

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-21-36

Hearing Date: January 25, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 3004 S. Prairie Ave, Pueblo CO 81004
APPLICANT: Brian Keesling
PROPERTY OWNER: AMPI LLC
YEAR BUILT: 1977
LEGAL DESCRIPTION: LOT 1 BLK 1 SOUTH PRAIRIE SUB 2ND EXC W 7.00 FT FORMERLY #15-143-17-001
ZONE DISTRICT: Highway and Arterial Business (B-3) Zone District*
CONCURRENT
REQUEST(S): Z-21-21 3004 S. Prairie Ave rezone from B-3 Highway Arterial and Business District
PARCEL ID: 1514317020
LOT SIZE: 73,697 sq. ft.

REQUEST: Variance to reduce the required distance between a building in a Business Park (B-P) Zone District and residential use zone districts.
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REQUEST

The applicant is requesting to secure a variance to reduce the required distance, between a structure in a Business Park (BP) Zone District and a R-2, Single-Family Residential district property, to 10 feet. The property located at 3004 S. Prairie was developed in 1977 and a 16,000 square foot, metal warehouse was constructed approximately 10-feet from the northern property line. The structure was developed for a warehousing use and operated as the Coca-Cola Bottling Company warehouse until the mid-2000's. Mr. Rubin, property owner, recently requested a rezoning of the property to a BP Zone District to allow manufacturing uses. The request was heard by the Planning and Zoning Commission on January 12, 2022. The commission made the recommendation to City Council that the rezoning be approved contingent upon the property owner securing a variance from the 100-foot distance requirement between buildings in a BP District and a residential use zone district.

ANALYSIS OF REQUEST

The subject property meets the BP Zone District minimum lot size, front and side-yard setbacks (the lot has multiple front setbacks and no rear setback because it sits adjacent to three public rights-of-way). The R-2 Zone District located adjacent to the northern property line is approximately 43,205 square feet and is developed with a single-family home, multiple accessory structures, and has numerous FedEx commercial vehicles on site. The property does not operate exclusively as a residential property and the commercial vehicles are stored adjacent to the 3004 S. Prairie property line. The R-2 zoning appears to be a remnant of the historic residential zoning that existed prior to the late 1960's. Adjacent properties to the south and east are zoned B-3, Highway Commercial Arterial, and house light industrial uses. The property to the west is zoned I-2, Industrial District, and is developed with a wireless communications tower (cell tower).

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single-family Residential (R2) Zone District	Residential and commercial vehicle storage
East	Highway and Arterial Business District (B3) Zone District	Commercial, established
South	Highway and Arterial Business District (B3) Zone District	Commercial, established
West	Industrial (I2) Zone District	Wireless communications tower (cell tower)

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 VARIANCE

1. The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

Comments: Affirmative finding. The subject property does not encroach into any of the four setbacks, therefore light and air to the adjacent properties will remain the same.

2. The variance will not affect general planning of the city with respect to land use and the location of streets and highways will not be jeopardized.

Comments: Affirmative finding. This variance will not negatively affect land use planning or the location of streets and highways.

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative Finding. It appears that the entire region was originally zoned R-2 upon annexation; however, beginning in the late 1960’s development began to shift to light industry. The subject property was originally developed for light industrial purposes and received a Special Use Permit to allow warehousing in 1976. Prior to 2015, B-3 zoned properties were able to secure Special Use Permits for light industrial uses; however, the Municipal Code was amended and a Special Use Permit for light manufacturing is no longer an option for a B-3 property. Surrounding properties to the east, south and west were all developed with light

industrial and commercial uses. If this variance is not granted use of this property will be limited to commercial and service functions.

4. The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

Comments: Affirmative Finding. The subject property is one of four properties within the established light industrial/business park region that borders the remnant R-2 zoned property, making redevelopment of the site challenging.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Variance staff only recommends Standard Permit Conditions 1 through 13.

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: 1/25/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/25/2023
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.

