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ZBA-21-20

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 Salvage Yard in a Light Industrial (I-2) Zone District, contingent on the parcel being rezoned from B-3 to I-2.**
Site Location: 200 N. Vision Lane, Pueblo CO 81001
Legal Description: LOT 4 BLK 1 TRINITY SUB
Year Built:
Applicant: Austin Steir, Tom's Auto Salvage
Property Owner: Austin Steir
Zone District: Highway and Arterial Business (B-3) Zone District

BACKGROUND AND ANALYSIS

The subject property is an unimproved parcel in the Trinity Subdivision found in the southeast quadrant of the city. Tom's Auto Salvage has been operating in this area since April of 2017. However in order to bring this use into compliance with the code several steps needed to be taken. First the parcels needed to be rezoned from B-3 to I-2, through the Planning and Zoning Commission and City Council, which was completed in August of 2018 (Ordinance #9336). In January of 2021, a Special Use Permit was issued by the Zoning Board of Appeals to bring the first phase of salvage yard located at 300 N Vision Lane into compliance with the code. Soon thereafter this was complete Mr. Steir began the process of expanding operations to parcels 433012002 and 433012003 to the south of the existing site. Which also requires a rezoning, which the applicant is currently in process of obtaining.

Meanwhile, the applicant is requesting a Special Use Permit to expand their Salvage Yard Use operation to include parcel #0433012005, 200 N Vision Lane. The proposed Salvage Yard Use is not contiguous with the existing operation and is separated by a forty thousand (40,000-sqft) square foot parcel between them.

The applicant is required to comply with Sec. 9-7-16 & Sec. 9-7-17 or the Pueblo Municipal Code, which deal specifically with salvage yard operations and are listed under the Staff Recommendations Section of this report.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial Business (B-3) Zone District	Undeveloped Lot
East	Flood Plain (S-3) Zone District	Water Retention and Drainage Easement
South	Flood Plain (S-3) Zone District	Water Retention and Drainage Easement
West	Pueblo County Industrial (I-2) Zone District	Rock Quarry

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	<i>See Figure 1: 200 N Vision Lane Flood Plain Map</i>
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 property is accessed via N Vision Lane. The applicant indicated that only employees will be allowed in the yard, that vehicles will be neatly arranged and with wide enough lanes and turning radius for fire and EMS vehicles if needed.

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 property has adequate off-street parking at the main office located at 300 N Vision Lane in addition to area provided between the security fence and the street.

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

Comments: Affirmative finding. All refuse is collected and maintained on-site, with the whole site enclosed by a six-foot opaque fence.

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

Comments: Affirmative finding; utilities are established, but there is no future plan for any structures, water, or electrical service.

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

Comments: Neutral Finding. While fencing is in place, some areas of the fencing are inadequate and in a state of disrepair. This topic is further addressed in the staff conditions.

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.

7. Required yards and other open space.

Comments: Affirmative finding. Adequate passageways are required to allow unobstructed passage of fire-fighting vehicles. The applicant has indicated that they will comply with not placing salvage vehicles within the indicated flood zone area.

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

Comments: Neutral finding. The adjacent properties to the west and east include another salvage yard and a rock quarry. However, the future land use to the southeast is designated as Urban Residential which would not be compatible although it is currently undeveloped.

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:

1. All fencing must be repaired, made opaque, adequately maintained, and uniform in construction.
2. Owner must full comply with the salvage yard conditions outlined in Sec. 9-7-16 thru 9-7-20, with specific attention to the underscored sections.
3. No vehicles may be stored on any areas within the flood plan indicated in Figure 1: 200 N Vision Lane Flood Plain Map found below.



Figure 2: 200 N Vision Lane Flood Plain Map

Sec. 9-7-16. - Salvage and storage premises to be enclosed.

- (a) It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.
- (b) Such wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.
- (c) There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.
- (d) Salvage operations, including storage, shall not encroach upon or use any area outside the enclosure.

