

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-21-34

Hearing Date: December 28, 2021

TO: City of Pueblo Zoning Board of Appeals
FROM: Danielle Baxter, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 115 E Riverwalk Suite 110, Pueblo, CO 81003
APPLICANT: Elizabeth Gladney
PROPERTY OWNER: Doug and Farah Mitchell
YEAR BUILT: 2010
LEGAL DESCRIPTION: UNIT 110 ECO WALK CONDOMINIUMS AMENDED + INT IN COMMON ELEMENT FORMERLY #05-364-53-002
ZONE DISTRICT: Historic Arkansas Riverwalk of Pueblo (HARP-1) Zone District
PARCEL ID: 536453009
LOT SIZE: 1,154 sqft

REQUEST: Special Use Permit to allow a Professional Office in a Historic Arkansas Riverwalk of Pueblo (HARP-1) Zone District

SYNOPSIS OF REQUEST

The applicant is requesting a special use permit to allow a professional office in a Historic Arkansas Riverwalk of Pueblo (HARP-1) Zone District, which is a conditional use within that district. Sect 17-4-51(e)(30) of the current City of Pueblo Municipal Code states that any office in a HARP-1 zone district must be reviewed and approved by the HARP Authority and additionally, offices are not permitted on the Riverwalk level at the storefront. Therefore, since the proposed use of a professional office is on the first floor and at Riverwalk level, the applicant must request a special use permit, because they cannot meet the requirements of the conditional use permit (Section 17-4-51, (b), f., 3. of the Pueblo Municipal Code). The HARP Authority also reviewed and granted the request for a Conditional Use Permit for the proposed office on December 9, 2021, with the limitations that this approval is only for the tenant Mentally Ill Kids in Distress and there can be no change to the storefront, other than tenant signage on the entry door.

ANALYSIS OF REQUEST

115 E Riverwalk Suite 110 is approximately 1,154 square foot condominium previously occupied by a fitness studio. Other office condos within the building are occupied by American Vein & Vascular Institute, Banner & Bower (PC), Morgan Stanley, 1129 Spirits & Eatery, and Pueblo Urban Renewal Authority. The building was constructed in 2010 and houses eight individual office condominiums.

The current owners of Suite 110 had operated a fitness studio out of this location since 2011. However, the studio was forced to close because of the Covid-19 pandemic, and they have been trying to lease out the space to a new tenant for the past nine months. The owners have received a lease agreement from an organization currently based out of Arizona, looking to expand to Colorado. Mentally Ill Kids in Distress (MIKID) is a non-profit, licensed outpatient clinic, which offers support, education, and skills development to families and their children through one-on-one family support, transitional age youth services, peer support, health promotion, and living skills. MIKID plans to lease this space as their administrative office; this will not be a medical office, and no licensed doctors or psychotherapists will be on staff. Only five percent of their services will be performed within this office space as a

majority of their work is performed off-site in the patient’s home and community centers. Services that will be provided on site include support group meetings, educational resource seminars, and training sessions. Proposed office hours are Tuesday and Thursday from 10:00 am – 2:00 pm. MIKID plans to have one employee staff the office upon opening and wishes to expand to four employees once they are established within the community.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Government Use (S-1) Zone District	Parking Lot; City Hall
East	Government Use (S-1) Zone District	Central Main Street; Riverwalk Open Space
South	Government Use (S-1) Zone District	Riverwalk Open Space and River Chanel
West	Government Use (S-1) Zone District	Riverwalk Open Space; Angelo’s Pizza

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	Per email from Mike Colucci, dated 12/3/21, “Regional Building has no objection to the SUP. Building plans and permits will be required for any interior construction creating office space. Access to the common restroom must be available during operating hours.”
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. Ingress and egress from Central Main Street into parking lot located on north side of building. Public access is available to the suite via the main entrance at street level and along the Riverwalk level.

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 north side parking lot and the city parking garage located across the street at 110 S Main St. The owner currently leases a parking space from the city in said parking garage and the owner may reach out to the city to lease more parking spaces for additional employees, if needed.