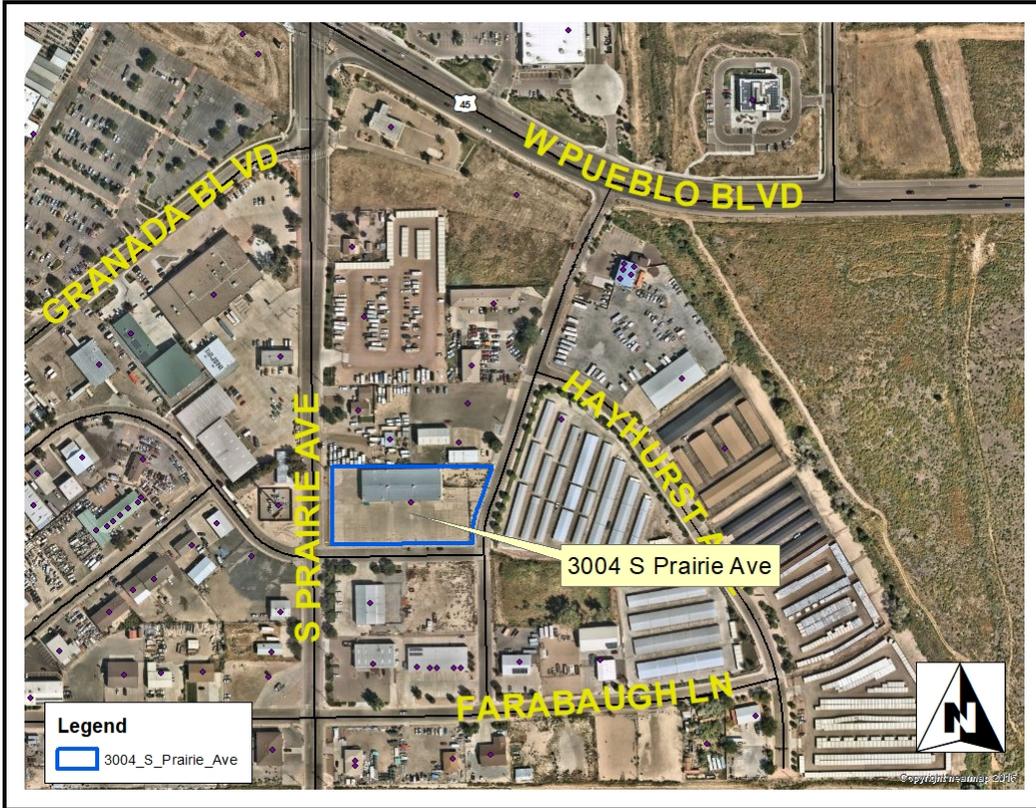


Exhibit B. Location Map

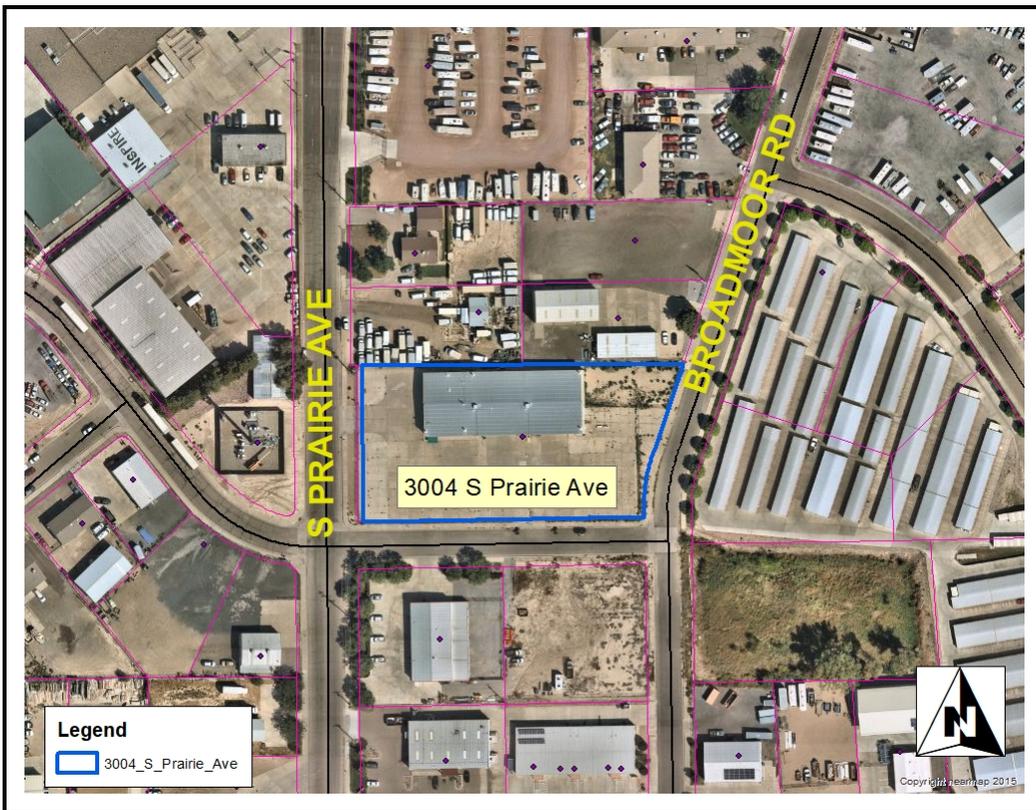


Exhibit C. Site Map

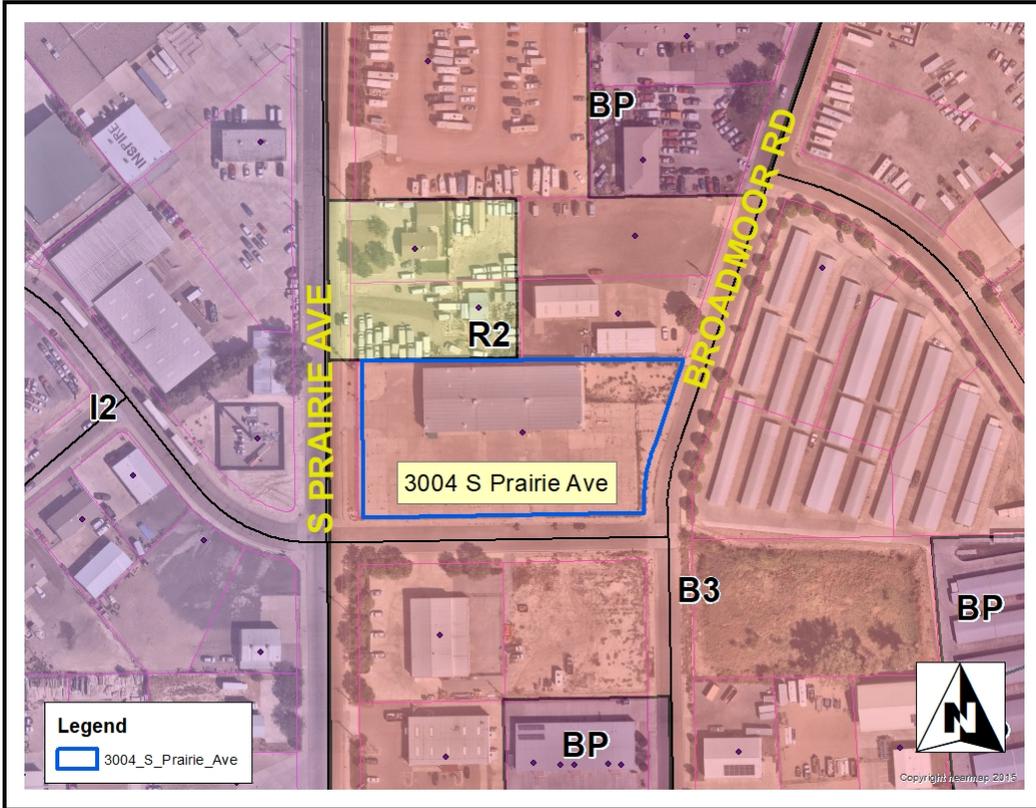


Exhibit D. Zoning Map

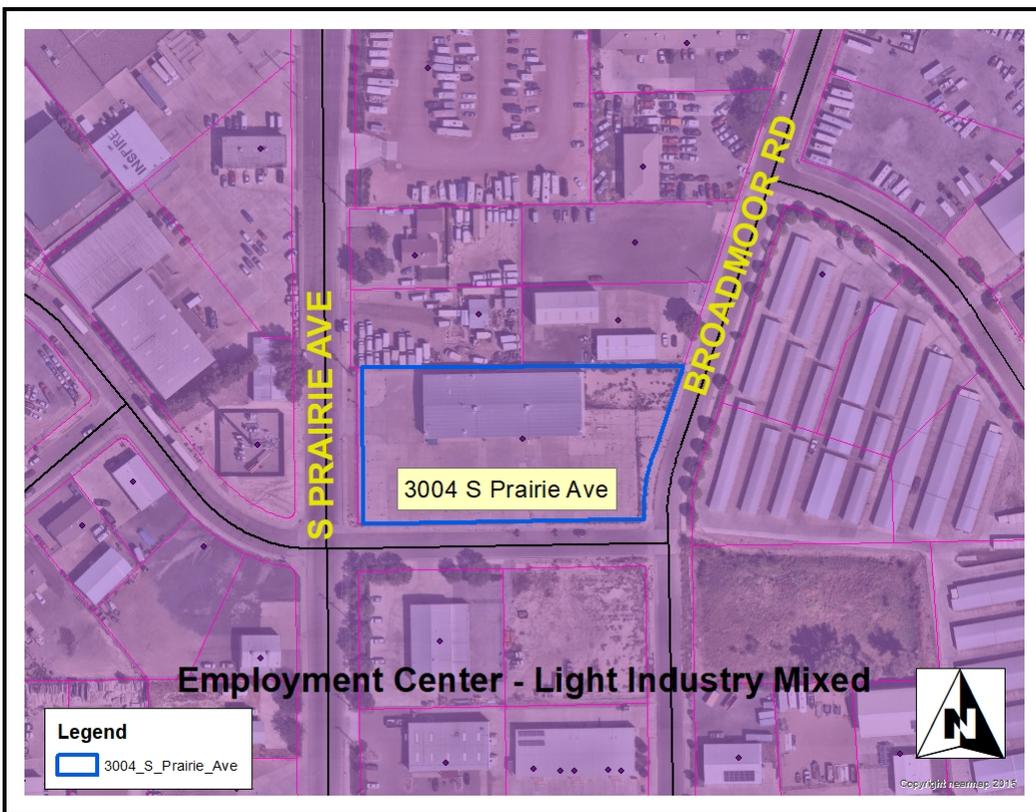
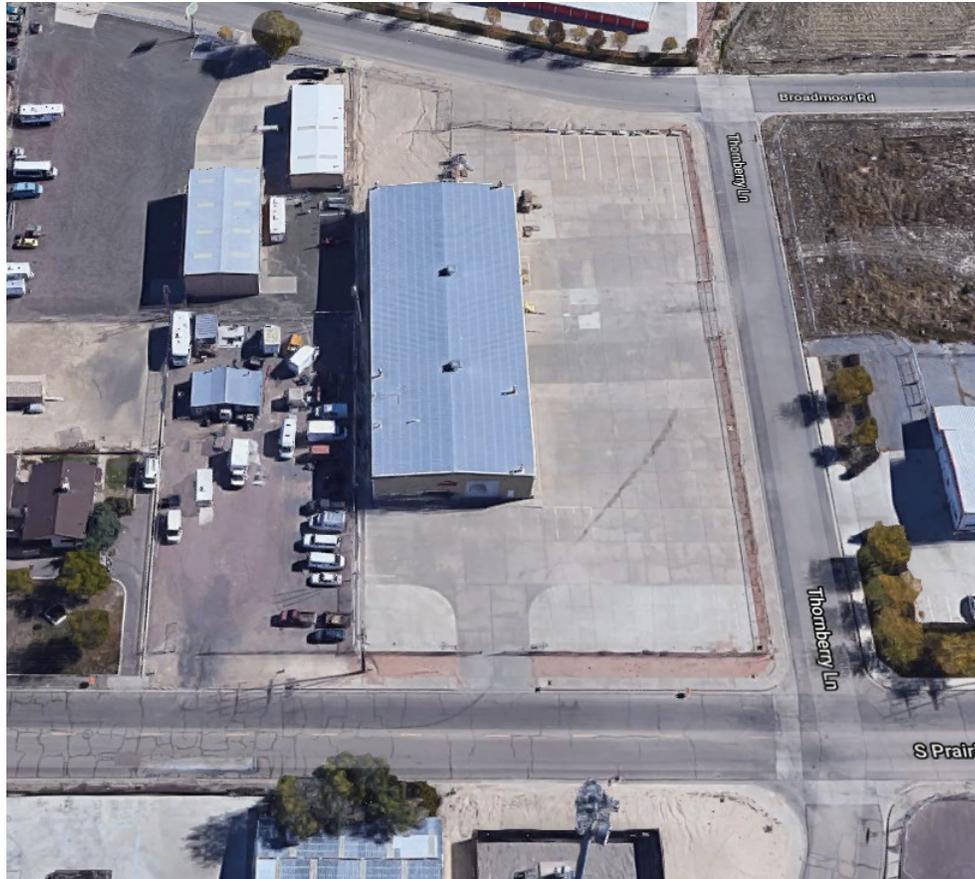


Exhibit E. Comprehensive Plan Map

Exhibit F. Public Notice



Picture taken from Prairie Ave facing East



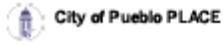
G. Site Pictures



Picture taken from Prairie Ave facing North



Picture taken from Prairie Ave facing East



12/09/2021

21-67

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Dec 3, 2021

Applicant

Brian Keesling
 bkeesling@doublebaypartners.com
 5555 DTC Parkway
 Suite 272
 Greenwood Village, CO 80111
 3038857135

Location

3004 S PRAIRIE AVE
 PUEBLO, CO 81004

Owner:

