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Lisa Bailey
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Georgia Way

ZBA-22-23

Hearing Date: June 28, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 1801 S Pueblo Blvd - 1805 Pueblo, CO 81005
APPLICANT: Charlie Montera
PROPERTY OWNER: Regency Square LLC
YEAR BUILT: 1977
LEGAL DESCRIPTION: LOT 11 BLK 1 REGENCY SQUARE SUB FILING NO 3 FORMERLY #15-091-20-005
ZONE DISTRICT: Highway and Arterial Business (B-3) Zone District
CONCURRENT REQUEST(S):
PARCEL ID: 1509135002
LOT SIZE: 57122 sq. ft.

REQUEST: Variance to allow for a wall sign to exceed the 2 sq.ft. per linear foot of frontage limit by forty-nine percent (49%) or one hundred thirty (130) sq.ft. In a Highway and Arterial Business (B-3) Zone District.

SYNOPSIS OF REQUEST

The applicant, Mr. Montera, intends to build a two-hundred fifty-eight (258) square foot sign for a new ROSS department store located at 1801 S Pueblo Blvd. However according to section Sec. 17-10-05 (f) a wall sign on the building's frontage in a Highway and Arterial Business (B-3) Zone District is limited 2 sqft per linear foot of frontage, which only allows for a 209.6 sqft. The proposed sign exceeds the given limit by 49% or 130 sqft. Because of the bump-out space that is existing for the signage and the distance from the store to Pueblo Blvd the applicant is applying for a variance to build the sign to the desired specifications.

ANALYSIS OF REQUEST

1801 S Pueblo Blvd - 1805 Pueblo, CO 81005 is a 57,122 sqft. Multi-tenant commercial building constructed in 1977. The Ross will be located in the southern portion of the building located in the Regency Square Subdivision, along the at the corner of Northern Ave and Pueblo Blvd. Considering that this is a Variance that deals solely with the enlargement of a wall sign on a building and is more a matter of aesthetic preference rather than an determination of an encroachment or detrimental use effecting an adjoining property. The Planning Department see no negative externalities in the approval of this variance.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial Business (B-3) Zone District	Shopping Center
East	Single-family Residential (R-1) Zone District	Single Family Homes
South	Highway and Arterial Business (B-3) Zone District	Shopping Center
West	Single-family Residential (R-2) Zone District	Single Family Homes

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 expansion of of the wall sign will not reduce the light and air to adjacent properties.

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: Neutral Finding. The Variance in question could be avoided by reducing the size of the sign. However, the applicant has indicated that this would achieve the desired aesthetic and provide visibility from Pueblo Blvd.

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: Neutral Finding. The bump-out space designed for the sign is larger than the allowed sign area, however there is no conceivable negative externality in granting this variance.

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: 6/28/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/28/2023
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

