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ZBA-21-24 Extension Request

To: City of Pueblo Zoning Board of Appeals
From: Wade Broadhead, Senior Planner
Through: Scott Hobson, Acting Director of Planning and Community Development
Date: 8/23/2022
Request: **A One Year Extension to allow a Special Use Permit to allow a theatre (general) in a Multiple-Residential and Office (R-5) Zone District**
Site Location: 1201 N. Main St. Pueblo, CO, 81003
Legal Description: S 75 FT of Lots 15, 16, and OF E 38 FT of Lot 14 BLK 11, County Addition
Year Built: 1919
Applicant: Heather Sandoval
Property Owner: Impossible Players Inc
Zone District: Multiple Residential and Office (R-5) District

BACKGROUND AND ANALYSIS

On August 24th, 2021 the Zoning Board of Appeals approved the Special Use Permit request from applicant Heather Sandoval to allow a theatre (general) in a R-5 Zone District. The board approved the request with three conditions. The applicant been working to comply with the conditions but due to Covid-19, supply chain delays, and theft, they have been unable to meet all the conditions required by the ZBA within in the one-year time frame.

The applicant is requesting a one-year extension to complete the conditions. Per Sec 17-5-34(8) the applicant has one year to execute the permit in entirety from the date of issuance or it becomes null and void. Ms. Sandoval installed the two required trees, but they were stolen immediately. The applicant provided numerous receipts and correspondence documenting their attempts to comply with the conditions within the one-year time frame which are attached to this staff report.

CONDITIONS REQUIRED FOR SPECIAL USE PERMIT- the request for a one-year extension does not change the original findings of facts considered.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

The Board approved the Special Use Permit with Standard Permit Conditions 1 through 13 as well as:

1. Moving the trash receptacle outside of the required setbacks and away from the sidewalk along West 12th Street (five feet from 12th St and five feet from western property line), in addition to screening and enclosing the dumpster with an approved opaque material (not chain link with slats). Per Sect 17-4-7(b)(3)(e)(1), "Trash containers shall be completely screened from public view of adjacent nonindustrial property and public streets. Containers shall be screened by a building, an approved opaque fence or wall, or an evergreen planting creating a continuous screen at least five (5) feet in height at the time of installation. Metal or plastic chain link fence slats shall be permitted only in conjunction with evergreen planting."

2. Replace existing six foot (6') tall opaque fence, which has fallen into disrepair, to the west of the building separating the Pueblo County Planning Department parking lot. The fence needs to be reestablished at its current length to not interfere with the site distance triangle for vehicle ingress/egress from the parking lot.
3. Reestablish tree lawn on the south side of property. The tree lawn on the south side of the property is approximately 120 feet in length. The Planning Dept understands that surrounding tree lawns have installed non-living, gravel ground covering so we are proposing installing two shade trees, spaced evenly apart, with a gravel ground covering. The installed trees must be selected from the City of Pueblo Recommended Plant list, which includes many native, drought resistant trees.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application
- H. Supporting documentation

Exhibit A. Standard Permit Conditions

Standard Permit Conditions	
Date of Issuance of Permit: 8/23/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/23/2023
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 A. Aerial Map

