

Mike Castellucci  
Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

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## ZBA-23-50

**To:** City of Pueblo Zoning Board of Appeals  
**From:** Jay-Michael Baker, Planner  
**Through:** Scott Hobson, Land Use Administrative Official  
**Date:** January 23, 2024  
**Request:** **Special Use Permit for a Storage Facility, Self-Storage in a Central Business (B-4) Zone District.**  
**Site Location:** 617 W 29th St., Pueblo, Colorado 81008  
**Legal Description:** **TR 15 EVANS SUB + PATTERSON SUB + SOMERLID HEIGHTS ADD BEG NE COR TRACT 15 EVANS SUB TH W 239 FT TO PL OF BEG TH S 456.7 FT TO N LINE 29TH ST TH W 186 FT ALG N LINE 29TH ST TH N 456.7FT TO N LINE TR 15 EVANS SUB TH E 186 FT ALG N LINE SD TR 15 TO PLC OF BEG WITH EASEMENT TO ELIZABETH ST (BK 1640 PG 207) ALSO THE W 165 FT OF LOT 15 EVANS SUB ALSO: LOTS 1, 2 + 3 BLK 2 PATTERSONS SUB ALSO: LOT 1 LESS 8 FT ON W + LOTS 2 TO 6 BLK 3 SOMERLID HEIGHTS ADD + ALL VAC ALLEY ADJ #338660 TOGETHER WITH VAC WEST ST BETWEEN SD BLOCKS 2 + 3 OF SOMERLID HEIGHTS ADDITION FORMERLY #05-241-02-009, 025, 026 + 05-241-10-004, 005 + 05-241-11-004 + 005**  
**Year Built:** 1972  
**Applicant:** Galloway & Company LLC  
**Property Owner:** Foothills Farm RLLP C/O, Patrick Leach  
**Zone District:** B-4 Central Business District

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### REQUEST

The applicant is requesting a Special Use Permit for a storage facility, self-storage in a Central Business (B-4) Zone District.

The existing 35,290 square foot structure on the property was built in 1972 and previously used as a Safeway Grocery Store. The subject property is on the northwest corner of 29<sup>th</sup> Street and North Elizabeth Street, west of Interstate 25. A storage facility, self-storage in a Central Business (B-4) Zone District is a use by review. The proposal does not call for an increase to the building's footprint. The applicant plans to conduct an internal remodel to the existing structure. Any future additional storage by way of additional structures on the property may be proposed in a future phase and future application.

### ANALYSIS OF REQUEST

The subject property has not been in recent use. The property is adjacent to 29<sup>th</sup> Street to the south, and North Elizabeth Street to the east with a paved public alley to the west. The existing structure is compliant with the B-4 requirements regarding lot size and coverage. The B-4 Zone District requires a 15-foot rear setback, 5-foot side setbacks, and no front setback. The applicant is not proposing an increase to the footprint of the structure nor any new detached structures; therefore, no landscaping improvements will be required per Section 17-4-7, (2), of the Pueblo Municipal Code. The site was developed prior to landscape requirements and is completely devoid of landscaping. Staff suggests the

board condition that the applicants install a landscape setback, per Sections 17-4-7, a. 1., 2., and 3 of the Municipal Code and an opaque fence with a minimum 6-foot height along the property boundary adjacent to the residential zone districts (western and northern property lines). A full landscape buffer in conjunction with the 6-foot opaque fence is not recommended currently. The applicant is proposing significant improvements to the façade of the building, which are detailed in the attached elevations. If new outdoor lighting is proposed the plans will be reviewed for compliance with Section 17-4-52, of the Pueblo Municipal Code.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Mobile Home Residential (R-7) Zone District	Mobile and manufactured home park
East	Central Business (B-4) Zone District	Retail businesses
South	Central Business (B-4) Zone District	Retail businesses
West	Single-Family Residential (R-2) Zone District	Single-family 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 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**

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, the existing access to the property and existing structures have operated safely and conveniently at a historically higher intensity use. The amount of automotive vehicle traffic is anticipated to be reduced with the proposed self-storage use, supporting additional opportunities for operational safety and convenience. Existing access is located off 29th Street and North Elizabeth Street.**

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, sufficient off-street parking and loading areas are present from the existing building infrastructure which historically supported more intense operations. The noise, glare, and odor effects of the use on adjoining properties and properties in the district are anticipated to be minimal with little change from**

previous operations on site. The proposed updates to exterior architectural elements have the opportunity to enhance the property.

