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ZBA-23-13

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 three (3) residence, two-family (duplex) structures on one parcel in a Neighborhood Business, (B-1) Zone District**
Site Location: 1211 W. 17th St.
Legal Description: **Parcels A, B, and C, College Road Subdivision, 4th Filing RPB-21-12**
Year Built: NA
Applicant: Grant Hall
Property Owner: GWH, LLC
Zone District: Neighborhood Business, (B-1) Zone District

BACKGROUND

The applicant would like to build three new residences, two-family (duplex). Residence, two-family means a residential building designed as a single structure, containing two (2) dwelling units, and designed for occupancy by not more than two (2) families. The residence, two-family is a Use-by-Review in a Neighborhood Business, (B-1) Zone District. Therefore, the applicant is required to obtain a Special Use Permit, prior to moving forward with the residential development.

REQUEST AND ANALYSIS

1211 W. 17th St is a twenty-one thousand, one hundred twenty (21,120) square foot undeveloped lot located in the State Hospital Subdivision east of the Colorado Mental Health Hospital. Due to the substantial size of this lot, the applicant would like to construct three duplex structures to maximize the development potential of the lot. Based on the City of Pueblo Municipal Code there is enough frontage (50 ft per lot) and lot area (5,000 sqft per lot) for each of the proposed structures to meet the required lot area for a B-1 Zone District or a R-3 Zone District if the property was subdivided and or rezoned in the future, resulting in each structure being located on an individual lot. The planning department staff met with the applicant to discuss some challenges with the development including the manufactured duplexes meeting the city’s design guidelines; the landscaping and public improvements that will be associated with this project; and potential conflicts with neighborhood compatibility. The applicant is aware of these constraints.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	One and Two Family Residential (R-3) Zone District	Single and multi-family homes
East	Neighborhood Business (B-1) Zone District	Gas station
South	One and Two Family Residential (R-3) Zone District	Single and multi-family homes
West	Highway and Arterial Business (B-3) Zone District	Insurance Agency

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 W 17th St and the ally off Martin St.

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 site plan does not indicate paved off-street parking and driveways to accommodate the required two off-street parking space per dwelling unit. However, the proposed structures are situated in a configuration that provides 5,000 square feet of lot area for each structure, therefore adequate space and access exist for two paved parking spaces for each structure.

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

Comments: Affirmative finding. Residential trash service will be required for this property. Trash will be collected in residential totes.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available at this site, however connections and related tap fees will apply.

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

Comments: Neutral finding. The applicants are not proposing screening between the residential uses and the commercial uses located east of the property. If the Board finds that the residential use and development is appropriate, staff suggests that the board condition a six-foot-tall opaque fence be constructed along the eastern property line to buffer the proposed residential uses from the adjacent B-1 commercial properties.

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. No signs are proposed for this residential use, and any proposed future signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, B1 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 will be addressed.

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 designated urban neighborhoods, and will increase needed affordable housing stock. However, 17th Street has a higher traffic volume than adjacent streets as a connector to the westside and not ideal for residential uses, the residential use in the B-1 will diminish available lots for future neighborhood serving business, and the manufactured duplexes will be unlikely to increase the value of surrounding 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 and the following conditions:

1. Applicant must provide a landscape plan and a site plan that includes the required two paved parking spaces adjacent to each unit. The parking spaces must be accessed by a paved driveway connecting to the street or alley, prior to approval of a building permit. The property owner must maintain the planned and installed landscaping as a condition of the Special Use Permit.
2. The applicant must provide a six-foot tall opaque fence along the eastern property line.

