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Georgia Way

ZBA-23-21

To: City of Pueblo Zoning Board of Appeals
From: Mikaylin Hackley, Planner
Through: Scott Hobson, Land Use Administrative Official
Date: 6/27/2023
Request: **A Special Use Permit to allow for Recycling Processing Facility center in an Light Industrial (I-2) Zone District**
Site Location: 1107 Santa Fe Ave
Legal Description: **BEG PT ON W LINE SANTA FE AVE PT BEING NE COR CYRIL ZUPAN SUB + PT BEG ALSO LYING 340 FT N OF N LINE MESA AVE TH S 89 DEG 22 MIN W + // N LINE MESA AVE 841.5 FT TH N 40 DEG 32 MIN W 184.85 FT TH N 77 DEG 21 MIN W 15.5 FT TH N 1 DEG 49 MIN W 147.6 FT TH N 46 DEG 47 MIN E 179.7 FT TH S 43 DEG 49 MIN E 55.9 FT TH N 87 DEG 55 MIN E 471.8 FT TH S 2 DEG 11 MIN E 96.42 FT TH S 84 DEG 333.5 FT TH S 01 DEG 09 MIN E 252 FT TO BEG LESS HWY IN 1-21-65 7.484A**
Year Built: 1955
Applicant: Chris Wacinski
Property Owner: 1100 South Santa Fe LLC
Zone District: Light Industrial (I-2) Zone District

REQUEST

The applicant is requesting a Special Use Permit to allow for recycling processing facility in a Light Industrial (I-2) Zone District. The facility is defined as a "Recycling Processing Facility" in the code as it involves the conversion of existing plastics into new material. The applicant attests that their efficient process does not generate any additional liquid or solid waste byproducts. This special use permit application is concurrent with an application for a business license for the company, Ecologic Materials, LLC. The facility has been in operation at its current location since September of 2021. In May of this year, the applicant applied for a City of Pueblo Business License; at that time, the planning department notified the applicant that a Special Use Permit would be required in order to issue the business license.

ANALYSIS OF REQUEST

The structure at 1107 South Santa Fe was built in 1955 as a lumber supply company and has had a variety of other industrial and warehouse-type uses including Northern Colorado Paper Company. Ecological Materials has been in operation on the property since late 2021. There is an electronics recycling center to the north called 3R Technology Solutions, Ferguson Plumbing Supply to the west, and a Ryder Truck Maintenance Shop to the northwest, so this use is compatible with the adjacent light industrial businesses in the area. It does not appear that the residential districts to the south and east of the property have been negatively impacted by the other industrial businesses in the area or by the ongoing operation of the recycling center since its inception, so staff has no concerns with granting the proposed usage. However, considering its proximity to a residential neighborhood and two public streets, staff finds it appropriate to condition that some cosmetic improvements be made to the property.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Light Industrial (I-2) Zone District	3R Technology Solutions
East	Mixed Residential (R-4) Zone District	Single-family homes
South	Mixed Residential (R-4) Zone District	Single-family homes
West	Light Industrial (I-2) Zone District	Vacant industrial building

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 F). 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 SPECIAL USE PERMIT

- 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 commercial traffic created by the facility does not negatively interfere with the nearby residential ingress and egress.
- 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 and loading is done on the south side of the building within the property boundaries and does not negatively affect nearby properties.
- Refuse and service areas, with reference to the items above.
Comments: Affirmative finding. The facility utilizes a standard dumpster on the south side of the property and typical commercial pickup. Staff reserves the right to require screening in the future should the refuse needs of the facility outgrow its current dumpster size.
- Utilities, with reference to the location's availability and compatibility.
Comments: Affirmative finding. The site is currently being serviced with necessary utilities.
- Screening and buffering with reference to type, dimensions, and character.

Comments: Neutral finding. Although a complete landscape plan would not be required for this proposed use, the highly visible nature of this site prompts staff to request some cosmetic improvements. The fence screening on the south side of the property should be repaired, pallets should not be stacked above the screened fence line, and some weed mitigation should be done around the site (see attachment G).

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: Neutral finding. The existing Northern Colorado Paper Company sign on the north frontage of the building (see attachment G) should be removed and replaced. Any new signage will require a permit review.

