M: (719) 569-2957 | F: (719) 553-2359

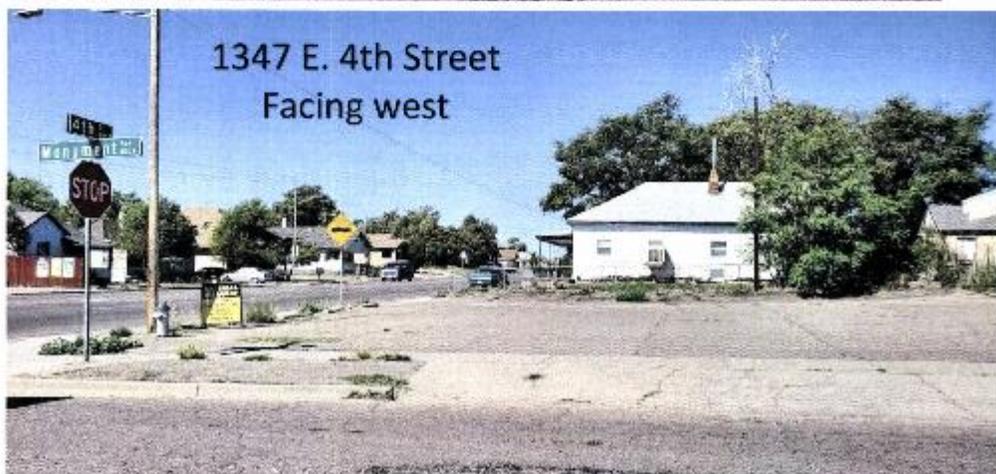
bmikitowicz@pueblo.us



1347 E. 4th Street
Facing north



1347 E. 4th Street
Facing northwest



1347 E. 4th Street
Facing west