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

Comments: Affirmative finding. Applicant stated that all refuse is collected at the street level and is paid for by the building association. Refuse would be limited to paper products and office related refuse.

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. Window/door treatments on the façade must meet HARP Authority and City of Pueblo Code.

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(h) Sign Standards of the current Pueblo Municipal Code. HARP-1 Zone District signs are regulated by the Planning and Zoning Commission and must go through the commission for approval before installation.

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: Affirmative finding. The proposed commercial use is compatible with other properties within the building. The applicant states that there are six other professional offices within the building and one restaurant.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 with additional staff condition below.

1. Any proposed signs must conform with Sec. 17-10-05(h) Sign Standards of the current Pueblo Municipal Code. HARP-1 Zone District signs are regulated by the Planning and Zoning Commission and must go through the commission for approval before installation. Signs must also meet HARP Authority regulations, per HARP Authority memo dated 12/9/21 there can be no changes to the storefront, other than tenant signage to entry door.

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: 12/28/2021	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 12/28/2022
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

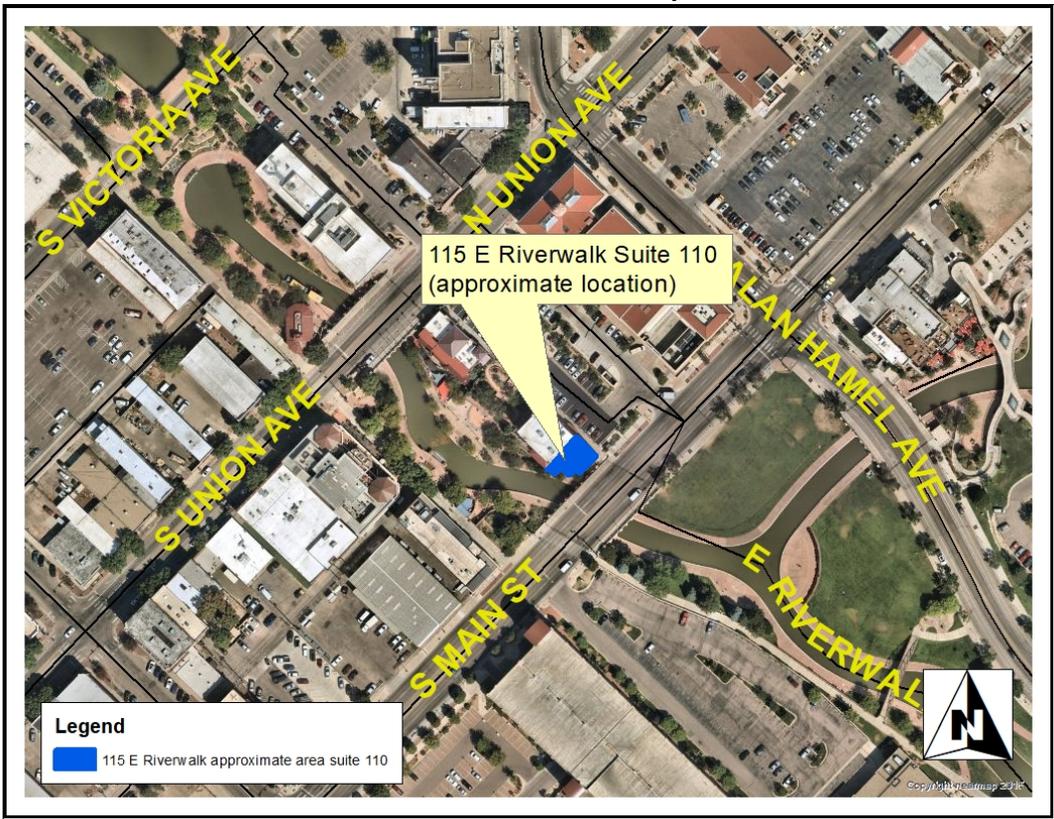


Exhibit C. Site Map

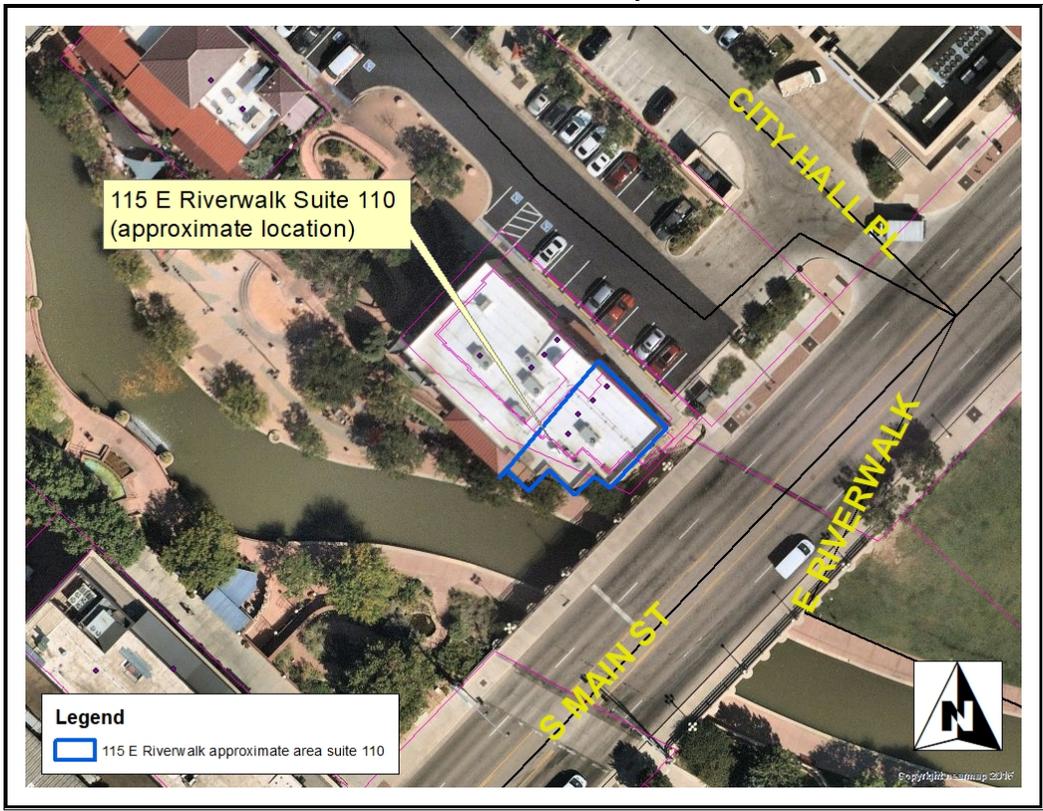


Exhibit D. Zoning Map

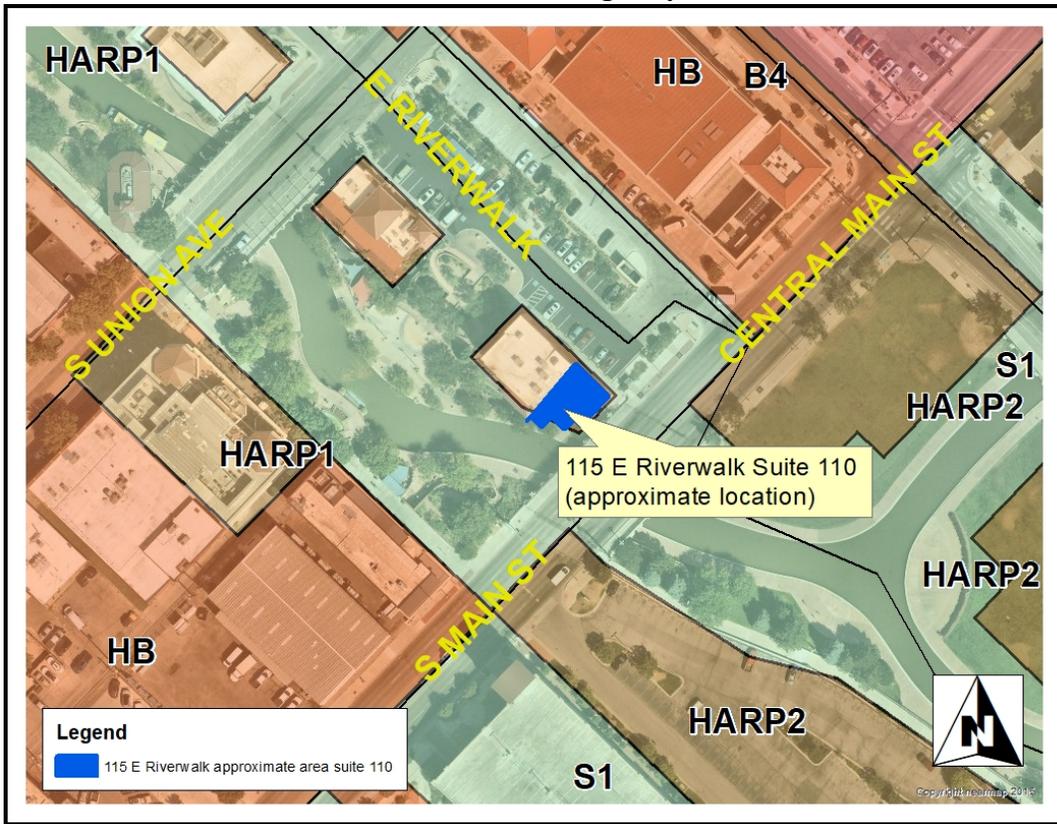


Exhibit E. Comprehensive Plan Map

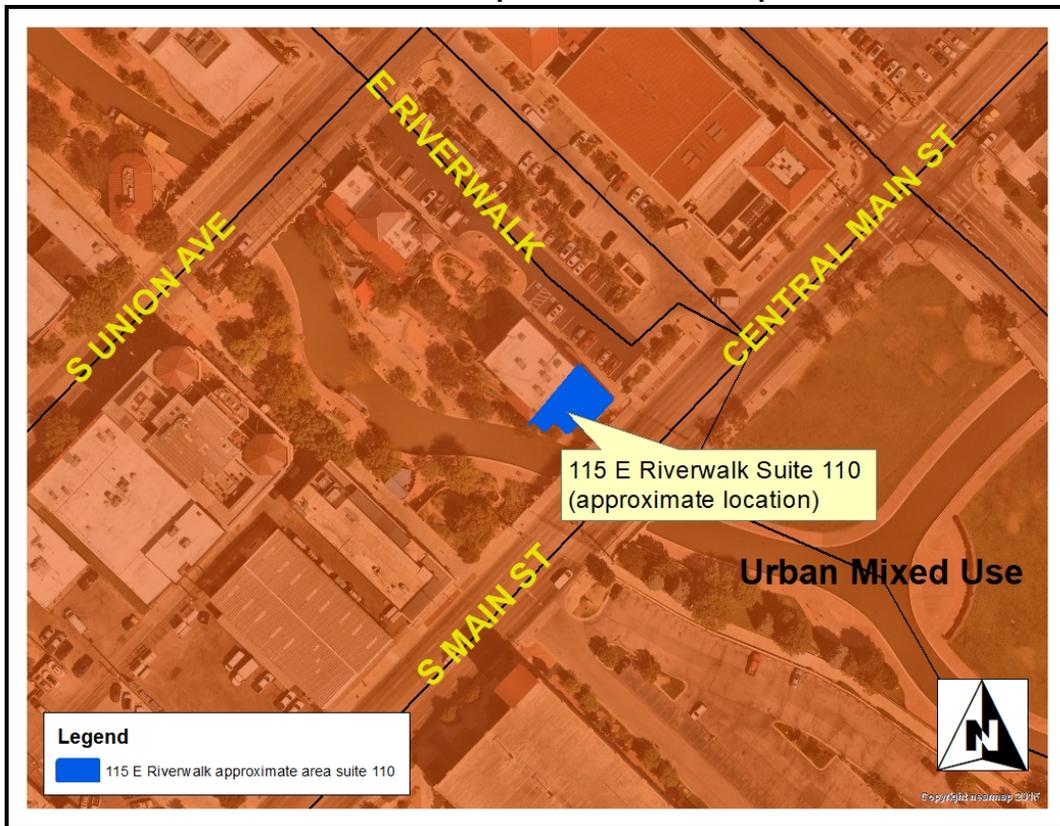


Exhibit F. Public Notice



Taken from Riverwalk River Chanel facing north.

