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ZBA-23-07

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Senior Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 3/28/2023
Request: **A Special Use Permit to allow a storage facility, self-storage in a Regional Business (B-4) Zone District**
Site Location: 1228 E Orman Ave, Pueblo, CO 81004
Legal Description: LOTS 4 TO 11 INC + 14 TO 21 INC BLK 54 BESSEMER + VAC ALLEY ADJ LOTS 4 TO 11
Year Built: 1965
Applicant: Joe Goldhammer
Property Owner: Matrixx Marketing Inc
Zone District: Regional Business (B-4) Zone District

BACKGROUND AND ANALYSIS

The applicant, Mr. Goldhammer, would like to establish a storage facility, self-storage in a Regional Business (B-4) Zone District. Self-storage means a building or group of buildings, pods or shipping containers divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities. This use is a Use-by-Review in a B-4 zone district, and a Special Use permit is required to obtain a business license.

The subject property 1228 E Orman Ave. Is a twenty-four thousand two-hundred fifty-three square foot (24,253 sqft) commercial building on a fifty-two thousand two-hundred square foot (52,200 sqft) lot built in 1965 and remodeled in 1976. The parcel is in the Bessemer subdivision northwest of Bessemer Park. Historically the site has been home to a grocery store, later a telecommunication call center, before being left vacant. The applicant intendeds to convert the interior into a "state-of-art" storage facility serving nearby residents. As an established commercial property, the effect of this new use would cause minimal, if any disruption, resulting from commercial traffic to the surrounding businesses and residence.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Single-family Residential
East	Mixed Residential (R-4) Zone District	Single-family Residential
South	Government Use (S-1) Zone District	Bessemer Park
West	Mixed Residential (R-4) Zone District	Single-family Residential

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 can be accessed through a shard parking lot with access of Cedar and Orman Ave.

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 approximately 2.25 acres of asphalt parking lot. The storage facility use, is a significantly less traffic intensive use compared to the the previous uses of this property.

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

Comments: Neutral finding. The site does have existing commercial trash service however according to Sec. 17-4-48 (i) "Outdoor storage, trash collection and loading areas. These areas, due to their visual and noise impacts onto adjacent properties and visitors to the site, shall be screened, recessed or enclosed." This item has been addressed in staff conditions.

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: Neutral finding. Strict interpretation of the code would require screening along the Eastern property boundary as well as the other existing landscaping. However, considering that this is an existing commercial structure established within a residential area, 58-years ago, and that the use is wholly contained to the interior of the building, enforcement of the screening and buffering is unnecessary.

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. The the structure on the property meets the B-4 district setback standards, including existing landscaping along the north, west, and south property boundaries.

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

Comments: Neutral findings. Originally this space was designed for a high-traffic, neighborhood serving grocery store and job center. Later it served specifically as a job center. The proposed self-storage use has the potential to serve the neighborhood and will provide storage opportunities for all Pueblo residents; however, the use will not promote pedestrian or retail activity in the Bessemer neighborhood.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

1. Replace all broken windows on the structure.
2. Bring Outdoor Trash Storage into compliance with Sec. 17-4-7 (b)(3) e.

Outdoor Trash Storage.

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. Trash containers shall be located within property lines and not on public rights-of-way, or within landscape setback areas.

3. Access to containers shall be located at a designated drive and not on public rights-of-way, excluding alleys, or within landscape setback areas.

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: 3/28/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 3/28/2024
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 B. Site Map

