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Georgia Way

ZBA-22-18

Hearing Date: May 24, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Theron Verna, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 709 E 4th St, Pueblo, CO 81001
APPLICANT: Justin Fox
PROPERTY OWNER: Justin Fox
YEAR BUILT: 1913
LEGAL DESCRIPTION: LOT 10 + W 14 2/3 FT OF 11 BLK 27 EAST PUEBLO
ZONE DISTRICT: Central Business (B-4) Zone District
PARCEL ID: 431118011
LOT SIZE: 7,105 sq ft

REQUEST: Double J Meats, a locally owned meat market, has been part of the East Side community for over 58 years. They are currently expanding their business and require more storage due to their growth. However, they are in a Central Business (B-4) Zone District, in which warehousing uses are a use by review. Therefore, Double J Meats is requesting a special use permit to allow a warehouse use in a Central Business (B-4) Zone District.

SYNOPSIS OF REQUEST

The applicant is requesting a special use permit to allow a warehouse in a Central Business (B-4) Zone District, which is a use by review in that district (Sec 17-4-51(c)(157)). The applicant plans to utilize the existing building to store meat processing equipment, parts and paper products for use at the market next door.

The applicant is also the owner of the adjacent business, Double J Meats, which has been part of the East Side community for 58 years. Double J Meats is continuing to grow and as they grow so does their need of storage space for additional processing equipment and parts. In addition to processing equipment, the building would contain paper products related to the retail sales of Double J Meats. During the COVID 19 pandemic, Double J Meats started storing more paper goods to alleviate any disruptions in manufacturing that would impact retail sales. Prior to obtaining the property, the applicant states they were in contact with the previous owner regarding vandalism and theft on the property. The applicant states that the purchase of the property was intended for storage and that they intend to improve security, place Double J Meats signage, remove existing plywood and reglaze the existing store front on the property. The building already has interior bars for security on the store front and the applicant plans to place security cameras on the site for additional security measures.

ANALYSIS OF REQUEST

709 E 4th St is a 7,105 square foot commercial lot with a 2,750 square foot building built in 1913. The property is in the East Pueblo Subdivision, east of Fountain Creek. The applicant is requesting a Special Use Permit to utilize this building for storing of meat processing equipment and paper products. The parcel has access points from E 4th Street and a public alley located north of the property between Fountain and Glendale Avenue. The vehicular access point from E 4th Street is currently blocked off by a chain link cable. The west side of the property is

currently used as a gravel parking lot that is accessed from the public alley. The main building entrance is accessed from E 4th Street. There are two more entrances and a garage door located on the west side of the building facing the gravel parking lot. After analysis of the request, the planning and community development department recommends this use.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) District	Public alley adjacent to single-family residential mixed with limited multifamily dwelling unit structures
East	Central Business (B-4) Zone District	Vacant lot
South	Central Business (B-4) Zone District	E 4 th Street
West	Central Business (B-4) Zone District	Double J Meats

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	Fire Department records indicate that the most recent Occupancy Use of 709 E 4th Street, Pueblo, CO 81001 is Mercantile/Retail. If the intended Occupancy Use is going to be changed to Storage, applicant would have to seek approval from Pueblo Regional Building Department for a Change in Occupancy Use prior to using this property for that purpose.
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 E 4th Street and a public alley located north of the site.

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 a large gravel parking lot located west of the property with potential access from both E 4th Street and the public alley to the north of the property. The lot has been leased for parking by Double J Meats for 20+ years. This parking lot is approved as is with the conditions that it is used only for employee parking and a sign is placed on the site that states it is only for employee use.

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.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available to the property. No changes will be made to the existing utilities.

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

Comments: Affirmative finding. The site has chain link fencing on the west side of the property bordering Double J Meats as well as fencing on the east side of the property adjacent to the vacant lot. Primary access for the property is through the public alley, so fencing along the north of the property is not in place and is not required. No fencing is in place along the south section of the site as this is potential access to the site off E 4th Street.

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, B-4 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 use is compatible with the adjacent properties.

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 parking lot is to be used solely for employee parking and shall have a sign that indicates employee only parking.
2. The store front windows are to be reglazed as proposed in the application.