AMPI LLC
 5555 DTC PKY STE 272 GREENWOOD VILLAGE , CO 80111-3005

Internal

ZBA Case Number
 ZBA-21-36

Planner Assigned
 --

ZBA

Hearing Date
 01/25/2022

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:
 --

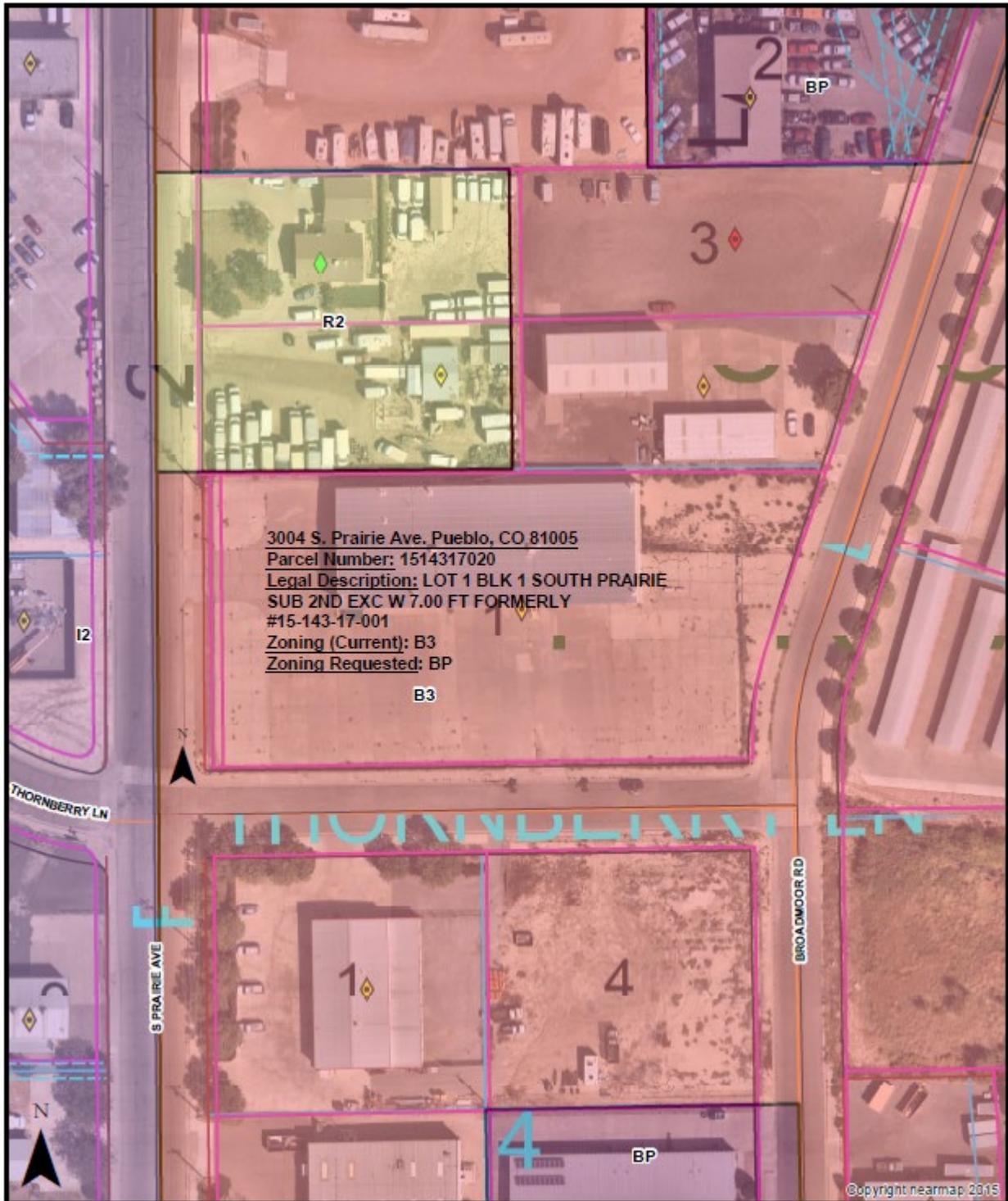
Public Notice zoning poster must be displayed UNTIL:
 --

Scope of Work

Type of Request
 Variance

Variance Type
 Setback

Exhibit I. Supporting Documents



This map is for City of Pueblo planning purposes only. The City of Pueblo, Colorado does not guarantee, nor provide any warranty, expressed or implied, as to the representativeness, completeness, or accuracy of maps and data provided herein.