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Chair

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Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-23-35

Hearing Date: 8/22/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Jay-Michael Baker, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 4225 N Elizabeth St, Pueblo, CO 81008
APPLICANT: Jori Pollard
PROPERTY OWNER: Northside Self Storage, LLC/Randy Anderson
YEAR BUILT: 1999
LEGAL DESCRIPTION: LOT 1 DAVIS SUB CONTG 2.51A FORMERLY #05-130-00-087
ZONE DISTRICT: Highway and Arterial Business District (B-3)
PARCEL ID: 513045001
LOT SIZE: 20,755 SQ. FT.

REQUEST:	Special Use Permit to allow for a dog kennel and care facility in a Highway and Arterial (B-3) Zone District.
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REQUEST BACKGROUND AND ANALYSIS

The applicant is requesting a special use permit to allow for a dog kennel care facility in a B-3 Zone District. The B-3 Zone District allows for a dog kennel use by review. A kennel means an establishment where domestic pets are bred, raised, trained, groomed and boarded. The keeping of more than four (4) dogs over the age of six (6) months shall constitute a kennel. The applicant, Jori Pollard, owner of Sit Means Sit of Pueblo wants to temporarily relocate her business to this location. Sit Means Sit of Pueblo's current location 2424 N Freeway Road, Pueblo, CO 81003 will be closing due to proposed CDOT interstate realignment. The applicant plans to move her business to a different permanent location later, therefore the move to 4225 N Elizabeth is temporary.

The site entails the southern portion of the principal structure, and a fenced yard on the southwest side of the building. The remaining north portion of the building will remain as 'The Spirit Store' and will not be affected by this proposal. The outdoor portion will be a place for the dogs participating in the program to relieve themselves. The current outdoor portion is not suitable for the proposed use and will require an updated fence. The facility will be primarily used for dog training, but it will also allow for dogs to stay overnight in the facility, hence the need for the kennel use.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Northwest: Multiple-residential and Commercial (R-5) Zone District; Northeast: Central Business (B-4) Zone District	Northwest: vacant lot; Northeast: DJ's Steakhouse Building
East	Government Use (S-1) Zone District	I-25 corridor
South	Multiple-residential and Commercial (R-5) Zone District	Days In Hotel
West	Industrial (I-2) Zone District	Storage facility

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 SPECIAL 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 of Elizabeth 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: Affirmative Finding, Off-street parking is available on the property and can be accessed from Elizabeth Street. The customer and employee parking lot will be open to the public and not enclosed by a fence.

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

Comments: Affirmative finding. There is a dumpster 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 location has a fenced area behind the primary structure on the west side of the property. This will need to be upgraded with a non-chain link fencing to provide for an screened-in outdoor area for dogs. The current fenced area is not screened and not ideal for a kennel facility.

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 new 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, 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: Affirmative finding. This use is generally compatible with the surrounding properties.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends only Standard Permit Conditions 1 through 13, and the following staff condition:

- Given the location adjacent to a hotel, the applicant must provide a six (6) foot opaque fence around the outdoor area described in the request. The fence cannot be chain link with opaque slats.

ATTACHMENTS

- A. Standard Permit Conditions
- B. Site Map
- C. Aerial Map
- D. Zoning Map
- E. Public Notice Photo
- F. Site Photographs
- G. Application

Exhibit A. Standard Permit Conditions

Standard Permit Conditions	
Date of Issuance of Permit: ZBA-23-17	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 08/22/2024
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

