

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-21-25

To: City of Pueblo Zoning Board of Appeals
From: Danielle Persinger, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 8/24/2021
Request: **A Special Use Permit to allow a Charitable Institution in a One and Two-Family Residential (R-3) Zone District.**
Site Location: 330 Lake Ave, Pueblo, CO 81004
Legal Description: LOTS 3-12 + 17-28 BLK 154 SOUTH PUEBLO ALSO LOTS A-D RAGLES MESA SUB OF LOTS 13-16 OF BLK 154 IN COLORADO COAL + IRON COMPANYS ADDITION NO 1 + VACATED ALLEY ADJ PER CITY ORDINANCE #1547 + 1562 FORMERLY #15-012-15-002 + 006 + 007 + 009
Year Built: 1950
Applicant: Christopher Hall
Property Owner: Rocky Mountain S.E.R./Jobs for Progress, Inc
Zone District: One and Two-Family Residential (R-3) Zone District

BACKGROUND AND ANALYSIS

330 Lake Ave is a 2.73 acre lot located in the Colorado Coal + Iron Companys Addition, east of Central High School. The applicant is requesting a Special Use Permit to allow a Charitable Institution in a One and Two-Family Residential (R-3) Zone District. A charitable institution is defined as an organization which performs benevolent actions for the needy with no expectation of material reward. It shall include the lands and buildings used for offices and public facilities of such a charitable institution, but specifically excludes such facilities as homeless shelters, shelters for animals and other related facilities (§17-2-2(32)). In accordance with 17-4-51(c)(32) of the Pueblo Municipal Code (PMC), the applicant is required to obtain a Special Use Permit in order to complete this project.

The 71,751-sf, two-story, building was originally constructed as the Seton High School in 1950. The building has been occupied by Rocky Mountain S.E.R./Jobs for Progress, Inc (RMSER) since 2006. The primary focus of RMSER at this location was preschool and childcare services until the Covid-19 outbreak. At this time, RMSER decided to take a new direction in response to the community's growing needs. The proposed programs, such as training for basic job skills, feeding the hungry, and educational programming (maintaining early childhood care), have been developed and established to offer beneficial resources for the community. The framework they have established to eliminate health disparities and inequities is not covered under their current use as a preschool/childcare facility, so they are applying for a Special Use Permit as a charitable institution.

The proposed use is compatible with surrounding residences and community as well as future land use. Current land use includes multiple single-family residences and some multi-family residences. The site plan indicates all necessary easements for ingress/egress and all utilities are available on the property. Planning Department staff has worked with the applicant on this submission, and they are aware of the additional requirements if they are granted a Special Use Permit.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two-Family Residential (R-3) Zone District	Single Family Residences
East	One and Two-Family Residential (R-3) Zone District & Single Family Residential (R-2) Zone District	Single Family Residences
South	Governmental Use (S-1) Zone District & Multiple-Residential and Office (R-5) Zone District	Central High School Playing Fields, Multi-Family Residence (old Central High School)
West	One and Two-Family Residential (R-3) Zone District	Single Family Residences

COMPREHENSIVE PLAN

The comprehensive plan depicts Urban Residential Use for the parcel. Urban Residential are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.

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 Lake Ave, East Routt Ave, Madison St, and East Pitkin Ave. to a parking area located behind the principal structure.

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. Off-street parking is available on the property, behind the principal structure adjacent to Lake Ave. and can be accessed from East Routt Ave and Madison Ave.

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

Comments: Affirmative finding. The dumpsters on site are located near the kitchen and loading ramp and are only visible from the parking lot.

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. There is an opaque fence along the north side of the parking lot next to the single-family residences. The other residences to the north of the building, across the alley, also maintain an opaque fence abutting the property. Pursuant to Sect 11-1-405(b)(5) the barbed wire fence, located behind the principal structure is considered a nuisance within a residential zone district.

