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Georgia Way

ZBA-23-41

Hearing Date: October 24, 2023

TO: City of Pueblo Zoning Board of Appeals
FROM: Jay-Michael Baker, Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2302 S Prairie Avenue
APPLICANT: Gerald Bensko Jr.
PROPERTY OWNER: Gerald Bensko Jr.
YEAR BUILT: Unimproved Lot
LEGAL DESCRIPTION: LOT 17 + W 272 FT OF LOT 18 BOCKMAN SUB EXC THE E 55 FT THEREOF BY WD910403 BK 2484 PG 876
ZONE DISTRICT: Highway and Arterial Business (B-3) Zone District
PARCEL ID: 1511318021 / Property Record ID: 1091331
LOT SIZE: Approx. 33,823 Square Feet

REQUEST: A special use permit to allow for a self-storage facility in a Highway and Arterial (B-3) Zone District.

REQUEST BACKGROUND AND ANALYSIS

The applicant is requesting a special use permit to allow for a self-storage facility in a B-3 Zone District. The property location borders a similar situation to the south—Steel City Storage, LLC—which is also a self-storage facility in a B-3 Zone District. According to the applicant, the storage facility will consist of indoor individual storage units and an office for the management of the storage use, which will be occupied by one employee. Traffic to and from the site will be limited to individuals renting storage units.

The lot is currently unimproved and does not have any structures. The applicant has a Commercial case (C-23-12) open which is a plan to construct a new indoor storage facility and office space. The commercial plans call for the construction of a primary storage building on the east side of the lot that spans 124 feet north to south. The applicant concurrently has a variance request to reduce the east (rear) yard setback from fifteen (15) feet to five (5) feet (ZBA-23-40).

The property was annexed into the City in 1972 and operated as a construction storage yard. It appears that the property has been vacant since the mid 1980's. Currently, single family homes are located to the north and east of the proposed self-storage facility and an established self-storage business is located directly south of the proposed self-storage. The neighborhood has an eclectic mixture of residential, commercial, and industrial uses, the proposed self-storage facility use is similar in nature to the previous construction storage yard and the current storage use to the south. The size of the lot limits the space for other uses. The proposed use does not appear to affect the public rights-of-way or streets.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Single Family Residential (R-2) Zone District	Single-Family Homes
East	Single Family Residential (R-2) Zone District	Single-Family Homes

South	Highway and Arterial (B-3) Zone District	Steel City Storage, LLC
West	Mobile Home Residential (R-7) Zone District	Mobile Homes

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

Reviews of this overall project will be reflected on the Commercial case process, C-23-12).

Pueblo City/County Health	No comment
City Transportation	No comment
Pueblo Regional Building Department	No comment
Fire Department	No comment
City Public Works Department	Not reviewed. Please contact croy@pueblo.us for status.
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. 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. According to the applicant, paved access to the property is from Prairie Avenue approximately 160 feet from the Prairie-Bockman intersection. A concrete sidewalk will provide pedestrian access from the public sidewalk along Prairie to the building on the west side of the property. The on-site sidewalk will provide the shortest distance from the public sidewalk to the facility and will be constructed according to ADA standards. Traffic flow will be minimal, and the landscaping design factors sight triangles to optimize both aesthetics and safety. Emergency vehicle access can be made via the ingress and egress point on Prairie, and the small size of the lot would allow for fire truck access for fire suppression on Prairie and Bockman.

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. The nature of the intended use is such that there is very little vehicle traffic daily at the site. The parking lot has five (5) spaces, which is adequate to accommodate the business.

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

Comments: Negative finding. Despite the relatively small size of the site, it is recommended that a place for refuse be designated on the site.

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

Comments: Affirmative finding. Water and natural gas mains exist on Prairie Avenue and sanitary sewer exists along the southern side of the site. Overhead electric runs along both Bockman and Prairie. All of the utilities available are compatible with the service needs of the site.

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

Comments: Negative finding. Upon review of the provided documentation for this request, as well as the commercial and variance requests (C-23-12, ZBA-23-40), a plan for screening of the property, particularly the eastern building from the adjacent residential use was not found. Applicant must submit a plan for screening that fits the character of the structures on the project, and is compliant with Title XVII of the Municipal Code.

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: Negative finding. Upon review of the provided documentation for this request, as well as the commercial and variance requests (C-23-12, ZBA-23-40), a plan for signs was not found. The applicant must submit an application for signage for this commercial facility.

7. Required yards and other open space.

Comments: Neutral finding. The applicant is requesting a variance to allow a 10-foot reduction in the eastern side-yard setback to accommodate the proposed self-storage facilities.

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

Comments: Neutral finding. The neighborhood has an eclectic mixture of residential, commercial, and industrial uses, the proposed self-storage facility use is similar in nature to the construction storage yard that operated at the site when the property was annexed in 1972 and the current storage use to the south. Single-family residential uses are located directly north and east of the site.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this variance, staff recommends the following conditions in addition to the Standard Permit Conditions 1 through 13.

