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Georgia Way

ZBA-21-18

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 for a single-family residence in a Subregional Business (B-2) Zone District**
Site Location: 504 Avocado St, Pueblo, CO 81005
Legal Description: S 137.3 FT OF N 156.3 FT EXC E 75 FT OF LOT 1 BLK 1 W D B LAND CO SUB NO
Year Built:
Applicant: Grant Hall
Property Owner: Richard Barra
Zone District: Subregional Business (B-2) Zone District

BACKGROUND AND ANALYSIS

504 Avocado St is a 10,306-sf. unimproved lot built in the W D B Land Co Subdivision, to the west of Elmwood Golf Course. The applicant is requesting a Special Use Permit for a single-family residence in a Subregional Business (B-2) Zone District. In accordance with 17-4-51(c)(128)(d) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Special Use Permit in order to complete this project.

The proposed lot is currently undeveloped, and utilities are available to connect to the property. Applicant must meet all minimum setbacks, off street parking, ingress/egress, and refuse requirements, which they plan to do. The applicant plans to erect a single-family residence on the property with access from Avocado. The Planning Department felt it was best to request a special use permit and not rezone the property because the residences to the east and south are also located in the same B-2 Zone District. Also, future land use designation would still allow for a business on the arterial highway in the future shall conditions change.

Planning Department staff has worked with applicant on this submission, and they are aware of the requirement ahead of them if they choose to further develop the parcel. If this special use permit is approved the applicant will then have to submit a Single-Family Housing Application to the Planning Department for additional review and approval before the home can be constructed on the property. Also, the Planning Department is recommending landscaping along the northern property line facing Thatcher Ave. Thatcher Ave is a designated scenic byway and we want to preserve the visual aesthetics.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) Zone District	Thatcher Avenue
East	Subregional Business (B-2) Zone District	Single Family Residence
South	Subregional Business (B-2) Zone District	Single Family Residence
West	Highway & Arterial Business (B-3) Zone District	Outdoor Storage Facility

COMPREHENSIVE PLAN

The comprehensive plan depicts this parcel as a Special Development Area. These are areas where there appear to be multiple possibilities for development as well as significant care to be taken with the development. These areas are undeveloped lands with significant development and/or open space potential in strategic locations that suggest the need for careful, location-specific plans for infrastructure and private development. The neighbors to the east and south are also legal non-conforming single-family residences in commercial zones. Therefore, adding another residential use is compatible with the existing neighborhood.

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 adequate access off Avocado St. onto the southwest corner of the property. This is the ideal location for a driveway as it is removed from the Avocado and Thatcher intersection. There is no foreseen impediment to traffic or pedestrian safety for ingress and egress. There is adequate access to the property in case emergency services are required.

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. Based on applicant's site plan parking will be located on driveway and will not have any negative impact on neighboring properties. The applicant must adhere to Sect. 17-4-42(a) single family residential off-street parking requirements.

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

Comments: Affirmative finding. The site plans indicated that there will be a trash refuse container on the back property line and will not negatively impact any neighboring properties.

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

Comments: Affirmative finding. All utilities (gas, sewer, water, and electric) are available at the property.

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

Comments: Affirmative finding. The site plan indicates necessary screening and buffering. There is already six foot (6') opaque fencing to the east and south of the property from the existing single-family residences.

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. Not applicable since this will be a residence.

7. Required yards and other open space.

Comments: Affirmative finding. Site plans indicate that all required setbacks will be met. In addition, the applicant states that the front twenty-five (25') feet of the lot will be landscaped.

