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Georgia Way

ZBA-21-30

Hearing Date: November 23, 2021

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 7 Dante Ct., Pueblo, CO 81001
APPLICANT: Debbie Duran
PROPERTY OWNER: Debbie Duran
YEAR BUILT: 1979
LEGAL DESCRIPTION: LOT 24 BLK 305 BELMONT 35TH
ZONE DISTRICT: Single-Family Residential (R-2) Zone District
PARCEL ID: 04-201-05-020
LOT SIZE: 6,930 sqft

| | |
|-----------------|--|
| REQUEST: | A special use permit to allow for a childcare, center in a Single-Family Residential (R-2) Zone District |
|-----------------|--|

SYNOPSIS OF REQUEST

The applicant is requesting a special use permit to allow for a childcare, center in a Single-Family Residential (R-2) Zone District, which is a use by review in that district. She currently is operating a childcare, home however, as indicated in the application, Ms. Duran intends to care for eight (8) to twelve (12) children daily, this exceeds the maximum limit of eight (8) children for the childcare, home classification. Because Ms. Duran plans to care for more children than is allowed in a childcare, home, the proposed use would be classified as a childcare, center according to the pueblo municipal code, and therefore a childcare, center special use permit is most appropriate in this case.

ANALYSIS OF REQUEST

7 Dante Court is a six thousand nine hundred thirty (6,930) square foot lot with a two thousand two hundred eighty-nine (2,289) square foot single-family home built in 1979. The home is located in the Belmont Subdivision, south of Colorado State University Pueblo (CSU-P). The applicant has indicated over four decades of experience in childcare at this location, and is the only employee of the business. Currently she also has seen increased demand in the need for childcare services in her area and wishes to expand her operation to take on additional children. If the board chooses to approve this application, the Planning Department has included some minor recommendations pertaining to pick-up/drop off safety and hours of operation.

ZONING DISTRICT AND LAND USE

| Zone: | | Developed with: |
|-------|---|---------------------------|
| North | Single-family Residential (R-2) Zone District | Single-family Residential |
| East | Single-family Residential (R-2) Zone District | Single-family Residential |
| South | Single-family Residential (R-2) Zone District | Single-family Residential |
| West | Government Use (S-1) Zone District | Drew Dix Park |

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 SPECIAL 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 the Dante Court cul-de-sac.

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 and can be accessed from the Dante Court cul-de-sac.

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

Comments: Affirmative finding. The applicant will use residential garbage totes for refuse. If this use creates excessive trash the applicant may need additional totes.

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 a six (6) foot wooden fence along the north property line securing the outdoor play area, with a self-latching gate. As well as additional fencing on the east, west, and south of the property.

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, R-2 Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Affirmative finding. Yards and open space are adequate.

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

Comments: Negative finding. The proposed commercial use is not compatible with the surrounding residential uses whereas the closest business zone district is approximately half a mile away.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 including the recommendations below.

STAFF CONDITIONS

1. Hours of childcare business must not exceed 7:00 a.m. to 6:00 p.m. Monday through Friday.
2. Applicant must comply with Sec. 17-4-51(e)10, b: Applicant shall obtain a business license prior to initiating their childcare center occupation.
4. The childcare center capacity will not exceed twelve (12) children, who are not related to the licensed caregiver, at any given time.
5. Parking is limited to the indicated driveway space and one (1) on-street parking spot adjacent to the property.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Location Map
- C. Site 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: 11/23/2021 | |
|--|---|
| 1. | Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/23/2022 |
| 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. Location Map



