

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-22-36

Hearing Date: 8/23/2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Senior Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 651 S Pueblo Blvd, CO 81005  
**APPLICANT:** Karen Frank  
**PROPERTY OWNER:** Daluteli Holdings LLC  
**YEAR BUILT:** 1976  
**LEGAL DESCRIPTION:** LOT 1 BLK 1 GERRINGER + GREGORICH SUB ALSO E2 VAC FRONTAGE RD ADJ FORMERLY 15-041-19-003  
**ZONE DISTRICT:** Central Business (B-4) Zone District  
**PARCEL ID:** 1504119006  
**STRUCTURE SIZE:** 7490 sqft

|                 |   |
|-----------------|---|
| <b>REQUEST:</b> | Special Use Permit for a kennel (cattery) in a Central Business (B-4) Zone District |
|-----------------|---|

### SYNOPSIS OF REQUEST

The applicant, Ms. Frank, intends to establish a Kennel (cattery) at 651 S Pueblo Blvd. A Kennel means an establishment where domestic pets are bred, raised, trained, groomed and boarded. The keeping of more than four (4) dogs and/or cats over the age of six (6) months shall constitute a kennel. Includes catteries. According to section 17-4-51 (c) a Kennel (cattery) is a use by review in a Central Business (B-4) Zone District, therefore the applicant is required to obtain a Special Use Permit at this location, to continue this use.

### ANALYSIS OF REQUEST

651 S Pueblo Blvd is the site of Veterinary Hospital Associates, which is located in a 7,490-sf. commercial building built in 1976. The building is in the Gerringer & Gregorich Subdivision, west of the Elmwood Golf Course. It is a corner lot, surrounded by a flag-lot which creates a buffer between the subject property and adjacent residential uses to the north and west. The existing Veterinary Associates would like to expand their business to include both veterinary and boarding services at the same location which will allow them to utilize forty (40) dog runs found in the rear of the existing building. This use will not expand the building footprint, exacerbate traffic or parking beyond its current capacity. Due to the activities of Kennel use being accessory to and contained within the interior of an existing, licensed business and building, negative externalities of this new use should be minimal.

### ZONING DISTRICT AND LAND USE

| Zone: |                                      | Developed with:     |
|-------|--------------------------------------|---------------------|
| North | Central Business (B-4) Zone District | Gentle Dental       |
| East  | Government Use (S-1) Zone District   | Elmwood Golf Course |
| South | Central Business (B-4) Zone District | Fun Putter Park     |
| West  | Central Business (B-4) Zone District | Gentle Dental       |

**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 Sage St.**

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 is an existing paved parking lot that meets the parking requirements for the building and uses.**

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

**Comments: Affirmative finding. All refuse will be collected and maintained on-site.**

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.

**Comments: Affirmative finding. Screening and buffering will not be required for this use at this location and use.**

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 is no additional signage proposed at this time.**

7. Required yards and other open space.

**Comment: Affirmative finding. The applicant is compliant with required yards and setback for this site.**

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

**Comments: Affirmative finding. A kennel is compatible with the Commercial Mixed-Use future land use for this site and can provide neighborhood level services the surrounding residential uses.**

**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. Use of the property outside of the principle structure for activities, involving two or more animals being boarded at the kennel is prohibited.

