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ZBA-21-17

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 6/22/2021
Request: **A Special Use Permit to allow a kennel (cattery) in a Central Business District (B-4) Zone**
Site Location: 760-818 Crane Ridge Dr, Pueblo, CO 81008
Legal Description: LOT 5 THROUGH LOT 11 BLK 2 COLLEGE ROAD SUBDIVISION 4TH FILING
Year Built:
Applicant: Jori Pollard
Property Owner: Leslie Biggs, Crane College Park LLC
Zone District: Central Business (B-4) Zone District

BACKGROUND AND ANALYSIS

760-818 Crane Ridge Dr. is seven lots of unimproved land totaling 175,173-sf. located in the College Road Subdivision, northwest of the I-25 and Hwy 50 interchange. The applicant is requesting a Special Use Permit to allow a kennel (cattery) in a Central Business District (B-4) Zone. As defined in Sect 17-2-2(77) a kennel is an establishment where domestic pets are bred, raised, trained, groomed and boarded. The keeping of more than four dogs and/or cats over the age of six months shall constitute a kennel or cattery. In accordance with 17-4-51(c)(77) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Special Use Permit in order to complete this project.

The proposed business is compatible with surrounding businesses, which are a tire and truck repair shop, indoor storage facility, two hotels, and an emergency pet hospital. Also, the site plan indicates all necessary easements for drainage and ingress/egress. The applicant states all utilities are available on the property and there is sufficient water and sewer accessibility to each lot. There will be multiple phases of development as noted on the site plan and improvements will be made to the property with the corresponding phases of development. This business is relocating from their current address at 2424 N Freeway Road where they have been located since 2008. They are being displaced due to proposed CDOT changes to the Hwy 50 E and I-25 interchange. The business is using this opportunity to expand and improve their facility while remaining in close proximity to their customers.

Planning Department staff has worked with the applicant and project manager closely on this submission, and they are aware of the requirements ahead of them if they choose to further develop the parcel. The neighboring hotels to the east side of the property are separated by a drainage easement, however both lots slope down into the easement and then rise to almost the same grade so the drainage easement will not be a sufficient noise buffer. In addition, at the time a building permit is issued, other public improvements may be required, such as sidewalks.

ZONING DISTRICT AND LAND USE

| Zone: | | Developed with: |
|-------|--------------------------------------|--|
| North | Central Business (B-4) Zone District | Undeveloped Lot, Electronics Store |
| East | Central Business (B-4) Zone District | Water Retention and Drainage Easement, Hotels, Veterinary Clinic |
| South | Central Business (B-4) Zone District | Self-Storage, Tire and Truck Repair Shop |
| West | Central Business (B-4) Zone District | Undeveloped Lot |

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. Within the Central Business (B-4) Zone District other uses by right include dog care facility, pet shop, child care center, and general school.

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 | Per email from Jawadi, “The Pueblo Code of Ordinance Sec 17-4-43- Off street parking for Non-Residential does not have parking space for Dog Sit Mean Sit facility. You can use Day care Center as a guideline Sub Article (3) , which close to Dog’s training facility. The Code requires 1 Parking space per employee, plus 2 parking spaces for 10 dogs, plus 1 parking space for every 10 additional Dogs. The Sub Article (6) says Retail uses in B-4 Zone districts shall provide with at least 1 parking space for 300 square feet of gross floor area.” |
| Pueblo Regional Building Department | No comment |
| Fire Department | As noted in the Development Plan Review meeting held June 16, 2021 the Fire Department requests access to the southern property line (which would be located behind the business) for emergency access. The applicant will need to provide rear access from the parking lot via a gate within the fencing so a fire apparatus can gain access, as well as maintaining a clear service road to the back of the property. |

| | |
|--------------------------------------|------------|
| 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 Crane Ridge Drive to both Club Manor Drive and Fortino Boulevard.

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 two separate parking lots; one in front of the proposed building for customers and another to the west side of the building for employees.