Exhibit C. Site Map



Exhibit D. Zoning Map

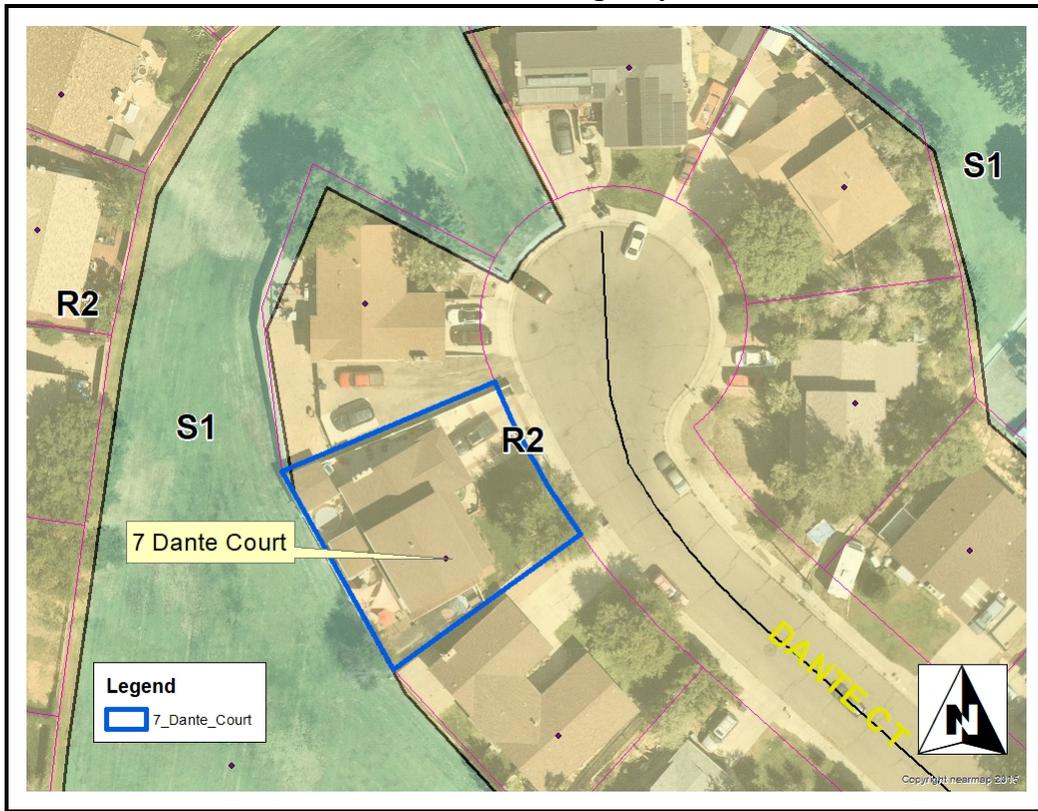


Exhibit E. Comprehensive Plan Map

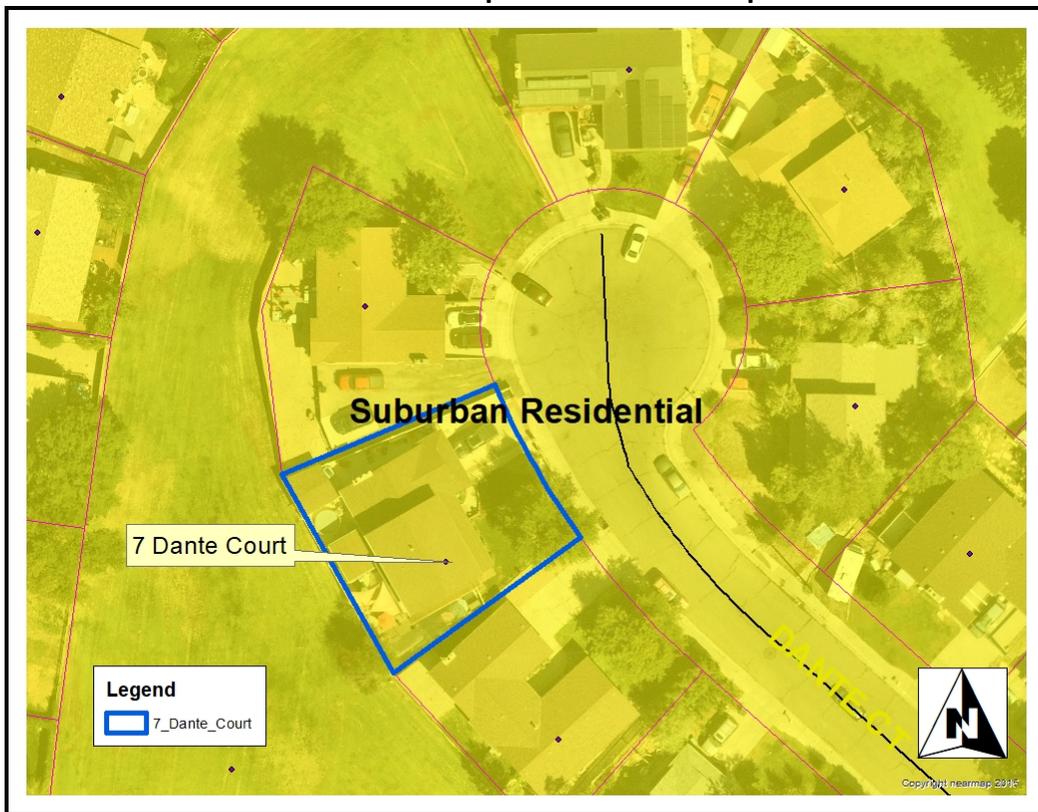


Exhibit F. Public Notice



Taken from 10th St facing south.

Exhibit G. Site Pictures



Exhibit H. Application

APPLICATION COMPLETED IN OPEN GOV

Terms

Clear Section 

I declare, under penalty of perjury, that this application has been examined by me and that the statements made herein are to the best of my knowledge and belief true, correct and complete.

By submitting this application, I stipulate and acknowledge that:

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. 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.
4. It is highly recommended that a licensed surveyor complete a property survey before any construction. The owner is responsible for any construction that takes place. 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.

Is the applicant and property owner the same? *

Yes

Applicant/Property Owner Signature *

 Deborah Thelma Duran
Oct 14, 2021

Exhibit I. Supporting Documents



STATE OF COLORADO
DEPARTMENT OF HUMAN SERVICES
OFFICE OF EARLY CHILDHOOD
DIVISION OF EARLY CARE AND LEARNING
1575 SHERMAN STREET
DENVER, COLORADO 80203-1714

PERMANENT CHILD CARE LICENSE

Provider ID: 52194

Service Type: Family Child Care Home

MAILING:

DEBBIE DURAN
7 Dante
Pueblo, CO 81001

LOCATION:

7 Dante
Pueblo, CO 81001
COUNTY: Pueblo

License Effective Date: 01/01/1995

Anniversary Date: 06/01/2020

The licensee must comply at all times with the Child Care Act and the rules and standards of the Department of Human Services. The licensed premises and its records must be available for inspection at all times by the Department of Human Services or its authorized representatives. This license is valid only for the location address listed above and is not transferable to any other person, organization or location. The licensee must surrender this license to the Department of Human Services upon denial revocation or suspension.

Numbers and ages of children cared for at the licensed premises must not at any time exceed:

Table with 6 columns: Capacity, Capacity Type, Youngest Age Authorized to Serve, Youngest Age Type, Oldest Age Authorized to Serve, Oldest Age Type. Row 1: 6, Home, 0, Months, 16, Years

Other conditions and restrictions:

- Basement approved
2 additional school-age children during non-school times
No more than 2 children under 2 years may be in care
Approved for 5 children for overnight care

Unique Conditions:

