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ZBA-23-10

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Senior Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 4/25/2023
Request: **A Special Use Permit to allow for Residence, watchman or caretaker in a Highway and Arterial Business (B-3) Zone District**
Site Location: 930 Eagleridge Blvd, Pueblo, CO 81008
Legal Description: **UNIT 3 EAGLE CROSSING LLC CONDOMINIUMS + 1/6 INT IN COMMON GROUND FORMERLY #05-123-21-001**
Year Built: 2003
Applicant: Marty Bechina
Property Owner: Robert Moreschini, Moreschini Brothers Inc.
Zone District: Highway and Arterial Business (B-3) Zone District

REQUEST AND ANALYSIS

The applicant is requesting to establish a residence, watchman or caretaker use at 930 Eagleridge Blvd. A Residence, Watchman or caretaker means a residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises, and his or her family. Residence, Watchman or caretaker, is a Use-by-Review in a Highway and Arterial Business (B-3) Zone District, therefore the applicant must obtain a Special-Use Permit in order to proceed through the permitting process.

BACKGROUND

930 Eagleridge Blvd is a one thousand six hundred ninety-one (1,691) square foot commercial building built in 2003. The subject property is in the Eagleridge Business District Subdivision west of I-25. The building is two stories with a corrugated metal and stucco exterior. Due to prior building owner remodeling without a permit the residence already exists, however at this time the new owner would like to bring the use into compliance with the zoning regulations. Because of the commercial nature of the site, ingress and egress, parking, trash, utilities, and lighting for the area are already established. The Planning Department staff does not anticipate negative externalities, such as noise, odors, glare, increased traffic, etc. stemming from one dwelling unit integrated into the existing commercial structure.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial (B-3) Zone District	Minnequa Works Credit Union
East	Highway and Arterial (B-3) Zone District	Colorado Tire Auto Care Center
South	Government Use (S-1) Zone District	Humane Society of the Pikes Peak Region Pueblo
West	Highway and Arterial (B-3) Zone District	Rocky Mountain Dental Co.

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 plan indicates access off Eagleridge Blvd and Eagleridge Place.

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, Off-street parking is available on the property and can be accessed from Eagleridge Blvd and Eagleridge Place. The customer, employee, and residence parking lot will be open to the public and not enclosed by a fence, with sixteen (16) regular parking spaces and two (2) accessible spaces for the four (4) active commercial businesses on site.

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

Comments: Affirmative finding. There are three dumpsters on site.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available to the property.

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

Comments: Affirmative finding. The caretaker unit is a discreet use located on the second floor of a commercial shopping center, buffering from other residential uses will not be necessary.

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.

Affirmative Finding. There is no proposed signage, however any future proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, B-3 Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Affirmative finding. Based on analysis of the site plans and meetings with the applicant, the needed lot area, setback requirements, frontage, and landscaping areas are all adequate and compliant with the code for this location.

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

Comments: Neutral finding. The proposed use is compatible with the comprehensive plan for this location, which is commercial mixed-use. However, this is a clearly modern commercial area with no residential characteristics or amenities.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

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: 4/25/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/25/2024
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