Exhibit G. Site Pictures





Exhibit H. Application



12/01/2021

21-61

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Dec 1, 2021

Applicant

Elizabeth Gladney
beth.gladney@remax.net
421 N Main Street
Pueblo, CO 81003
7196716776

Location

115 E RIVERWALK Unit UNIT 100
Unit UNIT 100
PUEBLO, CO 81003

Owner:

MITCHELL DOUGLASE GARCIA MITCHELL FARAH A,
PO BOX 9116 PUEBLO , CO 81008-0116

Internal

ZBA Case Number

--

Planner Assigned

--

ZBA

Hearing Date

--

Hearing Results

--

Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

Specially Requested Hearing

Public Notice

Number of Posters

--

Number of Postcards Sent

--

Cost of Newspaper Notice

--

Public Notice Costs

0

Other Fees:

--

Public Notice costs must be paid by:

--

Public notice zoning poster must be displayed BY:

--

Public Notice zoning poster must be displayed UNTIL:

--

Scope of Work

Type of Request

Use by Review (Special/Limited Use Permit)

Type of Use by Review

Special Use Permit

Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

Parking at street level shared with other tenants of ECO Walk Building. No assigned parking in this lot for Suite 110. Public parking is first come, first serve. Owner has one leased parking spot in City Parking garage, and would accommodate any further requests from tenant for additional space.

Describe refuse and service areas, with particular reference to the items in the two questions above.

Refuse is collected at street level and paid for by building association. Refuse would be limited to paper products and office related refuse.

Describe utilities, with reference to the location's availability and compatibility.

No change in reference to utilities.

Describe screening and buffering with reference to type, dimensions and character.

Owner willing to place screening in windows that are conducive to Riverwalk.

Describe signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.

No signage other than vinyl signage on glass front door.

Describe how you will comply with the required yards and other open space.

No open space.

Describe the general compatibility with adjacent properties and other property in the district.

Building has 7 businesses. 6 of them are professional offices, 1 is restaurant.

Terms

Is the applicant and property owner the same?

No

Applicant Signature

Elizabeth Gladney, Associate Broker RE/MAX of Pueblo
11/30/2021

Attachments

 floorplan 115 E Riverwalk Suite 110.pdf
Uploaded by Elizabeth Gladney on Nov 30, 2021 at 2:40 pm



FARAHs_FITNESS-1.jpg
Uploaded by Elizabeth Gladney on Nov 30, 2021 at 2:44 pm

 HARP Special Use Permit letter.pdf
Uploaded by Elizabeth Gladney on Nov 30, 2021 at 3:01 pm

 3056_001.pdf
Uploaded by Elizabeth Gladney on Dec 1, 2021 at 10:40 am



FARAHs_FITNESS-5.jpg
Uploaded by Elizabeth Gladney on Nov 30, 2021 at 2:45 pm



FARAHs_FITNESS-4.jpg
Uploaded by Elizabeth Gladney on Nov 30, 2021 at 2:46 pm

History

Date	Activity
Nov 30, 2021 at 10:04 am	Elizabeth Gladney started a draft of Record 21-61
Nov 30, 2021 at 2:45 pm	Elizabeth Gladney added attachment FARAHs_FITNESS-5.jpg to Record 21-61
Nov 30, 2021 at 2:46 pm	Elizabeth Gladney added attachment FARAHs_FITNESS-4.jpg to Record 21-61

