

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-08

Hearing Date: March 22, 2022

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Danielle Baxter, Planner
THROUGH:	Scott Hobson, Land Use Administrative Official
LOCATION:	2039 Alma Ave, Pueblo, CO 81004
APPLICANT:	Kevin Bush
PROPERTY OWNER:	Kevin Bush
YEAR BUILT:	1980
LEGAL DESCRIPTION:	LOT 2 LAKEVIEW WEST SUB (CONTG 2.68 ACRES) FORMERLY 15-113-12-031
ZONE DISTRICT:	Business Park (BP) Zone District
PARCEL ID:	1511327002
LOT SIZE:	14,023 sq ft
REQUEST:	Special Use Permit to allow a warehouse use in a Business Park (BP Zone) District

SYNOPSIS OF REQUEST

The applicant is requesting a special use permit to allow a warehouse in a Business Park (BP) Zone District, which is a use by review in that district (Sec 17-4-51(c)(157)). The applicant plans to utilize the existing warehouse to store safety equipment, such as boots, earplugs, safety glasses, goggles, and gloves for wholesale.

ANALYSIS OF REQUEST

2039 Alma Ave is a 2.68-acre commercial lot with a 14,023 square foot warehouse built in 1980. The property is located in the Lakeview West Subdivision, west of Lake Minnequa. The applicant is requesting a Special Use Permit to utilize this warehouse for storing and shipping of safety equipment. The parcel has access points from Lakeview Ave, Alma Ave, and Ivywood Lane. The entire property is enclosed by a six foot (6') tall chain link fence, with gated access points off Lakeview and Ivywood. The Lakeview Ave access point has a 230-foot driveway through a Subregional Business (B-2) zone district into the north parking lot. The north parking lot is paved asphalt and has 105 parking spaces, four of which are designated handicap spaces. The main building entrance is also accessed from this parking lot. There are two more access points to the north parking lot from Alma Ave, which are not gated. There is also a building entrance along Ivywood Lane, where the loading dock is located. There is also a second parking lot located off Ivywood, which offers an additional sixteen (16) parking spaces.

The applicant states they receive deliveries daily and shipments are picked up in the afternoon. Business hours are Monday through Friday 7:30 am – 4:30 pm (MST). The warehouse has a designated forty (40') foot long driveway, which ends at an overhead door loading dock for deliveries and shipments. This driveway is utilized by the delivery vehicles, which may average ten to thirty (10'-30') feet in length. The applicant states they will also receive two to three deliveries per month by a semi-truck. The average semi-truck is seventy to eighty (70'-80') feet in length so the semi-trucks park on Ivywood Lane and walk the deliveries up the driveway.

There are also two shipping containers currently on the property. Sec 17-4-23(c)(11)(d) states permanent shipping containers are permitted in high-visibility industrial zones as long as the shipping containers are located behind the principal structure, on the rear portion of the property, away from the public right-of-way, and made with architecturally compatible materials. "Warehousing uses" is classified as an industrial use, therefore this

section of the code is applicable and the two shipping containers are allowed to remain on the property with conditions.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Subregional Business (B-2) Zone District; Single-family Residential (R-2) Zone District	Single-family Residential; Pueblo Policeman’s Benevolent Office; Lakeview Ave
East	Industrial (I-2) Zone District; Mixed Residential (R-4) Zone District	Don Quixote Apartments (Multifamily Residential); Single Family Residence; Zims Towing
South	Single-family Residential (R-2) Zone District	Ivywood Lane; Single-family Residential
West	Single-family Residential (R-2) Zone District; Central Business (B-4) Zone District	LMH Building Center; New Bethany Baptist Church

COMPREHENSIVE PLAN

The comprehensive plan depicts Arterial Commercial Mixed Use for this parcel. Arterial Commercial Mixed Use includes the large commercial areas and corridors found along key sections of I-25, portions of Highway 50, Pueblo Boulevard, Highway 47, Santa Fe Drive, Prairie Avenue and Northern Avenue. While the primary focus of these areas is retail sales and personal services, some office space is intermixed. This land use category does not prohibit compatible land use other than heavy industrial uses. Uses located along major routes such as I-25 and Highway 50, are designed for the regional retail market segment. Uses along other arteries are geared to community-level shopping and services. Uncontrolled “strip” expansion of commercial development along arterial roadways instead of activity nodes should be discouraged. Development should create mixed uses that do not place emphasis on the parking areas but on the commercial uses themselves. Within the Business Park (BP) Zone District other similar uses by right include blood bank or donor station, contractor’s shop, minor food and drink processing facility, manufacturing and production, and big box retail sales.