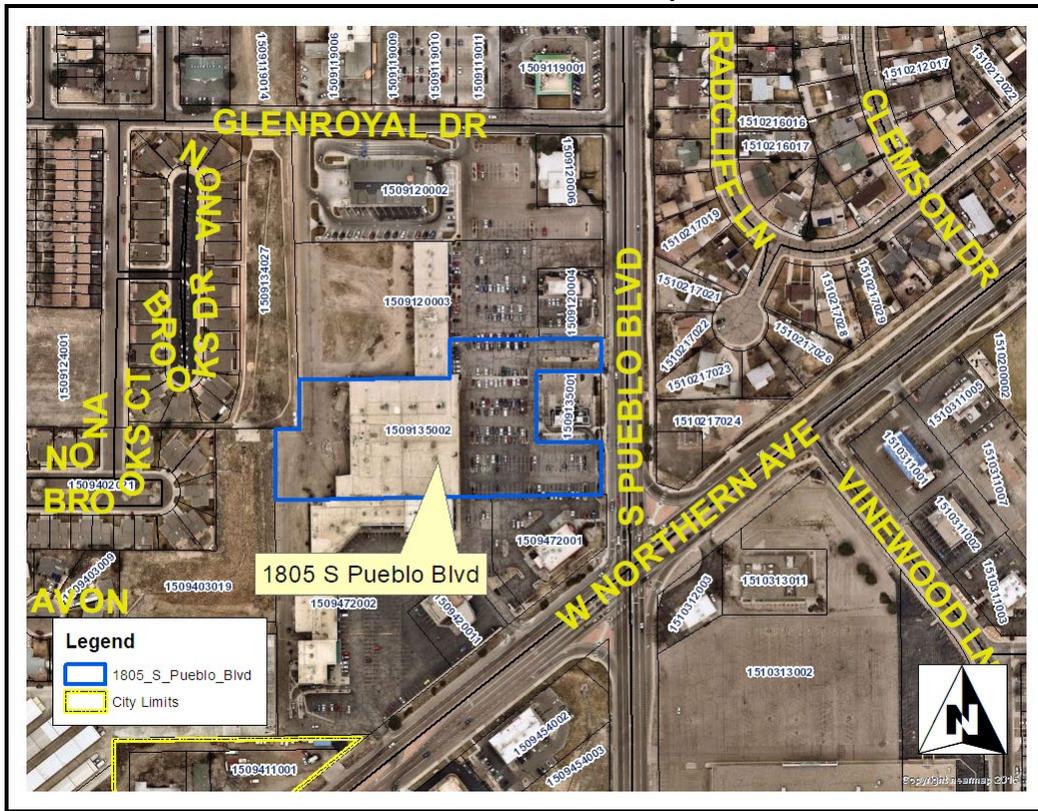


Exhibit C. Site Map

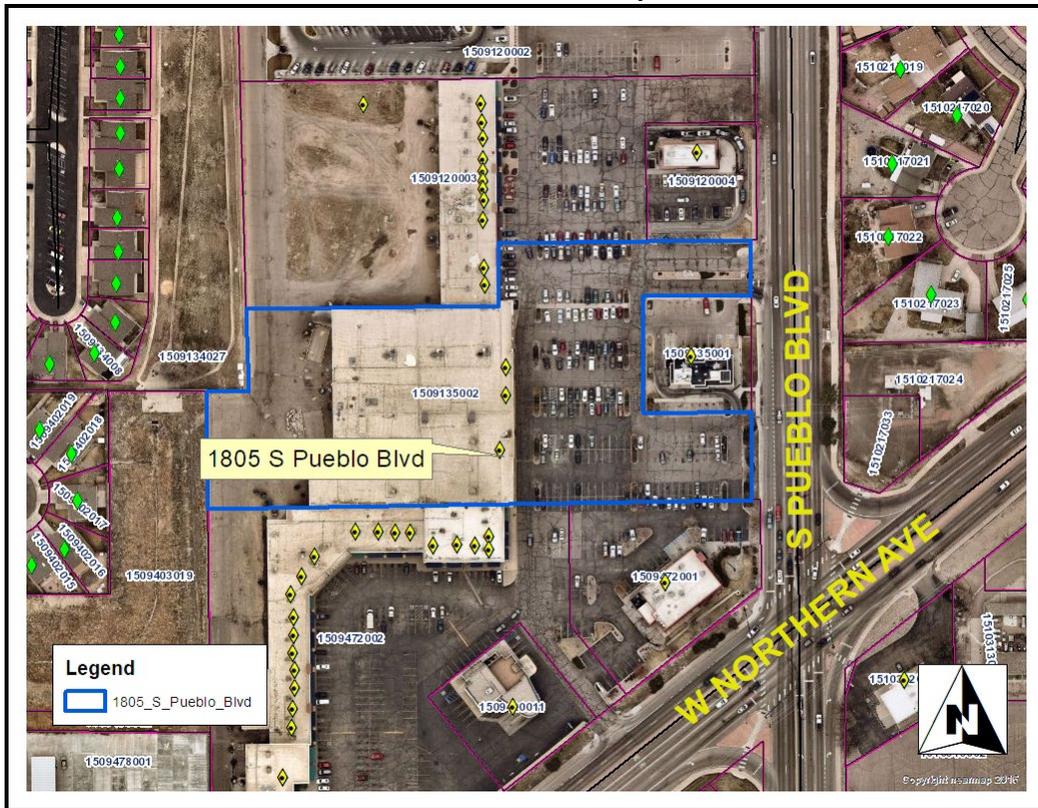


Exhibit D. Zoning Map

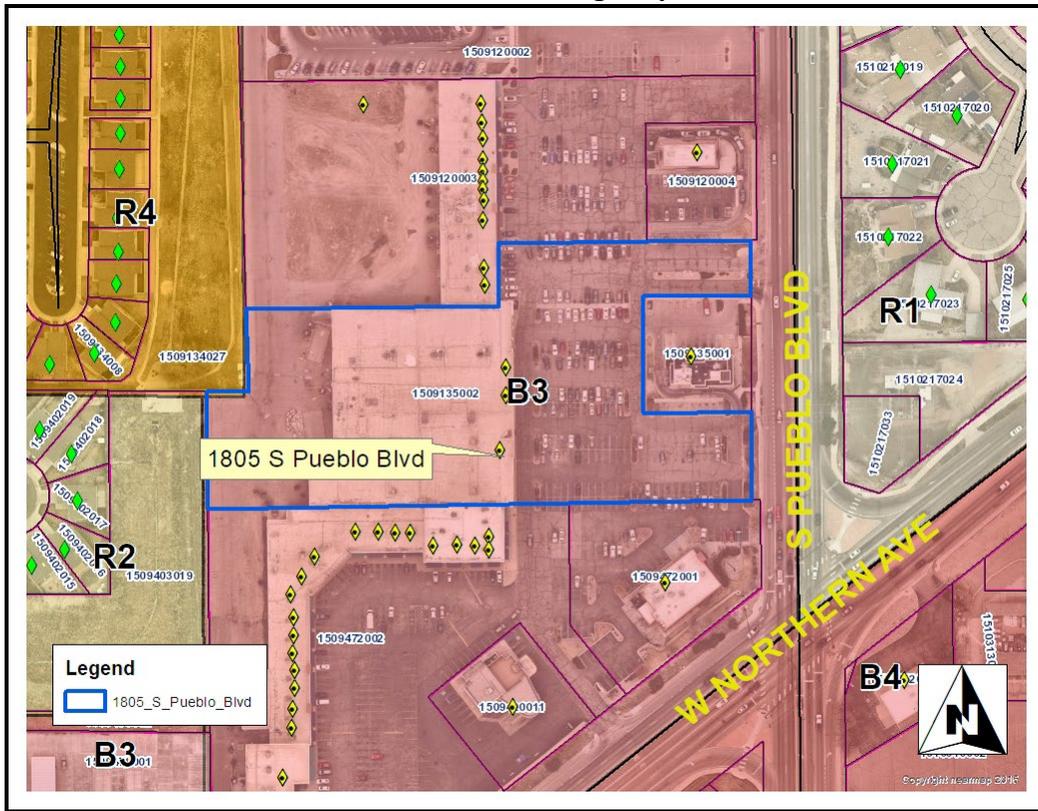


Exhibit E. Comprehensive Plan Map

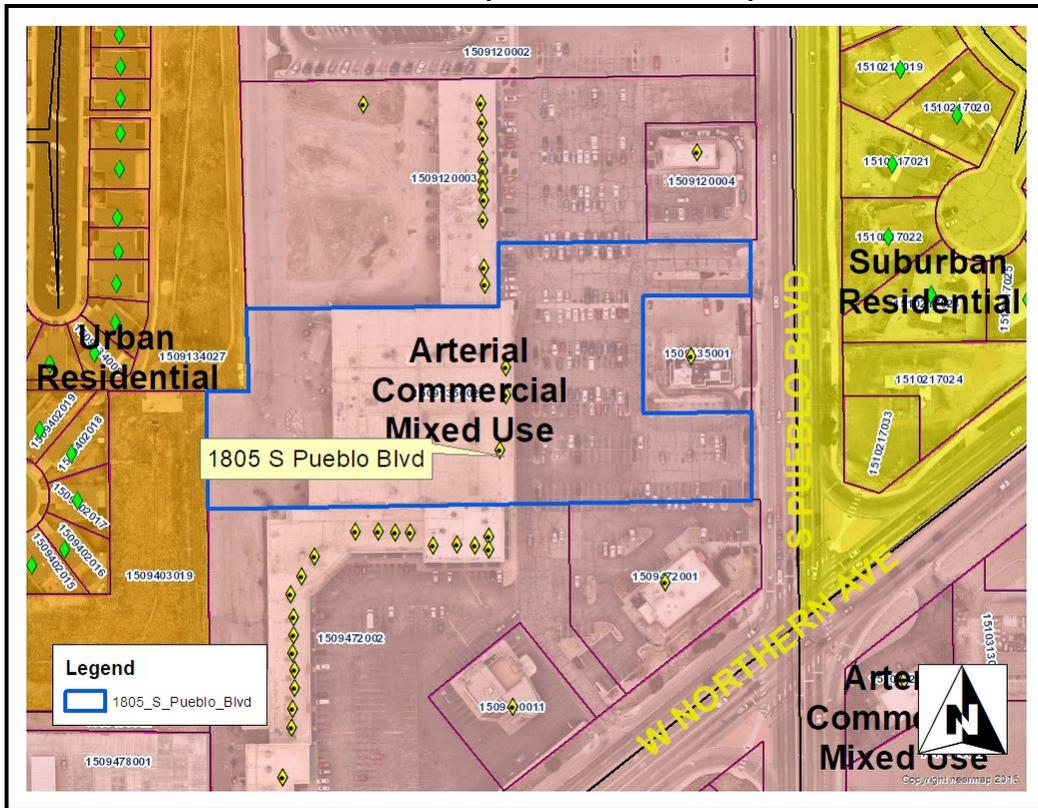


Exhibit F. Public Notice



Picture taken from Parking Lot Lane facing West

G. Site Pictures



Exhibit H. Application

5/26/22, 4:51 PM

OpenGov



City of Pueblo PLACE

05/26/2022

22-87

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: May 24, 2022

Applicant

Charlie Montera
ralphchili03@msn.com
133 Baylor St
Pueblo, CO 81005
719-240-0412

Location

1805 S PUEBLO BLVD
PUEBLO, CO 81005

Owner:

REGENCY SQUARE LLC