Date	Activity
Dec 1, 2021 at 10:42 am	Elizabeth Gladney submitted Record 21-61
Dec 1, 2021 at 10:46 am	completed payment step Application Fee on Record 21-61
Dec 1, 2021 at 10:47 am	approval step Intake Review was assigned to Planning Front Counter on Record 21-61
Dec 1, 2021 at 10:47 am	approval step Land Use Tech Review was assigned to Karen Elgin on Record 21-61
Dec 1, 2021 at 10:47 am	approval step Case Assignment was assigned to Beritt Odom on Record 21-61
Dec 1, 2021 at 10:47 am	changed the deadline to Dec 02, 2021 on approval step Case Assignment on Record 21-61

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Application Fee	Paid	Dec 1, 2021 at 10:42 am	Dec 1, 2021 at 10:46 am	-	-
 Intake Review	Active	Dec 1, 2021 at 10:47 am	-	Planning Front Counter	-
 Land Use Tech Review	Active	Dec 1, 2021 at 10:47 am	-	Karen Elgin	-
 Case Assignment	Active	Dec 1, 2021 at 10:47 am	-	Beritt Odom	12/01/2021
 Planning (Zoning) Initial Review of Submittal	Inactive	-	-	-	-
 Public Notice	Inactive	-	-	-	-
 Public Notice Memo	Inactive	-	-	-	-
 Public Notice Fee	Inactive	-	-	-	-
 Staff Report and Agenda Distribution	Inactive	-	-	-	-
 ZBA Hearing Outcome	Inactive	-	-	-	-
 Review Permit	Inactive	-	-	-	-
 Final Inspection	Inactive	-	-	-	-



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

Property Owner Affidavit

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

Property Owner:			
Name: Farah Garcia-Mitchell / Douglas Mitchell		Company: Jiggity-Jig LLC	
Address: 115 E. Riverwalk, Suite 110			
City: Pueblo		State: CO	Zip: 81003
Phone: 719-214-4207		Email: farahfitness@live.com	
Applicant:			
Name:		Company:	
Address:			
City:		State:	Zip:
Phone:		Email:	
Property Address: 115 E Riverwalk Suite 110 Pueblo Co 81003			

I, Farah Garcia-Mitchell + Douglas Mitchell hereby state that I am the owner of record of the property located at 115 E. RIVERWALK, SUITE 110, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application at said location.


 Signature of Property Owner

11/30/2021
 Date

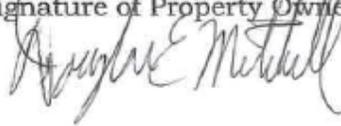

 11/30/2021

Exhibit I. Supporting Documents

Thursday, October 18, 2021

To: Lynn Clark

Executive Director

HARP Authority

Pueblo, Co 81003

Dear Lynn and HARP Authority Board Members:

This letter is to address my request for a special use permit for my business condo unit at 115 E Riverwalk, Suite 110, Pueblo Co 81003.

I have owned and operated Farahfitness, LLC at this location since 2011. When purchasing this condo, I was not aware of any special zoning requirements for this space. Nor was I required to appear before this board to operate my business.

As you are all aware, COVID hit small businesses significantly. I attempted many times to work within the confines of city requirements to operate my business. The ongoing and unpredictable pandemic climate forced me to decide to close my business in the fall of last year.

The process to find a reliable tenant has taken over 9 months. Although I had some interest from retailers, beauty salons and other small businesses, the lease rate, plus CAM charges, Association fees for the building and property taxes proved too much for those interested in my location.

I had multiple parties interested that sought professional office space. After several of those potentials did not come to fruition, my diligent broker was fortunate in securing a lease agreement for me with the MIKID organization.