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. The application indicates two existing signs, one monument sign adjacent to Lake Ave. and one wall sign adjacent to Pitkin St. Both signs appear to meet the non-residential use sign standards for the R-3 Zone District. Any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, R-3 Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Affirmative finding. The required setbacks in a R-3 Zone District are twenty-five feet (25') in the front, twelve and a half feet (12.5') for the second side yard (along Pitkin Ave), and five feet (5') to the rear (toward Madison St) and side (toward the residences on E Routt Ave). All setbacks are met except for the front yard setback, which is about twenty-two feet (22'). However, the school was originally built in 1950, which predates the Pueblo City Municipal Code, which was established in 1968, making the building a legal, non-conforming structure. RMSER has operated a Head Start program and preschool/childcare from this location since 2006. There are two playgrounds on the property, which are both enclosed by chain-link fencing.

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

Comments: Affirmative finding. The proposed use is compatible with the surrounding residential because the goal of RMSER is to serve the local community. Being located within a community is important to ensure accessibility for services and programs that address community needs. The expanded programing RMSER plans to offer is expected to increase traffic in the residential area. However, with Central High School being located to the west and the athletic fields being located to the southwest of the site there is already more traffic generated in this area than a typical residential area servicing only single-family homes.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following conditions:

1. This facility shall not be used for housing any persons overnight. The definition of a charitable institution as outlined in Sect 17-2-2(32) states, "Charitable institution means an organization which performs benevolent actions for the needy with no expectation of material reward. It shall include the lands and buildings used for offices and public facilities of such a charitable institution, but specifically excludes such facilities as homeless shelters, shelters for animals and other related facilities."
2. Remove all barbed wire fencing on site pursuant to Sect 11-1-405(b)(5) which states barbed wire fencing is deemed to be detrimental to the health or safety of the inhabitants of this City and is considered a nuisance.
3. Limit the hours of operation to mitigate potential negative externalities tied to traffic and noise. Staff suggests the hours be limited to 7:00 a.m. to 8:00 p.m.

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 08/24/2022
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