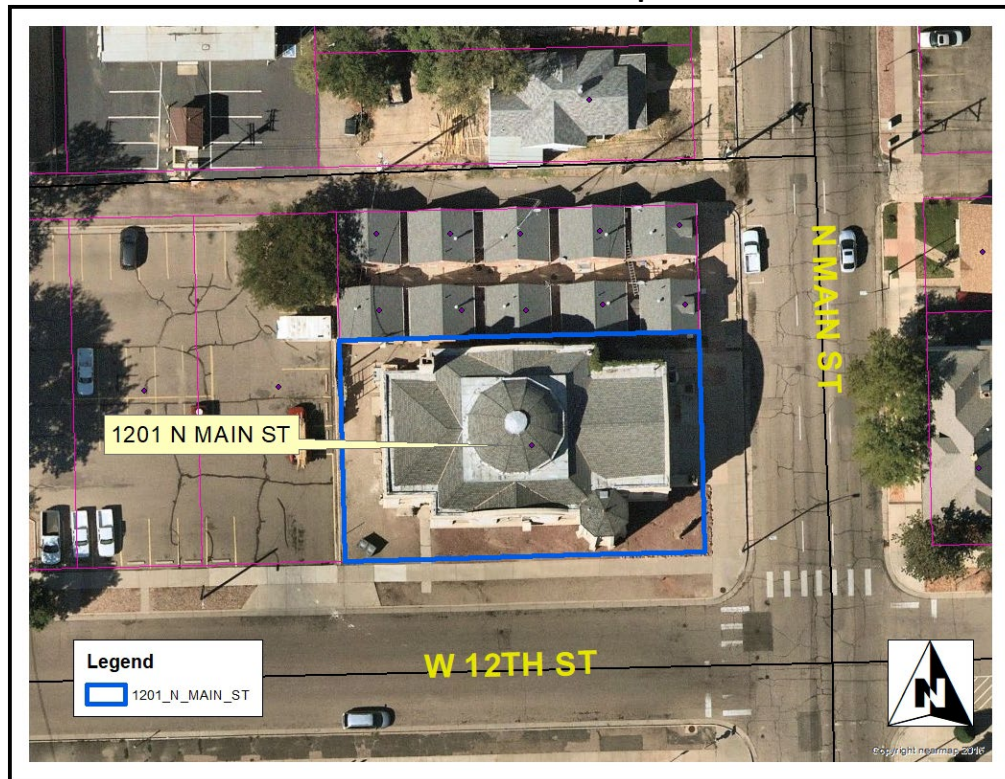


Exhibit D. Zoning Map (Zoning Map Amendments Recommended)