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

Comments: Affirmative finding. The plans indicated that there will be a dumpster placed near the parking lot and enclosed in a six (6') foot gated fence. The applicant also states the grounds will be maintained throughout the day and kept sanitary for the safety of the animals based on state regulations.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.

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

Comments: Affirmative finding. The site plan indicates necessary screening and buffering. In addition, Planning is recommending an opaque fence on the east property line of lots seven and eight to buffer from the hotels across the drainage easement since they are on the same grade.

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-4 Zone District Sign Regulations

7. Required yards and other open space.

Comments: Affirmative finding. Since the applicant is purchasing seven parcels there is ample room to build their new building, have off street parking, and have open space. The B-4 Zone District does not require setbacks if the proposed business is adjacent to commercial, this property meets this requirement.

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

Comments: Affirmative finding. Lots are surrounded by B-4 zone districts as well.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 as well as:

- A. Fencing around the entire property to ensure the safety of dogs, clients, staff, pedestrians, and vehicular traffic.

- B. Opaque fence along the east side property line from lots seven to eight to deter training and kennel noise to surrounding businesses. As stated in Sect 17-4-49(d)(1), "Chain link fencing, with or without screening attachments, is not an acceptable screening mechanism along primary facades. Chain link fencing may be used for screening or security purposes along secondary facades, as long as the fence is set back from the right-of-way and is not visually obtrusive."
- C. Maintain appropriate hours of operation. Applicant states normal business hours are 7am – 6pm Monday-Friday, Saturday from 9am - 4pm, and Sunday from 3pm – 5pm.

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: 6/22/2021 | |
|---|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/22/2022 |
| 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. Site Map