MIKID is a non-profit, licensed outpatient clinic, family-run organization that has operated successfully in the state of Arizona for 35 years. They have 6 outpatient offices plus one administrative office which are all currently located in Arizona. MIKID contracts with all the AHCCCS Complete Care Health Plans, Regional Behavioral Health Authorities and several of the Arizona Indian Communities. MIKID staff participate in local and state level committees and task forces throughout the communities they serve. They have recently decided to expand their services to the state of Colorado. My suite on the Riverwalk will be used as their administrative office for future expansion into other communities in our state. Pueblo could only benefit by welcoming this organization into our community for their Colorado base. Their presence on the Riverwalk would help convey the message of our community's altruism and proactive stance. The facility they plan to establish can be designed in a similar manner to the Center for American Values which is located directly across the water from my space.

They will need an office work area, as all businesses do, but the majority of the space can be furnished and decorated in a fashion that will be welcoming to the public. The MIKID program offers support, education, and skills development to families and their children as well as youth and young adults who are experiencing mental health and behavior challenges. They also are a valuable resource for public information in regards to human services. One of the services they offer is to connect families and individuals with other natural supports that are available within the community. MIKID staff provide one on one family support, transitional age youth services, peer support, health promotion and living skills. 95% of MIKID services are facilitated in the client's home and in the community with the remaining 5% taking place in the office. Included in that 5% will be support group meetings, educational resource seminars and training sessions.

MIKID is not a medical office. There are no licensed doctors or psychotherapists that will be on staff. Initially, they will have one staff person on site Tuesdays and Thursdays from 10 am-2 pm. Eventually, they hope to add two additional staff in the first year of operation. Given how the market goes in this community, the tenant believes they will employ no more than 4 individuals at this location.

I have addressed parking with the tenant. They will use the one space that I already lease in the city's parking garage and will purchase additional spaces for employees as needed.

Tenant has agreed to window/door treatments on the façade to meet HARP and City requirements. I will work with the departments involved in order to get the specific details and any creative ideas they can provide.

I understand from city planner Berritt Odom that a letter will be sent to all of my neighbors within 100 feet of my location. I have polled the owners of these businesses and have received 100% support in favor of a Special Use Permit for my space.

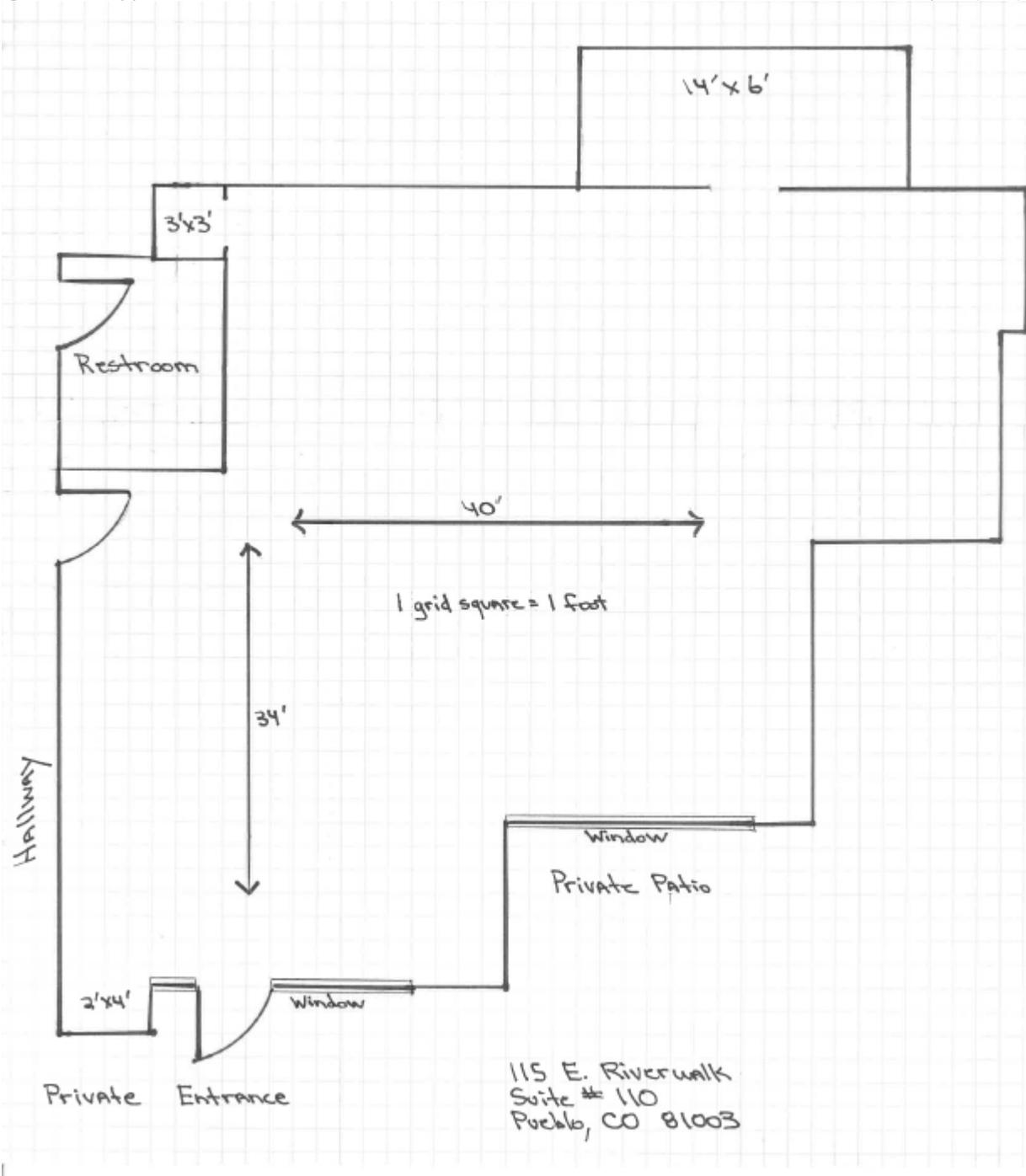
I ask that the board approves my request for a Special Use Permit for 115 E. Riverwalk, Suite 110. My tenant cannot proceed with other regulatory official procedures until they can obtain their business license therefore a speedy decision is greatly appreciated.

