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Lisa Bailey
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Georgia Way

ZBA-21-37

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: 4415 N Elizabeth St, Pueblo CO 81008
APPLICANT: James Kasic
PROPERTY OWNER: James Kasic
YEAR BUILT: N/A
LEGAL DESCRIPTION: LOT 2 GREDIG SUBDIVISION FORMERLY #05-130-00-088
ZONE DISTRICT: Central Business (B-4) Zone District
PARCEL ID: ZBA-21-37
LOT SIZE: 6,930 sqft

REQUEST: Special Use Permit to allow for a Residence, watchman or caretaker in a Central Business (B-4) Zone District.

SYNOPSIS OF REQUEST

The applicant is requesting a Special Use Permit to allow for a Residence, watchman or caretaker in a Central Business (B-4) Zone District, which is a use by review in that district. The Zoning Board of Appeals previously granted a Special Use Permit (ZBA-21-07) with conditions on April 27, 2021, allowing for a self-storage business at this location. However, the watchman residence also requires an individual Special Use Permit, and therefore an additional hearing is required - for this project to move forward as planned.

ANALYSIS OF REQUEST

The subject property was subdivided in 2003 to facilitate commercial development and consists of a flag lot. The lot is located behind the *Rambler Apartments* and is accessed from North Elizabeth with a 25-foot-wide drive that extends west and opens into a large unimproved development site that has a lower topography than the surrounding development sites. The proposed watchman residence is located south of the main entrance to property along the eastern property boundary. Because of the site's location behind the multi-family/motel structure and the lower elevation it is not visible from North Elizabeth Street. However, future development to the west and south of the subject property will most likely sit at the same or similar elevation and will look directly into the self-storage site. The existing Kenworth, heavy and medium duty truck retail store, to the north and the mattress retail store to the south sit at a higher elevation and look directly into the proposed self-storage site.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Central Business District (B4) Zone District	MHC Kenworth – Truck Dealer
East	Multiple-residential and Commercial District (R6) Zone District	Rambler Apartments
South	Central Business District (B4) Zone District	U-Haul Neighborhood Dealer
West	Multiple-residential and Commercial District (R6) Zone District	Undeveloped

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. Ingress and egress to the watchman residence is provided from North Elizabeth via a 25-foot-wide drive. The preliminary site plan shows drive isles around the entire perimeter of each storage unit. The applicant indicated that all drive isles are wide enough for fire trucks and emergency vehicles. The site plan does not provide the width of the drive isles and fire has not completed an exhaustive review at this time; however, it is anticipated that adequate ingress/egress and circulation will be provided with the proposed site plan. The watchmen residence and parking is set back from main entrance to the property, and does not impede traffic flow or circulation.

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, storage units are only required to provide three parking stalls, the applicants are proposing to provide approximately six parking stalls which will allow for parking at the watchman residence. The storage use is not anticipated to create noise, glare, or odor effects.

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

Comments: Affirmative Finding. Refuse for the watchman residence will be provided south of the office along the eastern property line. A “yard” is also proposed south of the proposed watchman residence location.

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

Comments: Affirmative finding, the applicant indicated that a water tap is available on the east side of N. Elizabeth and the water line will run down the 25-foot drive that accesses the development site. Sewer, power, and gas are all available on site.

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

Comments: Affirmative finding, the applicant accurately indicates that the site is completely screened from N. Elizabeth by the apartment development that sits adjacent to the eastern property line. However, properties along the western boundary and a portion of the southern boundary remain unimproved and may be developed with a variety of uses in the future, including residential, lodging, office and commercial. However, the watchman residence addition does not further exacerbate the buffering need and would not negatively impact the property beyond the previously approved storage unit use.

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 applicant indicated that they would utilize the existing sign on N. Elizabeth. The existing sign is located on Lot 1, Gredig Subdivision, which is a separate lot from the proposed storage units. All signs must be located on the same lot as the self-storage use or the owners of both sites may create an approved Master Sign Program allowing the shared use of the sign per Section, 17-10-05, of the Pueblo Municipal Code. However, the watchman residence addition does not further exacerbate the signage issue and would not negatively impact the property beyond the previously approved storage unit use.

7. Required yards and other open space.

Comments: Affirmative finding. Affirmative finding. The preliminary site plan appears to comply with required yard setbacks. At the time of building permit for the watchman residence, the applicant will be required to comply with the required yards.

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

Comments: Affirmative finding, the watchman residence in conjunction with the self-storage use is compatible with the commercial and multi-family residential use that surround it. With proper screening and buffering that is required as a condition of the Special Use Permit, ZBA-21-07, the use is not anticipated to be incompatible with future development adjacent to the south and west of the site.

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

- A. The construction of the watchman residence shall comply with the small-scale development performance standards; Sec. 17-4-48.
- B. The watchmen residence and storage units shall be architecturally compatible.

