

Mike Castellucci
Chair

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Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-22-26

Hearing Date: July 26, 2022

TO: City of Pueblo Zoning Board of Appeals
FROM: Theron Verna, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2627 Lake Ave & parcel 1514108047 Pueblo, CO 81004
APPLICANT: Sergio Rojas
PROPERTY OWNER: Sergio Rojas
YEAR BUILT: 1949
LEGAL DESCRIPTION: LOTS 9 TO 24 BLK 32 EAST LAKE FORMERLY #15-141-08-039
ZONE DISTRICT: Central Business (B-4) District
PARCEL ID: 1514108047
LOT SIZE: 50,000

REQUEST:	Special use permit to allow for a pawnshop in a Central Business (B-4) Zone District
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SYNOPSIS OF REQUEST

The applicant, Sergio Rojas, plans to renovate and utilize an existing building at 2627 Lake Ave for a pawnshop. The applicant plans to sell automobiles, jewelry, and firearms along with other products at this proposed pawnshop. Therefore, the applicant is requesting a special use permit to allow for a pawnshop in a Central Business (B-4) Zone District, which is a use by review in that district (Sec 17-4-51(c)(108)).

ANALYSIS OF REQUEST

2627 Lake Ave and parcel 1514108047 are commercial parcels with a combined area of 50,000 sq ft. The existing commercial building is 3,411 sq ft. The property is in southern Bessemer, just east of Lake Minnequa on Lake Ave. The applicant plans to renovate the property and utilize the existing building and the adjacent parcel for use as a pawnshop. Parcel 1514108047 will be used for inventory storage of the automobiles that will be sold as part of the pawnshop operation. The commercial building and associated parking lot has vehicular access off Lake Ave. The adjacent parcel that is being proposed to be used as an automobile inventory storage yard is largely surrounded by an existing 6' privacy fence. The applicant has already installed a security camera on the site and plans to place multiple more security cameras throughout the site and to place signage on the east and north sides of the building. The applicant does not plan to repave the northern parking lot until sufficient funds are gathered from the business operation in the future.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial Business (B-3) Zone District	Small motel
East	Multiple-Residential and Office(R-5) Zone District	Lake Avenue; vacant small motel; mobile home park
South	Highway and Arterial Business (B-3) Zone District	Vacant bar; RV and trailer storage
West	Agriculture Four (A-4) Zone District	Single-family residences

COMPREHENSIVE PLAN

The comprehensive plan depicts Neighborhood Mixed Use for this parcel. Neighborhood Mixed Use areas are defined as to accommodate small-scale retail and commercial activity, and neighborhood supportive services that provide residents with access to everyday needs within walking-or bicycling distance from home. These neighborhoods apply to historic “main streets” in the City of Pueblo, several of which served as the downtown hubs of the three towns that were incorporated as part of what is now Pueblo: Bessemer, Central Pueblo, and South Pueblo. Regardless of their location, these areas should feature wide sidewalks, outdoor seating areas, bike lanes, and transit service (where feasible) to serve local businesses and the surrounding neighborhood.

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 Lake Ave and Illinois 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 and customers.

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 from the northwestern section of the building, with access being off Lake Ave.

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 wood privacy fence largely surrounding the property from Illinois Ave to California St, north to the north property line and east to Lake Ave. The parts of the fence surrounding the inventory parcel will be conditioned to be fully construction and/or repaired and to meet code regarding uniformity in material and color. Streetscape and landscape improvements, adjacent to Lake Ave. are included in the Lake Avenue Streetscape Project, Phase III; therefore, staff does not recommend additional conditions for landscaping adjacent to or within the Lake Ave. right-of-way.

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. There are wall signs located on the east and north side of the building. 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 pawnshop is compatible with other retail establishments located on Lake Ave.