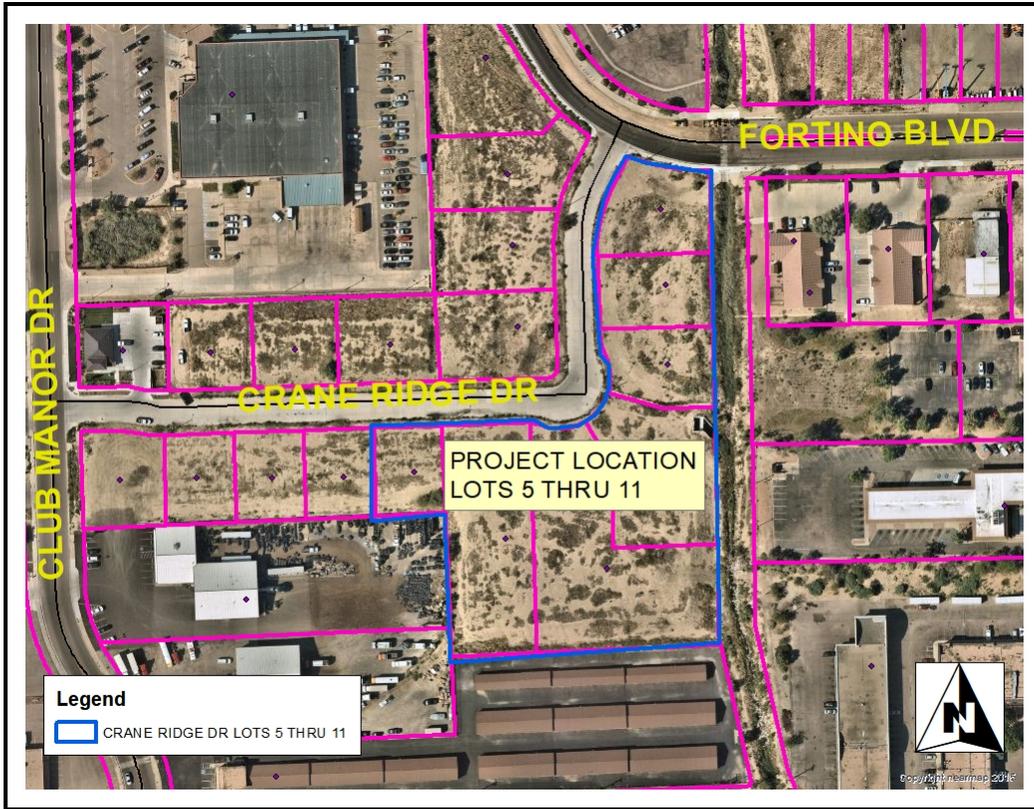


Exhibit C. Aerial Map

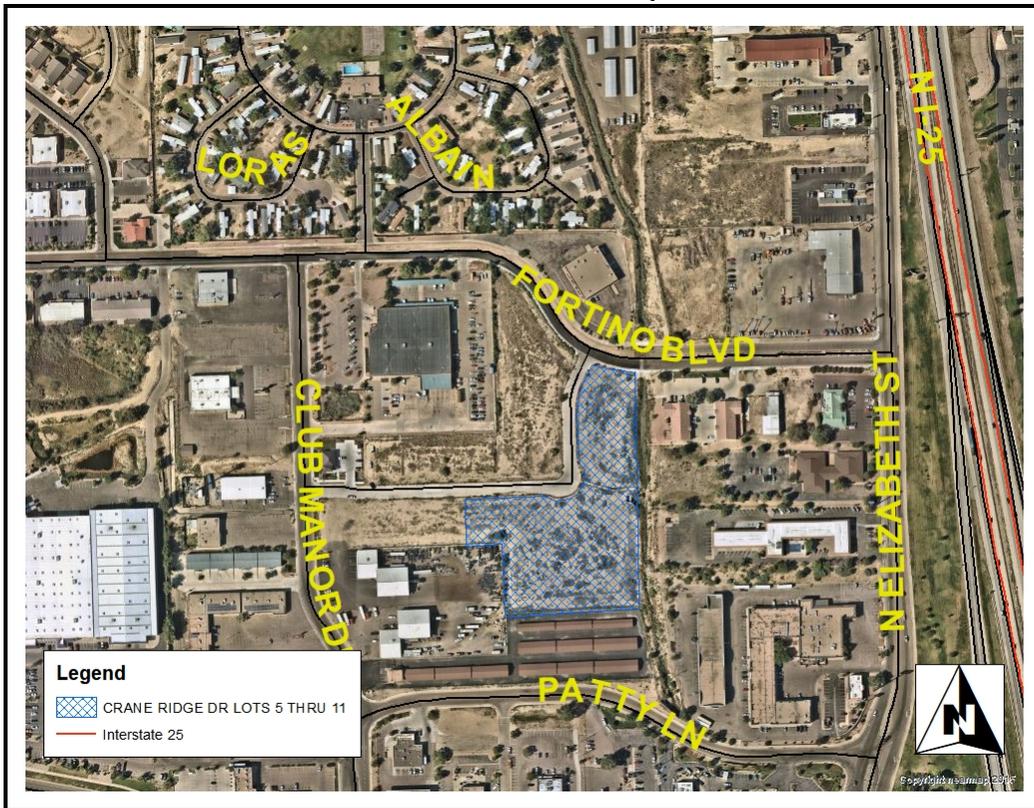


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

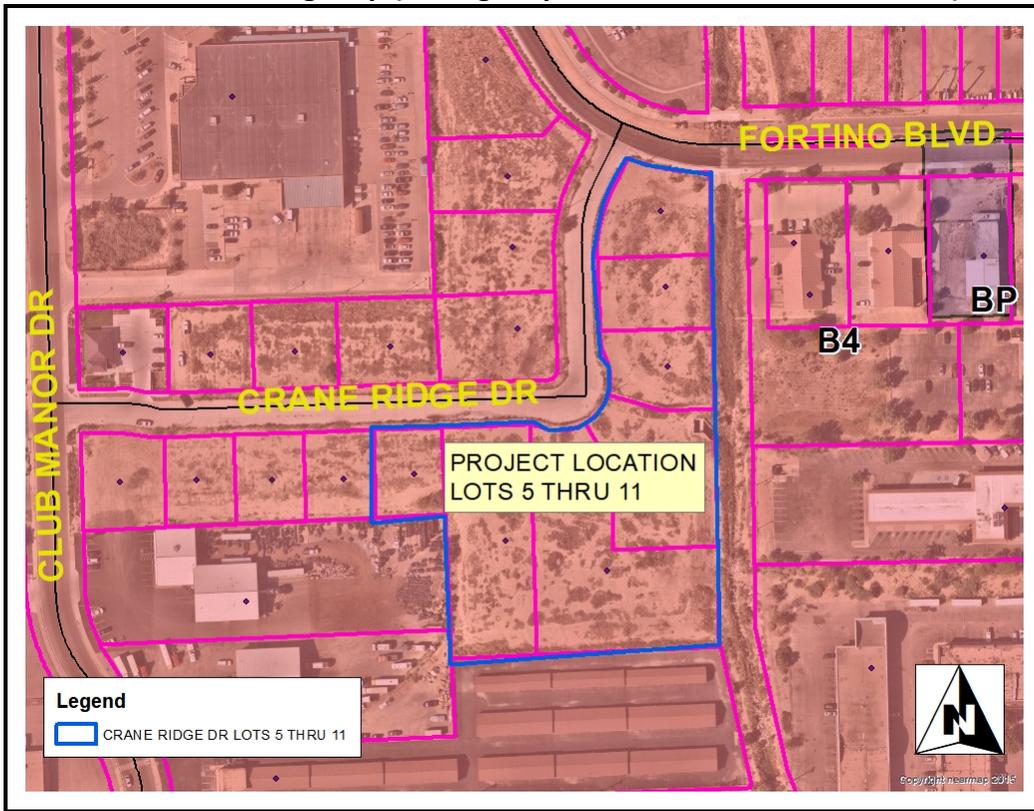