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 F). These notices occurred at least 10 days prior to the hearing.

OTHER AGENCIES

Pueblo City/County Health	No comment received
City Transportation	No comment received
Pueblo Regional Building Department	No comment received
Fire Department	No comment received
City Public Works Department	No comment received
City Stormwater Department	No comment received
City Code Enforcement	No comment received
Pueblo Board of Water Works	No comment received
City Wastewater Department	No comment received
City Parks and Recreation Department	No comment received

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 has access off Ivywood Lane, Alma Ave, and Lakeview Ave.

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 site has adequate off-street parking for all employees. There is one ground-level loading dock off Ivywood Lane that most delivery vehicles utilize. The driveway for the loading dock is approximately forty (40') feet in length. Semi-truck deliveries are brought in from Ivywood Lane.

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

Comments: Affirmative finding. The applicant will use an on-site commercial dumpster for refuse, which is picked up bi-weekly.

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 chain link fence surrounding the property. The residential property to the north is buffered by approximately 200 feet of parking lot. The residential property to the east is buffered by approximately 50 feet of landscape and xeriscape. The residential property to the south also includes a landscape and xeriscape buffer of approximately 40 feet.

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, BP 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: Affirmative finding. The proposed warehouse is compatible with the adjacent properties. A variance was issued to reduce the required distance between a building in a BP Zone District and a residential use zone district (ZBA-21-08). The variance was approved and a subsequent rezoning was recorded.

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 the following staff conditions:

1. The shipping containers on the property need to be painted to match the primary structure.
2. No more than two shipping containers are allowed on the property.
3. The site and uses therein must conform with the B-P Zone District Performance Standards Sec. 17-4-5 of the Pueblo Municipal Code.

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: 3/22/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/22/2023
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