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: 5/24/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 5/24/2023
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

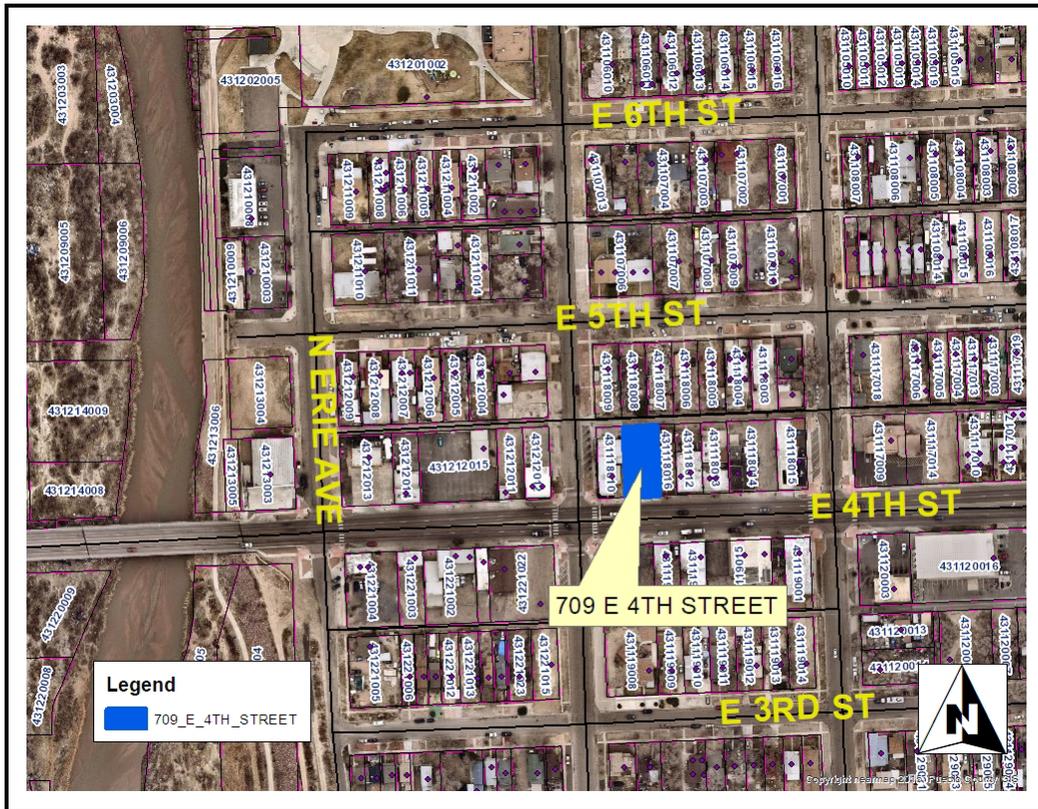


Exhibit C. Site Map



