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ZBA-22-48

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Senior Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 12/28/2022
Request: A Special Use Permit for a Salvage yard in Light Industrial (I-2) Zone District
Site Location: 220 N Vision Ln, Pueblo, CO 81003
Legal Description: LOT 3 BLK 1 TRINITY SUB
Year Built: n/a
Applicant: Austin Steir
Property Owner: Robert Montoya
Zone District: Light Industrial (I-2) Zone District

BACKGROUND AND ANALYSIS

The applicant currently operates automobile salvage yards to the north and south of the subject property, which is located in the Trinity Subdivision found in the southeast quadrant of the city. Mr. Steir has expanded the salvage yard use several times since April 2017 when the initial Special Use Permit was issued for a salvage yard at 300 Vision Ln., Lot 9, Granton Subdivision. This required rezoning from B-3 to I-2, through the Planning and Zoning Commission and City Council, which was completed in August 2018 (Ordinance #9336). In 2020 a second Special Use Permit for a salvage yard was approved for Lots 1-2, Block 1, Trinity Subdivision, which is also addressed as 300 Vision Lane, but it is not contiguous with the salvage yard operations approved in 2017. Mr. Steir has leased the 40,000 sq. ft. parcel, Lot 3, Blk 1 Trinity Subdivision, that previously separated the two salvage yard operations.

An application to rezone the subject property from B-3 to I-2 was reviewed by the Planning and Zoning Commission in July 2022. The Planning and Zoning Commission recommended approval of the rezoning to City Council, with the condition that Mr. Steir receives a Special Use Permit for the Salvage Yard before the City Council reviews the rezoning request.

The site is an undeveloped parcel with a floodplain located immediately to the east. It is topographically similar to the existing areas of the salvage yard. The entire site is contiguously connected with opaque fencing constructed of various materials including wood slate and chain-link with fabric screening. The subject parcel is enclosed with a chain-link fence with black fabric screening. Some vehicles from the salvage yard have already been placed on the parcel. Access, parking, refuse, screening, and buffering are all addressed as this parcel is absorbed into the Salvage yard operation as a whole. There could be concern about the future residential uses to the east of the subject property, however, the arroyo that runs along the eastern property boundary creates a natural aesthetic buffer between the industrial and residential use. Based on the plans provided the Planning department did not identify any significant negative externalities in the granting of the proposed Special Use Permit.

Mr. Stier will be required to comply with Sec. 9-7-16 & Sec. 9-7-17 or the Pueblo Municipal Code, which deal specifically with salvage yard operations and are listed under the Staff Recommendations Section of this report.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Light Industrial District, I-2	Salvage yard
East	Flood Plain (S-3) Zone District	Water Retention and Drainage Easement
South	Light Industrial District, I-2	Salvage yard
West	Pueblo County I-2	Landscaping Storage Lot

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 property is accessed via N Vision Lane. The applicant indicated that only employees will be allowed in the yard, that vehicles will be neatly arranged and with driving lanes wide enough for fire and EMS vehicles if needed.

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 property has adequate off-street parking at the main office located at 300 N Vision Lane in addition to area provided between the security fence and the street.

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

Comments: Affirmative finding. All refuse is collected and maintained on-site, with the whole site enclosed by a six-foot opaque fence.

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

Comments: Affirmative finding; utilities are established, but there is no future plan for any structures, water, or electrical service.

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

Comments: Neutral Finding. While fencing is in place, some areas of the fencing are inadequate and in a state of disrepair. This topic is further addressed in the staff conditions.

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; any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code.

7. Required yards and other open space.

Comments: Affirmative finding. Adequate passageways are required to allow unobstructed passage of fire-fighting vehicles. The applicant has indicated that they will comply with not placing salvage vehicles within the indicated flood zone area.

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

Comments: Neutral finding. The adjacent properties to the west and east include another salvage yard and a rock quarry. However, the future land use to the southeast is designated as Urban Residential which would not be compatible although it is currently undeveloped.