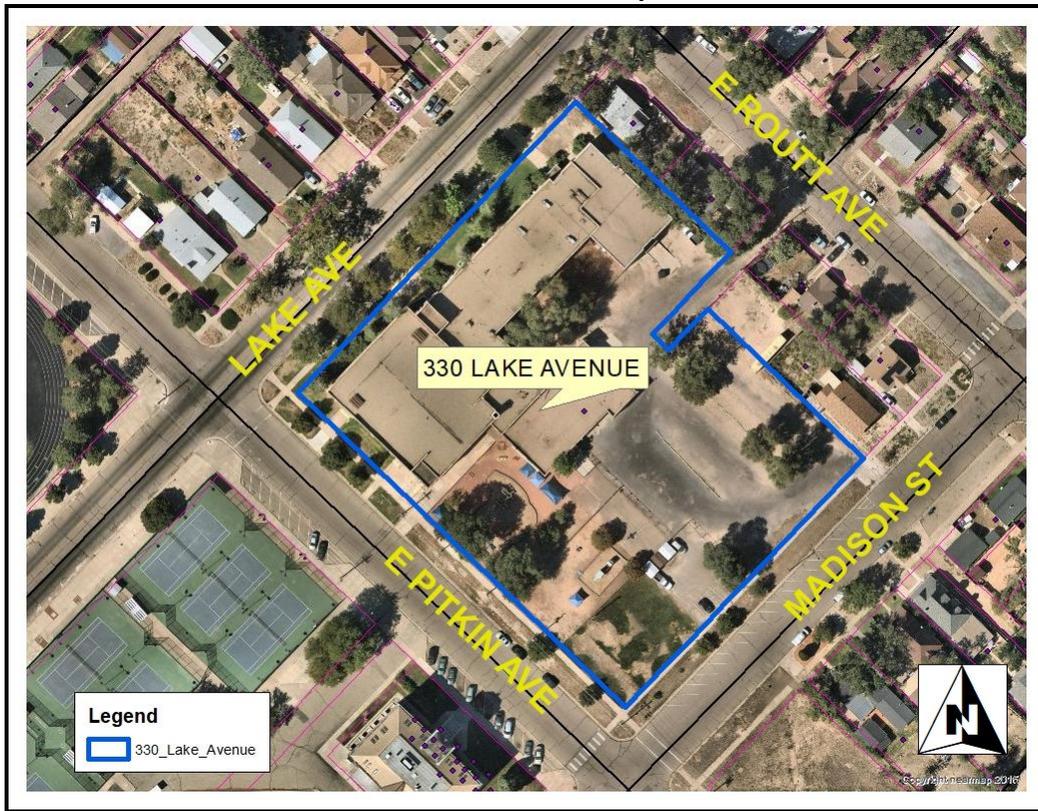


Exhibit C. Aerial Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

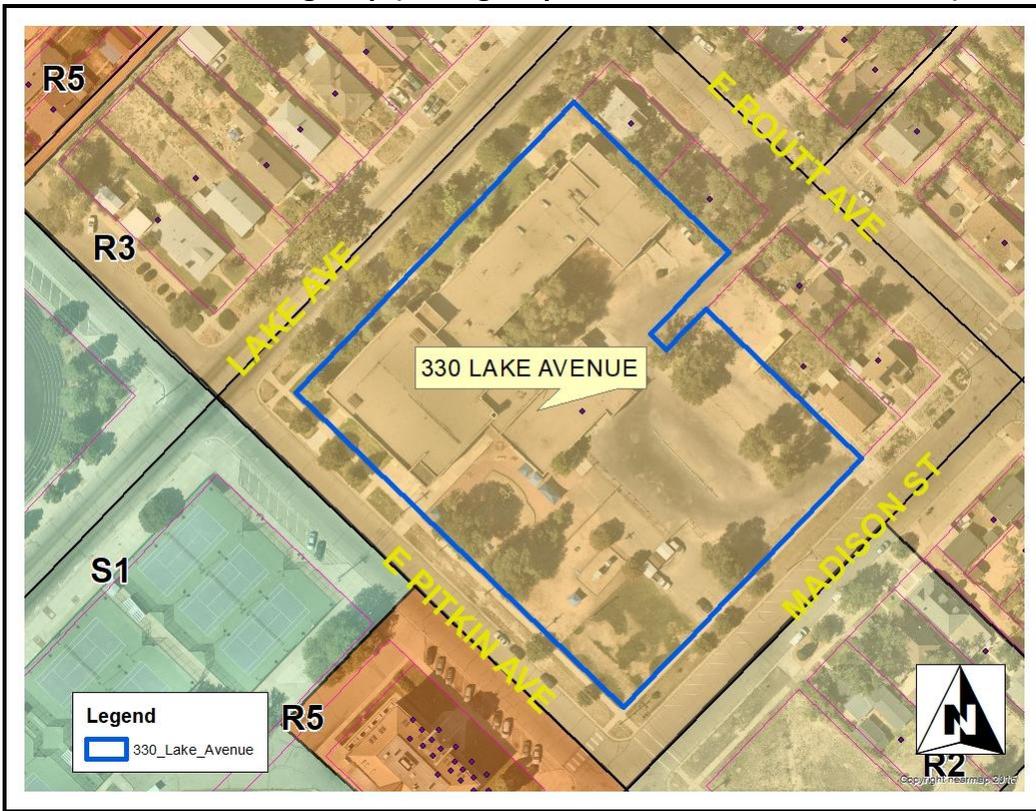


Exhibit E. Comprehensive Plan Map

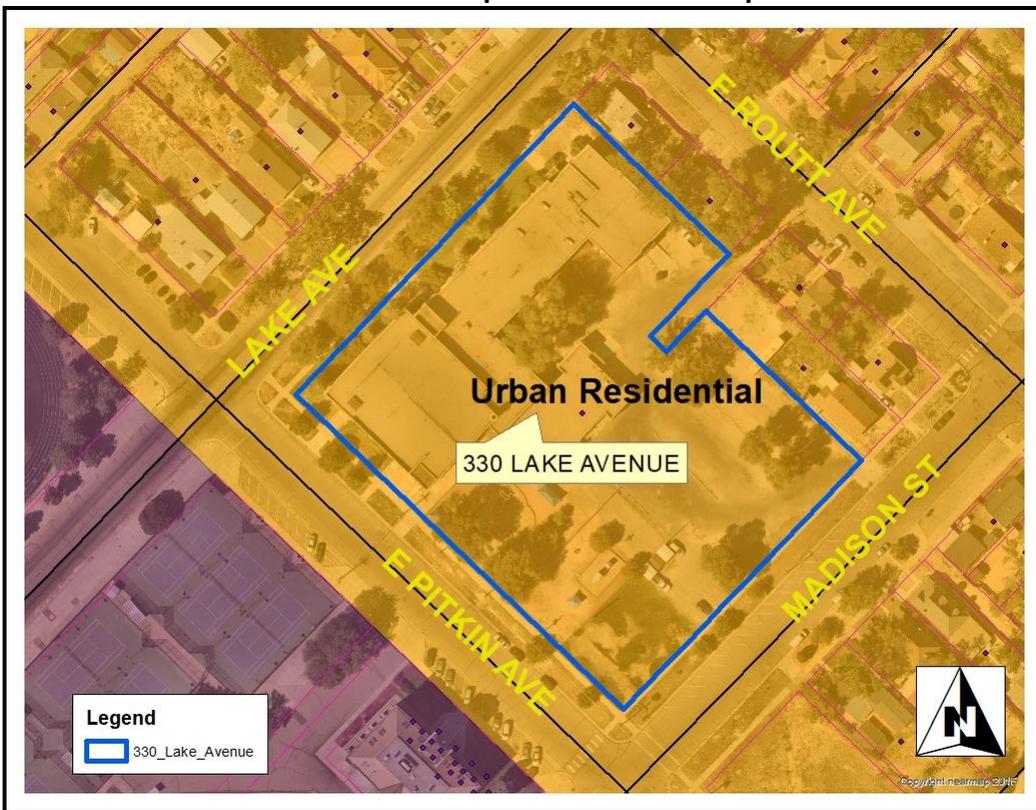


Exhibit F. Public Notice



Photo taken from Lake Ave

Exhibit G. Site Photos



Photo taken from Lake Ave facing north.



Photo taken from Lake Ave facing south.



Photo taken from E. Pitkin Ave facing northwest.



Photo taken from parking lot facing west



Photo taken from parking lot facing west



Photo taken from parking lot facing north



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: Rocky Mountain S.E.R./Jobs for Progress, Inc.		Name: Christopher Hall	
	Address: 3555 Pecos Street		Company: Rocky Mountain S.E.R./Jobs for Progress, Inc.	
	City, State & Zip: Denver, CO 80211		Address: 3555 Pecos Street	
	Phone: (303) 928-4129		City, State & Zip: Denver, CO 80211	
	Email:		Phone: ()	Cell: (720) 339-8826
		Email: chall@rmsr.org		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: 330 Lake Avenue, Pueblo, CO 81004			
	LOTS 3-12 + 17-28 BLK 154 SOUTH PUEBLO ALSO LOTS A-D RAGLES MESA SUB OF LOTS 13-16 OF BLK 154 IN COLORADO COAL + IRON COMPANYS ADDITION NO 1 + VACATED ALLEY			
	Legal Description: ADJ PER CITY ORDINANCE #1547 + 1562 FORMERLY #15-012-15-002 + 006 + 007 + 009			
	Parcel No: 1501215010		Existing Zone: R-3	
Property Size: 2.73 A (119,000 SF)				
Project Information	General Information			
	Provide a short description of the proposed request:			
	To request change in use from existing nonconforming use of Preschool and Childcare to another Use by Review Category -			
	Charitable Institution			
What is the general use of the property: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial				
<input type="checkbox"/> Multi-Family <input checked="" type="checkbox"/> Other <u>Childcare/Preschool</u>				
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