Handwritten signature: Michelle Barnes

EXECUTIVE DIRECTOR

Place Stickers Below
Month Year



THIS LICENSE MUST BE POSTED IN A PROMINENT LOCATION ON THE LICENSED PREMISES



Pueblo County Assessor's Real Property Search

Pueblo County Assessor's Real Property Search

420105020
7 DANTE CT , PUEBLO, CO 81001-1715

Total Value
\$321,425

OVERVIEW

KEY INFORMATION

| | | | |
|-----------------|--|-------------|----------------------------|
| Owner | DURAN DEBORAH THELMA/DURAN CANDACE R; PINEDA TRACY A | | |
| Mailing Address | 7 DANTE CT 81001-1715 PUEBLO CO | | |
| Legal | LOT 24 BLK 305 BELMONT 35TH | | |
| Neighborhood | 20 - BONFORTE + CONSTITUTION | Class | - |
| Township | - | Range | - |
| Section | - | Subdivision | 20 BONFORTE + CONSTITUTION |
| Tax District | 60B | | |
| Analysis Area | 0.00 | | |

VALUE INFORMATION

| | VALUE | ASSESSED |
|------|-----------|----------|
| IMP | \$286,425 | \$20,480 |
| LAND | \$35,000 | \$2,500 |

IMPROVEMENTS

2289 - SINGLE-FAMILY RESIDENCE - SPLIT LEVEL

| | | | | | |
|------------|-------------|------------|------|----------------|-----|
| Style | Split Level | Bedrooms | 4 | Full Baths | 3 |
| Half Baths | 0 | Year Built | 1979 | Year Remodeled | N/A |
| Total Size | 2289 | | | | |

| DETAIL TYPE | DETAIL | COUNT |
|----------------------------|--------------------------------------|----------|
| Basement | Partition Finish Area | 1,300.00 |
| Basement | Total Basement Area | 1,300.00 |
| Built-In Appliances | Automatic Appliance Allowance | 0.00 |
| Exterior Walls | Frame, Siding, Wood | 0.00 |
| Exterior Walls | Frame Brick Veneer | 0.00 |
| Fireplaces | Single 1-Story Fireplace | 1.00 |
| Floor Cover | Automatic Floor Cover Allowance | 0.00 |
| Foundation | Raised Subfloor | 1,320.00 |
| Garage/Carport | Attached Garage | 504.00 |
| Heating/Cooling | Forced Air Furnace | 0.00 |
| Heating/Cooling | Refrigerated Air using Heating Ducts | 0.00 |
| Plumbing Fixtures | Plumbing Fixtures | 13.00 |
| Porches, Decks, Breezeways | Slab Porch with Roof | 272.00 |
| Porches, Decks, Breezeways | Open Slab Porch | 288.00 |
| Roofing | Composition Shingle | 0.00 |

LAND DETAILS

| # | AREA | DEPTH | UNIT | ACREAGE | SQUARE FOOTAGE | CLASS | VALUE |
|---|------|-------|------|---------|----------------|-------------|----------|
| 1 | 0 | 0.00 | 1.00 | 0.16 | 6930.40 | Residential | \$35,000 |

TRANSFER HISTORY

To Whom this may concern:

RE: Daycare on 7 Dante Ct. Owner operator Debbie Duran

We have Lived on # 9 Dante ct. next door to Debbie for 9 years.

Russ & Kim

Comments regarding my approval for the Daycare:

To Whom it may concern:
 We have ~~lived~~ ^{lived} next to Deb and the Daycare for 9 years. Within all those years, we have never had a issue with Deb, the kids, or the Daycare. In all actuality you cannot tell we live next to a Daycare. In the summer is when we hear the kids laughing & playing in the back yard. We have never had any issues to date. Thank you. If you have any questions or concerns feel free to contact me at (719) 248-2068

Signature

Date 10/25/21

Off Street parking where the blue car and white Truck are. (Red Arrow) .

Play area where you see the blue umbrella along the side of the house. Play area on opposite side and back of the home.

Green Belt Area see green shading.

Home Fence lines are evident



Off Street Parking located where the pink and red car are in the Driveway (Red Arrow)

Play area where you see the blue umbrella along the side of the house. Play area on opposite side and back of the home.

Also Green Belt Access to the park from the back yard. See Green Shading