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

Comments: Neutral finding. To the west of the property is a business called "Relaxed Clarity." Based on their website they have been operational since 2009 and provide medical cannabis education and certification. Also, located to the west of the property is an outdoor-storage unit. To the north of the property is Thatcher Ave. The east and south lots both have single family homes 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. Recommended landscaping along the front edge of Thatcher Ave to include a minimum of three shade trees.**

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

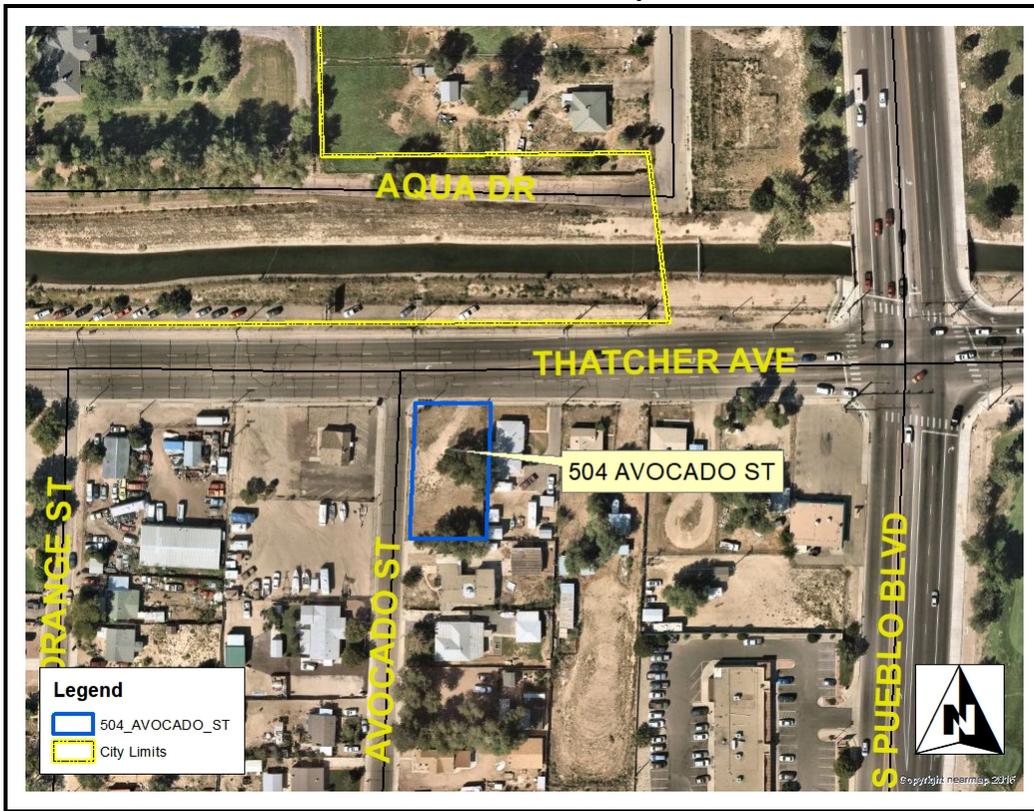


Exhibit C. Aerial Map

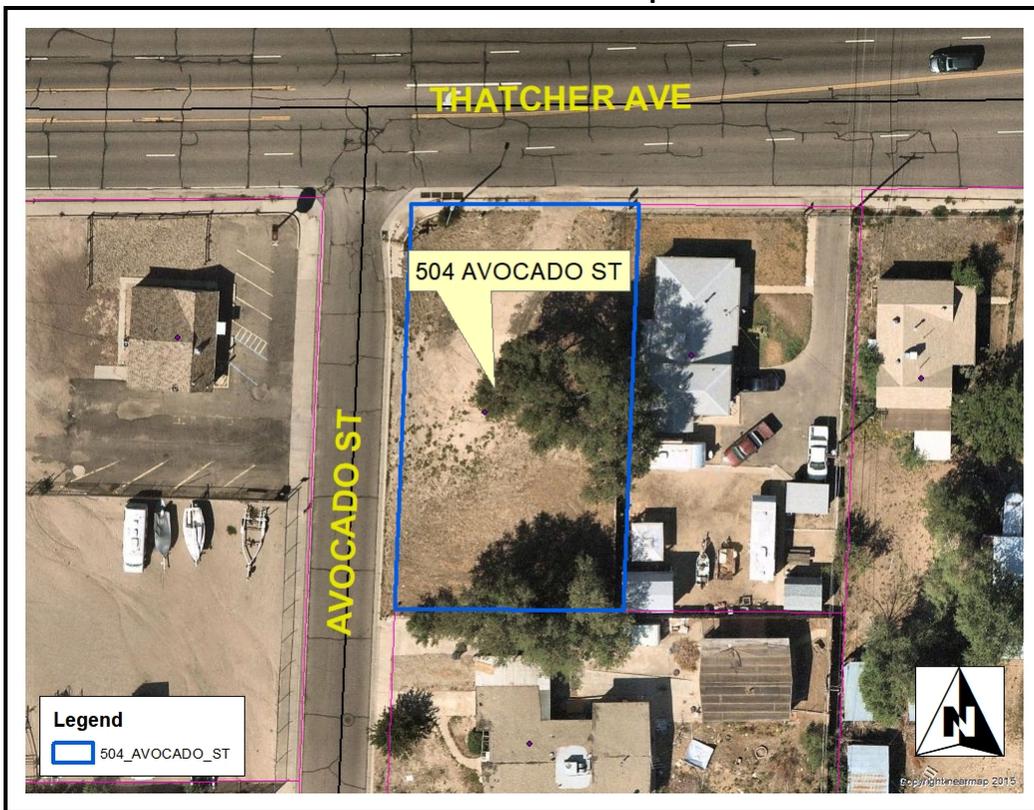


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