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

**Comments: Affirmative, the applicant states they will comply with the requirements under the City Code.**

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

**Comments: Affirmative finding. Utilities serving the existing uses are anticipated to be sufficient to serve the needs of the proposed use. User intends to comply with any building code required revisions to utilities serving the structure/use. Utilities are accessed from the north and south of the property.**

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

**Comments: Neutral finding. Applicant states they will meet any screening requirements as conditioned by the City.**

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: Affirmative finding. Proposed signage will comply with City code/standard requirements. The proposed development intends to retain and utilize the existing lighting on site. The proposed signage on building and on site will be compatible with surrounding commercial properties along 29th Street and Elizabeth Street.**

7. Required yards and other open space.

**Comments: Affirmative finding. The current property provides adequate open space to meet the requirements of the City Code. Any future infill development will utilize existing pavement and hardscape associated with the existing infrastructure to the extent feasible, retaining any existing landscape areas.**

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

**Comments: Affirmative finding. The proposed updates to exterior architectural elements can enhance the property. The site is generally surrounded by commercial development along 29th Street and Elizabeth Street. The proposed use compliments and activates the current surrounding commercial development. The proposed development is in-filling a site currently vacant and not contributing to the economics or services of the surrounding neighborhood.**

#### **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 staff recommended conditions

1. A landscape setback, per Sections 17-4-7, a. 1., 2., and 3 of the Municipal Code, shall be installed prior to a Certificate of Occupancy.
2. Install an opaque fence with a minimum 6-foot height along the property boundary adjacent to the residential zone districts (western and northern property lines). Chain link fencing with attachments is not an acceptable opaque fencing material.

#### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>1/23/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>1/23/2025</b>
2.	<b>Required Revisions</b> 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.	<b>Changes</b> 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.	<b>Property Inspection</b> 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.	<b>Certificate of Occupancy</b> 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.	<b>Completion and Maintenance of Improvements and Landscaping</b> 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.	<b>Building Permit; Other Permits</b> Permit holder is solely responsible for obtaining <u>BUILDING PERMIT</u> and all other applicable local, state and federal permits.
8.	<b>Off-Site Drainage</b> 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.	<b>Appeals</b> 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.	<b>Errors</b> 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.	<b>Transfer of Ownership</b> 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.	<b>Violations/Penalties</b> 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.	<b>Incorporation and Reference of All Plans Presented to the Zoning Board of Appeals.</b> 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**

12/12/23, 11:51 AM

23-242



City of Pueblo PLACE

12/12/2023

**23-242**  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 12/12/2023

**Primary Location**  
617 W 29TH ST  
PUEBLO, CO 81008  
**Owner**  
FOOTHILLS FARM RLLLP C/O  
PATRICK A LEACH,  
4810 QUITA CT PUEBLO , CO  
81001-1072

**Applicant**  
 Galloway & Company LLC  
 719-900-7220  
 galloway-  
citycs@gallowayus.com  
 1155 Kelly Johnson Blvd  
Suite 305  
Colorado Springs, CO  
80920

Internal

ZBA Case Number

ZBA-23-50

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

01/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

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?

—

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**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:\***

Proposed self storage use within existing building

**What is the general use of the property\***

Commercial

Detailed explanation of the request as listed above. \*

**Source, Pueblo Zoning Code, section 17-5-33**

Before any use by review shall be permitted, the Board shall make written findings certifying compliance with the items listed below. The applicant must demonstrate that provisions and arrangements have been made concerning the following items, where applicable:

**a. (Access) 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.**

*The existing access to the property and existing structures have operated safely and conveniently at a historically higher intensity use. The amount of automotive vehicle traffic is anticipated to be reduced with the proposed self storage use, supporting additional opportunities for operational safety and convenience. Existing access is located off 29<sup>th</sup> Street and Elizabeth Street.*

**b. 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.**

*Sufficient off-street parking and loading areas are present from the existing building infrastructure which historically supported more intense operations. The noise, glare and odor effects of the use on adjoining properties and properties in the district are anticipated to be minimal with little change from previous operations on site. The proposed updates to exterior architectural elements have the opportunity to enhance the property.*

