

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-15

Hearing Date: April 26, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 4025 North Dr, Pueblo, CO 81008
APPLICANT: Angelica Gaucin
PROPERTY OWNER: Daniel Arguello
YEAR BUILT: 1972
LEGAL DESCRIPTION: LOT 10 NORTHRIDGE 9TH
ZONE DISTRICT: Single-Residential (R-2) Zone District
PARCEL ID: ZBA-22-15
LOT SIZE: 9,440 sqft

REQUEST:	Special Use Permit to allow for a Childcare, Center in a Single-Residential (R-2) Zone District
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SYNOPSIS OF REQUEST

The applicant desires to open a childcare center which allows for the care of five (5) or more children under the age of eighteen (18) years who are not related to the owner, operator, or manager. According to section 17-4-51 (c), a childcare center is a use by review in a Single-family Residential (R-2) Zone District, therefore the applicant is required to obtain a Special Use Permit to operate this business at this location.

ANALYSIS OF REQUEST

4025 North Dr is a 1347-sf. split-level single-family residence built in 1972. The building is in the Northridge Subdivision, along the north of US Highway 50. Ms. Gaucin is currently licensed to care for eight children in her home as a state and city approved Child Care Home. According to the applicant families need additional childcare before and after school and on Fridays; therefore, she is requesting a special use permit to allow her to care for more than eight children. Caring for more than eight children will also require Ms. Gaucin to hire an employee to assist in the care of the children, which is not allowed in a child care home. The plans indicate a secure and safe sight, with adequate room for drop of and pick-up of children.

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	Single-family Residential (R-2) Zone District	Single-family Residential

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 LIMITED 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. There is ingress and egress located off the North 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. There are four off street parking spots located in the driveway connected North Ave.

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

Comments: Affirmative finding. All refuse will be collected and maintained on-site in residential tots.

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

Comments: Affirmative finding. Utilities are already established at this location.

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

Affirmative finding. Screening and buffering will not be required for this use at this location, however there is an existing six foot (6') fence that encloses the entire rear 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. As a childcare, center there is no additional signage or lighting anticipated with this permit type.

7. Required yards and other open space.

Comment: Affirmative finding. The applicant must comply with required yards and setback for this site.

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

Comments: Affirmative finding. The childcare, center is compatible with the Urban Residential future land use for this site and the surrounding residential units adjacent to the site; which may benefit from this neighborhood serving business.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends only Standard Permit Conditions 1 through 13 as well as the below listed staff condition.

1. Hours of childcare business must not exceed 7:00 a.m. to 7:00 p.m. Monday through Friday.
2. For safety, pick-up and drop-off of children is limited specifically to drive-way area.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial 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: ZBA-22-15	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/26/2023
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. Site Map



