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Georgia Way

ZBA-23-37

Hearing Date: 9/26/2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Director of Planning
LOCATION: 1112 Pueblo Blvd Way, Pueblo, CO 81005
APPLICANT: Sandra Gotfred
PROPERTY OWNER: Assistance League of Pueblo Inc.
YEAR BUILT: 2000
LEGAL DESCRIPTION: LOT 2 BLK 102 REGENCY PARK BUSINESS CENTER FILING #2 LESS THE N 68 FT SOLD BY WD #1184370 FORMERLY 15-044-26-002
ZONE DISTRICT: Sub-Regional Business (B-2) Zone District
PARCEL ID: 1504426003
LOT SIZE: 1628

REQUEST:	Variance to reduce required landscaping standards in a Sub-Regional Business (B-2) Zone District
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REQUEST BACKGROUND & ANALYSIS

1112 Pueblo Blvd Way is a 1,628 Sqft Commercial Building constructed in 2000. The property is in Regency Park Business Center west of Pueblo Blvd and South of Red Creek Springs Rd. There were recently cited by code enforcement under section 17-4-7 (b) (8) b. 2. 1., which states "maintenance shall include the replacement of all dead plant material within thirty (30) days of the citation, weather permitting." At this time the applicant is requesting a Variance to reduce the required landscaping requirements of Pueblo Municipal Code, Section 17-4-7 (b), (3), a.,1. which states: The landscape setback "shall be at least ten (10) feet wide and contain at least one (1) shade tree and five (5) shrubs or twenty-five (25) square feet of living ground cover instead of each shrub shall be provided in the landscape setback area for every thirty (30) linear feet, or portion thereof, of frontage, excluding driveway openings." The subject parcel is a through-lot and has frontage on the three sides of the property which calculates to 500 linear feet of frontage excluding the driveway openings. According to the code the property would be required to have 17 trees and 83 Shrubs or 400 sqft of ground cover. According to Section 17-4-7 (9) a. "In the event these landscaping requirements do not appear reasonable when applied to a specific use or combination of uses, the applicant may apply to the Zoning Board of Appeals for a variance, but, unless otherwise permitted, the variance may not reduce the required amount of landscaping by more than fifty percent (50%)." Currently the property has the required number of trees but lacks the required number of shrubs or ground cover, and therefore the applicant is requesting a Variance to reduce the required Landscaping by 45%.

The subject site was developed as Pueblo Records and Tapes in 2000; at the time the site was landscaped according to the approved landscape plan, which is attached to this report. The site operated as Pueblo Records and Tapes until 2021, a home health care company leased the site in 2022. The site landscaping fell into disrepair prior to the Assistance League purchasing the property in 2023. The Assistance League promptly removed all the dead and overgrown vegetation within the established landscaping areas, beautifying the site. The Assistance League placed gravel within the Landscape setbacks and parking lot islands where the shrubs had died. The

approved landscape plan from 2000 indicates the location and species of all required shrubs and trees but does not note required ground cover. Before and after photos of the site and landscaping are provided in Exhibit H. of this report. The original submitted plans indicate both trees and shrubs, but not living ground cover calculations. After reviewing this case the Planning Department feels that the current landscaping meets the intent of the code and has no objections to the granting of this variance.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Sub-Regional Business (B-2) Zone District	Loaf n’ Jug
East	Single-Family Residential (R-1) Zone District	Single-Family Homes
South	Sub-Regional Business (B-2) Zone District	PB&T Bank
West	Sub-Regional Business (B-2) Zone District	Pet Paradise

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 VARIANCE

1. The variance will not: reduce the required light and air to adjacent properties; constitute a nuisance to the properties within one hundred (100) feet of the property for which the variance is requested; or substantially reduce the monetary value of properties within one hundred (100) feet of the property for which the variance is requested.

Comments: Affirmative finding. The variance is for a reduction in the landscaping requirement. No new structures or encroachments will be made. There will be no effect on adjoining properties.

2. The variance will not affect general planning of the city with respect to land use and the location of streets and highways will not be jeopardized.

Comments: Affirmative finding. The variance is for a reduction in the landscaping requirement. This will not affect the locations of streets and highways.

3. Strict adherence to this Title would not secure appropriate development of the property for which the variance is requested.