**c. Refuse and service areas, with particular reference to the items in Subsections a and b above.**

*Proposed refuse and service areas will comply with City Code.*

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

*Utilities serving the existing uses are anticipated to be sufficient to serve the needs of the proposed use. User intends to comply with any building code required revisions to*

*utilities serving the structure/use. Utilities are accessed from the north and south of the property.*

**e. Screening and buffering with reference to type, dimensions and character.**

*If any screening or buffering is required, it will be compliant with City code requirements.*

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

*Proposed signage will comply with City code/standard requirements. The proposed development intends to retain and utilize the existing lighting on site. The proposed signage on building and on site will be compatible with surrounding commercial properties along 29<sup>th</sup> Street and Elizabeth Street.*

**g. Required yards and other open space.**

*The maximum lot coverage in the B-4 Zone is 100%. The proposed infill development's intent is to utilize existing paving and hardscape associated with the existing infrastructure to the extent feasible, retaining any existing landscape areas.*

**h. General compatibility with adjacent properties and other properties in the district.**

*The proposed updates to exterior architectural elements have the opportunity to enhance the property. The site is generally surrounded by commercial development along 29<sup>th</sup> Street and Elizabeth Street. The proposed use compliments and activates the current surrounding commercial development. The proposed development is infilling a site currently vacant and not contributing to the economics or services of the surrounding neighborhood.*

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

**Source, Pueblo Zoning Code, section 17-5-33**

Before any use by review shall be permitted, the Board shall make written findings certifying compliance with the items listed below. The applicant must demonstrate that provisions and arrangements have been made concerning the following items, where applicable:

**a. (Access) 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.**

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*Sufficient off-street parking and loading areas are present from the existing building infrastructure which historically supported more intense operations. The noise, glare and odor effects of the use on adjoining properties and properties in the district are anticipated to be minimal with little change from previous operations on site. The proposed updates to exterior architectural elements have the opportunity to enhance the property.*

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**h. General compatibility with adjacent properties and other properties in the district.**

*The proposed updates to exterior architectural elements have the opportunity to enhance the property. The site is generally surrounded by commercial development along 29<sup>th</sup> Street and Elizabeth Street. The proposed use compliments and activates the current surrounding commercial development. The proposed development is infilling a site currently vacant and not contributing to the economics or services of the surrounding neighborhood.*

**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.\***

*The existing access to the property and existing structures have operated safely and conveniently at a historically higher intensity use. The amount of automotive vehicle traffic is anticipated to be reduced with the proposed self storage use, supporting additional opportunities for operational safety and convenience. Existing access is located off 29<sup>th</sup> Street and Elizabeth Street.*

**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.\***

*Sufficient off-street parking and loading areas are present from the existing building infrastructure which historically supported more intense operations. The noise, glare and odor effects of the use on adjoining properties and properties in the district are anticipated to be minimal with little change from previous operations on site. The proposed updates to exterior architectural elements have the opportunity to enhance the property.*

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

*Proposed refuse and service areas will comply with City Code.*

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

*Utilities serving the existing uses are anticipated to be sufficient to serve the needs of the proposed use. User intends to comply with any building code required revisions to utilities serving the structure/use. Utilities are accessed from the north and south of the property.*

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

*If any screening or buffering is required, it will be compliant with City code requirements.*

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.\*

*Proposed signage will comply with City code/standard requirements. The proposed development intends to retain and utilize the existing lighting on site. The proposed signage on building and on site will be compatible with surrounding commercial properties along 29<sup>th</sup> Street and Elizabeth Street.*

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

*The maximum lot coverage in the B-4 Zone is 100%. The proposed infill development's intent is to utilize existing paving and hardscape associated with the existing infrastructure to the extent feasible, retaining any existing landscape areas.*

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

*The proposed updates to exterior architectural elements have the opportunity to enhance the property. The site is generally surrounded by commercial development along 29<sup>th</sup> Street and Elizabeth Street. The proposed use compliments and activates the current surrounding commercial development. The proposed development is infilling a site currently vacant and not contributing to the economics or services of the surrounding neighborhood.*

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### Terms

Is the applicant and property owner the same?\*      Applicant Signature\*  
No      No signature

🔗 Applicant/Property Owner Signature\*  
✔ Kaler Ruiz - Clear Sky Capital  
Dec 12, 2023

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### Attachments

Site plan REQUIRED

12/12/23, 11:51 AM

23-242

 **2023-12-07 Pueblo Storage\_Special Use Submittal Set.pdf**  
Uploaded by Galloway & Company LLC on Dec 12, 2023 at 11:05 AM