Exhibit C. Aerial Map

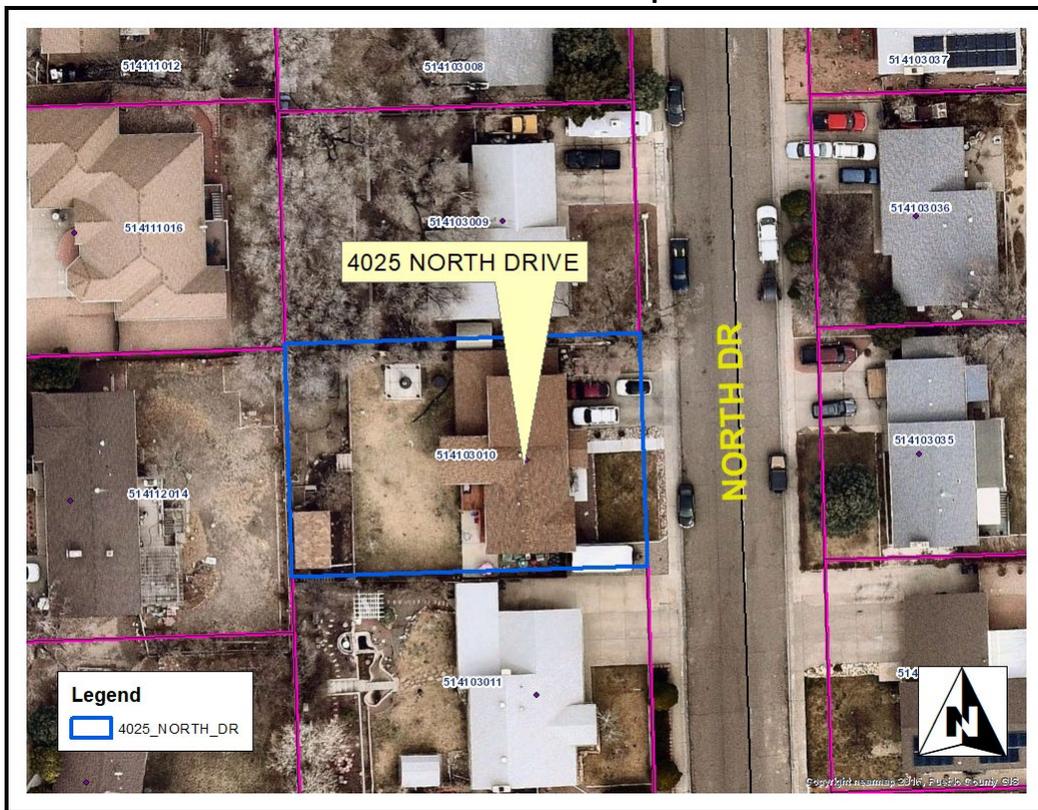


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

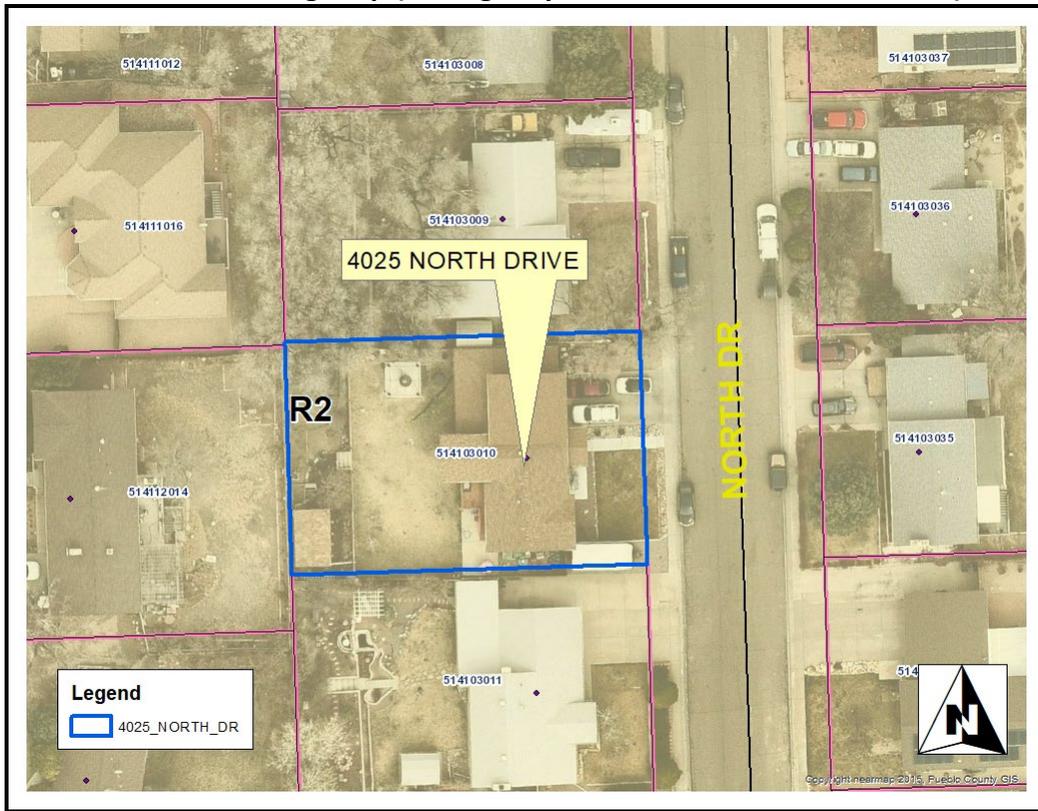


Exhibit E. Comprehensive Plan Map

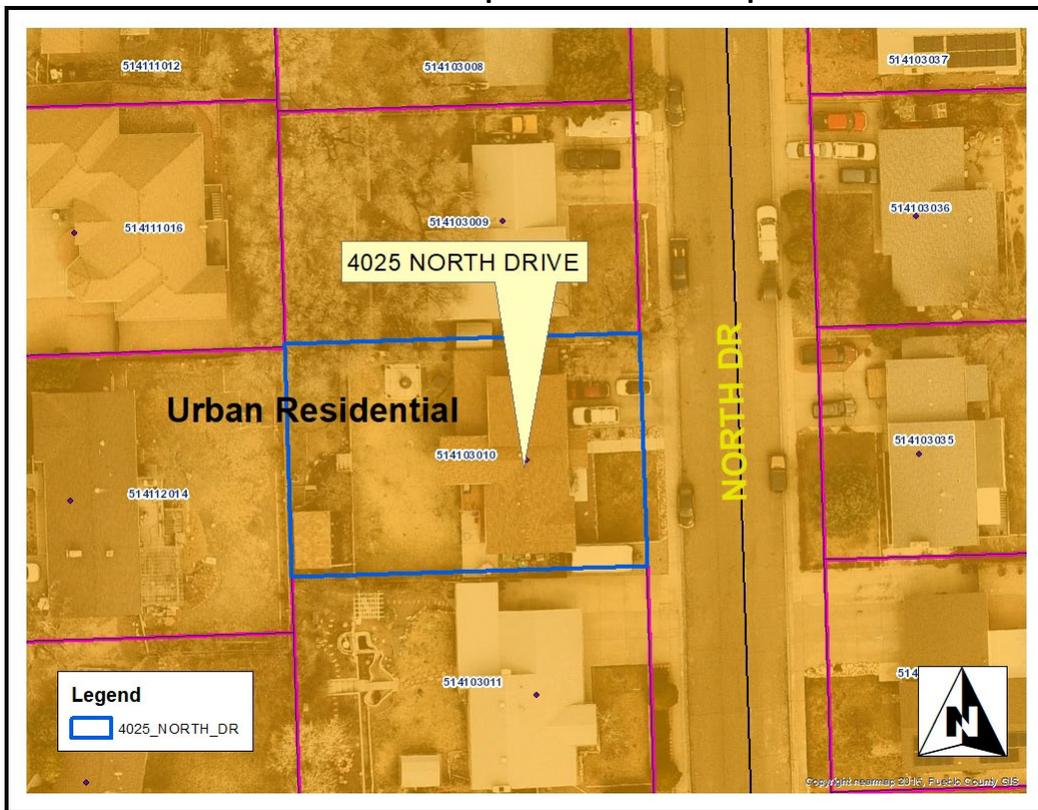


Exhibit F. Public Notice



Exhibit G. Site Photos



04/05/2022

22-56

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Apr 5, 2022

Applicant

Angelica Gaucin
 angelg5335@gmail.com
 4025 North Dr
 Pueblo, CO 81008
 7192510504

Location

4025 NORTH DR
 PUEBLO, CO 81008

Owner:

ARGUELLO DANIEL
 4025 NORTH DR PUEBLO , CO 81008-1746

Internal

ZBA Case Number
 ZBA-22-15

Planner Assigned
 --

ZBA

Hearing Date
 04/26/2022

Hearing Results
 --

Board Conditions
 --

Appeal Term End Date
 --

Permit Completion Date
 --

Specially Requested Hearing

Public Notice

Number of Posters
 1

Number of Postcards Sent
 --

Cost of Newspaper Notice
 --

Public Notice Costs
 1

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:
 --

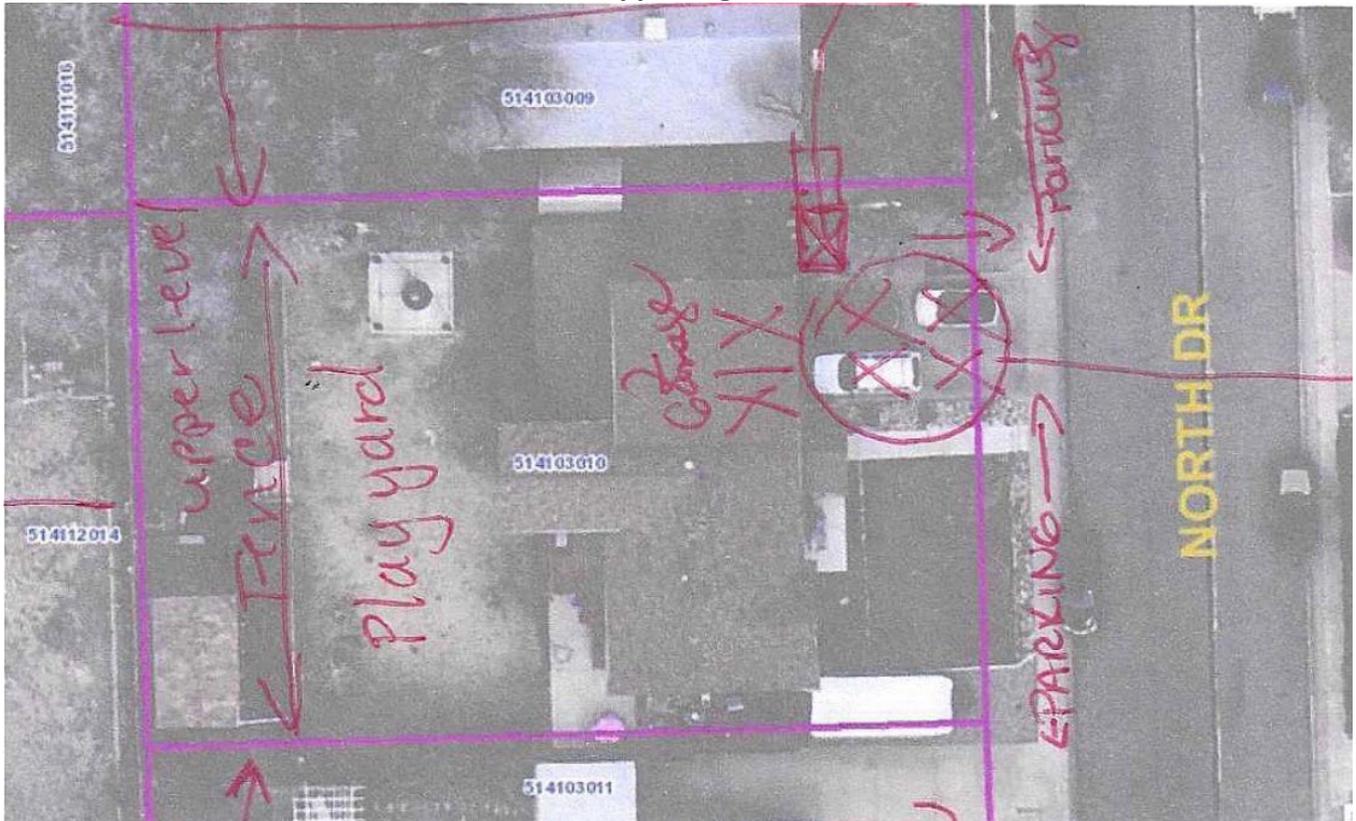
Scope of Work

Type of Request
 Use by Review (Special/ Limited Use Permit)

Type of Use by Review
 Child Care Center

Provide a short description of the proposed request:
 special permit to allow a child care center for more than 8 children and possibly an added employee in the near future.

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:			
Name: 402 Daniel Arsuvello		Company:	
Address: 4025 North Dr.			
City: Pueblo		State: CO.	Zip: 81008
Phone: 719-251-0502	Email: darsuvello1357@gmail.com		
Applicant:			
Name: Angelica Gaucin		Company: Home Child care Provider	
Phone: 719-251-0504	Email: angelg5335@gmail.com		
Property Address: 4025 North Dr.			

I, Daniel Arsuvello, hereby state that I am the owner of record of the property located at 4025 North Dr., Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Child Care Conditional Use at said location.
(application type) permit

Daniel Arsuvello
 Signature of Property Owner

4-3-22
 Date



STATE OF COLORADO
DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE
1575 SHERMAN STREET
DENVER, COLORADO 80203-1714

PERMANENT CHILD CARE LICENSE

Provider ID: 1516053 Service Type: EXPERIENCED CHILD CARE PROVIDER

ANGELICA M. GAUCIN
DANIEL ARGUELLO
4025 NORTH DRIVE
PUEBLO, COLORADO 81008

LOCATION:
4025 NORTH DRIVE
PUEBLO, COLORADO 81008

COUNTY: PUEBLO

License Effective Date: 01-28-2010

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:
8 children of the age 0 years 0 months to 18 years 0 months

Other conditions and restrictions:
License capacity and exhibits include provider's own children

Unique conditions:

See Posted Letter

Karen L. Beze

EXECUTIVE DIRECTOR

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

Place Stickers Below



ANNIVERSARY DATE