Exhibit E. Comprehensive Plan Map

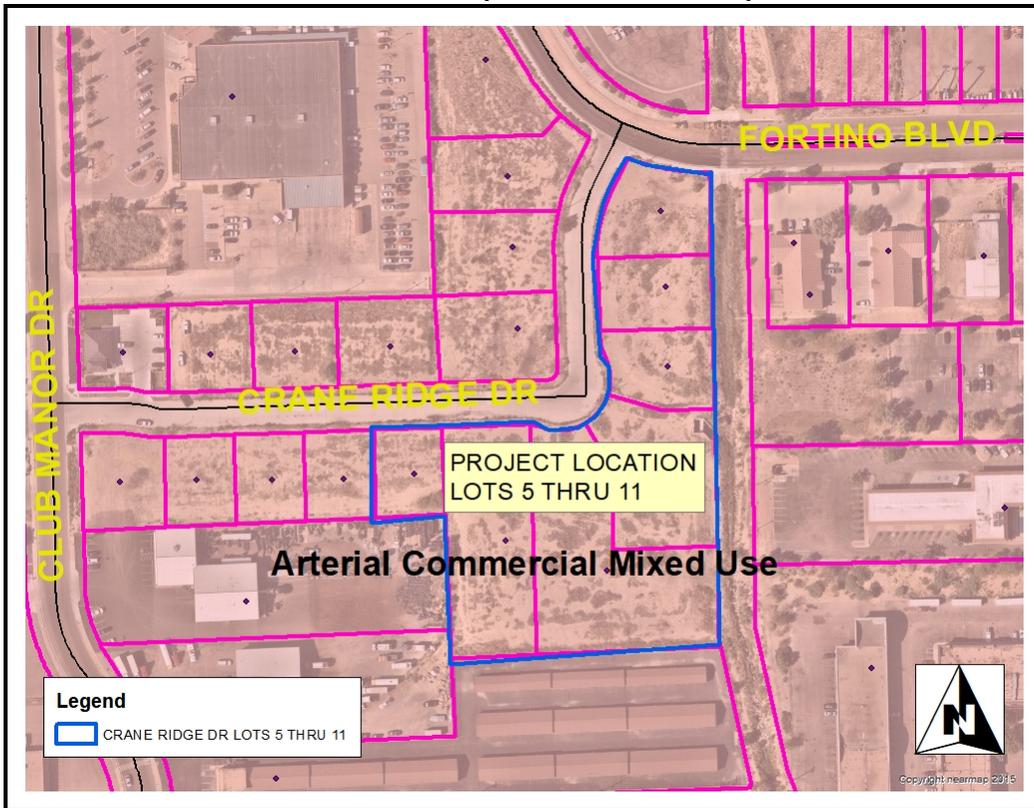


Exhibit F. Public Notice



All photos taken from Crane Ridge Drive



Exhibit G. Site Photos



Photo taken from Crane Ridge Dr looking east.



Photo taken from lot #8 looking east.



Photo taken from lot #8 looking southeast.



Photo taken from lot #8 looking southeast.



Photo taken from lot #8 looking south.

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 #:

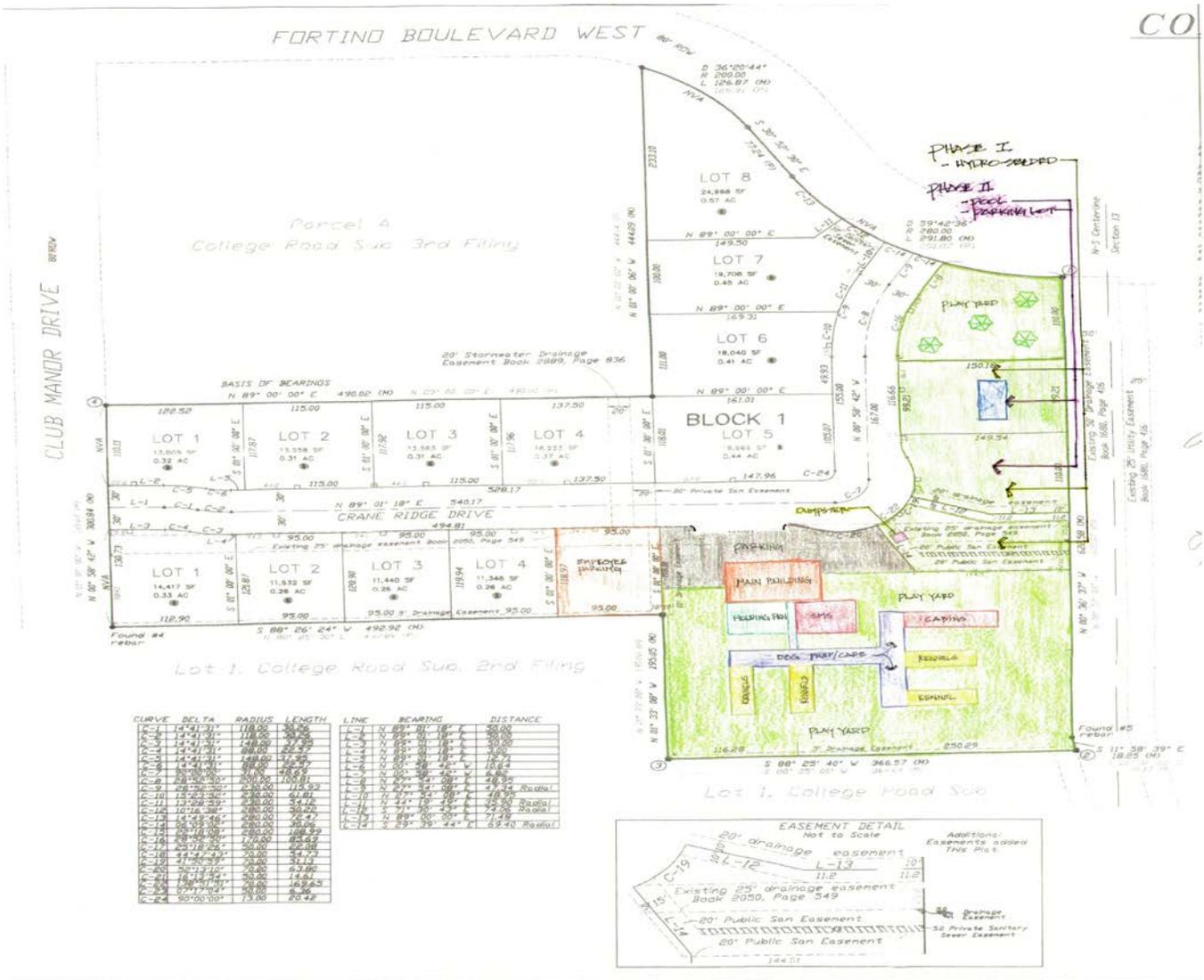
| | | | | |
|--|--|--------------------------------------|--|-----------------------------|
| Contact Info | Property Owner: | | Applicant (if different from property owner): | |
| | Name: <i>Crane College Park LLC</i> | | Name: <i>Joni Pollard</i> | |
| | Address: <i>1821-A Fortino Blvd.</i> | | Company: <i>A Courtney Canine Training CO LLC</i> | |
| | City, State & Zip: <i>Pueblo CO 81008</i> | | Address: <i>2424 N. Freeway</i> | |
| | Phone: () | | City, State & Zip: <i>Pueblo CO 81003</i> | |
| | Email: | | Phone: () | Cell: <i>(719) 240-2043</i> |
| | | Email: <i>joanipollard@gmail.com</i> | | |
| <i>The applicant will be the primary contact unless otherwise noted.</i> | | | | |
| Property Info | Project Location: <i>TBD Crane Ridge Dr. Pueblo 81008</i> | | | |
| | Legal Description: <i>lots 5, 6, 7, 8, 9, 10, 11 Block 2 College Rd subdivision 24th filling</i> | | | |
| | Parcel No: | Existing Zone: <i>B-7</i> | | |
| Property Size: <i>3.94 acre</i> | | | | |
| Project Information | General Information | | | |
| | Provide a short description of the proposed request: (separate narrative as Attachment A also required) | | | |
| | <i>request a special use permit to allow a kennel training facility to replace/rebuild the facility on Freeway due to highway construction. This new facility will provide expansion</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 checked="" type="checkbox"/> Other: <i>Kennel, Dog training facility</i> | | | | |
| <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)
10/2019

| | |
|---|---|
| Attachment Checklist: | |
| Attachments | 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 checked="" 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 checked="" 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) |
| | 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. |
| Signatures | Property Owner |
| | Print Name: <u>Lislie Diggs</u> |
| | Signature: <u>[Signature]</u> Date: <u>6/1/21</u> |
| | Applicant, if different from Property Owner |
| Print Name: <u>Joni E. Pollard</u> | |
| Signature: <u>[Signature]</u> Date: <u>6/1/2021</u> | |

| | | |
|------------------------|--|--|
| 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



Attachment A

A Country Canine Training Company was established in 2008. Since that time the company has grown from a small 3-person operation to one that employs 34 staff members.

Our facility at 2424 N Freeway started as a dilapidated eyesore of Pueblo and is now a viable thriving business that provides a necessary service to our community.

The company/facility is faced with relocating due to the highway expansion.

The zoning in the city requires kennels to be in an industrial area. The choices are slim for the company to relocate to another industrial zone within the city limits.

We have found property on Crane's Ridge. It is zoned B-4. If the city would allow us to relocate to this area it would give us the opportunity to expand and improve on our facility.