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

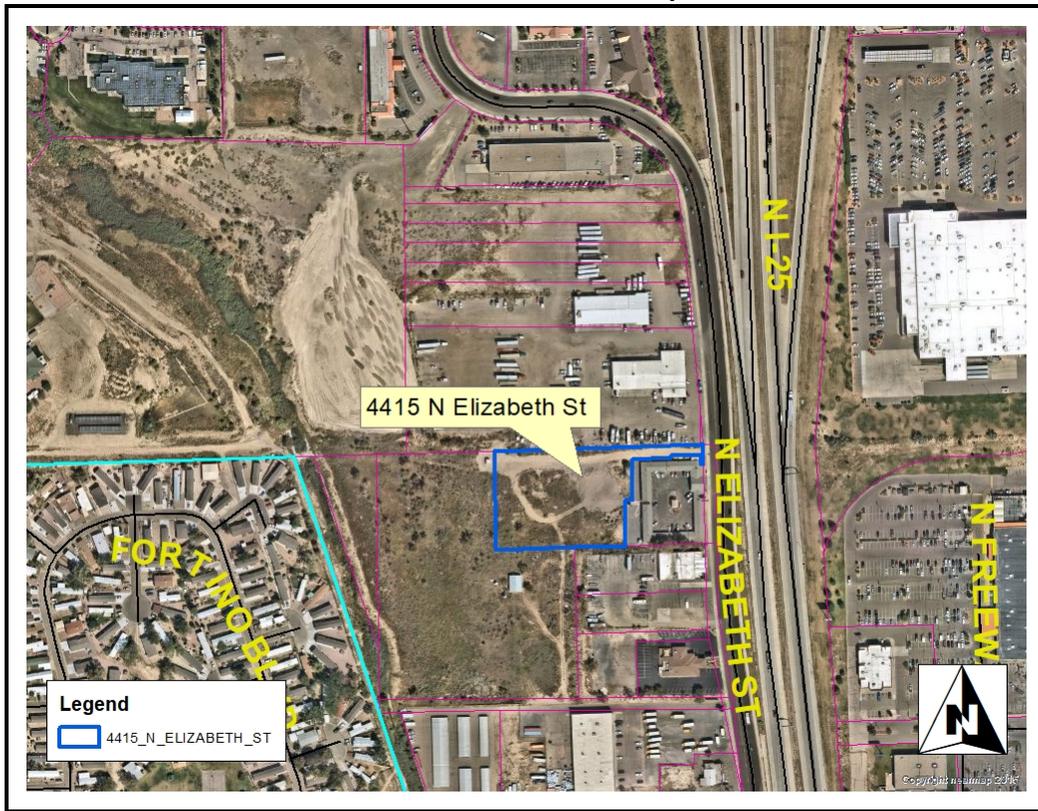


Exhibit C. Site Map



Exhibit D. Zoning Map

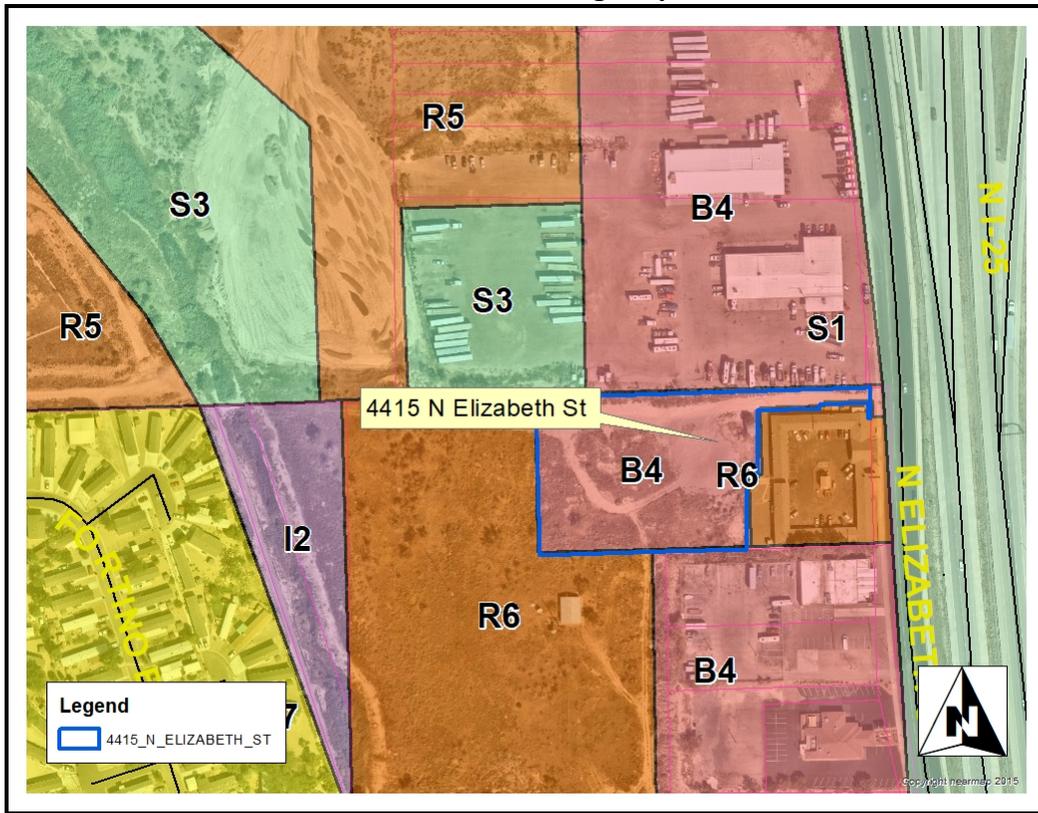


Exhibit E. Comprehensive Plan Map

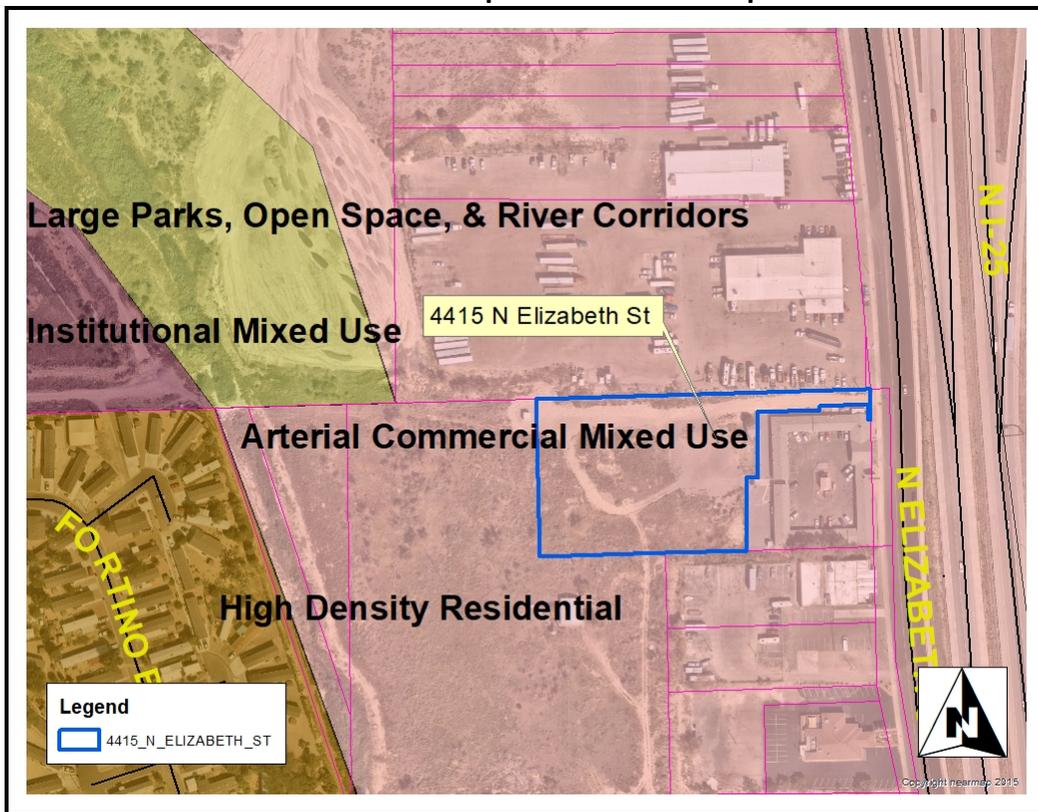


Exhibit F. Public Notice



Picture taken from Elizabeth St facing West

Exhibit G. Site Pictures



Picture taken from property facing Southwest



12/10/2021

21-71

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Dec 10, 2021

Applicant

David Sanchez
roi Ventures@mail.com
15100 Almstead St
Hudson, CO 80642
7203385123

Location

4411 N ELIZABETH ST
PUEBLO, CO 81008
Owner:
KASIC JAMES F II
903 BROOKLAWN DR BOULDER , CO 80303-2708

Internal

ZBA Case Number
ZBA-21-37

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
1

Number of Postcards Sent
6

Cost of Newspaper Notice
--

Public Notice Costs
7

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

Provide a short description of the proposed request:

A new storage facility is to be built on the lot. We would like to have a residence for an onsite manager/watchman. It would be a two bedroom, 800 square foot residence on the southside of the office building.

APPLICATION COMPLETED IN OPEN GOV

Exhibit I. Supporting Documents



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: James F. Kasic II		
Name: James F. Kasic II		Company:
Address: 903 Brooklawn Drive		
City: Boulder		State: CO
Zip: 80303		
Phone: 303-564-1663	Email: JKasic@comcast.com	
Applicant:		
Name: David Sanchez		Company: Sanchez Investments, LLC
Phone: 720-338-5123	Email: roiventures@mail.com	
Property Address: 4415 N. Elizabeth St., Pueblo, CO 81008		

I, James F. Kasic II, hereby state that I am the owner of record of the property located at 4415 N. Elizabeth St, Pueblo, CO 81008, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.
(application type)

James Kasic II Digitally signed by James Kasic II
Date: 2021.12.10 09:17:37 -07'00'
 Signature of Property Owner Date

