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## ZBA-22-51

Hearing Date: 12/28/2022

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Senior Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 3001 + 3025 N Freeway, Pueblo, CO 81008  
**APPLICANT:** Ginger Slaughter  
**PROPERTY OWNER:** Tellco Six, LLC  
**YEAR BUILT:** 1980  
**LEGAL DESCRIPTION:** E 1/2 OF LOT 4 EVANS SUB EXC EASEMENT OVER S 20 FT TO N ELIZ ST  
**ZONE DISTRICT:** Regional Business (B-4) Zone District  
**PARCEL ID:** 524102007  
**UNIT SIZE:** 4160  
**REQUEST:** Special Use Permit for a Storage Facility, Outdoor in Regional Business (B-4) Zone District

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### SYNOPSIS OF REQUEST

The applicant, Ms. Slaughter, desires to establish a Storage Facility, Outdoor in Regional Business (B-4) Zone District. Storage Facility, Outdoor means a facility for the exterior stockpiling or safekeeping of materials, products, vehicles, recreational vehicles, cargo containers, trailers, and the like. According to section 17-4-51 (c) Storage Facility, Outdoor is a use-by-review in a Regional Business (B-4) Zone District, therefore the applicant is required to obtain a Special Use Permit at this location, before proceeding.

### ANALYSIS OF REQUEST

3001 North Freeway is a nine thousand five hundred four (9,504) square foot brutalist-style industrial building constructed in 1973. 3025 N Freeway is a four thousand one hundred sixty (4,160) square foot contemporary style industrial building constructed in 1980. 3001 and 3025 North Freeway are adjacent parcels owned by Tellco Six, LLC. The principal structures on both properties are adjacent to the northern property boundaries. The applicant intends to utilize these properties with complimentary uses. The 3001 location will serve as a construction equipment rental business, while 3025 will be used to store the small and large construction equipment offered for rent. A cross-lot access agreement will allow for full access between the two properties. The frontage road does not currently have any sidewalks or curb and gutter, but they will be installed in front of the two lots as part of the proposed development. Plans indicate that the refuse collection site will be at the rear of the 3025 property and will be collected through the existing access drives. The applicants will replace existing perimeter and frontage road chain link fencing with opaque fencing of cedar or other material. The fencing between 3001 and 3025 will be removed and new opaque fencing will be installed around the customer parking area on 3025 with two 10' gates for access to the equipment rental yard; effectively screening the outdoor storage yard located within the western portion of both sites. The existing trees along the frontage road will be preserved for screening and buffering as well. Based on the plans provided, the Planning department did not identify any negative externalities in the granting of the proposed Special Use Permit.

**ZONING DISTRICT AND LAND USE**

|       |                                       |   |
|-------|---------------------------------------|---|
| Zone: |                                       | Developed with:   |
| North | Regional Business (B-4) Zone District | Vacant land historically operated as a mobile home park |
| East  | Government Use (S-1) Zone District    | Interstate I-25   |
| South | Regional Business (B-4) Zone District | Kaman Industrial Technologies                           |
| West  | Regional Business (B-4) Zone District | EasyPawn  |

**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. The site will be accessed from North Freeway Road on the east side of the site, through two existing access drives. A cross lot access agreement will allow for full access between the two properties. The frontage road does not currently have any sidewalks or curb and gutter, but they will be installed in front of the two lots as part of the proposed development.**

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 will provide a new parking lot, in addition to the existing on-site parking. The traffic, noise, odors, and glare will not adversely affect the adjoining properties. Most of the site will be repaved with concrete, replacing the existing degraded asphalt covering most of the site.**

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

**Comments: Affirmative finding. The refuse collection site will be at the rear of the 3025 property and will be collected through the existing access drives.**

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

**Comments: Affirmative finding. Existing water and wastewater services will be utilized. A sand/oil separator will be installed for the wash bay and connect to the existing sanitary sewer main running west to east on the south side of 3025. Existing overhead electric and communication lines along the east side of 3001 and 3025**

and the south side of 3001 will remain or be placed underground as required by the utility provider. Existing natural gas services are to remain and connect to the gas main located in North Freeway Road. Stormwater quality will be provided for the site via either a surface pond or an underground hydrodynamic separator at the east end of the site.

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

**Comments: Affirmative finding.** The development will replace existing perimeter and frontage road chain link fencing with opaque fencing of cedar or other material. The fencing between 3001 and 3025 will be removed and new opaque fencing will be installed around the customer parking area on 3025 with two 10' gates for access to the equipment rental yard. The existing trees along the frontage road will be preserved for screening and buffering as well. Larger rental equipment will be stored at the back (west side) of the 3001 property behind the existing buildings when not rented out.

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.** Site lighting will be added to the proposed parking areas. Proposed signage along the frontage road will replace the existing signage on 3025. Signage is also proposed on each of the existing buildings. The traffic, noise, odors and glare will not adversely affect the adjoining properties.

7. Required yards and other open space.

**Comment: Affirmative finding.** 3001 will be re-paved with concrete paving for all but the west end of the property which will be gravel or recycled asphalt surfacing. 3025 will be re-paved with concrete paving except for the existing tree lawn along the frontage road.