(Continue Next Page)(Continued from Page 1)

Attachments	Attachment Checklist:	
	<p>The following list of attachments are required to accompany all applications:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific. <input checked="" 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 checked="" type="checkbox"/> D. Applicable application (i.e. business license, Home Occupation Questionnaire). <input checked="" type="checkbox"/> E. Photographs. <input checked="" 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 checked="" 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:	
	Signature:	Date:
	Applicant, if different from Property Owner	
	Print Name:	Christopher Hall, CEO for Rocky Mountain S.E.R./Jobs for Progress, Inc.
Signature:	<i>[Signature]</i> Date: Jul 30, 2021	

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
	Case #:	<input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions

Exhibit I. Supporting Documents**MISSION:**

We champion social awareness by transforming lives through inspiration and empowerment

VISION:

To be a global leader providing social awareness which empowers, inspires and connects communities to resources

REZONING APPLICATION ATTACHMENTS**A. Explanation of the Request**

Proposed rezoning of property is a change of permitted use from the existing nonconforming use of Preschool and Childcare to Charitable Institution which better suits the future use of the property with regards to the organization's direction and contributions to the community of Pueblo.

Preschool and childcare services previously provided at the subject location will no longer be the primary focus of the organization as a new direction was adopted in response to community's needs arising from the COVID-19 pandemic. As a 501(c)(3) charitable organization, Rocky Mountain S.E.R./Jobs for Progress, Inc. (RMSEER), RMSEER's Mission and Vision support a broad range of benevolent actions for the entire community, not exclusively the needy, with no expectation of financial gain. The property, including land and building are used for offices and to provide a public venue for various programs that endeavor to answer the call to address community needs.

RMSEER acquired the present location at 330 Lake Avenue in 2006. Since then, RMSEER administered a Head Start program and operated a preschool/childcare from the location which provided valuable and beneficial services to the community of Pueblo.