1888 SHERMAN ST STE 500 DENVER , CO 80203

Internal

ZBA Case Number
ZBA-22-23

Planner Assigned
--

ZBA

Hearing Date
06/28/2022

Hearing Results
--

Board Conditions
--

Appeal Term End Date
--

Permit Completion Date
--

Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent
7

Cost of Newspaper Notice
--

Public Notice Costs
8

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
Signs

Notes:

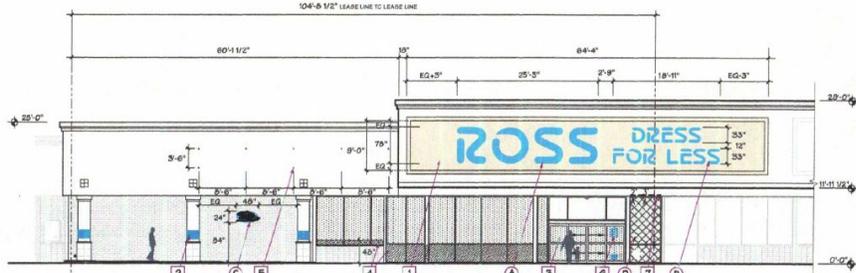
ROSS CONTRACTOR TO PROVIDE:
 • ADEQUATE ACCESS BEHIND LOGO LETTERS FOR INSTALLATION AND MAINTENANCE, PER ARTICLE 800 OF THE H.L.C.
 • ONE (1) 30 AMP 120V ISOLATED SIGN CIRCUIT AND JUNCTION BOX TO AREA BEHIND SIGN LETTERS CONNECTED TO THE ENERGY MANAGEMENT SYSTEM
 • AT LEAST 1/2" THICK PLYWOOD BACKING BEHIND ALL E.L.F.S. WALL SYSTEMS FOR SIGN AND BANNER SUPPORT
 SIGN FRAMA TO BE FREE OF JOINTS & REVEALS AND OF A LIGHT COLOR (MINIMUM 80% L.R.V.) TO PROVIDE HIGH CONTRAST AND VISIBILITY FOR THE SIGN.
 ALL COLORS ARE SUBJECT TO ROSS STORES, INC. REVIEW AND APPROVAL. COLOR APPEARANCE MAY BE ALTERED BY PRINTING. SEE APPROVED FINAL CONSTRUCTION DRAWINGS FOR COLOR SPECIFICATIONS.
 IF ANY SIGNAGE PROPOSED IN THIS SUBMIT IS ALTERED BY LOCAL GOVERNMENT AUTHORITIES, ROSS STORES, INC. RESERVES THE RIGHT TO, AT NO COST, ADJUST ARCHITECTURAL FEATURES TO BEST ACCOMMODATE THE ALTERED SIGNAGE.

