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ZBA-21-23

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 8/24/2021
Request: **A Special Use Permit to allow a Storage Facility, self-storage in a Highway and Arterial Business (B-3) Zone District.**
Site Location: 4625 N. Elizabeth St., Pueblo CO 81008
Legal Description: LOT 4 BLK 1 EAGLECROSS SUB FORMERLY
Year Built:
Applicant: Brett Rogers, Rogers Construction
Property Owner: Pueblo Development Inc.
Zone District: Highway and Arterial Business (B-3) Zone District

BACKGROUND AND ANALYSIS

4625 N. Elizabeth St., Pueblo CO 81008 is a 132,191-sf. undeveloped lot located in the Eaglecross Subdivision, along the southwest of the Eagleridge Blvd. and Elizabeth St. interchange. The applicant is requesting a Special Use Permit to allow a Storage Facility, self-storage in a Highway and Arterial Business (B-3) Zone District. In accordance with 17-4-51(c)(141)b. of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Special Use Permit in order to complete this project.

This parcel type is what is called a flag lot. The Parcel's access to N Elizabeth St is created through a narrow strip of land (the pole) that connects the road with the larger parcel located behind existing businesses. The subject site cannot be easily seen from either N. Elizabeth St or Eagleridge Blvd.

On July 25, 2017, the applicant was granted a one-year extension to a Special Use Permit to allow for self-storage facility at 4625 N. Elizabeth St. which expired August 23, 2019. Currently the applicant requesting a new Special Use Permit for the same project. Since the previous permit has expired the code requires them to reapply before moving forward with the project.

The site plan is the same as the previous approved plans which include the construction of a small office, six rectangular storage buildings, and a large detention pond found in the southwest corner of the property.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial Business (B-3) district	Starbucks Coffee Shop and Sunset Educational Credit Union
East	Highway and Arterial Business (B-3) district	Econo Lodge Motel
South	Multiple Residential and Office (R-5) District	Undeveloped Land
West	Government Use (S-1) Districts	Humane Society of the Pikes Peak Region

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. There is one curb cut to North Elizabeth Street, which creates shared access for ingress and egress to the site.

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 plans show the required three (3) off-street parking spots. Sec. 17-4-43 (b) (15)

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

Comments: Affirmative finding. All refuse will be collected and maintained on-site, with the whole site enclosed by a six-foot fence. The fence will need to be opaque along the southern property boundary.

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

Comments: Neutral finding. During the building permit process all commercial development standards will apply, which include provisions for utilities, landscaping, drainage, screening and buffering etc.

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

Affirmative finding. The southern property line, adjacent to the R-5 zone district must be enclosed with a six (6') foot opaque fence uniform in construction, and adequately maintained.

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: Neutral Finding; any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code. Currently the applicant hasn't proposed any signage, and because of the site's constraints placing a pole of monument sign may be challenging.

7. Required yards and other open space.

Comment: Affirmative finding. The applicant must comply with required yards during the building permit process.

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

Comments: Affirmative finding. The self-storage facility would be placed behind other businesses that front public streets. There are undeveloped residential lots to the south of the subject site, however screening and buffering requirements would mitigate any negative externalities created by this use.

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:

STAFF CONDITIONS:

1. Due to the proximity to existing lodging and future residential uses, the hours of operation shall be limited to between 7:00 AM and 8:00 PM Daily.
2. The southern property boundary of the site must be enclosed along the property lines with a six foot (6') opaque fence uniform in construction, and adequately maintained.

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: 8/24/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/24/2022
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)