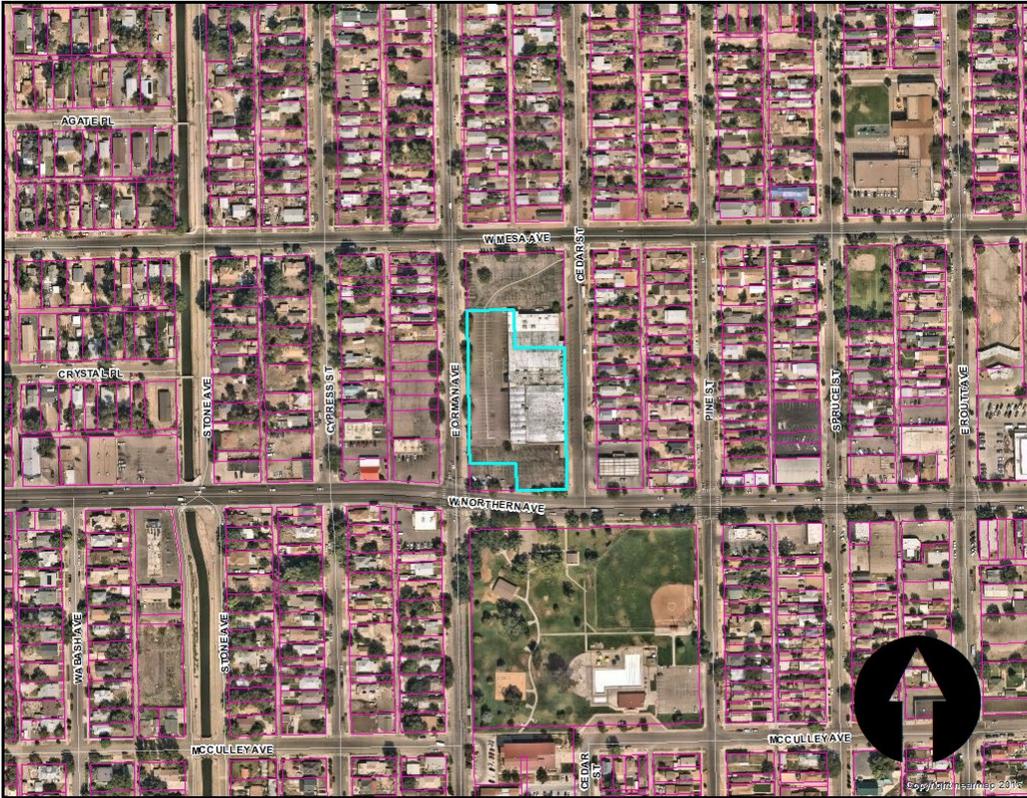


Exhibit C. Aerial Map



Exhibit D. Zoning Map (Zoning Map Amendments Recommended)



Exhibit E. Comprehensive Plan Map

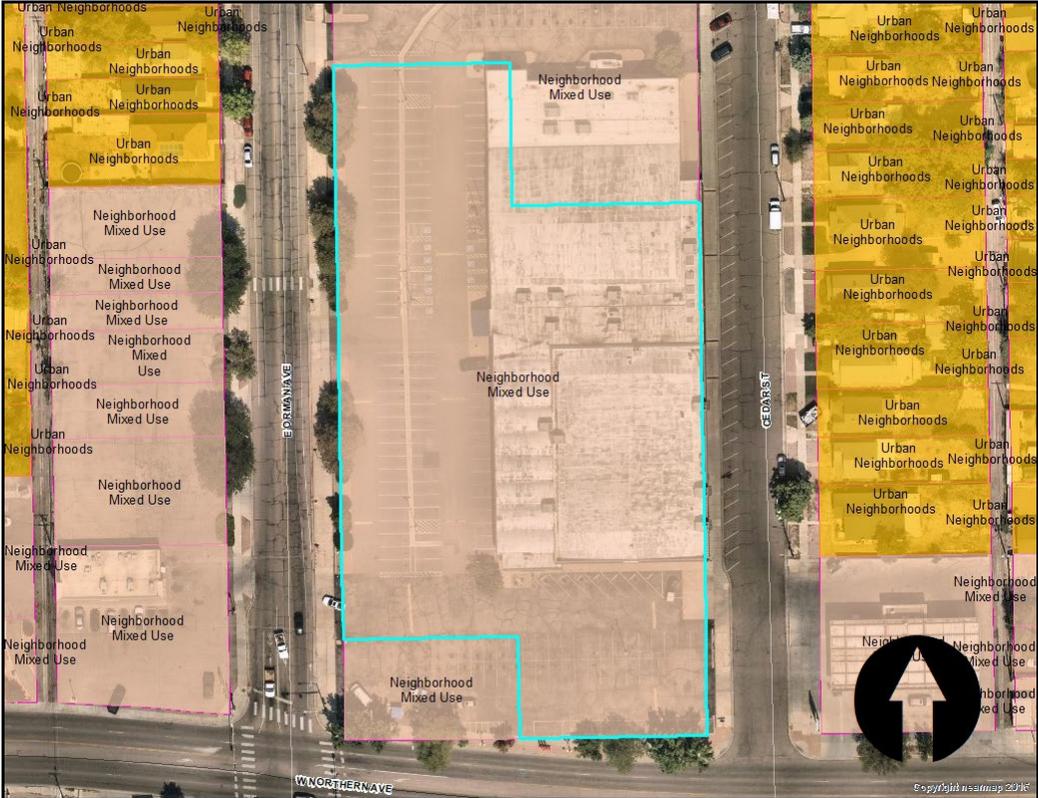


Exhibit F. Public Notice



Exhibit G. Site Photos



Southern Parking Lot Facing North.