1. Provide a plan for screening the property, particularly the eastern building from the adjacent residential use. Screening shall consist of opaque fencing with a minimum height of six-feet, chain link fencing with or without attachments is not an appropriate mechanism for screening.
2. Provide commercial refuse collection. The dumpster must be screened according to Title XVII of the Municipal Code.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 10/24/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/24/2024
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. Aerial Map



Exhibit C. Zoning Map

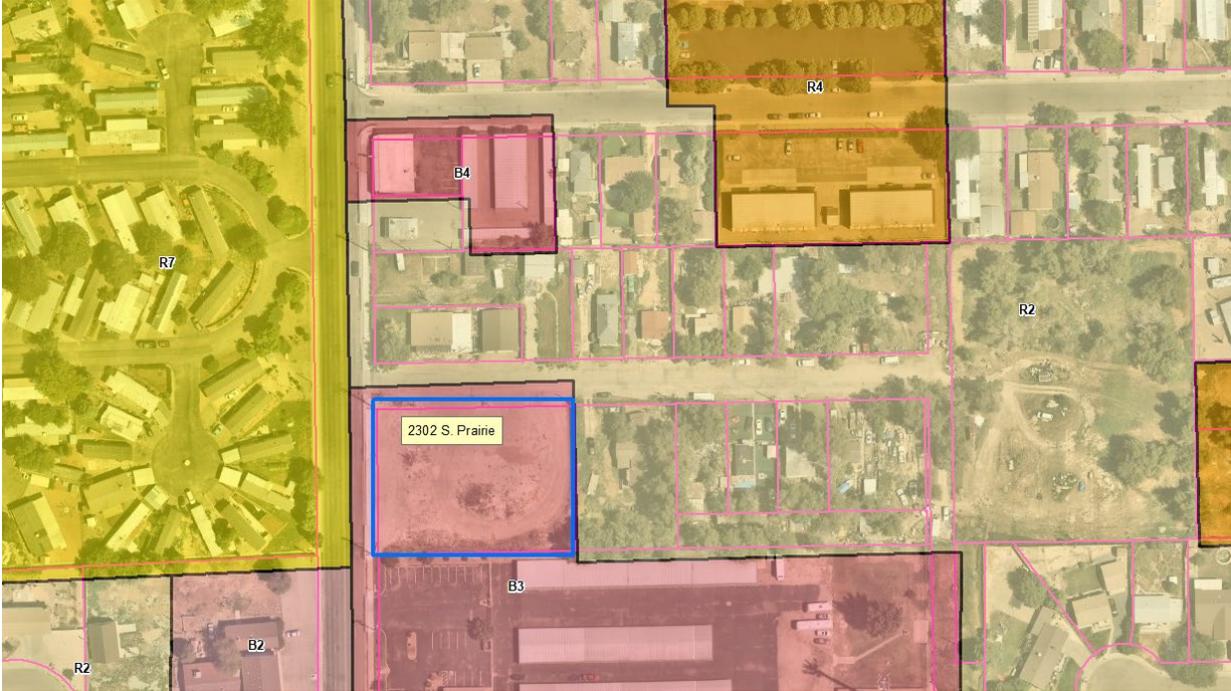


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



G. Application

9/11/23, 9:08 AM

23-182



City of Pueblo PLACE

9/11/2023

23-182
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 9/11/2023

Primary Location
2302 S PRAIRIE AVE
PUEBLO, CO 81004
Owner
BENSKO GERALD JR
PO BOX 3103 PUEBLO , CO
81005-0103

Applicant
 Jerry Bensko
 719-553-8640
 jbensko1@gmail.com
 5203 Lynn Meadows Drive
Pueblo, Colorado 81005

Internal

ZBA Case Number

ZBA-23-41

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

10/24/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

9/11/23, 9:08 AM

23-182

Provide a short description of the proposed request:*

Self Storage Special Use Permit Request

What is the general use of the property*

Commercial

Detailed explanation of the request as listed above. *

Self Storage Special Use Permit Request

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

Justification of facts are detailed on the following page.

Are there any concurrent zoning requests?*

Yes

Provide information on the concurrent request*

Setback Variance ID 23-176

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.*

Paved vehicle ingress and egress is from Prairie Avenue approximately, 160 feet south of Prairie-Bockman intersection. Concrete sidewalk will provide pedestrian access from the public sidewalk in Prairie to the western building, in which the office will be located. The location of this sidewalk provides the shortest distance from the public sidewalk to the facility and will be constructed within ADA accessibility standards.

Traffic flow will be low. Only people who have a storage unit on site or want to rent one will have reason to come and go. Landscaping was designed based on keeping site distance triangles unobstructed. Therefore, vehicles turning left or right out of the site will have full view of traffic.

The site lies on a corner and is only 217'x160' in size. Therefore, in the event the access was blocked and a fire truck could not enter the site, the truck can park on either street and fight the fire from there.

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.*

There is one office for one person on site. This person may or may not be there full time. Once the units are rented, individuals will be driving to and parking near their unit. The parking lot has 5 spaces, which is more than enough to accommodate the parking need.

There will be little to no vehicle traffic on a daily basis. Therefore, noise should not be an issue. The east building provides a buffer between any vehicles on-site and the adjoining property to the east. Directly to the south is a self-storage facility with similar traffic flow.

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

Due to the small amount of refuse generated from one person/one office, trash will be taken off-site and disposed of. Similarly, renters will be responsible for taking any trash generated by them and disposing off-site.

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

Water and gas mains exist in Prairie Avenue. In addition to within Prairie Avenue, sanitary sewer main exists along the southern side of the site. Overhead electric lies along both Prairie and Bockman. All of these utilities are compatible with the service needs of the site.

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

The landscape plan was designed with appropriate planting and hardscape materials to act as an appropriate buffer for the surrounding properties and traffic.

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.*

A van accessible handicap reserved parking sign will be provided to delineate the handicap parking spot. No other signage other than what is required for the business will be needed on site.

A site photometric plan has been submitted and approved by Pueblo Planning Department.

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

The western and northern sides of the site along Prairie and Bockman, respectively will be landscaped per the landscape plan approved by Pueblo Planning Department.

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

A self-storage facility exists directly to the south. The area in general is a combination of residential and commercial uses.

Terms

Is the applicant and property owner the same?*

Yes

Applicant/Property Owner Signature*

 Gerald Bensko Jr
Sep 11, 2023