My husband and I have cleared our schedules in order to be in attendance at the HARP meeting being held on December 8th at 3:30pm. If the time or date is changed please notify us at 719-214-4207.

Thank you for your consideration.

:Farah Mitchell

Douglas Mitchell







Memorandum

To: Scott Hobson, Acting Director of Planning and Community Development
 Beritt Odom, Senior Planner
 Karen Elgin, Land Use Technician

From: Lynn Clark, Executive Director, HARP Authority

*Lynn Clark
12/10/21*

December 9, 2021

Subject: A resolution approving the aesthetics and proposed use by Doug and Farah Mitchell for condo unit on the channel level at 115 E. Riverwalk, Suite 110, Pueblo CO 81003, per section 17-4-51, (c), of the Pueblo Municipal Code which requires a Conditional Use Permit for an "Office, general" use in the HARP-1 Zone District, and per Section 17-4-51, (e), (30), a.2) of the Pueblo Municipal Code which requires HARP Authority review and approval prior to receiving a Conditional Use Permit for an "Office, general" use in the HARP-1 Zone District.

Per the Amended and restated Historic Arkansas Riverwalk of Pueblo (HARP) Authority Intergovernmental Agreement, the Historic Arkansas Riverwalk of Pueblo Authority, having reviewed the request at the Authority's December 8, 2021 regular meeting for the Conditional Use of the property at 115 E. Riverwalk, Suite 110 as "Office, general" by the tenant operating as MIKID, approves the Conditional Use with the following limitations:

- Approval is for this tenant only(MIKID)
- Any future tenant that does not meet the HARP-1 Zoning Requirements must request approval from the HARP Board
- There can be no change to the storefront, other than tenant signage on the entry door

In compliance with the HARP Program Plan dated November 1996 and Subdivision, as set forth in Article V of the Amended and Restated Historic Arkansas Riverwalk of Pueblo (HARP) Authority Intergovernmental Agreement, the Authority Board authorizes the HARP Authority Executive Director to deliver this recommendation in writing to the Pueblo Planning and Zoning Commission.