Southern Parking Lot facing Northeast.

H. Application

Zoning Board of Appeals - Special Use Permit & Variances

Applicant

Primary Location

23-39

Joe Goldhammer
3036670509
rjmdevelopment@outlook.com

1228 E ORMAN AVE
PUEBLO, CO 81004

Submitted On: Feb 20, 2023

Additional Locations

0 1501319001, PUEBLO CO 81002

Scope of Work

Table with 2 columns: Type of Request, Type of Use by Review. Row 1: Use by Review (Special/ Limited Use Permit), Special Use Permit

Provide a short description of the proposed request:

We are requesting the City grant us the right by Special Use Permit to convert the existing building to mini storage.

Table with 2 columns: What is the general use of the property, Other (please specify). Row 1: Other, Office - Vacant

Detailed explanation of the request as listed above.

We are proposing the conversion of the current 45,933 sf building for use as a climate-controlled Self Storage facility. The building is well suited for this purpose, as it offers ample space for secure storage of nonhazardous personal and commercial goods. We intend to renovate the interior of the structure and build all new, state of the art storage bays. The location is ideal for such a facility. The conversion will not result in significant changes to the exterior of the building and will not impact the neighboring properties in any negative way. We believe this project will be a valuable addition to the local community providing much needed storage space and supporting the local economy.

Justification of facts required for the request. Be specific.

The following provisions and arrangements have been made concerning the following items:

- a) Ingress and Egress to the property will not be affected or altered. The existing ingress and egress points are more than adequate for the requested use. Overall traffic to and from the site will be reduced and therefore pedestrian safety and convenience will only be enhanced.
b) Existing Off Street parking and loading areas will not be affected or altered. The parking lot is more than adequate for the requested use. There will be no impact to adjoining properties or economy from noise, glare, or odor.
c) Refuse and service areas will not be affected or altered. Refuse areas already exist on the South & North sides of the building and will be more than adequate for the requested use. There is a loading dock on the northeast corner of the building that will remain as constructed.
d) Existing Utilities already in place at the subject will not be affected or altered. The current utilities servicing the building should be more than adequate. Overall usage of utilities will, at minimum, remain constant and may well decrease based on the requested use.
e) Existing Screening will not be affected or altered. There is already effective and mature screening on the 3 relevant sides of the building / block.
f) Existing exterior lighting will not be affected or altered. The parking lot and building exterior has adequate lighting in place. Signage will be improved. We intend to explore pylon or monument signage visible from Northern Ave and Mesa Ave (in accordance with applicable zoning and design guidelines). We also intend to explore Dimensional Letter Signage on the buildings Front (West Side) (in accordance with applicable zoning and design guidelines). There will be no impact to adjoining properties from glare, traffic, safety, economic impact. We fully intend to ensure any signage is harmonious and compatible with properties in the area.
g) Existing open space will not be affected or altered. Current open space includes the greenbelts surround the parking lot used primarily for screening, and the parking lot itself. These areas should not require alteration.
h) General compatibility will not be affected or altered. The exterior of the building itself and the lot will not have to be changed significantly. The proposed self-storage facility will provide a valuable service to the community and local businesses.

Exhibit I. Supporting Documents

City of Pueblo
211 E D Street
Pueblo, CO 81003

February 17, 2023

In regard to the following:

The property commonly known as 1228 E Orman Ave, Parcel ID #s 1501319001, 1501319002, 458900, & 458901 – hereinafter collectively the “Property”

The owner Concentrix CVG Customer Management Group Inc.– hereinafter collectively the “Owner”

The potential purchaser Joseph Goldhammer & Henry Hinrichsen, or Goldfinn LLC & Hinrichsen Enterprises LLC - hereinafter collectively the “Applicant”

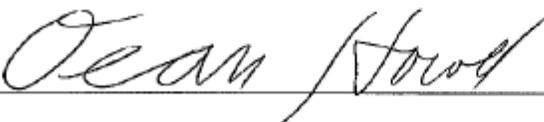
To Whom it May Concern:

The purpose of this letter is to notify the City and County of Pueblo that the Owner consents to the Applicant pursuing Special Use Review approvals necessary for development of the Property.

Accordingly, the Owner acknowledges and authorizes the Applicant to submit an application for a Special Use Permit with the City of Pueblo for the development of the Property.

Thank you and please do not hesitate to contact the undersigned with any questions.

Owner Acknowledgement For: Concentrix CVG Customer Management Group Inc.

By: 

Name: Dean Howell

Its: V.P., Legal Council



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