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. Provide screening of areas housing inventory, within the western portion of parcel 1514108047. Screening shall be provided along Illinois Ave., California Street and the northern property line extending from California Street east to Lake Ave. with 6’ opaque fencing that is uniform in material and color. Chain link with slats is not permitted, per Sec. 17-4-5 of the Pueblo Municipal Code.
2. There will be no customer or employee parking in the paved area between the existing structure and the adjacent rights of way, Lake Ave., and Illinois Ave.
3. The western fenced parcel will be used exclusively to house inventory for the pawn shop use and will not be utilized for showing and selling of product.
4. Applicant shall pave the existing northern parking lot within three years from the issuance of this special use permit. Paved parking on the northeastern portion of parcel 1514108047 shall comply with all applicable City codes and development standards.
5. Applicant shall provide a 6-foot-wide sidewalk along Illinois Ave. extending west from Lake Ave. to California Street within three years from the issuance of the special use permit.
6. Provide façade improvements to the existing structure along Lake Ave. and Illinois Ave. Improvements shall at a minimum provide at least two exterior colors in a visually appealing pattern. Use of exterior material or texture changes is encouraged.

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 7/26/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/26/2023
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. Location Map



Exhibit C. Site Map

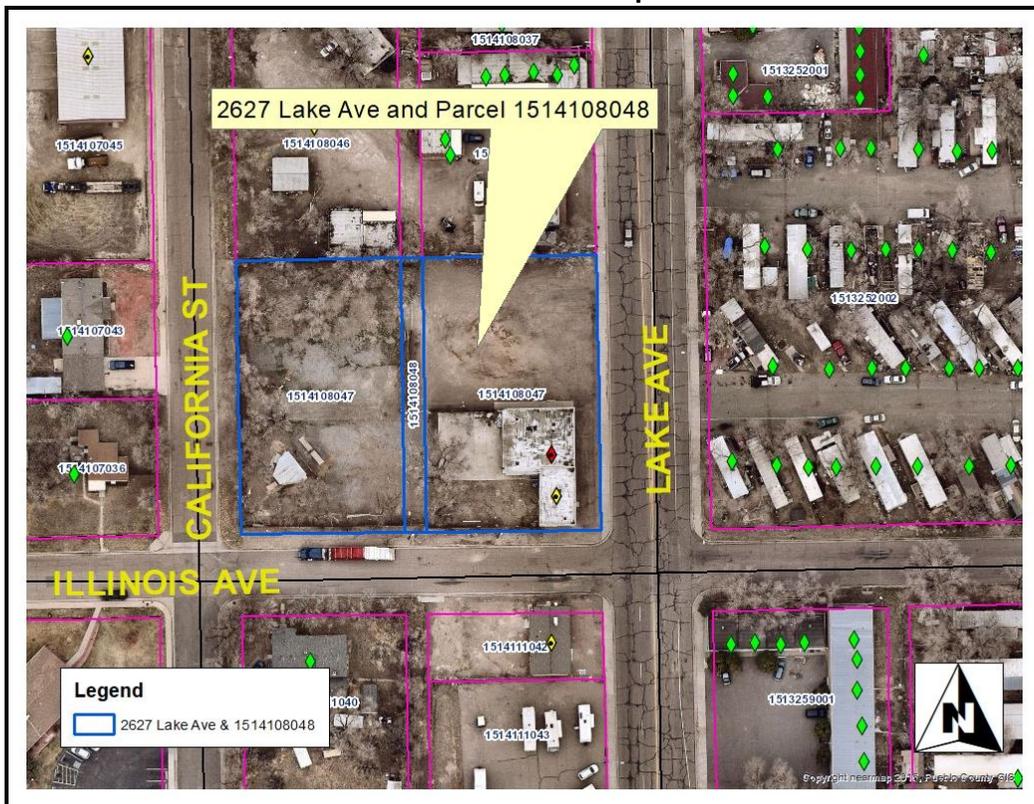


Exhibit D. Zoning Map

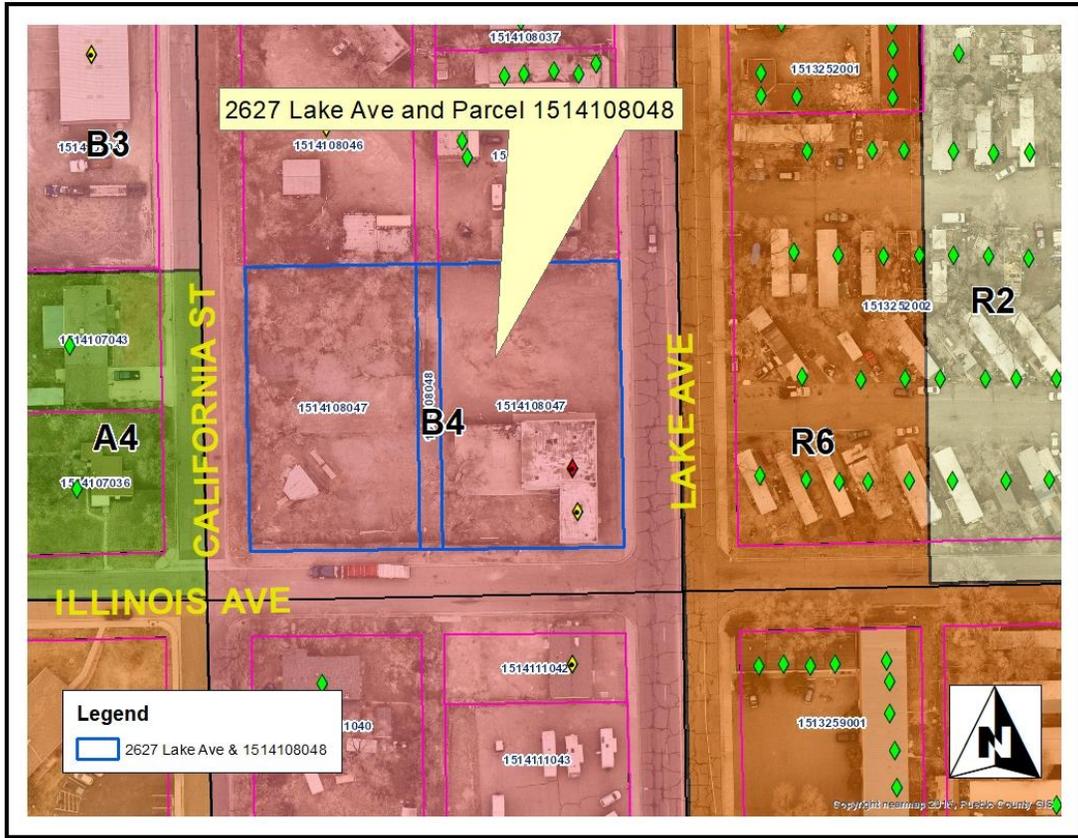


Exhibit E. Comprehensive Plan Map

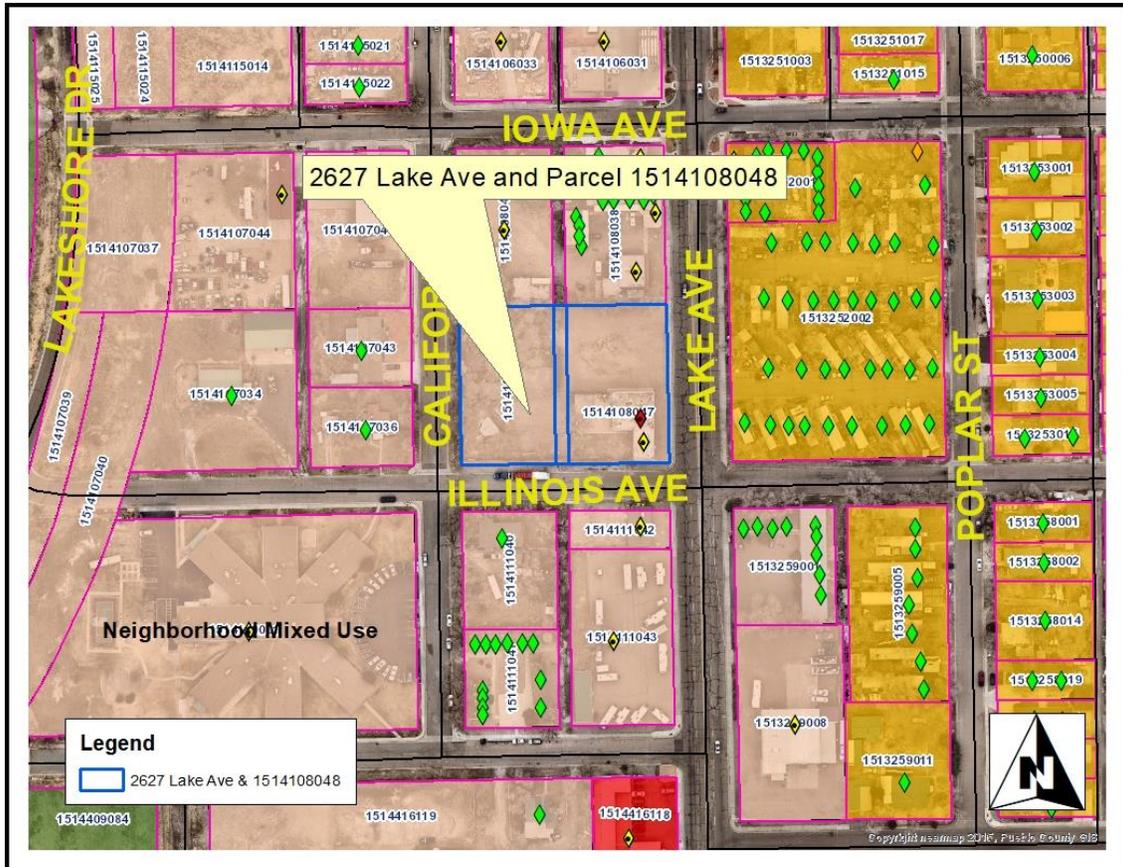


Exhibit F. Public Notice



Taken from the east sidewalk facing the building

Exhibit G. Site Pictures



Taken from the north parking lot facing west



Taken from the north parking lot facing southwest



Taken from the north parking lot facing southwest



Taken from north parking lot facing Lake Ave



Taken from north parking lot facing southwest



Taken from north parking lot facing southeast



Take from the east sidewalk facing the building

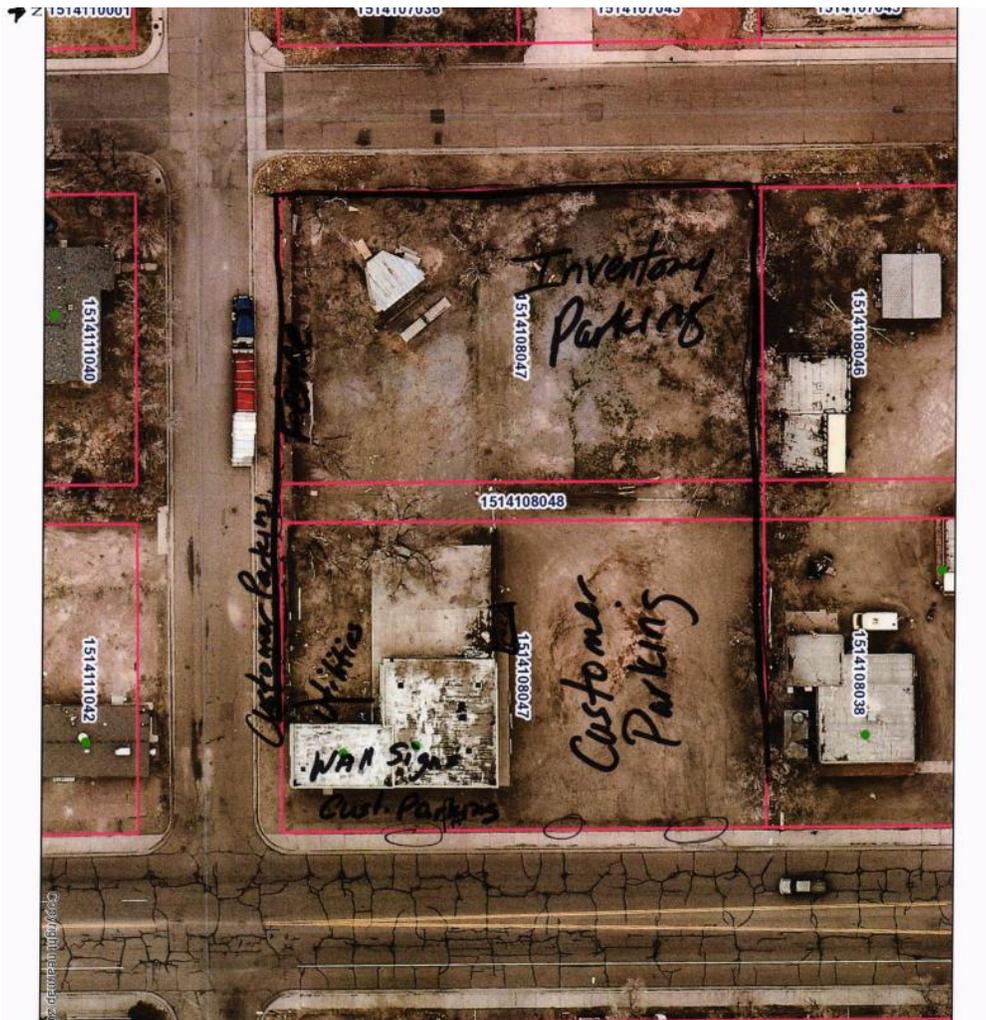


Taken from north parking lot facing south



Taken from east sidewalk facing west along south side of building

Exhibit H. Application Completed in OpenGov





06/30/2022

22-98

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jun 6, 2022

Applicant

Sergio Rojas
avalyn.roofing@avalynroofing.com
1325 S Prairie Ave
10
pueblo, CO 81004
7195680727

Location

2627 LAKE AVE
PUEBLO, CO 81004

Owner:

ROJAS SERGIO
1725 VAN BUREN ST PUEBLO , CO 81004-3237

Internal

ZBA Case Number
ZBA-22-26

Planner Assigned
--

ZBA

Hearing Date
07/26/2022

Hearing Results
--

Board Conditions
--

Appeal Term End Date
--

Permit Completion Date
--

Specially Requested Hearing

Public Notice

Number of Posters
1

Number of Postcards Sent
10

Cost of Newspaper Notice
--

Public Notice Costs
11

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 Use by Review
Type of Request	Type of Use by Review
https://puebloco.viewpointcloud.io/#/explore/records/32050/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10... 1/4	