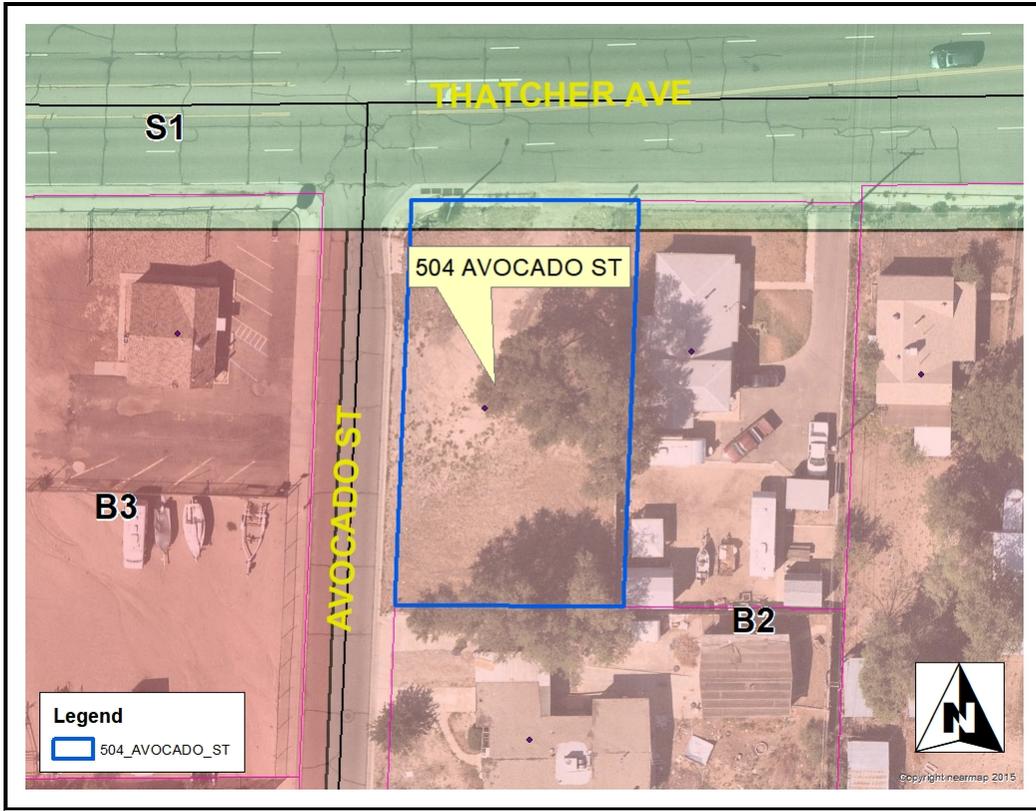


Exhibit E. Comprehensive Plan Map

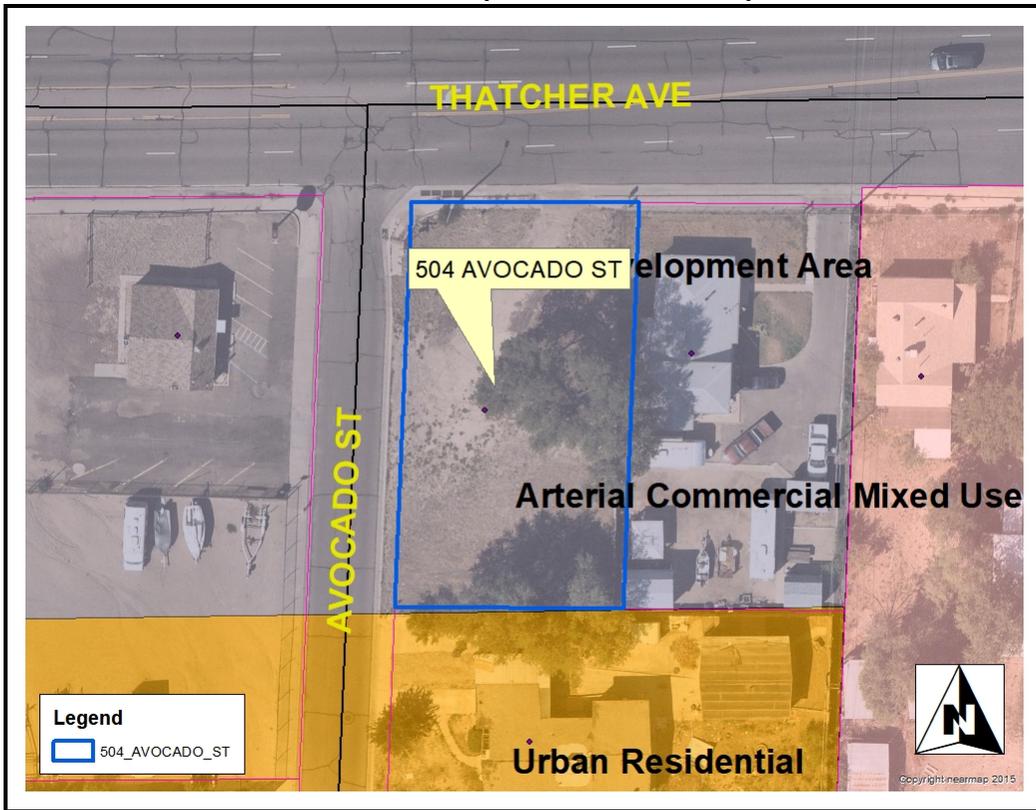


Exhibit F. Public Notice



Taken from Thatcher facing south.

Exhibit G. Site Photos



Taken from Avocado facing southeast.



Taken from Thatcher facing south.



Taken from Avocado facing east.



Taken from Avocado facing west.



Taken from Avocado facing west.



Taken from Avocado facing north.