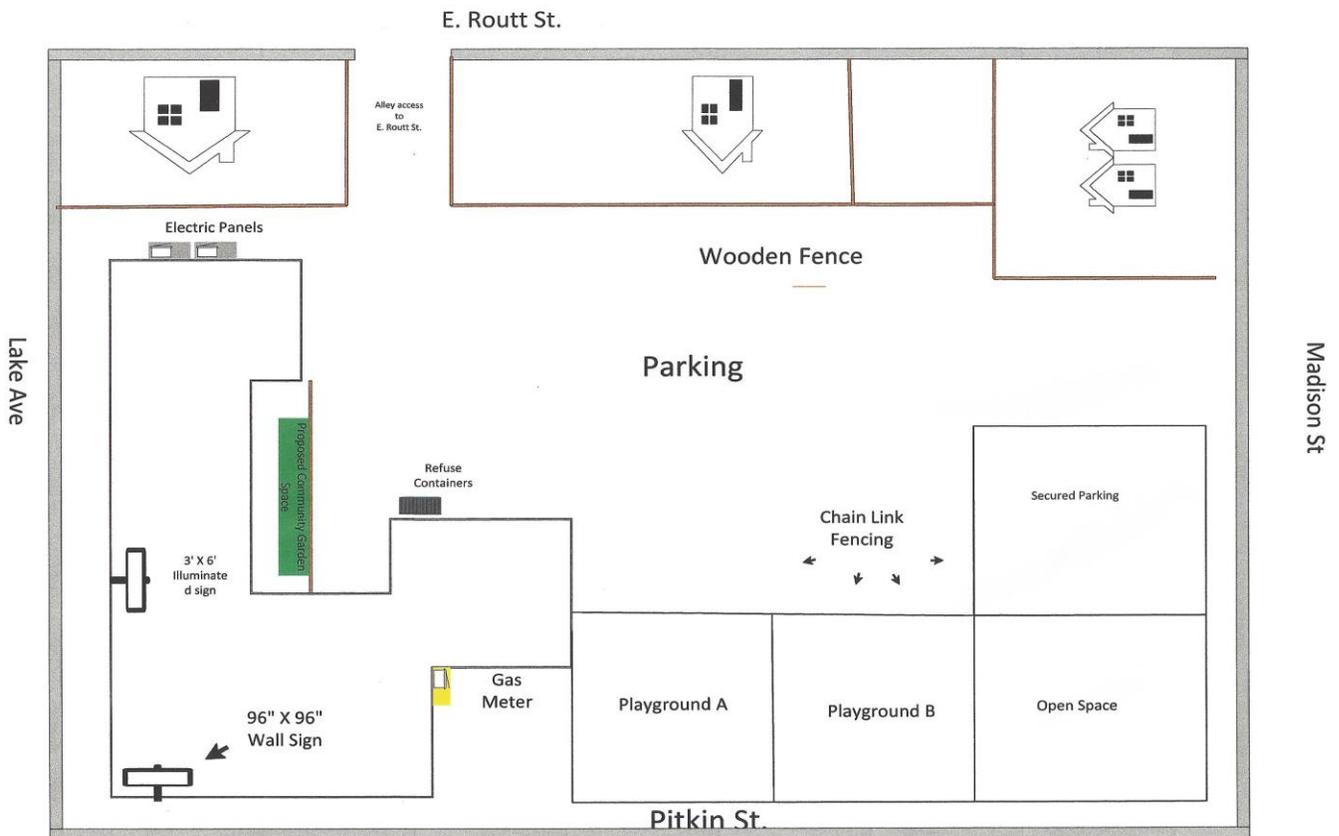
RMSEER's history demonstrates a past steeped in community service, promoting community well-being that supports the social infrastructure in neighborhoods. RMSEER promotes social and community well-being through a multitude of program offerings, supporting the social infrastructure of Pueblo's neighborhoods. All programs, such as training for basic job skills, feeding the hungry, and educational programming (inclusive of preschool and early learning childcare), have been developed and established to offer beneficial resources meeting the specific needs of the City of Pueblo.

As a 501(c)(3) nonprofit corporation, the request for change of zoning use from Preschool and Childcare to Charitable Institution allows RMSEER to further reach into the community and continue its mission ... *"transforming lives through inspiration and empowerment."* To achieve its mission and bring about positive change, RMSEER directs resources to where they are needed, connecting Pueblo residents to services that improve the social and economic conditions of the community, remove barriers, and increase the quality of life for all residents. By focusing on solutions, more residents prosper. RMSEER redesigned its service delivery offerings to reflect a renewed, commitment to social awareness and community empowerment. The framework, to eliminate health disparities and inequities, is far more reaching than the current zoning use permits. The category of Charitable Institution supports the direction of the organization as it addresses social issues and continues to advocate change to make

positive impacts on social, physical, and economic environments that promote overall health, well-being, and quality of life.

RMSEr serves Pueblo and continues to implement programs that encourage and enable efforts for growth. Providing residents, regardless of economic condition, with pathways to brighter futures uplift and improve the health of the local economy allowing it to thrive and flourish. RMSEr equips residents with job skills, provides healthy food to address hunger, and provides networking workshops, as a means to addressing social disparity, while advocating change to promote overall community well-being and build strong communities.

Bringing the Pueblo Community together results in a safer community for residents to live, work and play. Rezoning of the property at 330 Lake Avenue to a Charitable Institution, permissible under the Uses by Review will allow RMSEr to have a more far-reaching impact on the community of Pueblo with desirable outcomes, therefore contributing to and supporting the overall economic health and sustainability of Pueblo. RMSEr desires that its operations in the City of Pueblo remain located at its Lake Avenue facility, as it continues to focus on advocating to improve the social fabric by addressing the basic needs and issues of many Pueblo residents