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

**Comments: Affirmative finding.** The frontage road North Freeway Road and I-25 abuts the east side of the property. The frontage road ends at a cul-de-sac a few hundred feet north of the site. A vacant mobile home park is located north of the site. Several commercial businesses are located on the west side of the property, and are accessed from Elizabeth Street to include, Horizon Thrift Store, an EZ Pawn shop, and a vacuum cleaner repair. South of the property is the vacant Parcel 1 (Tract 2, Evans Subdivision) and W 30th Street.

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 including the recommendations below.

**STAFF CONDITIONS:**

1. **Provide curb, gutter, and sidewalk, along the eastern property line of 3001 and 3025 N. Freeway, as indicated in the development plans submitted for the Special Use Permit, dated October 19, 2022.**
2. **Provide opaque fencing and screening on 3025 N. Freeway as indicated in the plans submitted for the Special Use Permit, dated October 19, 2022.**

**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-22-51</b> |   |
|---|---|
| 1.  | <b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>12/28/2023</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

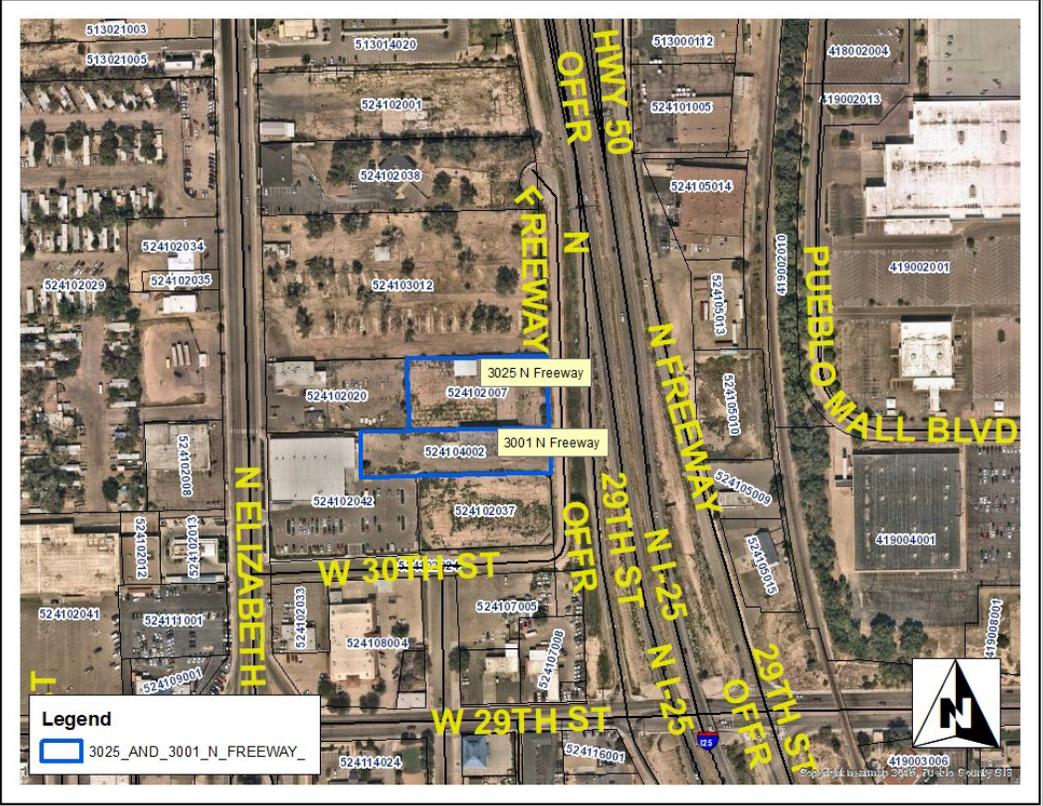


Exhibit C. Aerial Map



Exhibit D. Zoning Map

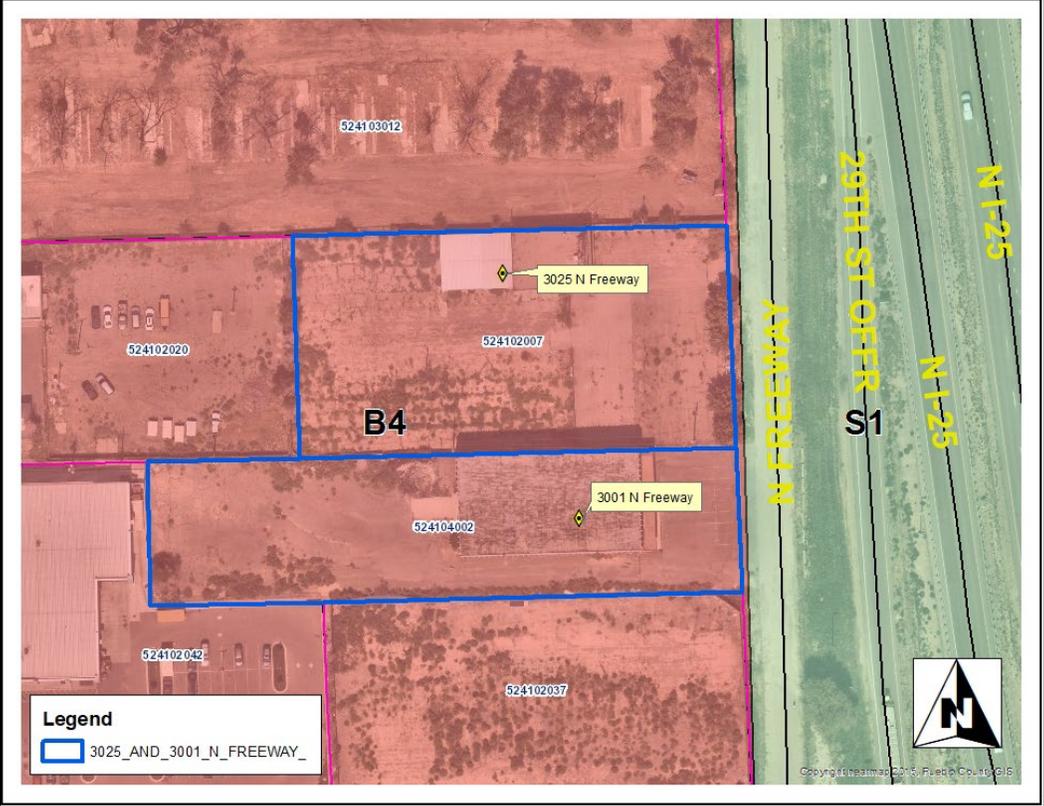
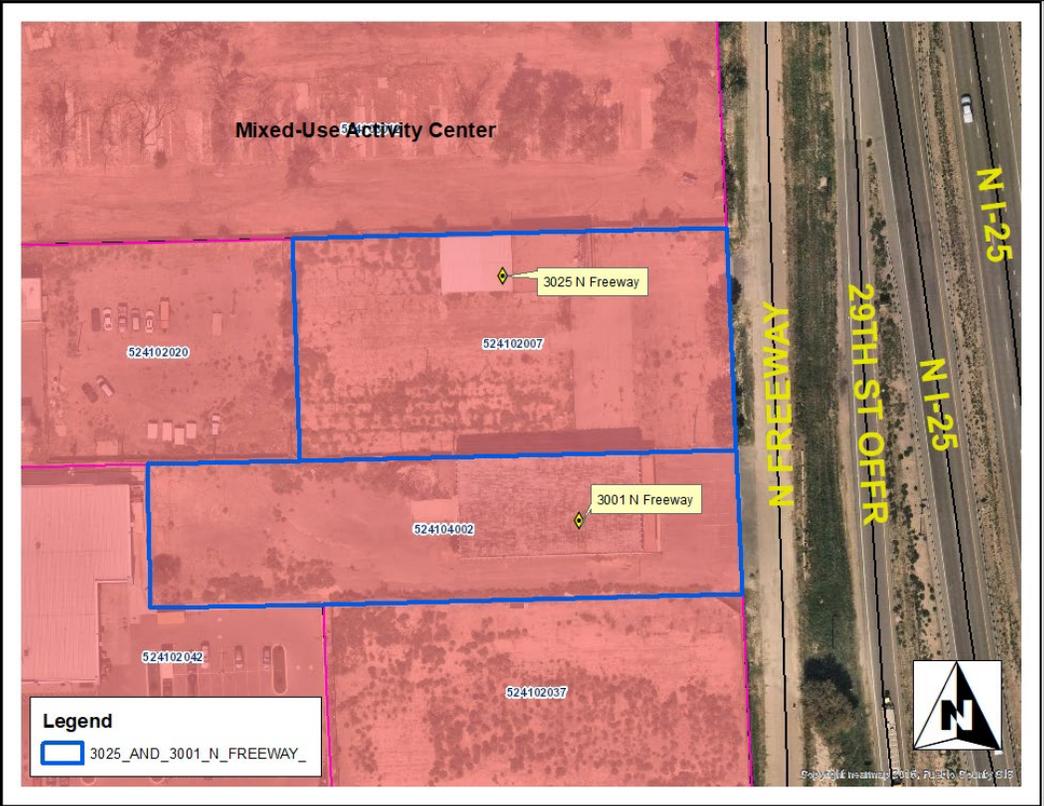


Exhibit E. Comprehensive Plan Map



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



H. Application

OpenGov

11/10/22, 1:52 PM



City of Pueblo PLACE

11/10/2022

22-186

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Nov 10, 2022

Applicant

Ginger Slaughter
gslaughter@drexelbarrell.com
3 S 7TH STREET
COLORADO SPRINGS, CO 80905-1501
7192600887

Primary Location

3025 N FREEWAY
PUEBLO, CO 81008

Owner:

TELLCO SIX, LLC
2245 W 190TH ST LOS ANGELES , CA 90504-6001

Additional Locations

3001 N FREEWAY, PUEBLO CO 81008

Internal

ZBA Case Number

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Planner Assigned

--

ZBA

Hearing Date

--

Hearing Results

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Board Conditions

--

Appeal Term End Date

--

Permit Completion Date

--

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:

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