We feel this area would not be adversely affected for the following reasons:

We are purchasing a large parcel of land to allow for open space.

The surrounding business area has a large presence of industrial currently.

The location is within the city limits. This will allow us to continue to provide service to our clients and meet the needs of their pets.

We are not going to impact the traffic as the area has traffic lights close by and the road is accessible two directions.

There is no residential area in the near vicinity.

We will be building an aesthetically pleasing environment for the clients both two and four legged.

It is necessary to the success of our business to remain in the city limits, many of our clients use our services daily for daycare. We need to be in a convenient location to meet our customers' needs.

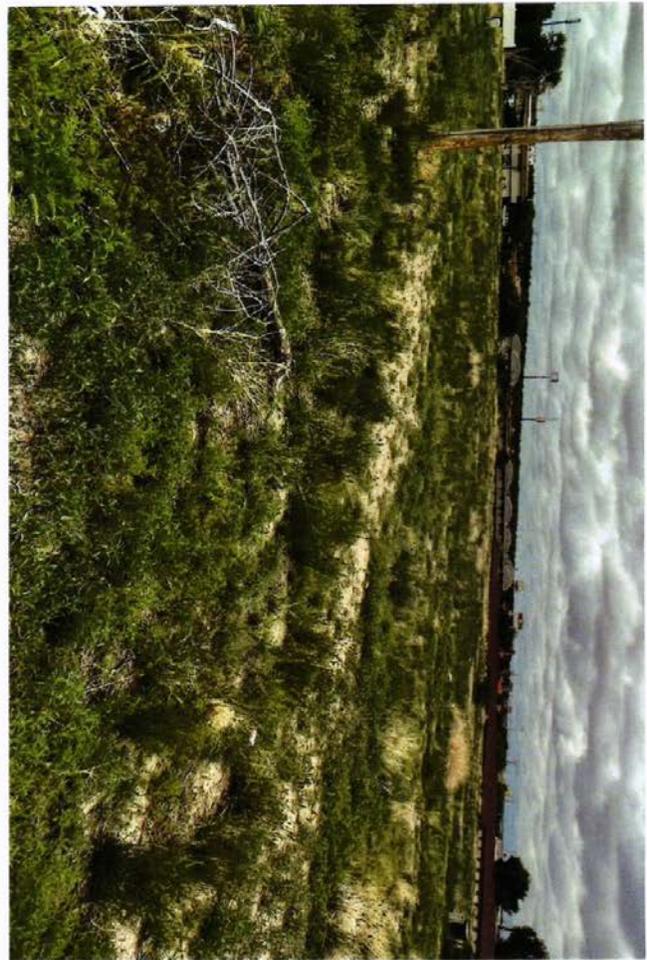
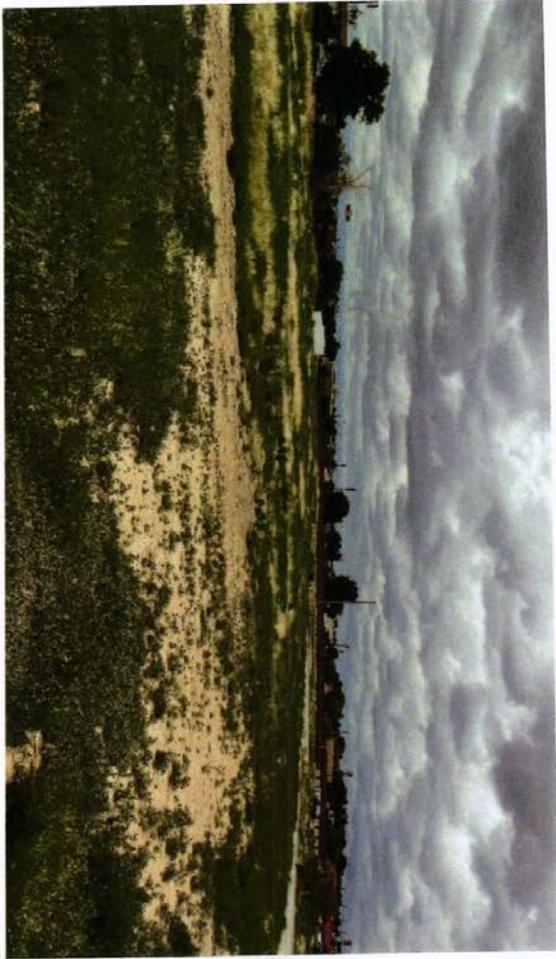
All dogs are inside the building after 6 pm Monday- Friday, after 4 pm on Saturday, and by 5 pm on Sunday.