B. Justification of Facts

- a. **Ingress and egress:** Access to existing structure for traffic control is on Madison Street; one curb cut entry point with one-way directional. Pedestrians may safely cross parking area(s) to reach entry doors to building. Egress from the parking lot is to the east onto E. Routt Avenue. In case of fire or catastrophe, emergency response units can access structure through on-site parking lot or directly from Lake Avenue or E. Pitkin Avenue
- b. **Off-street parking:** Off-street parking is available with multiple parking areas on-site. Parking surface is gravel with designated handicap spaces identified. Two loading areas are available, and identified by loading ramps.
- c. **Refuse and Service areas:** Two refuse dumpsters are located on the premises – (1) near the loading area for the commercial kitchen; (1) near the second loading area at the SE location of the building. Both are accessed from the parking areas.
- d. **Utilities:** Electrical service is located on the North West end of the facility with access from Routt St.. The gas meter is located on the South East end of the facility with access from Pitkin St.
- e. **Screening and buffering:** Wooden fencing is in place for screening/buffering to residential homes. (See Photos)
- f. **Signs:** Existing signage is located as follows:
 - On Lake Ave above and to the left of the Lake Avenue. Entryway. Sign measures 3' X 6' and is illuminated.
 - On Pitkin Ave. located on the South West Corner of the building. Sign measures 96" X 96".
- g. **Required yards and other open space:** Two Playgrounds separated by chain link fencing inside the property. Fenced in area of open space on South East corner of lot. Secure parking surrounded by chain link fencing.
- h. **General compatibility:** Area is located on Lake Avenue between E. Routt and E. Pitkin. Area is comprised of Central High School complex to the west; outdoor tennis courts to the SW w/multi-family conversion (old school building) adjacent to tennis courts. Remaining area is single family residential dwellings.

F. Additional Information

RMSER is fiscally responsible for sustaining the property and funding the implementation of programming. Financial support for supplies, salaries and administrative and program costs are funded through grants, donations, and rental income.

E. Photos



Front of Building on Lake Avenue



Signage at front of building on Lake Avenue



Corner of Pitkin and Madison



Rear of Building – Facing Madison Avenue



Ingress from Madison Avenue (rear of building)



Egress to E. Routt Avenue (with screening / buffering)



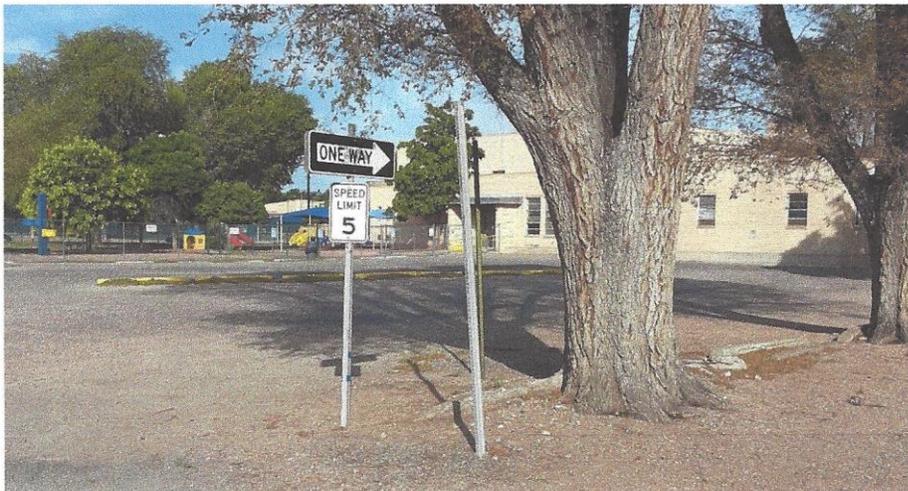
Directional sign - drive onto E. Routt (with screening / buffering)



Dumpster location – at kitchen door (left) and at loading ramp (right)



Signage posted opposite ingress from Madison.



Posted parking lot signs. (2) signs, one at each end.



Pitkin facing (side view of building)



(4) Handicapped Spaces



Screening / buffering along parking area to the east.



Central High School Complex



Multi-family housing unit



Tennis courts adjacent to multi-family housing