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:

1. The special use permit to allow a salvage yard is contingent upon City Council approving the request to rezone the property from B-3 to I-2.
2. All screening fencing, surrounding parcels, 433005001, 433012002, 433012003, 433012004, and 433012005 must be in uniform construction, repaired, made opaque, and adequately maintained, prior to the rezoning request being forwarded to City Council for review..
3. Owner must full comply with the salvage yard conditions outlined in Sec. 9-7-16 thru 9-7-20, with specific attention to the underscored sections.
4. No vehicles may be stored on any areas within the flood plan indicated in Figure 1: 200 N Vision Lane Flood Plain Map found below.



Figure 1: 200 N Vision Lane Flood Plain Map

Sec. 9-7-16. - Salvage and storage premises to be enclosed.

- (a) It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.
- (b) Such wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.
- (c) There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.
- (d) Salvage operations, including storage, shall not encroach upon or use any area outside the enclosure.

Sec. 9-7-17. - Salvage storage; passageways.

Salvage in an enclosed yard shall be so piled or placed that adequate passageway are open to permit the unobstructed passage of fire-fighting vehicles. Salvage in an enclosed building shall be so placed those adequate aisles and passageway are open to permit the unobstructed passage of firefighters and hoses.

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

Standard Permit Conditions Date of Issuance of Permit: 12/28/2022	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 12/28/2023
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 D. Zoning Map (Zoning Map Amendments Recommended)