Exhibit D. Zoning Map

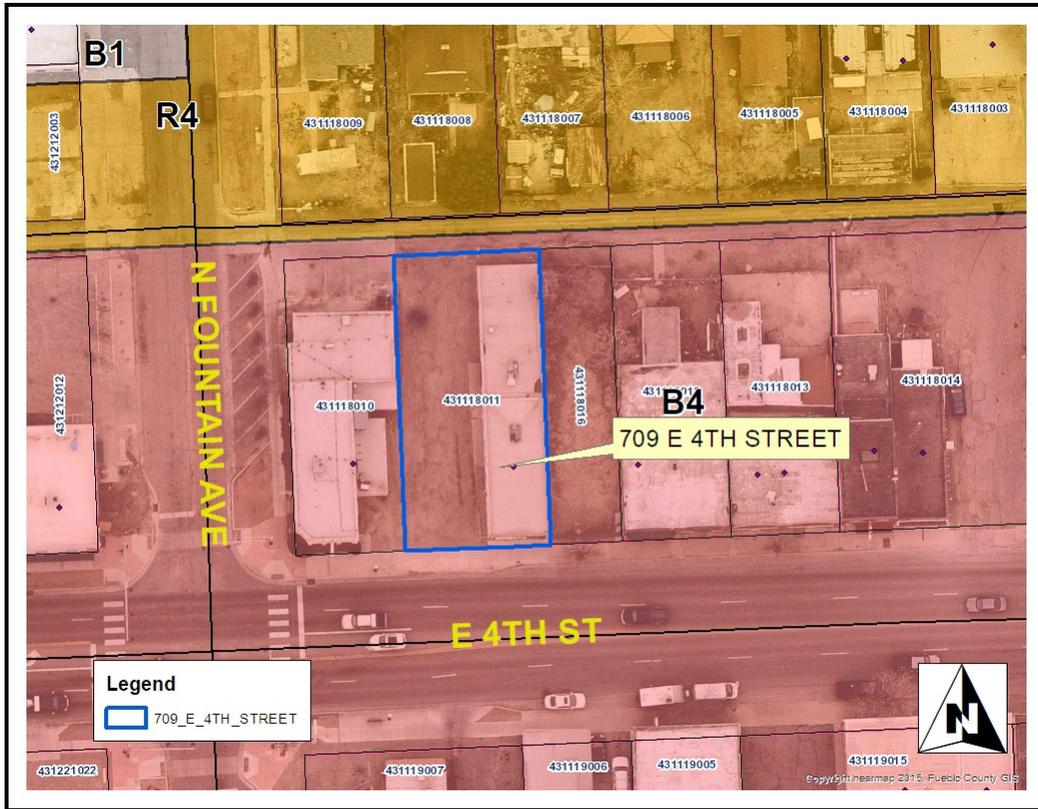


Exhibit E. Comprehensive Plan Map

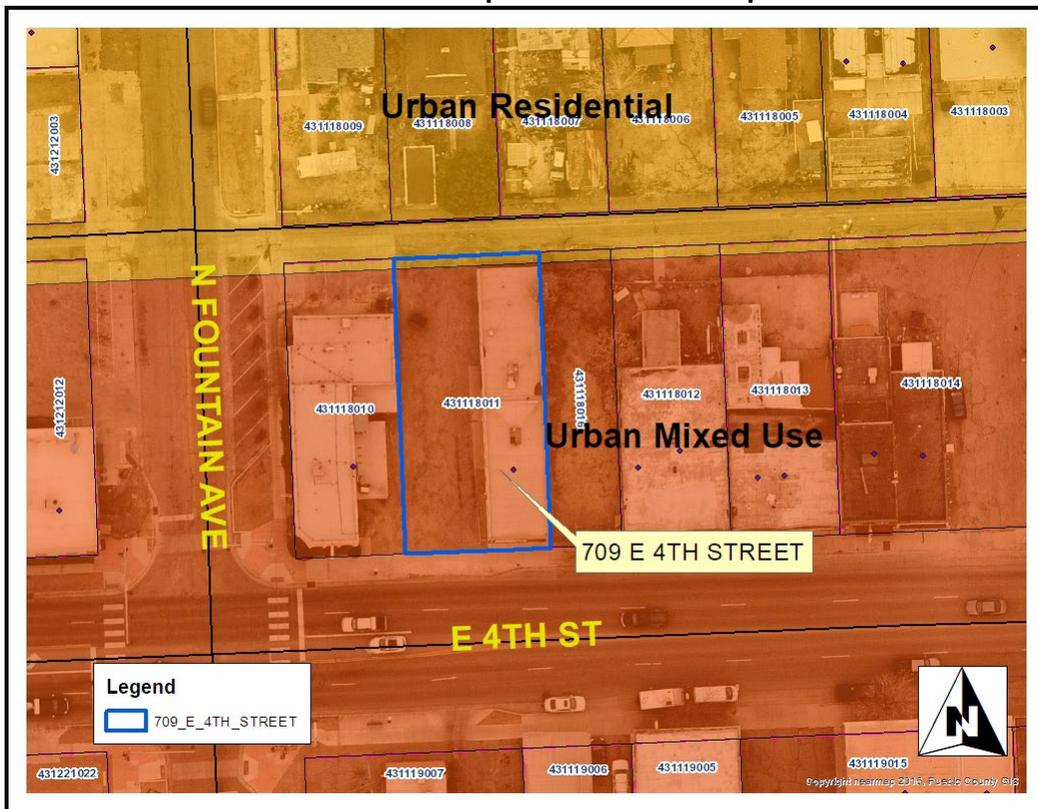


Exhibit F. Public Notice



Placed on plywood placed in store front of the building.