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

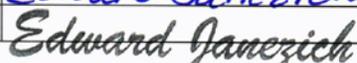
Zoning Board of Appeals Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

Contact Info	Property Owner:		Applicant (if different from property owner):	
	Name: <i>Barra, Richard A</i>		Name: <i>Grant Hall</i>	
	Address: <i>1510 LaSalle Rd</i>		Company: <i>Better By Designs</i>	
	City, State & Zip: <i>Pueblo, Co 81006</i>		Address: <i>1314 E Farnow</i>	
	Phone: <i>(719) 281-4353</i>		City, State & Zip: <i>Pueblo, Co 81001</i>	
	Email: <i>nicole@tbcpueblo.com</i>		Phone: <i>(719) 281 4353</i>	Cell: ()
	Email: <i>nicole@tbcpueblo.com</i>			
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: <i>504 Avocado Street</i>			
	Legal Description: <i>S137.3FT or N156.3FT EXC E 75FT or Lot 1 B1K1 WDB Land Co Sub No 1</i>			
	Parcel No: <i>1504101001</i>		Existing Zone: <i>B-2</i>	
	Property Size: <i>75' x 137.5'</i>			
Project Information	General Information			
	Provide a short description of the proposed request: <i>Install 3FR</i>			
	What is the general use of the property: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Multi-Family <input type="checkbox"/> Other _____			
	Scope of work: <input 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>Convert to RS Residence, one family in a 32</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: _____			