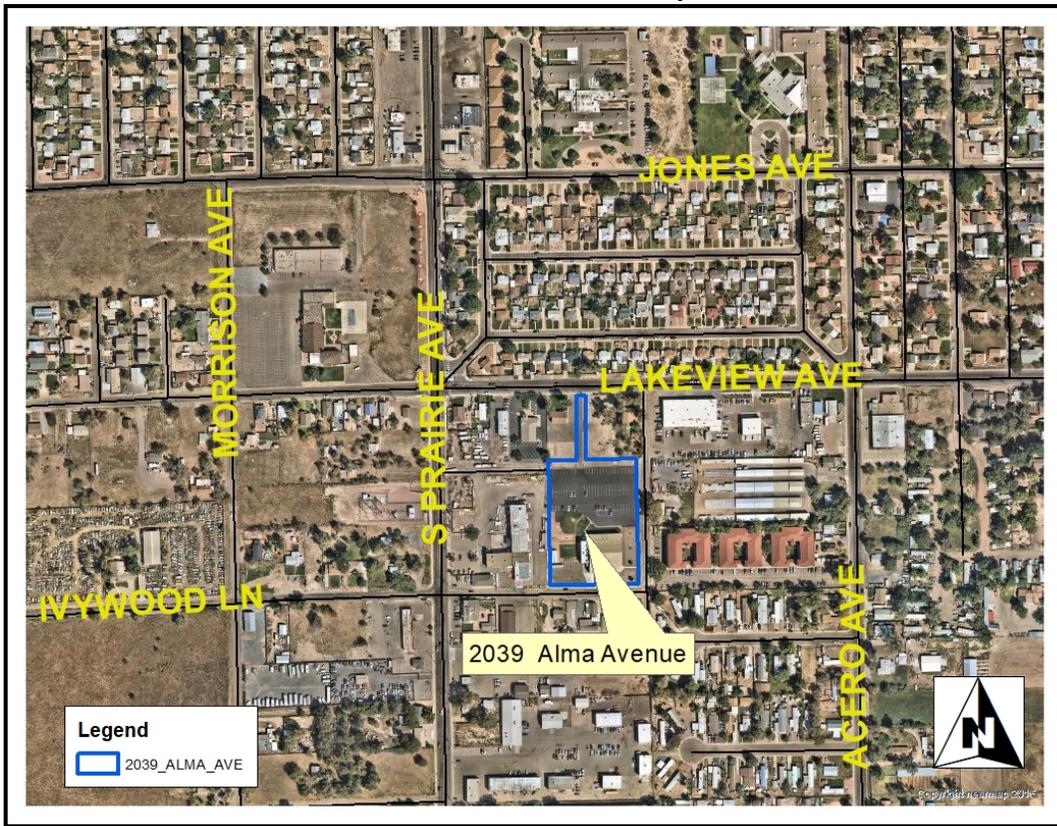


Exhibit C. Site Map



Exhibit D. Zoning Map

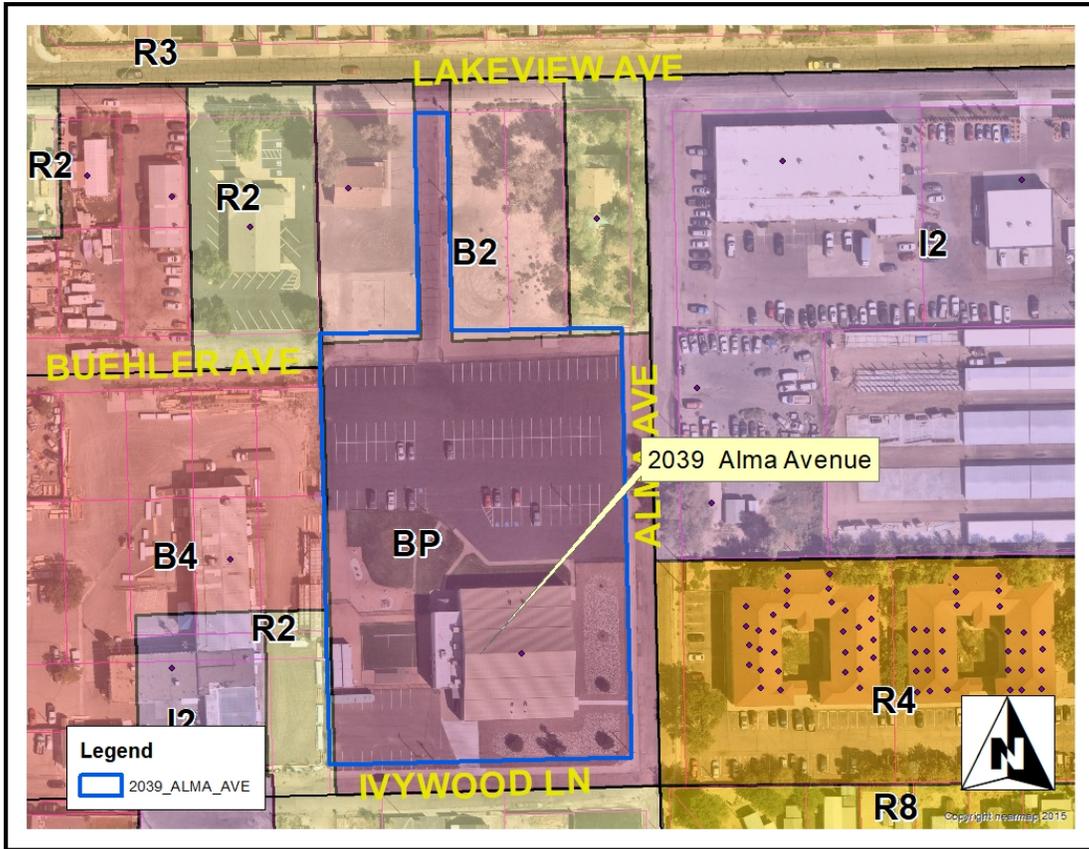


Exhibit E. Comprehensive Plan Map

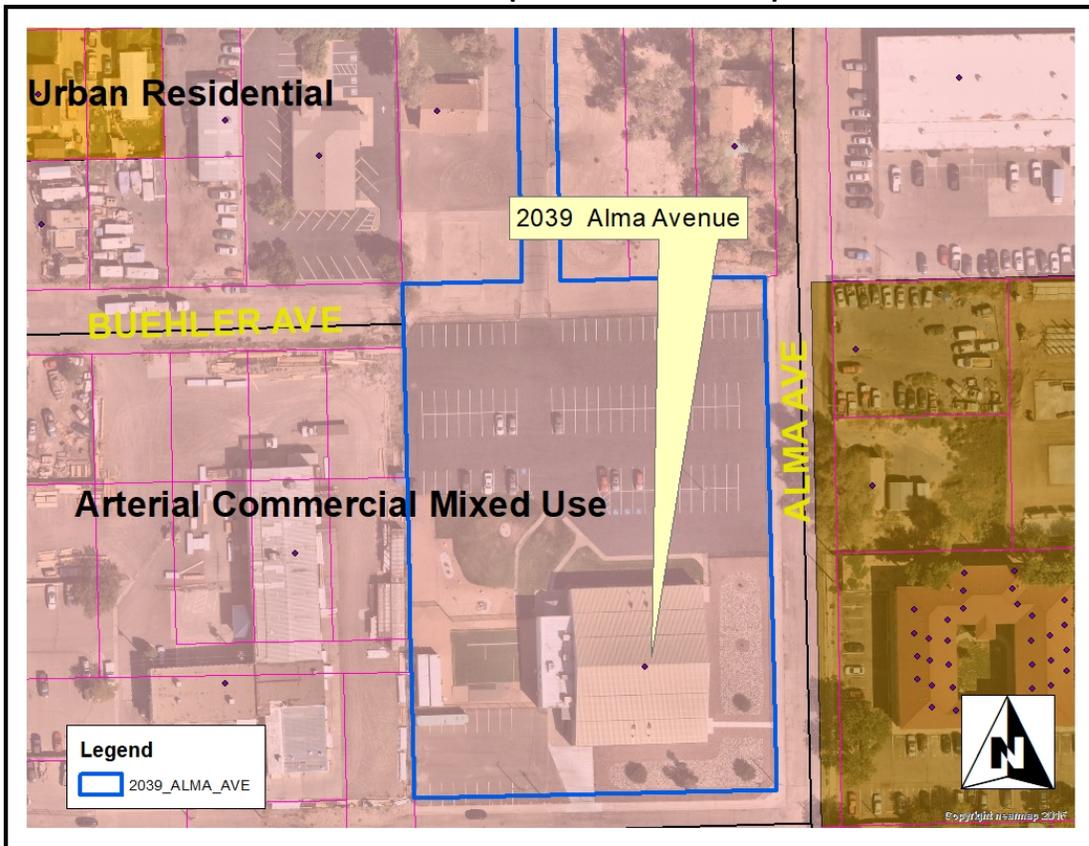


Exhibit F. Public Notice



Taken from north parking lot off Lakeview Ave facing south.

Exhibit G. Site Pictures



Taken from north parking lot facing southwest.



Taken from north parking lot facing northwest.



Taken from north parking lot facing northeast.



Taken from north parking lot facing southeast.



Taken from north parking lot facing south.



Taken from south parking lot facing east.

Exhibit H. Application Completed in OpenGov

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OpenGov

 City of Pueblo PLACE

02/15/2022

22-23

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Feb 15, 2022

Applicant

KEVIN BUSH
kevin@indianasafety.com
PO BOX 559
WASHINGTON, INDIANA 47501
8124866544

Location

2039 ALMA AVE
PUEBLO, CO 81004

Owner:

BUSH COMMERCIAL PROPERTIES LLC
1001 Northeast 3rd St. Washington , IN 47501

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

<https://puebloco.viewpointcloud.io/#/explore/records/26721/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C101...> 1/3

Provide a short description of the proposed request

wholesaling and warehousing and residential(caretaker) in BP zone

What is the general use of the property

Commercial

Detailed explanation of the request as listed above.

Warehousing/wholesaling of safety equipment with caretaker on-site

Justification of facts required for the request. Be specific.

Warehousing/wholsaling of safety equipment with care-taker on-site

Please see the attached document for assistance with Justification of Facts:

 ZBA Use by Review Assistance
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_\(Greenwich_Mean_Ti...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Use_by_Review_HANDOUT_06-2020_Thu_Jul_22_2021_15:43:00_GMT+0000_(Greenwich_Mean_Ti...))

Please see the attached document for assistance with Justification of Facts:

 ZBA Non-Residential Variance Assistance
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_\(Greenwich_Mean_T...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Non-Residential_Variance_HANDOUT_06-2020_Thu_Jul_22_2021_15:42:48_GMT+0000_(Greenwich_Mean_T...))

 ZBA Residential Variance Assistance
([https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT__06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_\(Greenwich_Mean_T...](https://viewpointcloud.blob.core.windows.net/profile-pictures/ZBA_Residential_Variance_HANDOUT__06-2020_Thu_Jul_22_2021_15:42:55_GMT+0000_(Greenwich_Mean_T...))