Exhibit G. Site Pictures



Taken from north alley access looking south towards E 4th Street.



Taken from north alley access, facing east down alley towards Glendale Avenue.



Taken from E 4th Street, facing the west side of the building.



Taken from E 4th Street, facing store front.



Taken facing north from E 4th Street.

Exhibit H. Application Completed in OpenGov

Internal	
ZBA Case Number ZBA-22-18	Planner Assigned Planner 5
ZBA	
Hearing Date 05/24/2022	Hearing Results
Board Conditions	
Appeal Term End Date 06/24/2022	Permit Completion Date 05/24/2023
Specially Requested Hearing <input type="checkbox"/>	
Public Notice	
Number of Posters 1	Number of Postcards Sent 11
Cost of Newspaper Notice 32.57	Public Notice Costs 44.57

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:	
<hr/>	
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: * Special use permit to allow for Warehousing use in a Central Business (B-4) Zone District	
What is the general use of the property Commercial	
Detailed explanation of the request as listed above. * The 709 property was purchased with the intention of using it for storage for Double J Markets, Inc. Because of the proximity of the 709 location to Double J, it is an idea location to store meat processing equipment, parts and paper products for use at the market. Taking ownership of 709 4th St. also serves to clean up the neighborhood and secure the location from reoccurring vandalism. Having been a part of this community for 58 years, we feel an obligation to take care of the neighborhood we are proud to be a part of. In addition physically securing the property better, we also intend to place signage that will identify the business as a Double J asset to leverage the respect the neighborhood has for our business.	
Justification of facts required for the request. Be specific. *	

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As our business continues to grow, we have the need for storage of additional processing equipment and parts. During the COVID 19 pandemic, we started storing more paper goods to alleviate any disruptions in manufacturing that would impact retail sales. Prior to purchase, we were in contact with the previous owner in regard to vandalism and theft.

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. *

Current access to the property is through the alley between Fountain and Glendale, between 4th and 5th St. No change will be made to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

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. *

The west side of the property is a gravel lot which is used as parking. No additional vehicle traffic/parking will result of this special use. There will be no increase in economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

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

A refuse dumpster is on location and will be accessed through the alley. No change will be made to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. There will be no increase in economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.

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

Standard utilities are on site and will not be changed in this special use.

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

No additional screening and buffering is planned in this special use. We will continue to maintain current landscaping and also keep property

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

No additional screening and buffering is planned in this special use. We will continue to maintain current landscaping and also keep property free of weeds and debris. We intend to reglaze the existing store front to remove unsightly plywood from our neighborhood.

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. *

Aside from basic lettering on doors identifying the property as a Double J asset, no signs will be posted. There will be no increase to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district with this special use.

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

As no change in property layout is involved in this special use, all current yards and open space will be maintained.

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

As Double J has been a corner stone of the neighborhood since 1964, its responsibility of an adjoining property is 100% compatible with the area and will be a welcome beautification of the area. This special use will not affect adjacent properties and other properties in the district.

Terms

I declare, under penalty of perjury, that this application has been examined by me and that the statements made herein are to the best of my knowledge and belief true, correct and complete.

By submitting this application, I stipulate and acknowledge that:

1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application.
2. There are no known hazards or vicious animals present on the subject property.
3. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application.
4. It is highly recommended that a licensed surveyor complete a property survey before any construction. The owner is responsible for any

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4. It is highly recommended that a licensed surveyor complete a property survey before any construction. The owner is responsible for any construction that takes place. The City may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.

Is the applicant and property owner the same? *

Yes

Applicant/Property Owner Signature *

✓ Justin M. Fox
Apr 27, 2022

Exhibit I. Supporting Documents