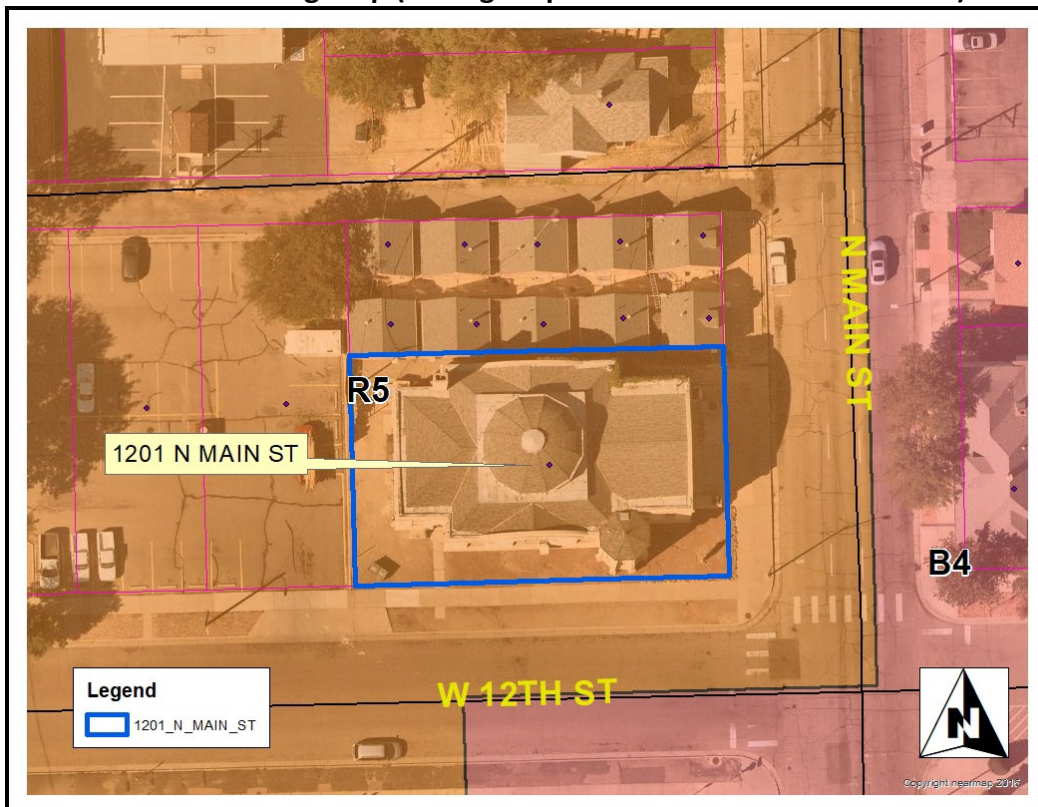


Exhibit E. Comprehensive Plan Map

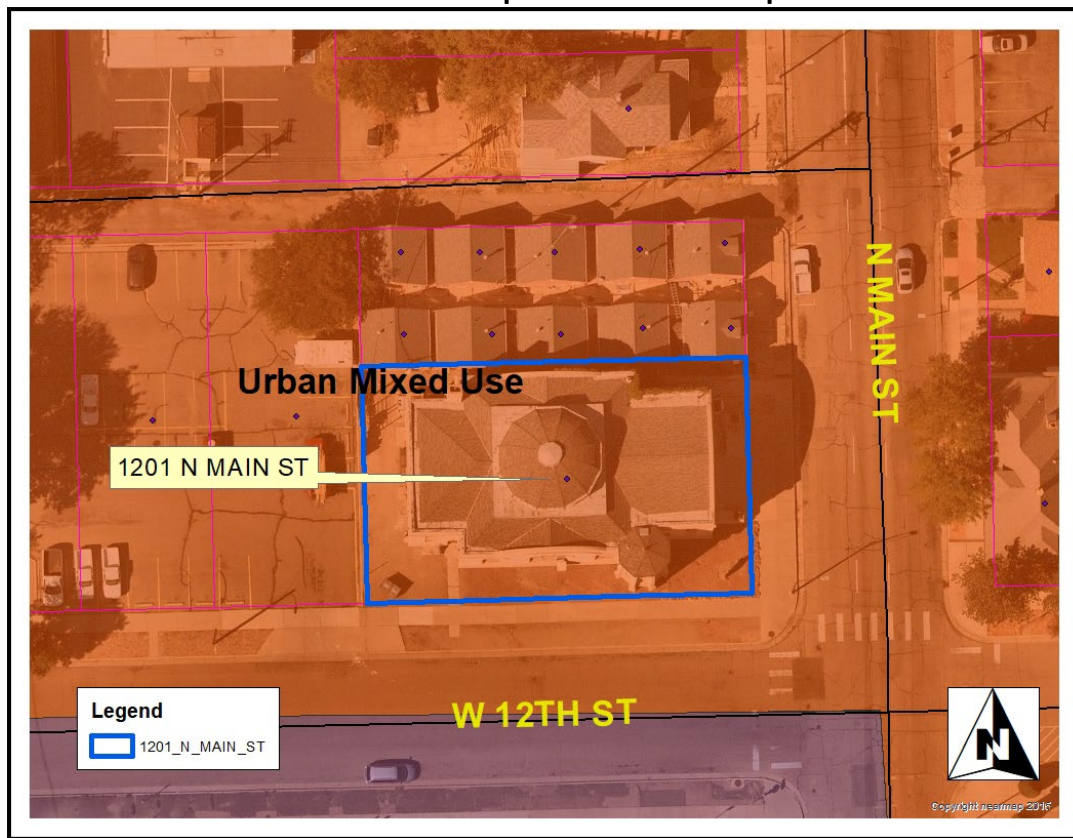


Exhibit G. Updated Site Photos



Photo looking north



Overview of the tree lawn area.