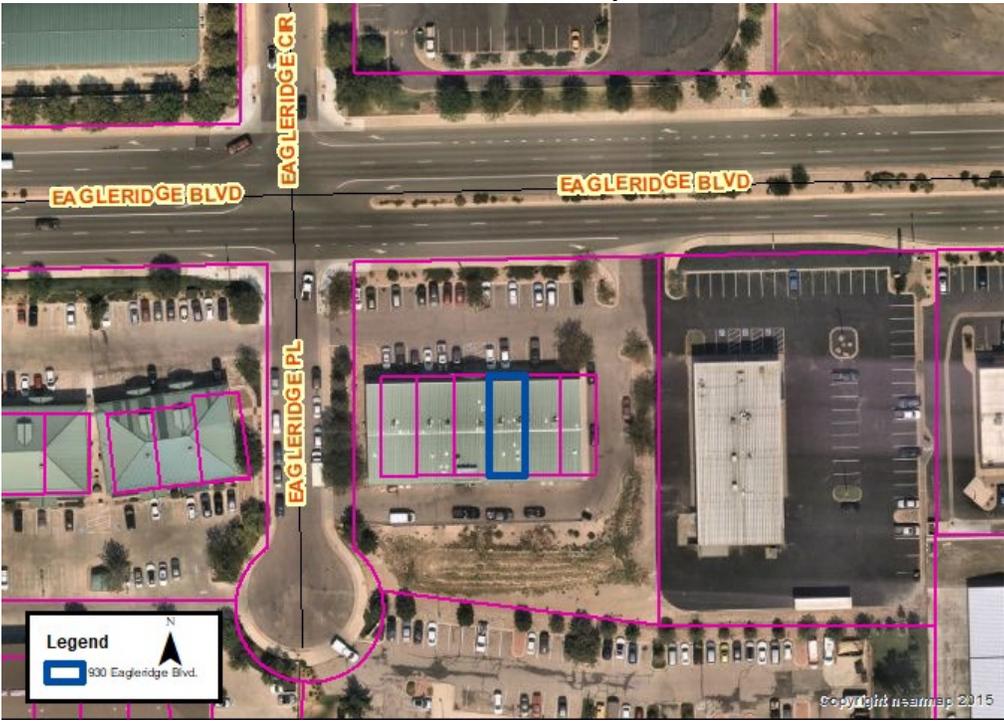


Exhibit C. Aerial Map

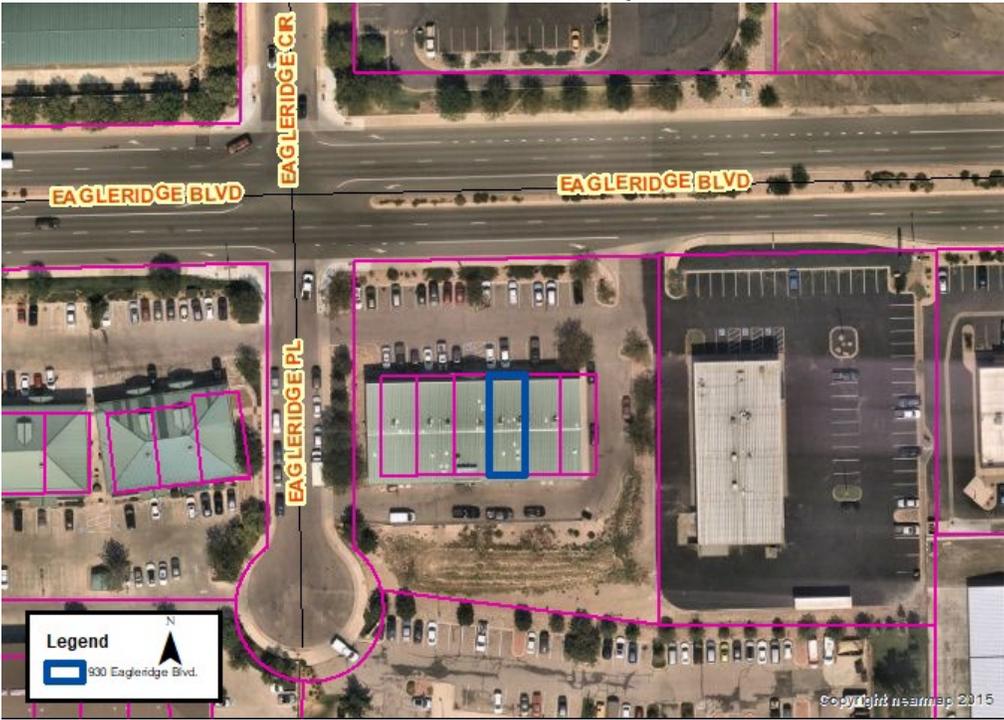


Exhibit D. Zoning Map

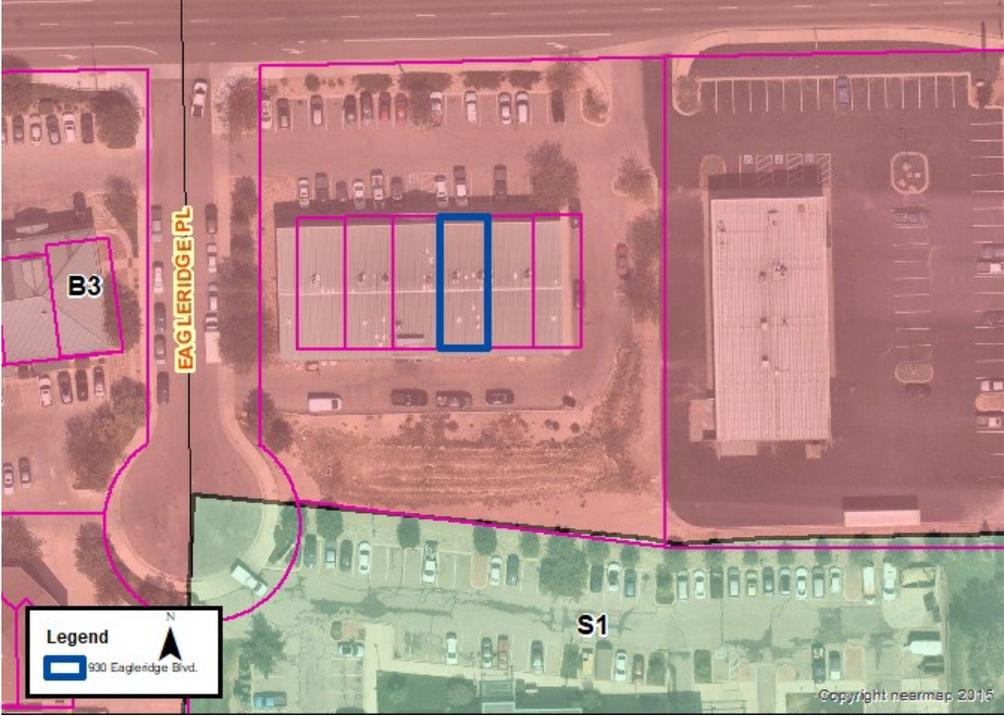


Exhibit E. Comprehensive Plan Map

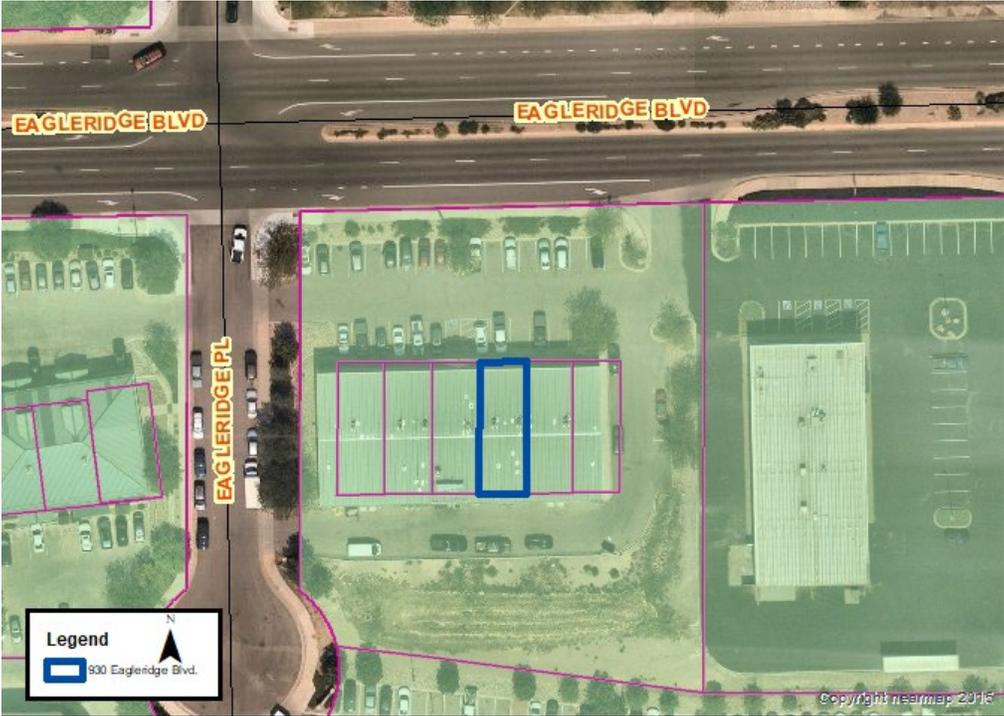


Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



03/24/2023

23-56

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 21, 2023

Applicant

Marty Bechina
sierrahomes@yahoo.com
15 Lathyrus Ct
Pueblo, Colorado 81001
7195446097

Primary Location

930 EAGLERIDGE BLVD Unit UNIT
Unit UNIT
PUEBLO, CO 81008

Owner:

MORESCHINI BROTHERS INC
PO BOX 9648 PUEBLO , CO 81008-6071

Internal

ZBA Case Number

--

Planner Assigned

--

ZBA

Hearing Date

04/25/2023

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:

--

Public Notice zoning poster must be displayed UNTIL:

--

Is a 1-year inspection required?

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Exhibit I. Supporting Documents

3/24/23, 2:07 PM

Property_Owner_Affidavit_Sun_Mar_19_2023_09-13-46.png (1700x2338)



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: <u>ROBERT MORESCHINI</u>		Company: <u>MORESCHINI Brothers Inc</u>	