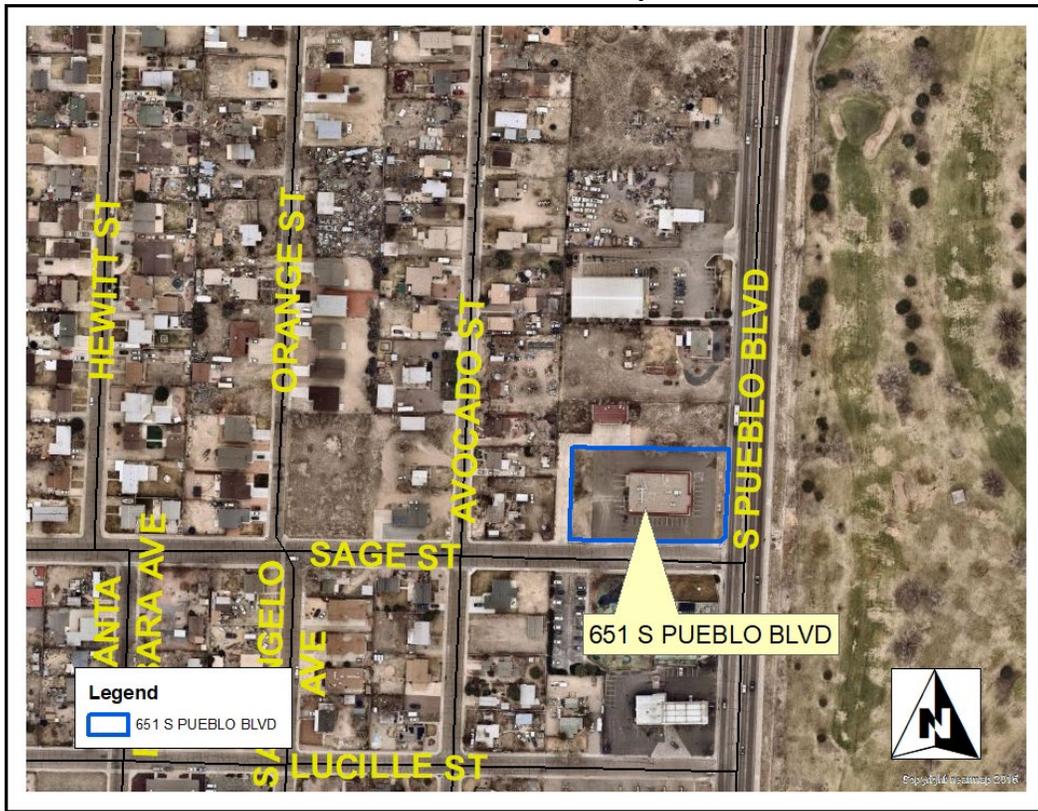
**ATTACHMENTS**

- 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**

| <b>Standard Permit Conditions</b><br>Date of Issuance of Permit: <b>ZBA-22-36</b> |   |
|---|---|
| 1.  | <b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>8/23/2023</b>  |
| 2.  | <b>Required Revisions</b> 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.  | <b>Changes</b> 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.  | <b>Property Inspection</b> 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.  | <b>Certificate of Occupancy</b> 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.  | <b>Completion and Maintenance of Improvements and Landscaping</b> 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.  | <b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.   |
| 8.  | <b>Off-Site Drainage</b> 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.  | <b>Appeals</b> 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.   | <b>Errors</b> 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.   | <b>Transfer of Ownership</b> 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.   | <b>Violations/Penalties</b> 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.   | <b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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.   |