H. Application



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

Zoning Board of Appeals Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

Contact Info	Property Owner:		Applicant (If different from property owner):	
	Name: IMPOSSIBLE PLAYERS		Name:	
	Address: 1201 N. MAIN ST.		Company:	
	City, State & Zip: Pueblo, CO 81003		Address:	
	Phone: (719) 542-6969		City, State & Zip:	
Property Info	Email: impossibleplayers@gmail.com		Phone: () Cell: ()	
	Email:			
	The applicant will be the primary contact unless otherwise noted.			
	Project Location: 1201 N. MAIN ST			
	Legal Description: S75' of Lots 15 & 16 and E 38 Lot 14 Block 11			
Project Information	Parcel No: 525416008		Existing Zone: R-5	
	Property Size: 9,450 SQ.FT.			
	General Information			
	Provide a short description of the proposed request: SUP for Theater, General AND VARIANCE for off street parking			
	What is the general use of the property: ☐ Residential ☐ Commercial ☐ Industrial ☐ Multi-Family ☒ Other Theater			
Project Information	Scope of work: ☒ Special Use Permit (Limited Use Permit):			
	☐ Use by Review ☐ Home Daycare ☐ Home Occupation (Total # of children: _____) ☐ Other: _____			
	☒ Variance:			
	☐ Setback ☐ Parking ☐ Landscape ☐ Lighting ☐ Height ☐ Signs ☐ Other: _____			
	☐ Appeal:			
☐ ZBA Decision (Case Number: ZBA-____-____) ☐ Administrative Official Determination ☐ Other: _____				
☐ Other: _____				

County Addition

06/2020

(Continue Next Page)(Continued from Page 1)

Attachments	Attachment Checklist:	
	The following list of attachments are required to accompany all applications: ☒ A. Detailed explanation of the request as listed above. Be specific. ☒ B. Justification of facts required for the request. Be specific ☒ C. Site plan, if variance. Must depict requested variance on plan. ☒ D. Applicable application (i.e. business license, Home Occupation Questionnaire). ☒ E. Photographs. ☒ F. Additional information that you believe justifies the request. ☒ G. Copy of determination letter, if appealing Administrative Official Determination. ☒ H. Pueblo County Assessor's Property Information print out	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms: 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. All requisite fees have been paid to the City of Pueblo. 4. All information in this application, and all attachments, are true and accurate to the best of my knowledge. 5. 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. 6. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. 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.	
	Property Owner Print Name: <u>Impossible Players INC.</u> Signature: <u>N/A</u> Date: <u>8-1-21</u> Applicant, if different from Property Owner Print Name: <u>Heather Sandoval, President of the Board of Directors</u> Signature: <u>Heather Sandoval</u> Date: <u>8-1-21</u>	
Office Use Only	Zoning Compliance (Completed by City Staff)	
	Application received by:	Date:
	Application checked for completeness by:	Date:
	Case Manager:	Fee Paid:
	Hearing date:	☐ Approved
	Case #:	☐ Denied ☐ Approved w/conditions

Exhibit I. Supporting Documents- Extension Request**A. Moving the trash receptacle****Steps taken to be in compliance with SUP**

- Contacted Waste Connections of Colorado – Multiple communications with the Supervisor P.J. to affirm placement and directions for locking enclosed dumpster. (Attached)
- Upgraded Container (Picture Attached)
- Multiple Bids for concrete work -
Concrete will be delivered on Friday, August 19th with work to be completed by Norm Imblum of Norms Quality Construction 719-569-7790
- In process of getting bids for fence construction once the cement pad is poured.
- Will be using portions of cement blocks from prior fence in enclosure to act as a buffer/stopper for trash can.

Due to Covid-19 everything is set back months. From getting bids to supply issues to scheduling contractors once their bids are approved. We are asking for an extension to complete SUP item A.