7. Required yards and other open space.

Comments: Affirmative finding. The site meets requirements of the Light Industrial (I-2) Zone District.

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

Comments: Affirmative finding. The adjacent properties in the I-2 district have light industrial usage.

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:

1. The existing Northern Paper Company sign on the north frontage of the building must be removed and or replaced with a sign advertising the current business.
2. Screening on the southern fence must be kept in good repair. The screening attachments on the chain link fence must completely obscure the items located in the outdoor storage area. All outdoor storage must not extend beyond the screened area.
3. The existing landscaping on the site must be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. Regular maintenance must include weeding, pruning, and mowing.
4. Should the site's refuse need increase beyond the existing single 4 yard dumpster, additional dumpsters or dumpsters larger than 8 yards must be screened according to Pueblo Municipal Code, Section 17-4-7, (b), (3), e.

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: 6/27/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/27/2024
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

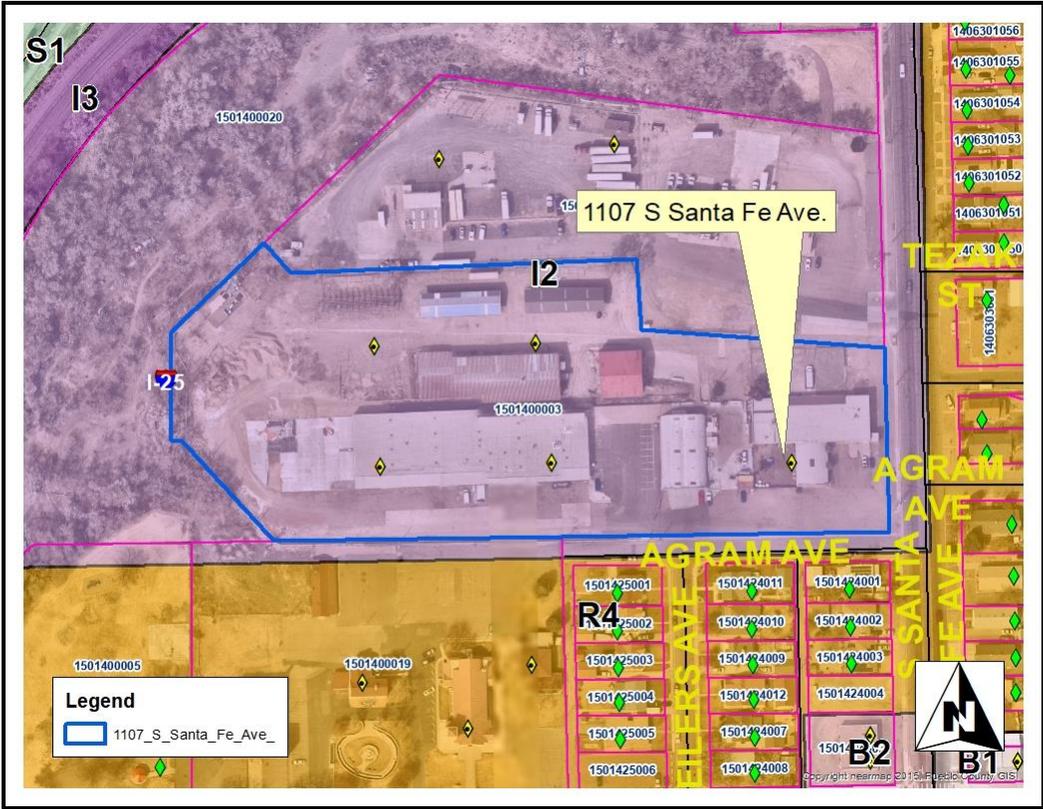


Exhibit E. Comprehensive Plan Map

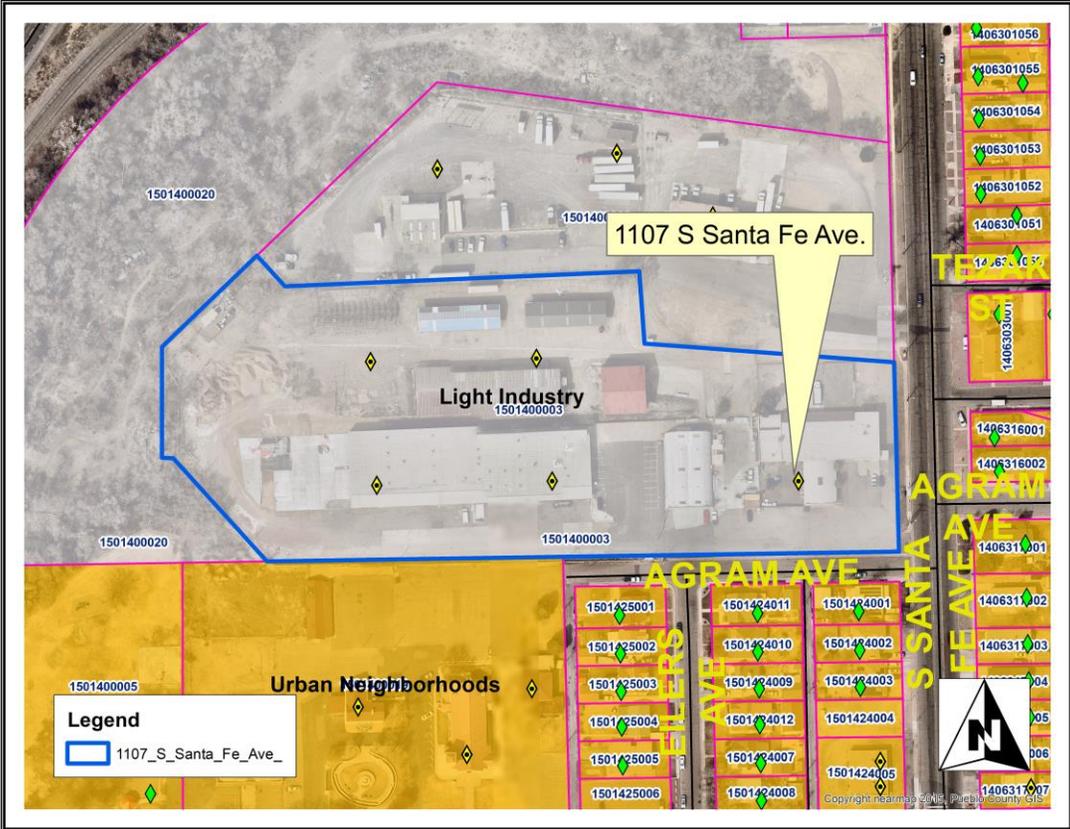


Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application

5/30/23, 8:22 AM

23-100



City of Pueblo PLACE

5/30/2023

23-100
 Zoning Board of Appeals -
 Special Use Permit &
 Variances
 Status: Active
 Submitted On: 5/29/2023

Primary Location

1107 S SANTA FE AVE
PUEBLO, CO 81006

Owner

1100 SOUTH SANTA FE LLC
2029 N CASCADE AVE
COLORADO SPRINGS , CO
80907-6726

Applicant

Chris Wacinski
 408-460-3599
 chris.wacinski@ecologicmaterials.com
 1107 S. Santa Fe Ave Suite
 A
 Pueblo, Co 81006

Internal

ZBA Case Number

ZBA-23-21

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

06/27/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

Specially Requested Hearing

Exhibit I. Supporting Documents

1107 S. Santa Fe Suite A: Site Plan



1107 S. Santa Fe Suite A: Site Plan





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>CECIL H. BROWN</u>		Company: <u>1100 SOUTH SANTA FE LLC</u>	
Address: <u>2029 N. CASCADE AVE.</u>			
City: <u>COV. SPES.</u>		State: <u>CO</u>	Zip: <u>80907</u>
Phone: <u>719-332-4264</u>		Email: <u>chbinv@earthlink.net</u>	
Applicant:			
Name:		Company:	
Phone:		Email:	
Property Address:			

I, CECIL H. BROWN, hereby state that I am the owner of record of the property located at 1107A S. SANTA FE AVE. PUEBLO, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a _____ at said location.
(application type)

[Signature] 5.26.23
 Signature of Property Owner Date
DANIEL L. BROWN
POA for CECIL H. BROWN