Comments: Affirmative finding. Strict adherence would require thousands of dollars in landscaping improvements to the property. The existing landscape is already mature, lush, and well maintained.

4. The property for which the variance is requested suffers a unique or singular disadvantage, not common to other property in the district, through the operation of this Title.

Comments: Affirmative finding. The subject property is a through-lot which is an uncommon lot style, which creates significantly more frontage than other lots. Since landscaping requirements are calculated by linear frontage, the subject property is required to install significantly more landscaping than other similar properties in this zone district.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends only Standard Permit Conditions 1 through 13.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: ZBA-23-37	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/26/2024
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. Zoning Map

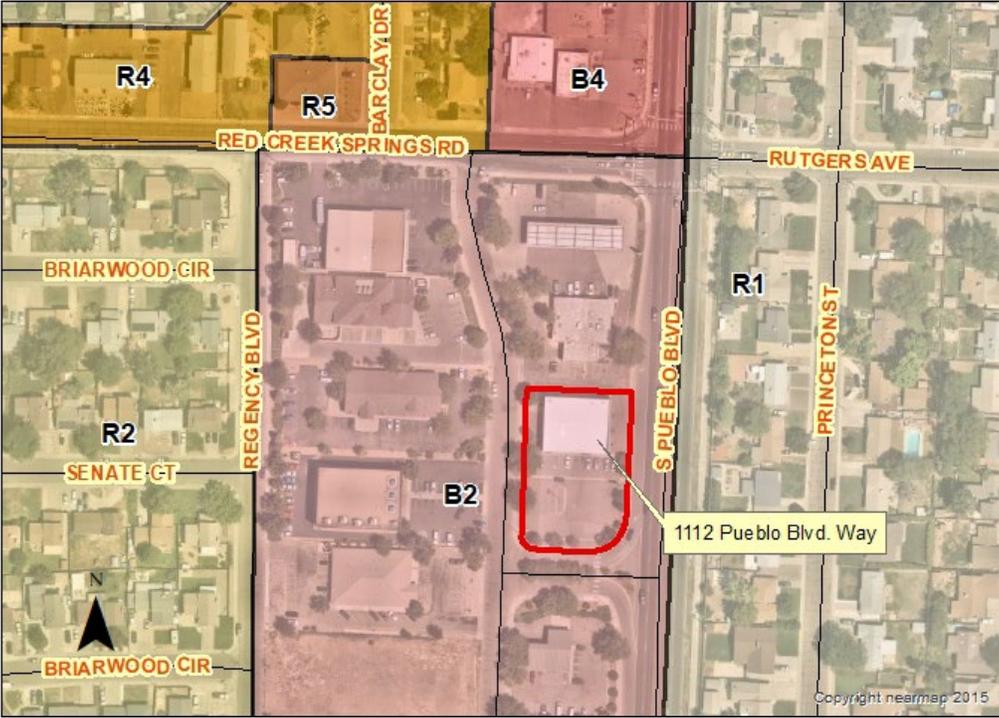


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibit G. Application



City of Pueblo PLACE

8/24/2023

23-168
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 8/24/2023

Primary Location
1112 PUEBLO BOULEVARD
WAY
PUEBLO, CO 81005
Owner
ASSISTANCE LEAGUE OF
PUEBLO
1112 PUEBLO BLVD WAY
PUEBLO , CO 81005-2198

Applicant
Sandra Gottfred
719-543-1383
alpc01@live.com
1112 Pueblo Blvd. Way
Pueblo, CO 81005

Internal

ZBA Case Number
ZBA-23-37

Planner Assigned
-

Address Validation by GIS?

ZBA

Hearing Date
09/26/2023

Hearing Results
-

Board Conditions

Appeal Term End Date
-

Permit Completion Date
-

BEFORE & AFTER PHOTOS – 1112 PUEBLO BLVD WAY

East side of property from Pueblo Blvd Before



After



West side of property



After



Parking lot drainage looking to Pueblo Blvd



After



BEFORE & AFTER PHOTOS – 1112 PUEBLO BLVD WAY

Sidewalk on East side along Pueblo Blvd



After



Between Pueblo Blvd & Parking Lot



After



South end of parking lot facing Pueblo Blvd Wy



After