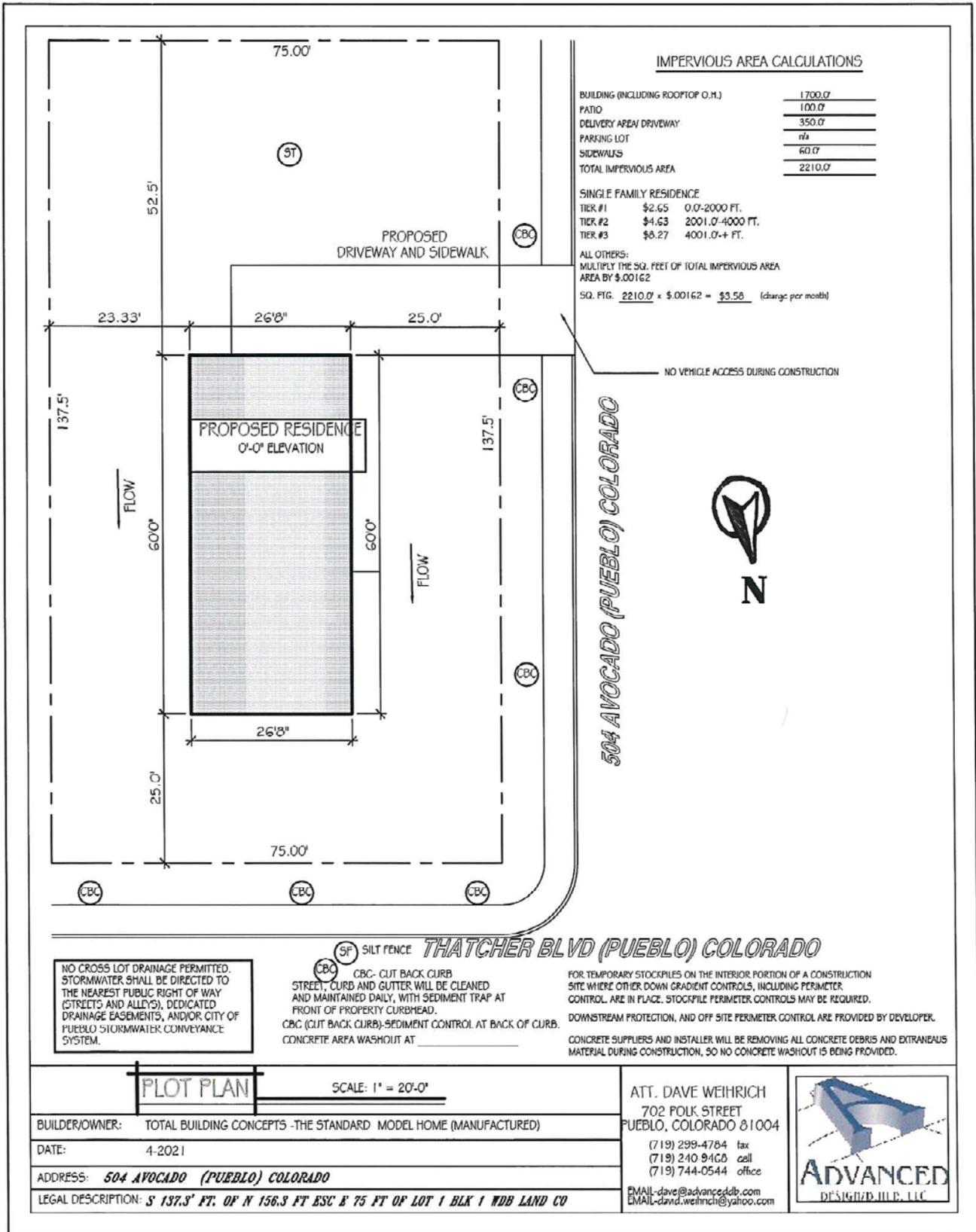
06/2020

(Continue Next Page)(Continued from Page 1)

Attachments	Attachment Checklist:	
	The following list of attachments are required to accompany all applications: <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:	
	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:	Richard Barra
	Signature:	
	Date:	05/26/21
Signatures	Applicant, if different from Property Owner	
	Print Name:	Edward Janezich
	Signature:	
	Date:	05/11/21

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 #:	

Exhibit I. Supporting Documents



,00000

\$22,789

No Photo Available



OVERVIEW

KEY INFORMATION

Owner	BARRA RICHARD A		
Mailing Address	3221 N ELIZABETH ST LOT 26 81006-1165 PUEBLO CO		
Legal	S 137.3 FT OF N 156.3 FT EXC E 75 FT OF LOT 1 BLK 1 W D B LAND CO SUB NO 1		
Neighborhood	118 - GOODNIGHT SCH,CHERRY LN	Class	-
Township	-	Range	-
Section	-	Subdivision	118 GOODNIGHT SCH + CHERRY LN
Tax District	60B		
Analysis Area	0.00		

VALUE INFORMATION

	VALUE	ASSESSED
LAND	\$22,789	\$6,610

IMPROVEMENTS

No data to display

LAND DETAILS

#	AREA	DEPTH	UNIT	ACREAGE	SQUARE FOOTAGE	CLASS	VALUE
1	0	0.00	1.00	0.24	10306.00	Residential	\$22,789

TRANSFER HISTORY

To Whom it May Concern:

Our proposed project is to place a Manufactured home on the lot located at 504 Avacado (Parcel No 1504101001). Currently it is zoned as B-2. We would like to convert this lot to R-5. There will be two parking spaces for the lot located in the driveway as indicated on the sight plan. I have attached the sight plan for your reference.

Thank you,

Better By Designs

To Whom it May Concern:

Our proposed project is to place a Manufactured home on the lot located at 504 Avocado (parcel no 1504101001). Currently it is zoned as B-2 and we would like a special use permit to place a single family residence on this lot. There will be two parking spaces for the lot located in the driveway as indicated on the sight plan. I have attached the sight plan for your reference.

Justification of facts:

- A. (Access) 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: **Vehicle access is off Avocado Street**
- B. Off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, flare or odor effects of the use by review on adjoining properties and properties generally in the district: **No off street parking**
- C. Refuse and service areas, with particular reference to the items in Subsections a and b above: **North 15ft of the back property line**
- D. Utilities, with reference to the location's availability and compatibility: **all utilities are available (gas, water, sewer, and electric)**
- E. **N/A**
- F. **N/A**
- G. Required yards and other open space: **Front 25ft of the lot will be landscaped**
- H. General compatibility with adjacent properties and other property in the district: **There are houses on the adjacent properties**

Thank you,

Better By Designs