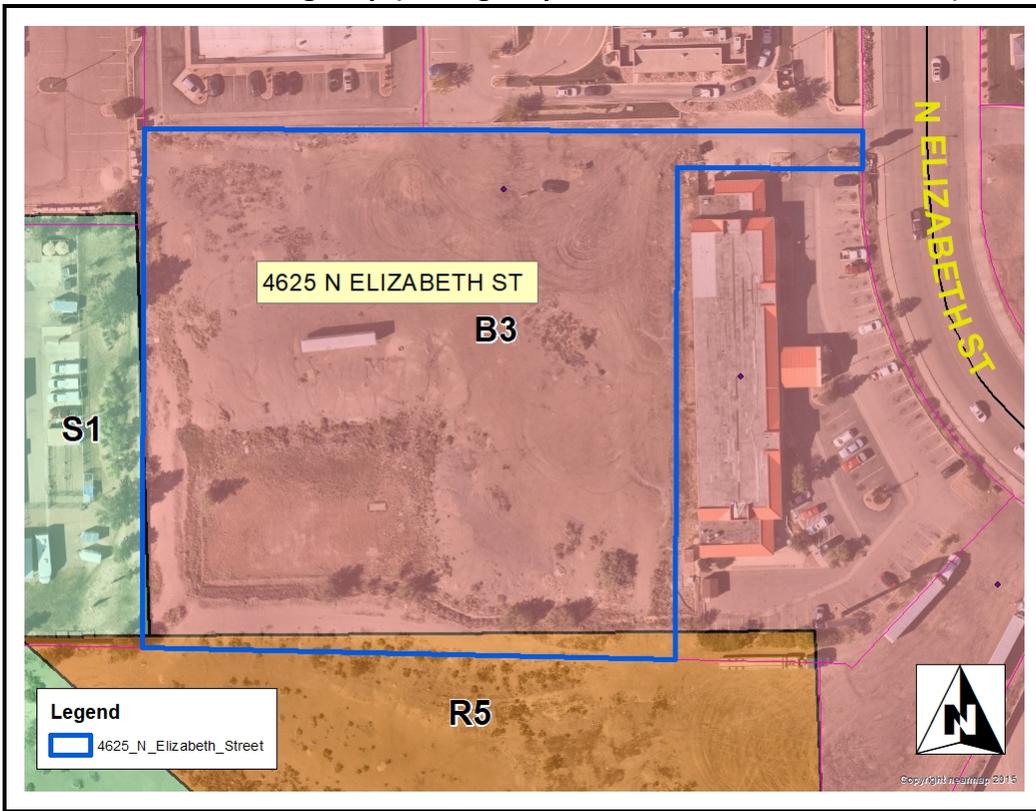


Exhibit E. Comprehensive Plan Map

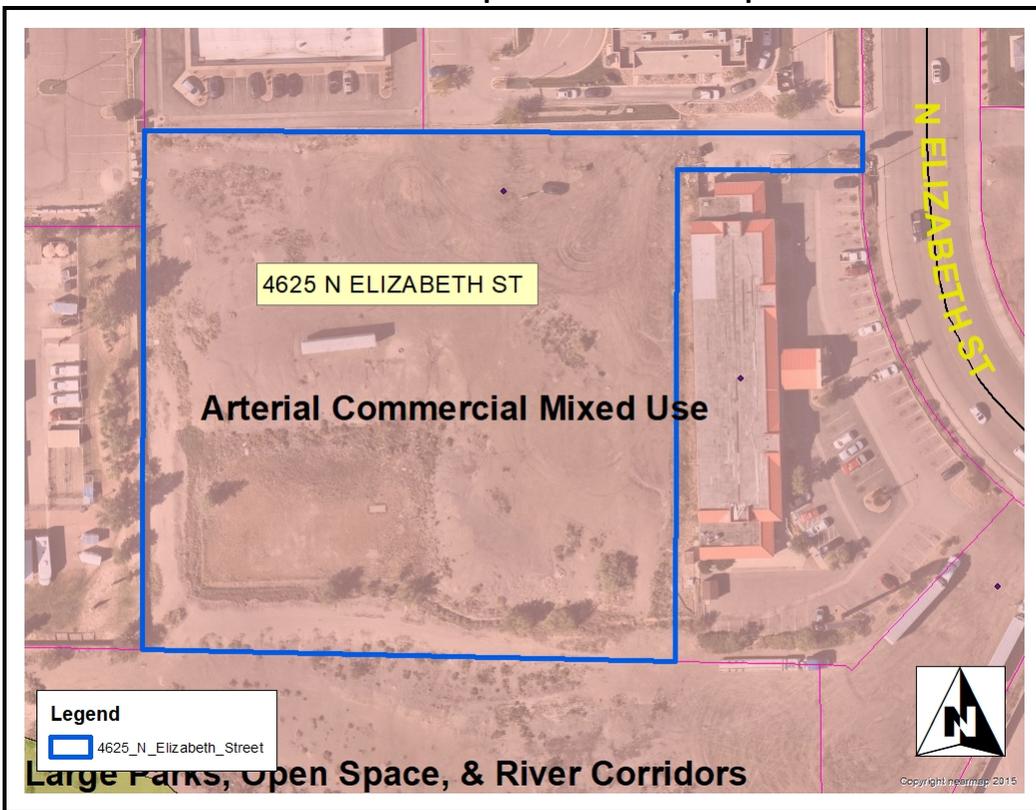


Exhibit F. Public Notice



Exhibit G. Site Photos



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 #:

Property Owner:		Applicant (if different from property owner):	
Contact Info	Name: PUEBLO DEVELOPMENT INC.	Name: Brett Rogers	
	Address: 1614 WEATHERBY LANE	Company: ROGERS CONSTRUCTION	
	City, State & Zip: PUEBLO, CO 81008	Address: 1158 Knotty Pine LN.	
	Phone: (719) 250-8635	City, State & Zip: Pueblo West, CO 81007	
	Email: NSADANANI@YAHOO.COM	Phone: 719 671-3210 Cell: ()	
		Email: BRogers811@gmail.com	
<i>The applicant will be the primary contact unless otherwise noted.</i>			
Property Info	Project Location: 4625 N. ELIZABETH ST.		
	Legal Description: LOT 4, BLK 1 EAGLE CROSS SUB.		
	Parcel No: 512318004	Existing Zone:	
	Property Size: 132191 SQ FT.		
Project Information	General Information		
	Provide a short description of the proposed request (SEE ATTACHMENT A) (separate narrative as Attachment A also required)		
	SELF STORAGE UNITS. APPROX 300 UNITS. REQUEST A SPECIAL USE PERMIT TO ALLOW A SELF STORAGE FACILITY AND OFFICE IN A HWY AND ARTERIAL BUSINESS ZONE DISTRICT (B-3) APPLICATION LAST APPROVED JULY 25, 2017		
	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: _____			

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10/2019

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Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <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:	
	<ol style="list-style-type: none"> 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:	PUEBLO DEVELOPMENT INC
	Signature:	Date:
	Applicant, if different from Property Owner	
Print Name:	Brett Rogers	
Signature:	Date: 7/30/21	

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 #:	

July 30, 2021

**Pueblo Zoning Board of Appeals
211 East D St.
Pueblo, CO**

Attachment " A "

Detailed explanation and justification of facts.

Use By Review Justification of parcel # 512318004,

Legal: Lot 4, Block 1 Eaglecross sub.

To whom it may concern

We are writing this letter to request permission to build a self storage facility in the above referenced property. Permission was formally granted for this request on July 25, 2017. Conditions at the time prevented us from following thru with the construction and since the grace period has expired we are again making this request.

Since this is a flagship lot with no frontage, its commercial use would be limited.

We feel that storage units are best suited for this lot, which will have a limited impact on adjacent lots, in terms of traffic.

Since the building of storage units will not have an impact on any residential neighborhoods we feel this is a reasonable request.

It is our hope that permission for this type of development will be granted once again.

Thank you for your consideration of this matter.

Pueblo Development Inc.

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Yvonne Lujan-Slak
Secretary

Brian Lucas

Rodger Ortiz

ZBA CASE NUMBER: **ZBA-16-43**
APPLICATION DATE: **July 29, 2016**

ORIGINAL HEARING DATE: **July 25, 2017**
APPEAL TERM END DATE: **August 25, 2017**
RENEWAL TERM END DATE: **August 23, 2019**

PROPERTY STREET ADDRESS:	4625 North Elizabeth Street	ZONE DISTRICT:	Highway and Arterial Business (B-3 zone) District
LEGAL DESCRIPTION:	Lot 4, Block 1, Eaglecross Subdivision; parcel ID: 0512318004		
OWNER:	Same as applicant	APPLICANT:	Naresh Sadhnani, Pueblo Development, Inc.
ADDRESS:		ADDRESS:	670 Eagleridge Boulevard, Pueblo, CO 81008
TELEPHONE:		TELEPHONE:	719-250-8635
E-MAIL:		E-MAIL:	nsadhnani@yahoo.com

PROJECT DESCRIPTION: Special use permits to allow a self-storage facility and caretaker residence in a highway and arterial business (B-3 zone) district.

ONE (1) YEAR EXTENSION GRANTED THROUGH August 23, 2019

Scott Hobson
Administrative Official

DECISION DATE: **May 22, 2018**

- Approved
- Approved with Attached Conditions
- Denied

Your application to the City of Pueblo Zoning Board of Appeals has been **CONDITIONALLY APPROVED**. To maintain your permit in good standing, the Planning and Community Development Department requires proof of compliance with the conditions imposed. A renewal of a Special Use Permit must be approved by the Administrative Official within one year of the hearing date, before the renewal term end date.

If you wish to appeal this decision, you may seek review by a court of record of such decision in a manner provided by Rule 106 of the Colorado Rules of Civil Procedure. The appeal must be sought within 30 days after the decision of the Zoning Board of Appeals.

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