Are there any concurrent zoning requests?

No

Use by Review Justification of Facts

Describe the ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

One single building on-site with ample parking and (3) entrances

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.

NONE

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

ONE DUMPSTER ON-SITE

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

GAS AND ELECTRIC ON-SITE

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

NA

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.

NONE

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

WE WILL ONLY USE OUR PAVED AREAS

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

GOOD...WE ARE LOW-NOISE AND LOW-IMPACT

Terms

Is the applicant and property owner the same?

Yes

Applicant/Property Owner Signature

<https://pueblo.viewpointcloud.io/#/explore/records/26721/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C101...> 2/3

2/15/22, 12:36 PM

KEVIN B. BUSH

02/15/2022

Attachments

2039 Alma Ave-Floor Plans.pdf
Uploaded by KEVIN BUSH on Feb 15, 2022 at 12:27 pm

2021-757 ISP Indiana Safety Supply.pdf
Uploaded by KEVIN BUSH on Feb 15, 2022 at 12:32 pm

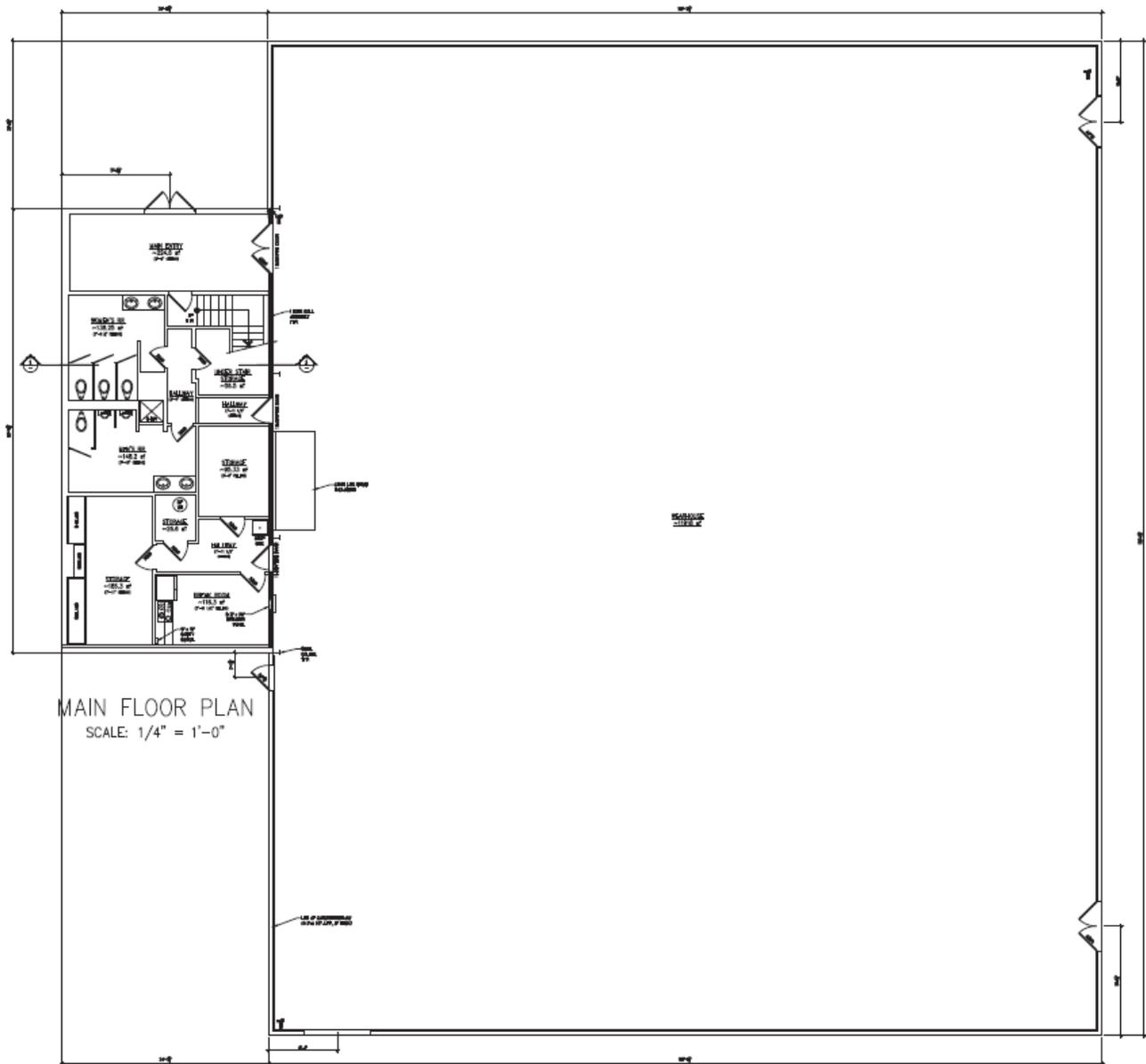
History

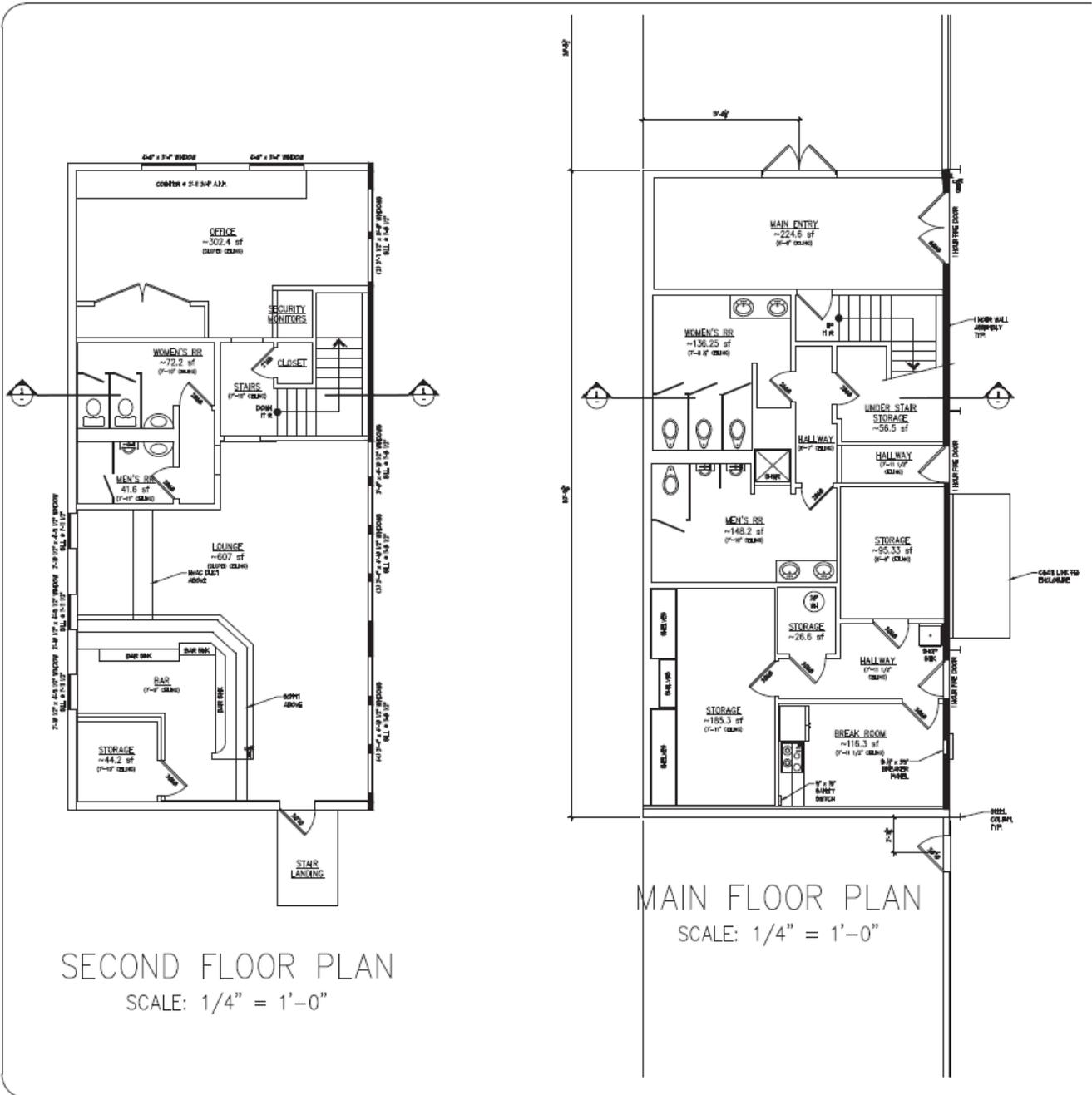
Table with 2 columns: Date and Activity. History of actions taken by KEVIN BUSH on Feb 15, 2022, including starting a draft, submitting records, and changing deadlines.