 **Additional information that you believe justifies the request, Pueblo Storage Special Use Application - Executed.pdf**  
Uploaded by Galloway & Company LLC on Dec 12, 2023 at 11:05 AM

 **Pueblo Storage Use by Special Review Responses.pdf**  
Pueblo Storage Use by Special Review Responses.pdf  
Uploaded by Galloway & Company LLC on Dec 12, 2023 at 11:05 AM

 **Property Owner Affidavit 6-2021 general.pdf**  
Property Owner Affidavit 6-2021 general.pdf  
Uploaded by Karen Elgin on Dec 12, 2023 at 11:34 AM

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### History

Date	Activity
12/12/2023, 10:41:30 AM	Galloway & Company LLC started a draft of Record 23-242
12/12/2023, 11:05:51 AM	Galloway & Company LLC added attachment Pueblo Storage Use by Special Review Responses.pdf to Record 23-242
12/12/2023, 11:06:03 AM	Galloway & Company LLC submitted Record 23-242
12/12/2023, 11:06:03 AM	Galloway & Company LLC submitted Record 23-242
12/12/2023, 11:06:03 AM	approval step Fee Review was assigned to Planning Front Counter on Record 23-242
12/12/2023, 11:06:03 AM	changed the deadline to Dec 14, 2023 on approval step Fee Review on Record 23-242
12/12/2023, 11:10:05 AM	Karen Elgin assigned approval step Fee Review to Karen Elgin on Record 23-242
12/12/2023, 11:10:30 AM	Karen Elgin approved approval step Fee Review on Record 23-242
12/12/2023, 11:26:36 AM	Karen Elgin changed ZBA Case Number from "" to "ZBA-23-50" on Record 23-242
12/12/2023, 11:26:36 AM	Karen Elgin changed Hearing Date from "" to "01/23/2024" on Record 23-242

Date	Activity
12/12/2023, 11:32:10 AM	Karen Elgin submitted a change request on Record 23-242
12/12/2023, 11:34:14 AM	Karen Elgin added attachment Property Owner Affidavit 6-2021 general.pdf to Record 23-242
12/12/2023, 11:49:39 AM	Galloway & Company LLC changed Is the applicant and property owner the same? from "Yes" to "No" on Record 23-242
12/12/2023, 11:49:39 AM	Galloway & Company LLC submitted a new version of Record 23-242

Timeline

Label	Activated	Completed	Assignee	Due Date
✓ Fee Review	12/12/2023, 11:06:03 AM	12/12/2023, 11:10:30 AM	Karen Elgin	12/13/2023
💰 Application Fee	12/12/2023, 11:10:30 AM	-	Galloway & Company LLC	-
✓ Intake Review	-	-	-	-
✓ Land Use Tech Review	-	-	-	-
✓ Case Assignment	-	-	-	-
✓ Staff Report and Agenda Distribution	-	-	-	-
✓ Public Notice	-	-	-	-
✓ ZBA Hearing Outcome	-	-	-	-
✓ Planning (Zoning) Initial Review of Submittal	-	-	-	-
✓ Permit Issuance	-	-	-	-
✓ Address Validation	-	-	-	-

12/12/23, 11:51 AM

23-242

Label	Activated	Completed	Assignee	Due Date
Public Notice Fee	-	-	Galloway & Company LLC	-
Final Inspection	-	-	-	-
Public Notice Memo	-	-	-	-

Exhibit I. Supporting Documents



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.

<b>Property Owner:</b>		
Name: Patrick & Bob Leach		Company: Foothills Farm RLLP
Address: 4810 QUITA CT		
City: Pueblo	State: CO	Zip: 81001
Phone:	Email: paleach51@gmail.com	
<b>Applicant:</b>		
Name: Kaler Ruiz		Company: Clear Sky Capital
Phone: 602 377 4768	Email: kruiz@clearskycap.com	
Property Address: 617 W 29TH ST, PUEBLO, CO 81008		

I, PATRICK LEACH, hereby state that I am the <sup>MANAGING PARTNER</sup> owner of record of the property located at 617 W 29TH ST, PUEBLO, CO 81008, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special Use Permit at said location.  
(application type)

*Patrick Leach* 12/12/23  
 Signature of Property Owner Date