6/30/22, 8:47 AM	OpenGov
Use by Review (Special/ Limited Use Permit)	Special Use Permit
Provide a short description of the proposed request: special use permit for a pawn shop for products and cars	
What is the general use of the property Commercial	
Detailed explanation of the request as listed above. auto pawn, jewelry and firearms	
Justification of facts required for the request. Be specific. Auto pawn, Pawn jewelry, firearms, used and new	
Please see the attached document for assistance with Justification of Facts:	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_T 	 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
 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 	
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.	
Northern entrance off of Lake Ave, entrance in alley	
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.	
Parking South, East and North of building on property	
Describe refuse and service areas, with particular reference to the items in the two questions above.	
Northwest side of building. Access for trash trucks off of Lake Avenue	
Describe utilities, with reference to the location's availability and compatibility.	
All utilities located on South Side of Building to Illinois Avenue	
Describe screening and buffering with reference to type, dimensions and character.	
Fencing along Illinois Avenue, California ST. North to North Property line East to Lake Ave.	
Describe signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony	

Northern entrance off of Lake Ave, entrance in alley

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.

Parking South, East and North of building on property

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

Northwest side of building. Access for trash trucks off of Lake Avenue

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

All utilities located on South Side of Building to Illinois Avenue

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

Fencing along Illinois Avenue, California ST. North to North Property line East to Lake Ave.

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.

Wall sign on east side of building and north side of building

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

Fencing in place commercial yard. Improvements in current landscaping

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

Located on Lake Ave adjacent to other commercial properties.

Terms

Is the applicant and property owner the same?

<https://puebloco.viewpointcloud.io/#/explore/records/32050/printable?act=true&app=true&att=true&emp=true&int=true&loc=true&sec=1011981%2C10...> 2/4

6/30/22, 8:47 AM

OpenGov

Yes

Applicant/Property Owner Signature

Entered by Staff for applicant

06/06/2022

Attachments

-  2627 Lake Ave Site Plan.pdf
Uploaded by Carol Martinez on Jun 7, 2022 at 4:44 pm
-  2627 Lake Ave Photos.pdf
Uploaded by Carol Martinez on Jun 7, 2022 at 4:42 pm
-  2627 LAKE AVE - PICTURES.pdf
Uploaded by Carol Martinez on Jun 13, 2022 at 8:10 am

History

Date	Activity
Jun 6, 2022 at 5:06 pm	Karen Elgin started a draft of Record 22-98
Jun 6, 2022 at 5:10 pm	Karen Elgin submitted Record 22-98
Jun 6, 2022 at 5:10 pm	changed the deadline to Jun 08, 2022 on approval step Fee Review on Record 22-98
Jun 6, 2022 at 5:10 pm	approval step Fee Review was assigned to Planning Front Counter on Record 22-98