- (A) 78"H. INDIVIDUAL "ROSS" FFM CHANNEL LETTER (NO LOGO) LETTERS:
 FACES: FLASKOLITE OPTI.LD 2406 WHITE WITH 3M 3750-90FL BLUE VINT. FILM OVERLAY.
 RETURN: 8" D ALUM. W/ WHITE FINISH
 TRIM CAP: 2" WHITE JEWELITE
 LETTER BACKS: ALUMINUM
 LEDS: PRINCIPAL TRUE WHITE QWIK MOD 3 (POCK)
 MOUNTING: 1/4"-20 GALV THRU BOLTS
 FEG OFF: 1/2" SPACERS
- (B) 33"H. INDIVIDUAL "DPL" LOGO LETTERS:
 ALL CALLOUTS SAME AS "ROSS" EXCEPT RETURN: 8" D ALUM. W/ WHITE FINISH
 TRIM CAP: 1" WHITE JEWELITE

- (C) 24" X 48" X 1" D KDMACEL OVAL "ROSS" LOGO WALL PLaque
 ONE (1) REQUIRED AS SHOWN, SEE SHEET EL FOR DETAILS.
- (D) TYPICAL DIGITAL GRAPHIC APPLIED TO STOREFRONT WINDOW. IMAGES MAY VARY FROM WHAT IS SHOWN, SEE SHEET W0 FOR DETAILS.

- (1) SIGN FRAMA BY ROSS, SEE NOTES
- (2) TYPICAL ROSS BLUE IDENTITY PANELS BY ROSS
- (3) CLEAR ANODIZED ALUMINUM STOREFRONT & DOORS BY ROSS
- (4) FROTTED FILM BY ROSS

- (5) SET OF FIVE (5) EYE-BOLTS FOR BANNER ATTACHMENT BY ROSS, TWO (2) SETS REQUIRED AS SHOWN
- (6) STAKE HOURS, ENTRY-EXIT, ETC. DECALS BY ROSS STORES
- (7) EXTERNAL WINDOW GRAPHICS LIGHTING BY ROSS CONTRACTOR, NUMBER AND SPECIFICATIONS OF FEATURE TO BE DETERMINED



VARIANCE REQUIRED:

ROSS DRESS FOR LESS

ROSS: 6.5' X 26' = 164.13 SF
 DRESS: 2.75' X 12.16' = 33.5 SF
 TOTAL: 2.75' X 18.016' = 52 SF

SIGN AREA ALLOWED: 209.6 sf
 SIGN AREA USED: 287.63 sf

1 STOREFRONT - EAST - S. PUEBLO BLVD. - ELEVATION

SCALE: 3/32" = 1'-0"

RB-EVE
S1

#2465 SOUTHWEST PUEBLO
 Regency Square
 1805 S Pueblo Blvd
 Pueblo, CO 81005.

bill moore & associates

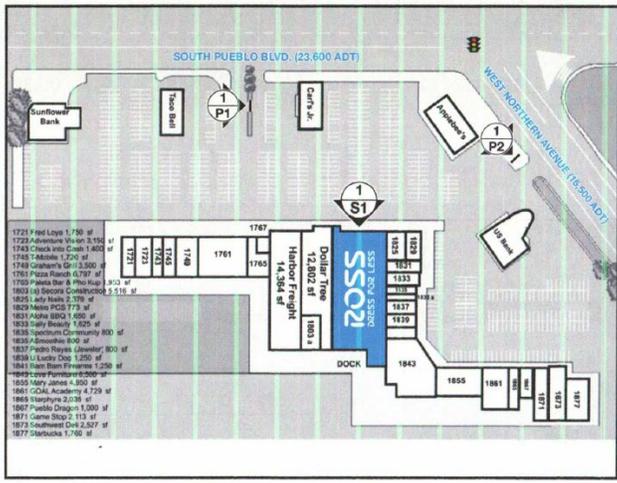
ROSS DRESS FOR LESS

CSA

10/27/21
 11/29/21
 01/06/22



VICINITY MAPS
 NOT TO SCALE



SITE PLAN
 NOT TO SCALE

Parcel # 312300

#2465 SOUTHWEST PUEBLO
 Regency Square
 1805 S Pueblo Blvd
 Pueblo, CO 81005.

bill moore & associates

ROSS DRESS FOR LESS

CSA

09/06/21
 01/04/22

SHEET K