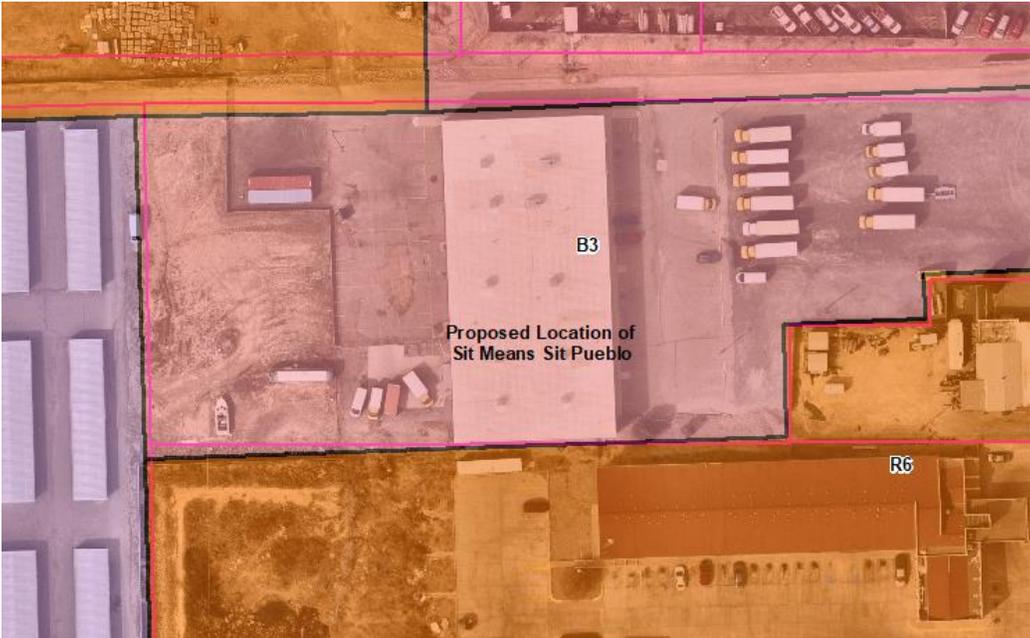


Exhibit D. Zoning Map

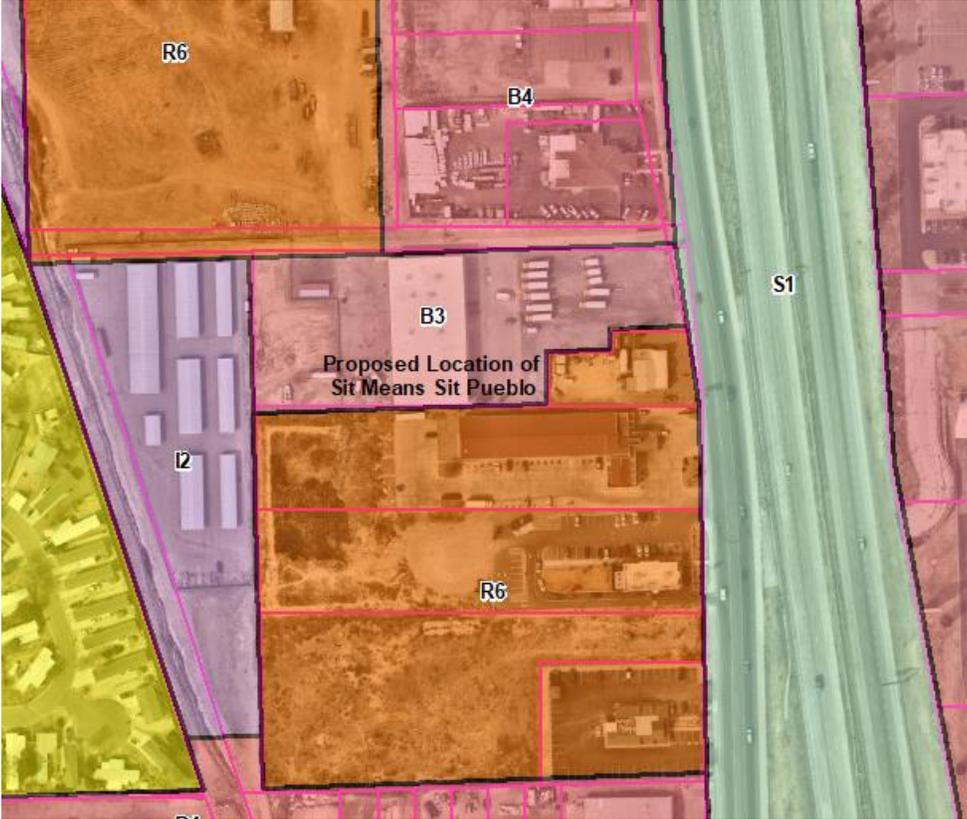


Exhibit E. Public Notice



Exhibit F. Site Photos







G. Application

7/25/23, 3:28 PM

23-149



City of Pueblo PLACE

7/25/2023

23-149
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 7/25/2023

Primary Location
4225 NELIZABETH ST
PUEBLO, CO 81008
Owner
NORTHSIDE SELF STORAGE
LLC/Randy Anderson
360 E GLADSTONE ST AZUSA
, CA 91702-4943

Applicant
 Jori Pollard
 719-240-5043
 jori@smpueblo.com
 2424 N Freeway
Pueblo, CO 81003

Internal

ZBA Case Number
ZBA-23-35

Planner Assigned
-

Address Validation by GIS?

ZBA

Hearing Date
08/22/2023

Hearing Results
-

Board Conditions

Appeal Term End Date
-

Permit Completion Date
-

<https://puebloco.viewpointcloud.io/#/explore/records/46717/react-form-details/46717>

1/4

Specially Requested Hearing

Public Notice

Number of Posters

-

Number of Postcards Sent

-

Cost of Newspaper Notice

-

Public Notice Costs

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?

-

Scope of Work

Type of Request*

Use by Review (Special/ Limited Use Permit)

Type of Use by Review*

Special Use Permit

Provide a short description of the proposed request:*

Dog Training Facility

What is the general use of the property*

Commercial

Detailed explanation of the request as listed above. *

Housing our Dog Training Facility, boarding a reduced number of dogs

Justification of facts required for the request. Be specific.*

Landlord approved. This is a B-2 the only exception is allowing overnight boarding.

Are there any concurrent zoning requests?*

No

Use by Review Justification of Facts

Describe the ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Off street parking already in place.

Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.*

The landlord who occupies the adjoining space has approved the use.

Describe refuse and service areas, with particular reference to the items in the two questions above.*

There is a dumpster on site

Describe utilities, with reference to the location's availability and compatibility.*

All utilities are there

Describe screening and buffering with reference to type, dimensions and character.*

back area is fenced, all other space is interior

Describe signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.*

There is an existing sign

Describe how you will comply with the required yards and other open space.*

dogs will be let out for bathroom breaks in the back in the fenced in area only

Describe the general compatibility with adjacent properties and other property in the district.*

There is nothing around this property except the adjoining space.

Terms

Is the applicant and property owner the same?*

No

Applicant Signature*

 Jori E Pollard
Jul 25, 2023