Attachment B

- A). Ingress and egress to the property will be primarily in one main area. We will have parking including handicapped in the front of the main building. The parking area will be large enough to allow cars turn to enter directly into the street. The parking lot will be light to provide pedestrian safety.
Employee parking will be on lot 5 accessible by the main access.
There are fire hydrants in place in case of fire.
The street is a two-lane road with two ways in and out.
- B). The employee parking will be off street. The parking area will be sufficient for our clients with no on street parking.
- C). The dumpster will be enclosed in a 6ft. gated fence. The grounds are maintained throughout the day, kept sanitary for the safety of the animals per the state regulations.
- D). The infrastructure for the development is complete per the realtor including all utilities. There is sufficient water and sewer accessibility for each lot.
- E). The land size will allow open space to buffer and a landscape plan will be in place to provide an attractive area for the customers and animals. The property will be fenced for the safety of the animals.
- F). The facility will install a sign per code requirements. If a light sign is on the building it will not cause any interference with drivers.
- G). We will have ample open space for the dogs to be out and able to play. We have a proposed private dog park on lot 11 that will include shade trees, open play space, dog obstacles.
- H). This proposed development is currently vacant except for one dispensary. The adjacent businesses on the south side are industrial in nature. The properties on the northeast side are separated by a drainage/retention area.
If the kennel is allowed in this area, we feel it will provide a positive presence in this area. It will beautify the land from its current state and will have a park like atmosphere. The hours of operation are from 7am-6pm Monday through Friday. Saturday from 9-4 and Sunday is limited. All dogs are inside after 6 pm.

Proposed Site Images

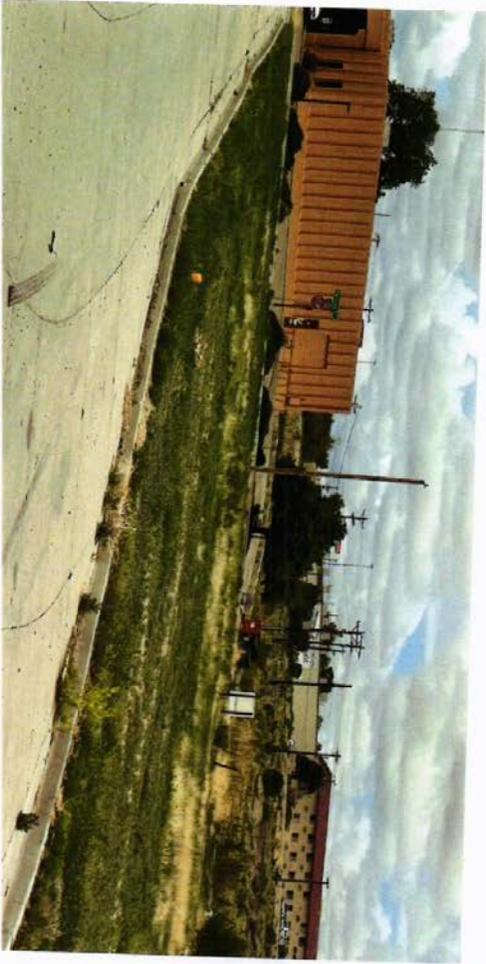












Existing Site Images