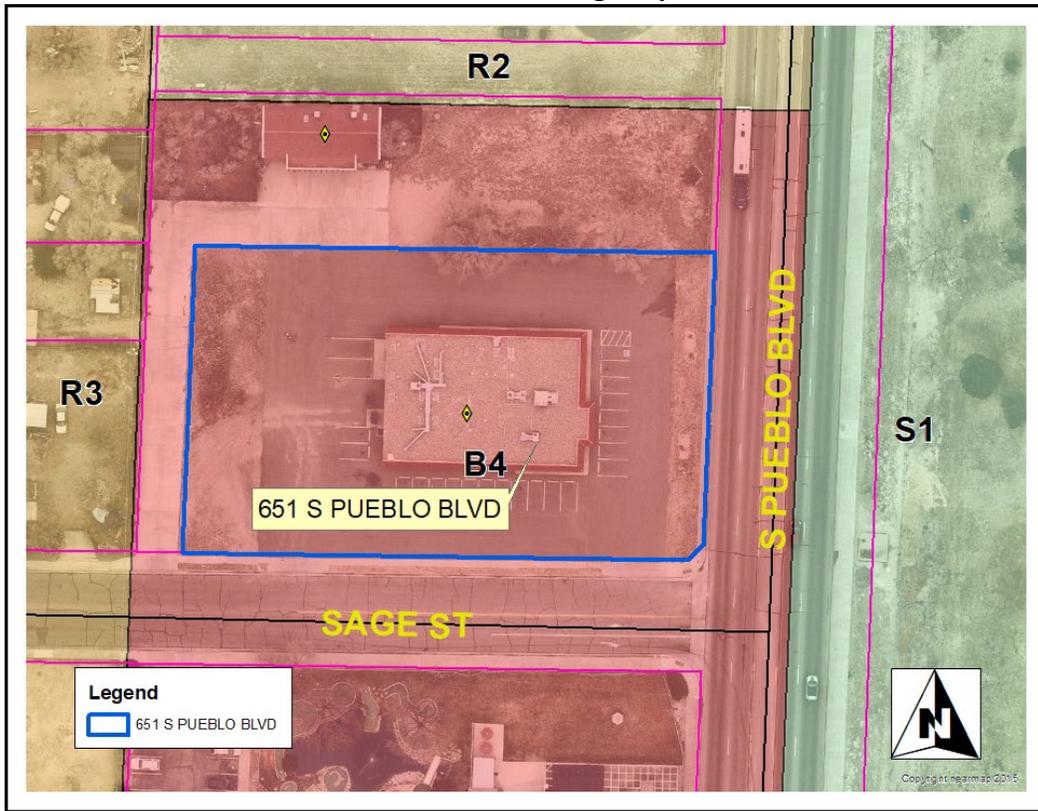
**Exhibit B. Site Map**



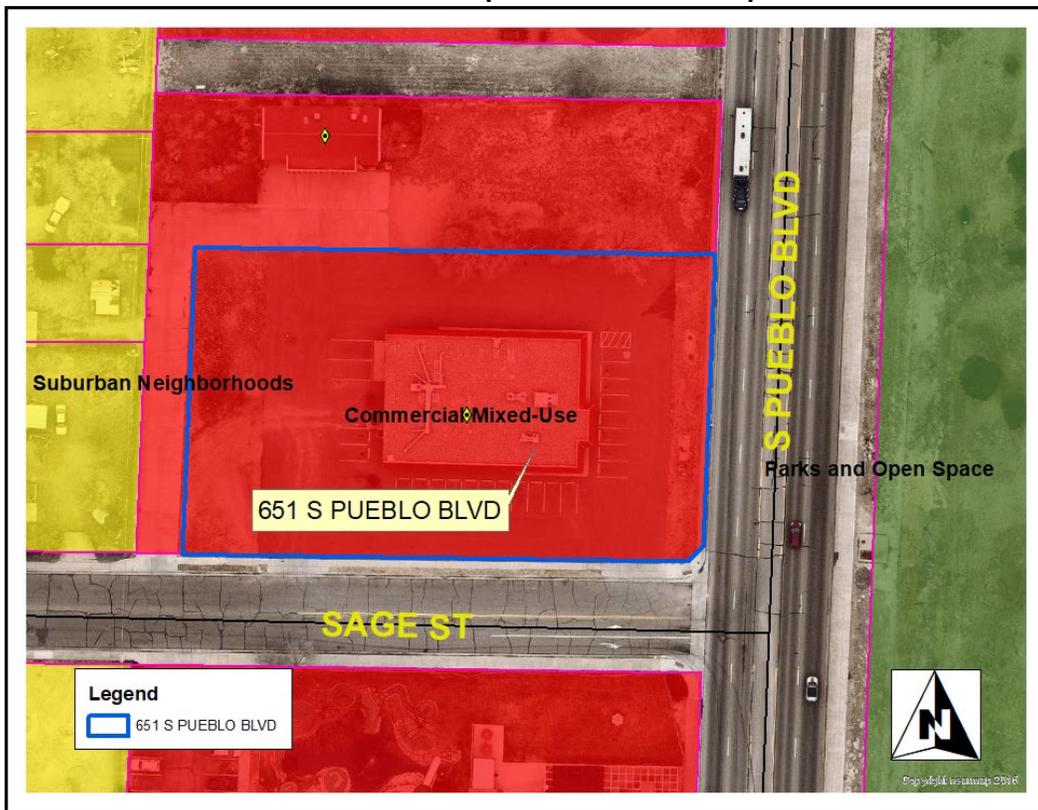
**Exhibit C. Aerial Map**



**Exhibit D. Zoning Map**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



## H. Application

7/11/22, 2:18 PM

OpenGov



07/11/2022

**22-123**

Zoning Board of Appeals - Special Use Permit & Variances

**Status:** Active

**Date Created:** Jul 11, 2022

**Applicant**

Karen Frank  
kfrank@vetcor.com  
651 S. Pueblo Blvd  
Pueblo, CO 81005  
719-564-0330

**Location**

651 S PUEBLO BLVD  
PUEBLO, CO 81005

**Owner:**

DALUJTELI HOLDINGS LLC  
1753 VIRGINIA RD LOS ANGELES , CA 90039-5922

**Internal**

**ZBA Case Number**  
ZBA-22-36

**Planner Assigned**

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**ZBA**

**Hearing Date**

08/23/2022

**Hearing Results**

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**Board Conditions**

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**Appeal Term End Date**

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**Permit Completion Date**

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**Specially Requested Hearing**

**Public Notice**

**Number of Posters**

--

**Number of Postcards Sent**

--

**Cost of Newspaper Notice**

--

**Public Notice Costs**

0

**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:**

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**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.

|  |                            |                                 |            |
|--|----------------------------|---------------------------------|------------|
| <b>Property Owner:</b>                                 |                            |                                 |            |
| Name: Erik Flexner                                     |                            | Company: Daluteli Holdings, LLC |            |
| Address: 1753 Virginia Rd.                             |                            |                                 |            |
| City: Los Angeles                                      |                            | State: CA                       | Zip: 90019 |
| Phone: (310) 941-3539                                  | Email: Flexterra@gmail.com |                                 |            |
| <b>Applicant:</b>                                      |                            |                                 |            |
| Name: Karen Frant                                      |                            | Company: Vetcor of Pueblo       |            |
| Phone: 719-564-0330                                    | Email: vha@yourvetdoc.com  |                                 |            |
| Property Address: 651 S. Pueblo Blvd, Pueblo, CO 81005 |                            |                                 |            |

I, ERIK FLEXNER, hereby state that I am the owner of record of the property located at 651 S. Pueblo Blvd, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.

(application type)

7/11/20

Signature of Property Owner

Date