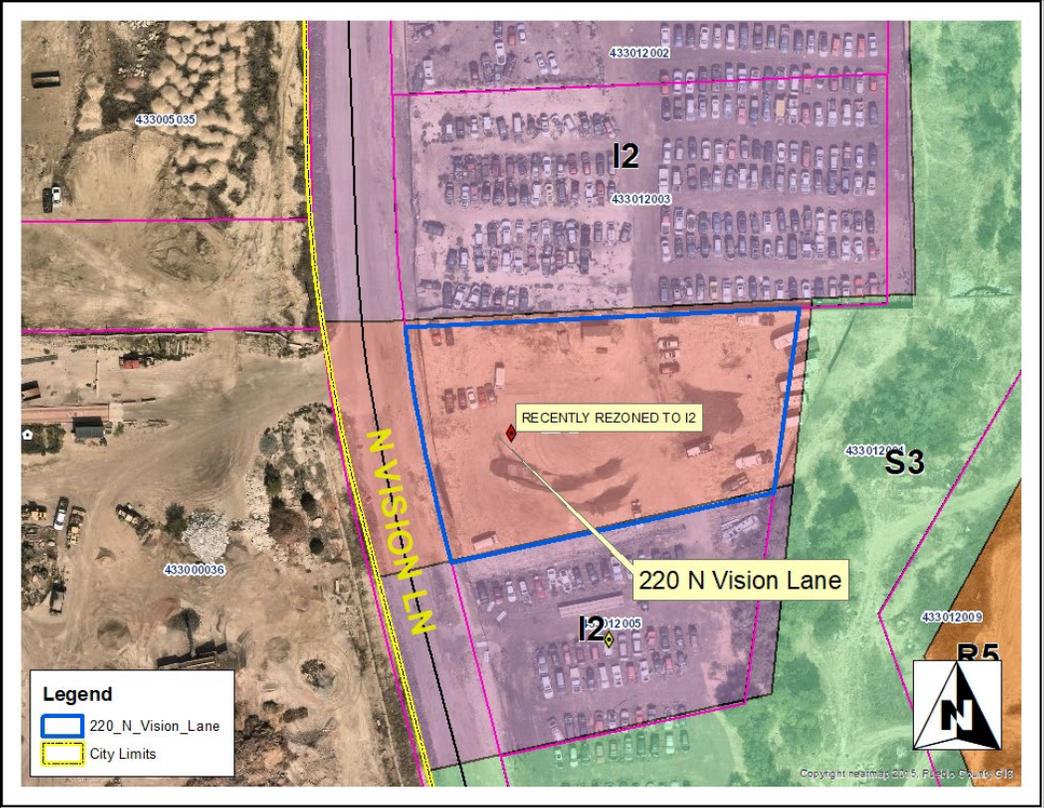


Exhibit E. Comprehensive Plan Map

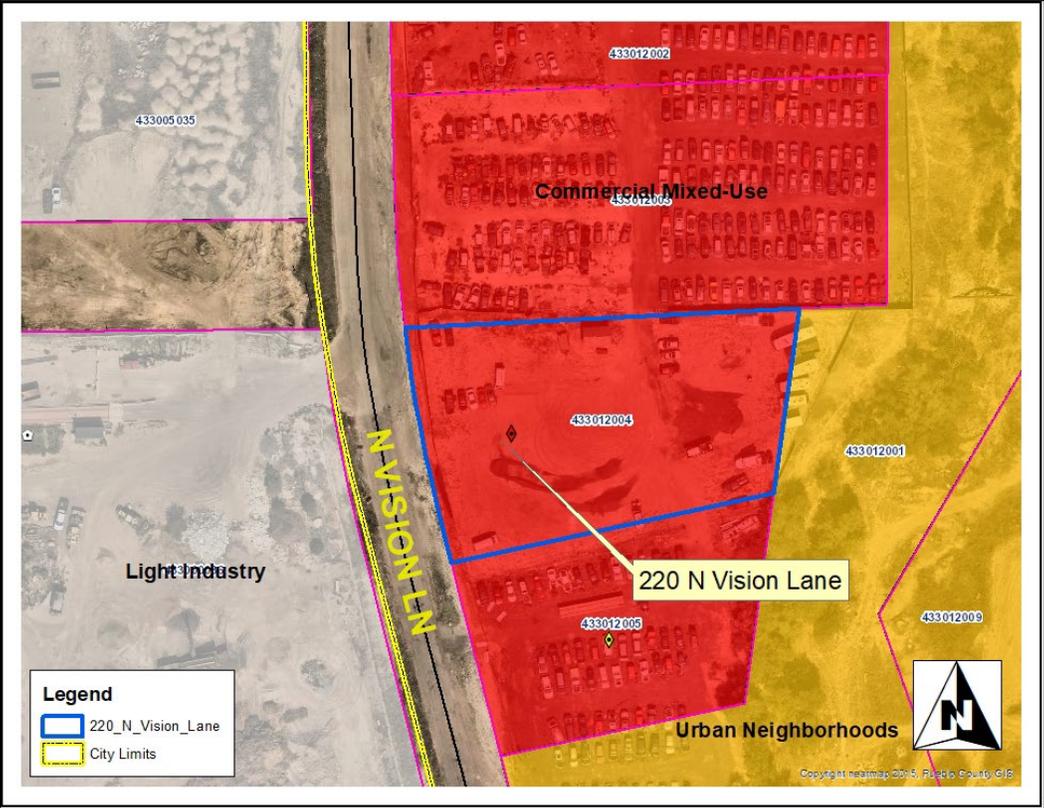


Exhibit F. Public Notice



Exhibit G. Site Photos



All photos taken from N Vision Lane

H. Application

11/2/22, 3:00 PM

OpenGov



11/02/2022

22-179

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Nov 2, 2022

Applicant

Austin Steir
kenna.fillmore@hotmail.com
300 n vision ln
pueblo, co 81001
7192482986

Primary Location

1553 No Street Name
PUEBLO, CO 81002

Owner:

MONTOYA ROBERT JR/MONTOYA RONALD
421 BOOTH AVE PUEBLO , CO 81001-4218

Internal

ZBA Case Number
ZBA-22-48

Planner Assigned
--

ZBA

Hearing Date
11/22/2022

Hearing Results
--

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:
--

Public Notice zoning poster must be displayed UNTIL:
--

Is a 1-year inspection required?
--

Scope of Work

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.

Property Owner:			
Name:	Ronald Montoya	Company:	Montoya Properties
Address:	402 Booth Ave		
City:	Pueblo	State:	CO
Phone:	(719) 240-0718	Email:	ron.montoya101@gmail.com
Applicant:			
Name:			
Phone:		Company:	
		Email:	
Property Address:			

I, _____, hereby state that I am the owner of record of the property located at _____, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a _____ at said location. (application type)

X Ronald Montoya 10-3-22
Signature of Property Owner Date

TOM'S AUTO SALVAGE
300 N VISION LN.
PUEBLO CO 81001
719-248-2986



SITE PLAN FOR TOMS AUTO SALVAGE

PARCEL # 433012004

THE PROPOSED SITE PLAN FOR TOM'S AUTO SALVAGE IS TO RENT SAID PARCEL TO EXPAND AND STORE SALVAGE VEHICLES FOR THE RESELL OF AUTOMOTIVE PARTS.