Timeline

Table with 6 columns: Label, Status, Activated, Completed, Assignee, Due Date. Lists various steps in the zoning process such as Fee Review, Application Fee, Intake Review, etc.

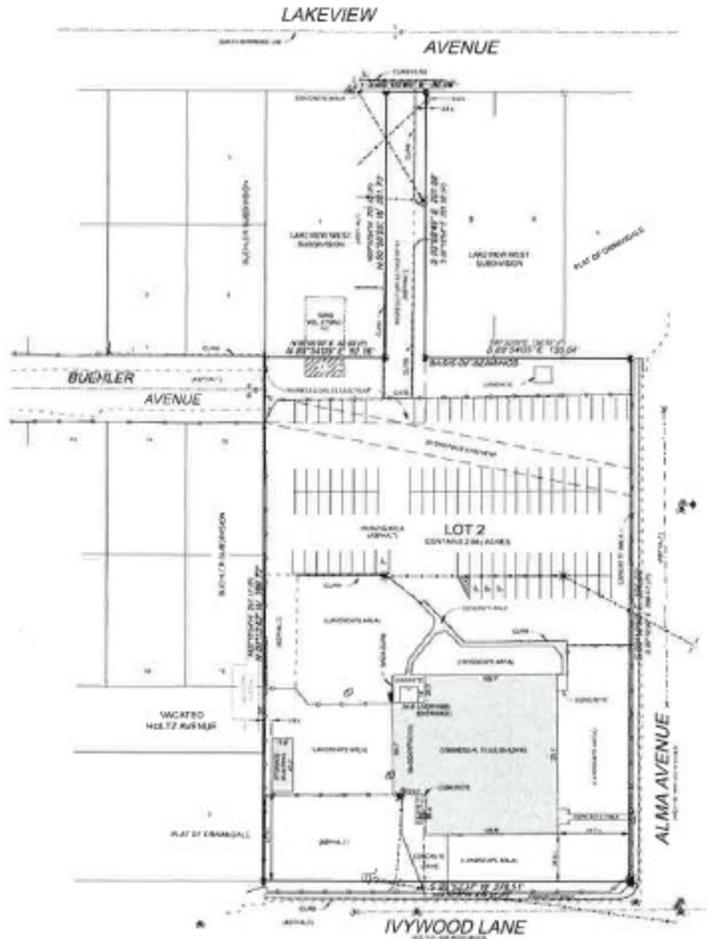
Exhibit I. Supporting Documents





IMPROVEMENT SURVEY PLAT

LOT 2, LAKEVIEW WEST SUBDIVISION, LOCATED WITHIN A PORTION OF THE SW 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO



LEGAL DESCRIPTION

LOT 2, LAKEVIEW WEST SUBDIVISION, COUNTY OF PUEBLO, STATE OF COLORADO

WARRANTY FOR RECORD

I, THE SURVEYOR, HEREBY WARRANT THAT THE CORNERS AND BOUNDARIES OF THIS PLAT HAVE BEEN CORRECTLY LOCATED AND MEASURED AND THAT THE AREA THEREIN IS ACCURATELY DESCRIBED AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE ACTUAL SURFACE.



NOTICE TO THE PUBLIC

1. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
2. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
3. ALL DISTANCES WERE MEASURED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
4. ALL BEARINGS WERE MEASURED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
5. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
6. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
7. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
8. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
9. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.
10. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE COLORADO SURVEYING ACT, C.R.S. 24-101-101 THROUGH 24-101-109.

LEGEND

- 1. LOT BOUNDARIES
- 2. EASEMENTS
- 3. UTILITY LINES
- 4. CURB
- 5. DRIVEWAY
- 6. DRIVEWAY
- 7. DRIVEWAY
- 8. DRIVEWAY
- 9. DRIVEWAY
- 10. DRIVEWAY
- 11. DRIVEWAY
- 12. DRIVEWAY
- 13. DRIVEWAY
- 14. DRIVEWAY
- 15. DRIVEWAY
- 16. DRIVEWAY
- 17. DRIVEWAY
- 18. DRIVEWAY
- 19. DRIVEWAY
- 20. DRIVEWAY



Cardinal Points Surveying, Inc. logo and contact information.