Sec. 9-7-17. - Salvage storage; passageways.

Salvage in an enclosed yard shall be so piled or placed that adequate passageway are open to permit the unobstructed passage of fire-fighting vehicles. Salvage in an enclosed building shall be so placed those adequate aisles and passageway are open to permit the unobstructed passage of firefighters and hoses.

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

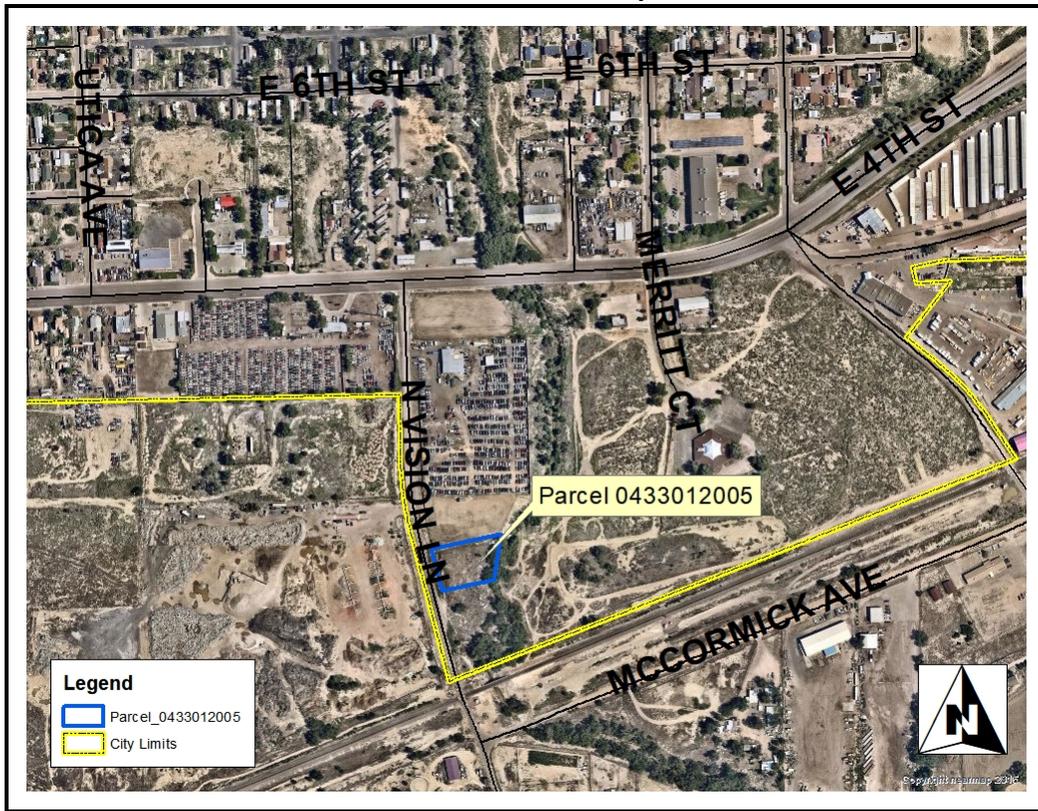


Exhibit C. Aerial Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

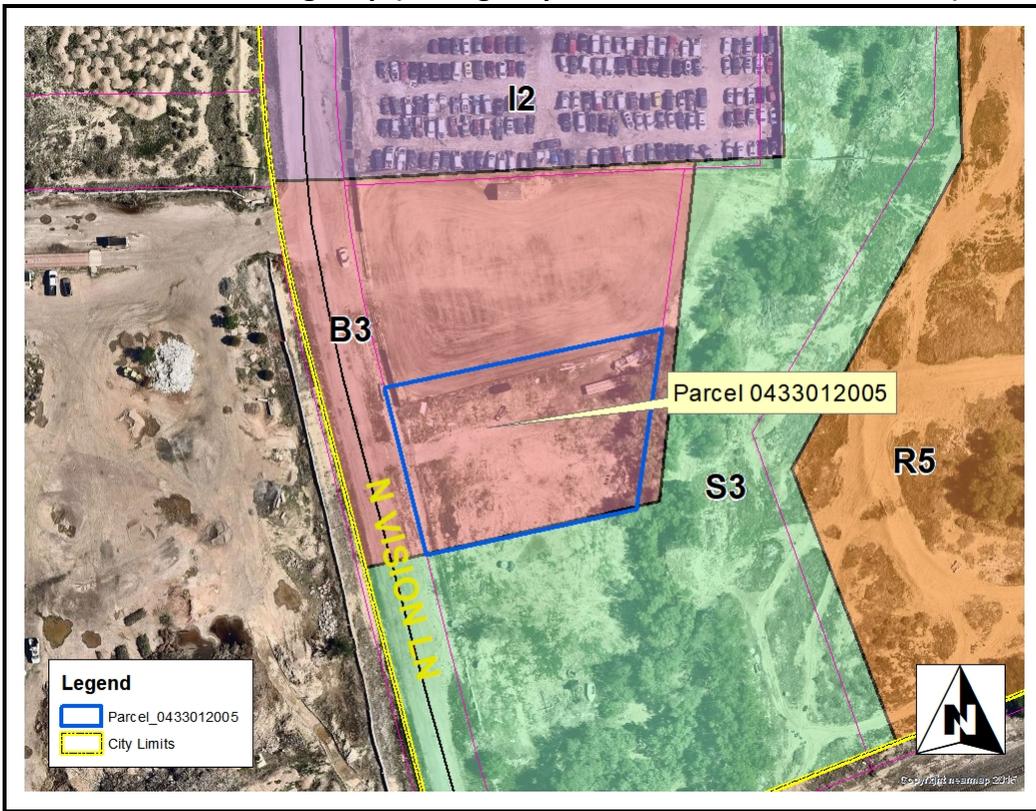


Exhibit E. Comprehensive Plan Map

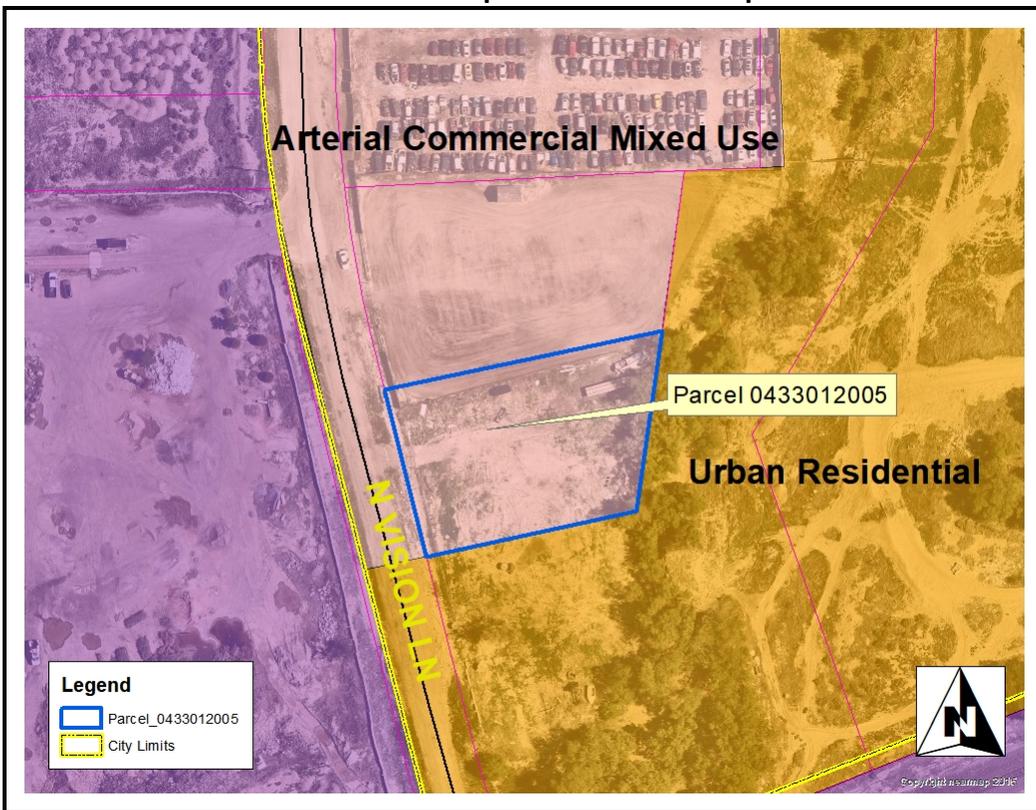


Exhibit F. Public Notice



Exhibit G. Site Photos



All photos taken from N Vision Lane

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>Austin Steir</i>		Name:	
	Address: <i>300 N Vision Ln</i>		Company:	
	City, State & Zip: <i>Pueblo, CO 81001</i>		Address:	
	Phone: <i>(719) 248-2986</i>		City, State & Zip:	
	Email: <i>Austinsteir@gmail.com</i>		Phone: ()	Cell: ()
Email:				