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

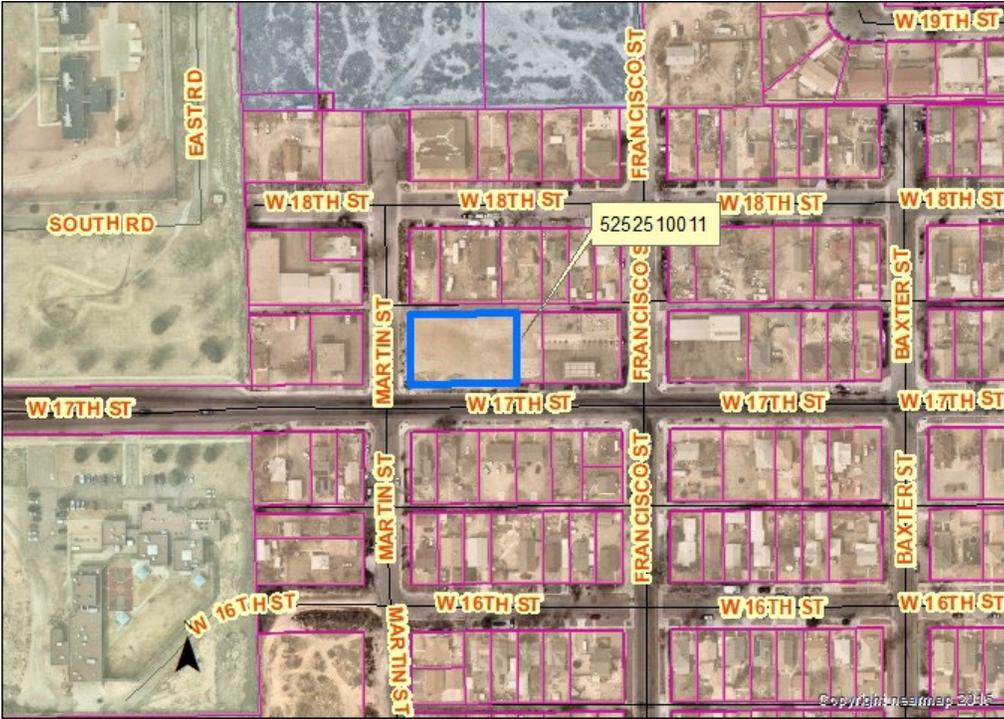


Exhibit C. Aerial Map



Exhibit D. Zoning Map

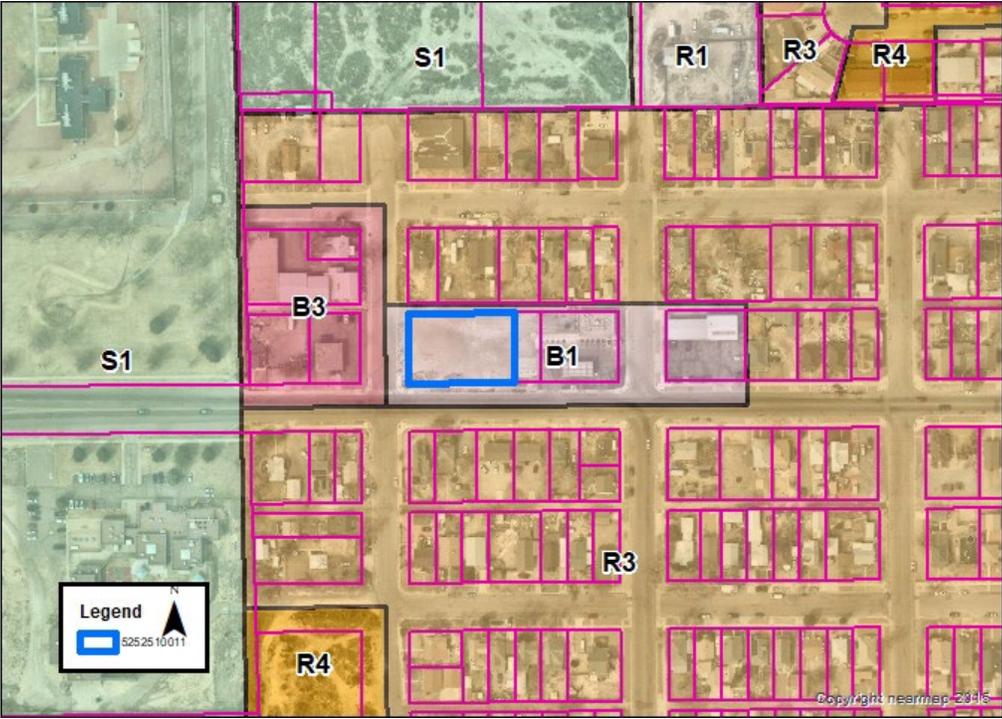


Exhibit E. Comprehensive Plan Map

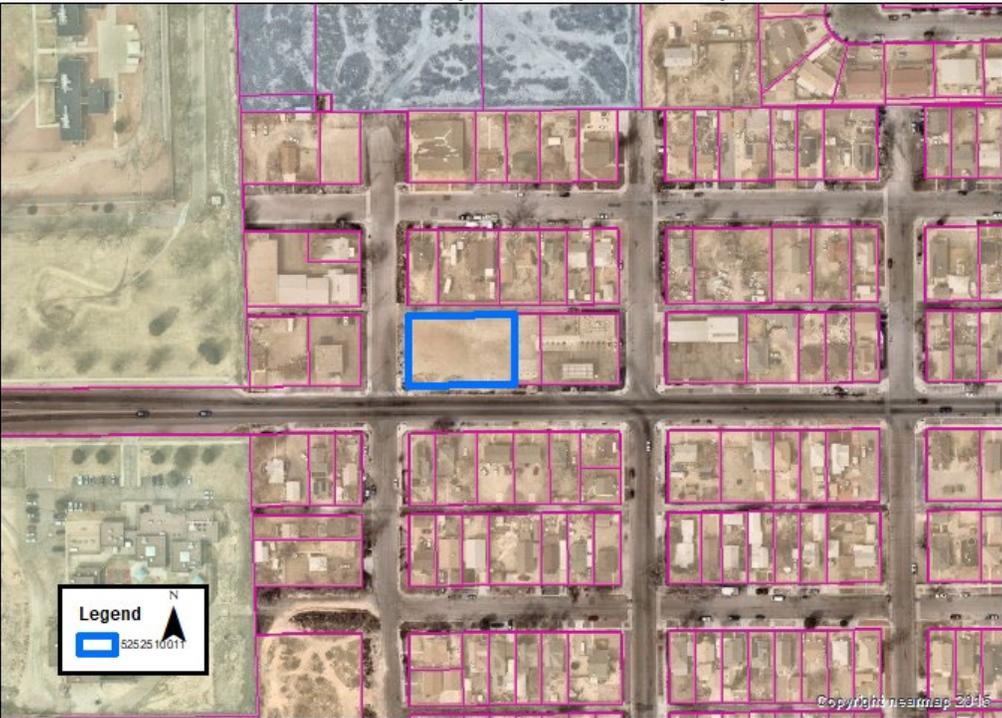


Exhibit F. Public Notice



Exhibit G. Site Photos





Exhibit H. Application

4/3/23, 9:37 AM

OpenGov



04/03/2023

23-64

Zoning Board of Appeals - Special Use Permit & Variances

Status: Active

Date Created: Mar 31, 2023

Applicant

Grant Hall
ghall105@icloud.com
66 N. Laser Dr
Pueblo West, CO 81007
520-979-7745

Primary Location

0 525210011
PUEBLO, CO 81002

Owner:

GWH, LLC
6547 North Academy Blvd Colorado Springs , CO 80918

Internal

ZBA Case Number

ZBA-23-13

Planner Assigned

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ZBA

Hearing Date

04/25/2023

Hearing Results

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Board Conditions

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Appeal Term End Date

--

Permit Completion Date

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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:

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Is a 1-year inspection required?

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Scope of Work