B. Replace existing six foot (6') tall opaque fence**Steps taken to be in compliance with SUP**

- Have had multiple bids for wood fence
- Removed old broken fence
- Cleaned up back area and removed large piles of concrete
- Spoke to police about neighbor parking and destroying prior wood fence (Attached Photos)
- In process of removing graffiti on the walls
- In process of building a large cage to house our new air conditioner units so they are not stolen or damaged (Attached Photos)
- Purchased paint to paint window trim to improve appearance
- We will be using concrete pieces for dumpster enclosure (Attached Photos)
- Once A/C units are installed we will enclose and paint the cellar door for access to basement

Due to Covid-19 everything is set back months. From getting bids to supply issues to scheduling contractors once their bids are approved.

We are asking for an extension to complete back area fencing but would really like a waiver for (6') opaque fence. As you can see from the attached photos, we are afraid the neighbor will just destroy another wood fence. We have found on multiple occasions needles behind the prior wood fence, where they were hiding to do drugs. (Attached Photo)

We would like to create a courtyard feel where our Next Gen youth group can hang out and enclose it with a black metal fence similar to the County Building across from the parking lot.



C. Reestablish tree lawn on the south side of property**Steps taken to be in compliance with SUP**

- Had tree choice approved by Planner, Danielle Baxter (Attached)
- Had digging approved by Colorado 811 (Attached)
- Multiple bids and installed an outdoor spigot for watering – installed by Michael Martinez, Plumber 719-994-3174 (Attached Photo)
- Purchased approved trees and items to help with planting
- Set up work day and crew with tools and picked up trees
- Planted 2 Spring Snow Crabapple trees (Attached Photos)

We planted the trees on Wednesday, June 1 around 6:30 pm and by Thursday, June 2nd at 8:00 am the trees had already been stolen from the ground. (Attached Police Report)

We are asking for an extension to replant trees in the fall so they have a better chance of surviving.

For's Garden Supply

320 S Santa Fe Ave
Pueblo CO 81003
(719) 542-1872

FOX'S GARDEN
329 S. SANTA FE AVE.
PUEBLO, CO 81003
719-542-1872

DATE 04/08/2022 FRI TIME 12:12

Customer's
Order No.

Mo

Date _____

Name: _____

Address

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	1/2 lb. meat	64¢	134¢
1	1/2 lb. sausage		
1	1/2 lb. ham		
1	1/2 lb. beef		
1	1/2 lb. pork		
1	1/2 lb. chicken		
1	1/2 lb. fish		
1	1/2 lb. eggs		
1	1/2 lb. milk		
1	1/2 lb. butter		
1	1/2 lb. oil		
1	1/2 lb. sugar		
1	1/2 lb. flour		
1	1/2 lb. rice		
1	1/2 lb. beans		
1	1/2 lb. lentils		
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1	1/2 lb. beans		
1	1/2 lb. lentils		

ALL claims and returned goods MUST be accompanied by the bill

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Thank-You

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Enclosed from Avery Dennison: 16/24, 543 6853



Lawn & Garden Supplies

329 S. Santa Fe
Pueblo, CO 81003

Find us on
(719) 542-1872

2X	€ 69,98	
NORTAX		\$139,96
TOTAL		\$139,96
CHARGE		\$139,96

SALE 139.96
MASTER *****2118
INVOICE : 5692
REFERENCE : 0049
AUTH CODE : 00629Z

CLERK 1 079604 00(10)

MERCHANT ID: *****5006
CLERK ID: 1

SALE

MASTERCARD *****2118
ENTRY METHOD: CHIP
DATE: 04/08/2022 TIME: 12:54:49

INVOICE: 5692
REFERENCE: 0049
AUTH CODE: 008292

AMOUNT	USD\$ 139.96
TOTAL	USD\$ 139.96

APPROVED - THANK YOU

I AGREE TO PAY THE ABOVE TOTAL
AMOUNT ACCORDING TO CARD ISSUER
AGREEMENT. (MERCHANT AGREEMENT
IF CREDIT VOUCHER)

✕

CHARLES J. FINLEY

APP LABEL : MASTERCARD
AID: A00000000041010
IWR: 0000000000
IAD: 0110601001220000000000000000
TSI: 6800
ARC: 00
CVM: SIGN

CUSTOMER COPY