Address: <u>P.O. 9648</u>			
City: <u>Pueblo</u>		State: <u>Co</u>	Zip: <u>81008</u>
Phone: <u>719-542-5080</u>	Email: <u>msusedcars@outlook.com</u>		
Applicant:			
Name: <u>Marty Bechina</u>		Company: <u>Sierra Homes of Pueblo, Inc</u>	
Phone: <u>719-544-6097</u>		Email: <u>Sierrahomes@yahoo.com</u>	
Property Address: <u>930 Eagleridge Blvd.</u>			

I, ROBERT MORESCHINI, hereby state that I am the owner of record of the property located at 930 Eagleridge Pueblo Co. 81008, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Variance Use by Review-Special Use Permit at said location.
(application type)

[Signature] 3-15-2023
 Signature of Property Owner Date

6-2020

https://vpc3uploadedfiles.blob.core.windows.net/vpc3-files/pueblo00/Property_Owner_Affidavit_Sun_Mar_19_2023_09-13-46.png?sp=r&sv=2017-11-0... 1/1

Job Number
02118

CLARK ENGINEERING
6821 HIGHWAY 78 WEST
PUEBLO, COLORADO 81005
(719) 566-6800

PROJECT
LOT 7, EAGLECROSS SUBDIVISION 2ND FILING
PUEBLO, COLORADO
SITE PLAN

DATE: 7/12/02

REVISION:
8/21/02 REV CITY
COMMENTS
8/29/02 REV CITY
COMMENTS & ELEVATIONS

Drawn By:
LEC