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: <i>V/L Trinity Subdivision, Pueblo, CO 81001</i>			
	Legal Description: <i>LOT 4 Block 1 Trinity Subdivision</i>			
	Parcel No:		Existing Zone:	
	Property Size: <i>.7 Acres</i>			
Project Information	General Information			
	Provide a short description of the proposed request: (separate narrative as Attachment A also required)			
	<i>To Allow A Auto Salvage to legally operate B-3 to I-2</i>			
	What is the general use of the property: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" 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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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:	Austin Steir
	Signature:	<i>[Signature]</i> Date: 6/29/21
	Applicant, if different from Property Owner	
	Print Name:	
	Signature:	Date:

Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by: CS	Date: 6-29-21
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Approved w/conditions
	Case #:	

Exhibit I. Supporting Documents



TOMS AUTO SALVAGE SITE PLAN

OUR SITE PLAN FOR LOT 4 BLOCK 1 TRINITY SUBDIVISION IS TO OBTAIN THE SPECIAL USE PERMIT AND REZONING IS TO STORE MORE OF OUR SALVAGE VEHICLES. OUR VEHICLES WILL BE KEPT IN A NEAT MANNER AND THE DISMANTLED. WE ONLY ALLOW OUR EMPLOYEES INTO THE YARD SO IT WILL HAVE ZERO PUBLIC TRAFFIC. THERE WILL BE PLENTY OF ROOM FOR FIRE AND EMS IF NECESSARY.

TOMS AUTO SALVAGE JUSTIFICATION OF FACTS

I AUSTIN STEIR OWNER OF TOMS AUTO SALVAGE AM REQUESTING THE APPROVAL FOR RE ZONING AND SPECIAL USE PERMITS FOR LOT 4 BLOCK 1 TRINITY SUB DIVISION I WOULD LIKE TO REZONE FROM A B-3 TO I-2 INDUSTRIAL. THE LOT IS 29,000 SQUARE FEET. ACCESS TO OUR YARD IS PROVIDED BY A GATE THAT IS ON VISION. THER WILL BE NO CUSTOMER PARKING OR TRAFFIC CAUSED FROM THIS LOT AS WE PULL ALL THE PARTS AND DO NOT LET CUSTOMERS INTO THE RECYCLING YARD ITSELF. THERE IS NO POWER NO WATER AND NO PLAN ON DEVELOPING A STRUCTURE IN THE FUTURE. THE YARD IS COVERED FROM THE PUBLIC EYE. THE SOUROUNDING BUISNESS' SUPPORT MY GROWTH I HAVE A GOOD RELATIONSHIP WITH ALL OF THEM.

THANKS FOR YOUR TIME,
AUSTIN STEIR