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## ZBA-23-01

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Bart Mikitowicz, Senior Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** 2/28/2023  
**Request:** **A Special Use Permit to allow a Broadcasting studio in a Historic Business (H-B) Zone District**  
**Site Location:** 112 W D St 100, Pueblo, CO 81003  
**Legal Description:** LOTS 13 TO 16 INC BLK 49 SOUTH PUEBLO FORMERLY #05-364-12-006 + 017  
**Year Built:** 1909  
**Applicant:** Dave Moore  
**Property Owner:** S D L Properties LLC  
**Zone District:** Historic Business (H-B) Zone District

### BACKGROUND AND ANALYSIS

The applicant, Mr. Moore, would like to establish a broadcasting studio at 112 W D street. Broadcasting studio means an establishment containing one (1) or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. Broadcasting studio is a use by review in a Historic Business (H-B) Zone district, therefore the applicant is required to obtain a Special Use Permit at this location.

112 W D St is a twelve thousand one hundred three square foot (12,103 sqft) commercial building built in 1909 and remodeled in 1962. Located downtown in the South Pueblo Subdivision north of the Arkansas River. The subject property is a three-story brick building on the corner of Victoria and D Street. The broadcasting studio use will be entirely contained within the building itself. There will be no modifications to the exterior of the building, no increased traffic, no need for additional trash service or utilities. The Planning Department does not anticipate any negative externalities in the granting of this Special Use Permit.

### ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Regional Business (B-4) Zone District	Parking Lot
East	Historic Business (H-B) Zone District	Vacant Store Front
South	Regional Business (B-4) Zone District	Commercial Shops
West	Heavy Industrial (I-3) Zone District	The Pueblo Housing Authority

### 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 W. D Street.**

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: Neutral finding. The property has an expired off-street parking agreement with a neighboring commercial property at 201 Lamkin St. However, the use in question is not anticipated to further exacerbate the parking needs for the structure, because there is only one employee.**

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

**Comments: Affirmative finding. All refuse is collected and maintained on-site; the current trash collection service is adequate for this use.**

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

**Comments: Affirmative finding; utilities are established.**

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

**Comments: Affirmative finding. This is a wholly interior use, not screening or buffering is required.**

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. This is a wholly interior use, yards and open spaces will not be affected.**

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

**Comments: Affirmative finding. The proposed broadcasting studio will have no negative affects on the surround properties.**

**PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION**

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

**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> Date of Issuance of Permit: <b>2/28/2023</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/28/2024</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.

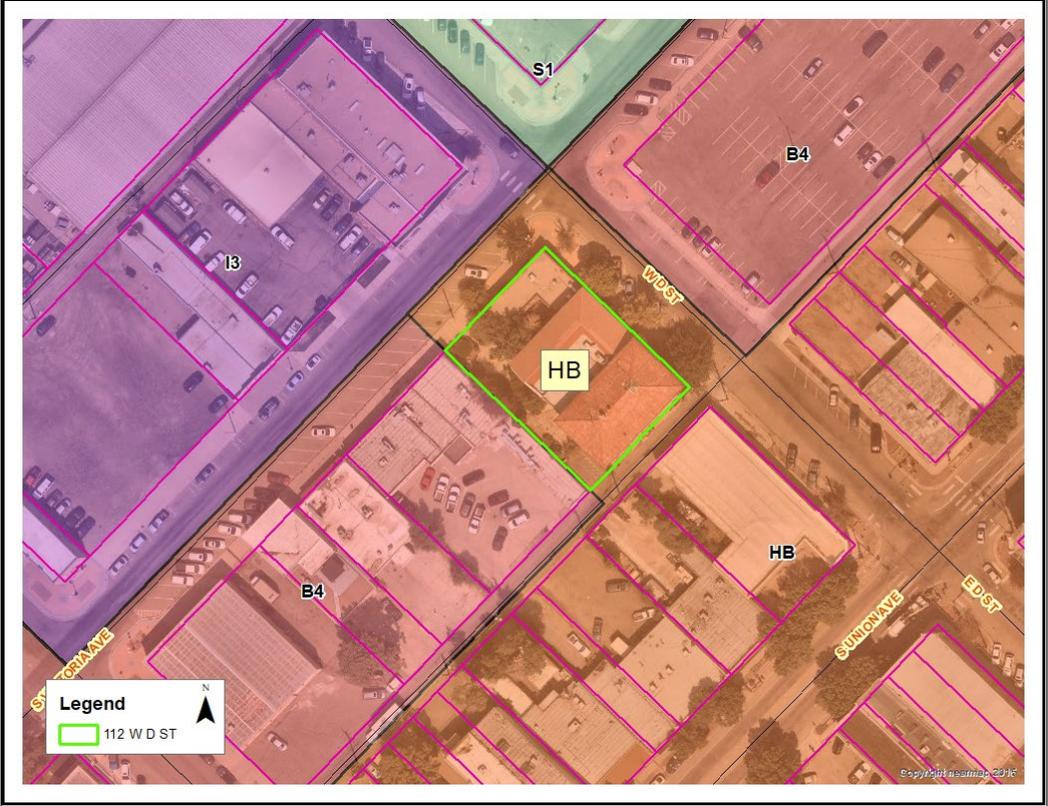
Exhibit B. Site Map



Exhibit C. Aerial Map



**Exhibit D. Zoning Map (Zoning Map Amendments Recommended)**



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



H. Application



01/04/2023

23-1

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Jan 3, 2023

Applicant

Dave Moore
dave@kix1075.com
112 West D Street Suite 100
Pueblo, Colorado 81003
7197337923

Primary Location

112 W D ST Unit UNIT 100
Unit UNIT 100
PUEBLO, CO 81003

Owner:

S D L PROPERTIES LLC
9 DITTMER CIR PUEBLO , CO 81005-1254

Internal

ZBA Case Number

ZBA-23-01

Planner Assigned

Planner 3

Hearing Date

01/24/2023

ZBA

Hearing Results

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Board Conditions

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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?

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: GARY ANZUINI		Company: SDL PROPERTIES	
Address: 9 DITTHEY CIRCLE			
City: PUEBLO		State: CO	Zip: 81005
Phone: 719 251 6870	Email: GANZUINI@COMCAST.NET		
<b>Applicant:</b>			
Name: Dave Moore		Company: KIX Broadcasting, LLC	
Phone: 719-733-7923	Email: dave@kix107.5.com		
Property Address: 112 WEST D STREET			

I, GARY ANZUINI, hereby state that I am the owner of record of the property located at 112 WEST D ST STE 100, 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)

  
 Signature of Property Owner Date 1.2.23