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# ZBA-24-31

Hearing Date: 5/29/2024

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Mikaylin Hackley  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 304 S Union Ave.  
**APPLICANT:** Barbara Gonzales  
**PROPERTY OWNER:** Marilyn Henrikson  
**YEAR BUILT:** 1900  
**LEGAL DESCRIPTION:** LOTS 13 + 14 BLK 58 SOUTH PUEBLO  
**ZONE DISTRICT:** Historic Business (HB) Zone District  
**PARCEL ID:** 536408004  
**LOT SIZE:** 7000

|                 |   |
|-----------------|---|
| <b>REQUEST:</b> | Special Use Permit to allow an Adult Day Service Center in a Historic Business (HB) Zone District |
|-----------------|---|

## REQUEST AND BACKGROUND

The applicant, Steel City Services, LLC., is requesting a Special Use Permit to allow an Adult Day Service Center at 304 S Union Ave. At this location, Steel City Services will serve a maximum of 16 adults with intellectual or developmental disabilities and supervise them while they work on life skills, basic school learning, arts and crafts, and socialization activities in the downtown Union area. Steel City Services provides one staff member for every four individuals accessing services, so a maximum of 20 adults will be on the property at a time during the operating hours of Monday through Thursday from 9:00 a.m. to 3:00 p.m. All individuals receiving services will be dropped off and picked up each day.

## ANALYSIS

The subject property is located in the Historic Business (HB) Zone, but meets lot area, width, and coverage requirements of both B-3 and B-4 Business Districts, both of which Adult Day Service Centers are a use by right.

The applicant is not intending to modify the existing building for the proposed use, and the space is ADA compliant (see applicant's letter in Attachment I). Staff finds that this location is appropriate for the proposed use, and its centralized location offers a unique advantage for this kind of service as patrons can enjoy the surrounding shopping, eating, and community experience of Pueblo's historic downtown with the assistance of Steel City Services' care staff.

## ZONE DISTRICT AND LAND USE

| Zone: |                                      | Developed with:       |
|-------|--------------------------------------|-----------------------|
| North | Historic Business (HB) Zone District | Mixed Commercial uses |
| East  | Historic Business (HB) Zone District | Mixed Commercial uses |
| South | Industrial (I-2) Zone District       | Mixed Commercial uses |
| West  | Historic Business (HB) Zone District | Mixed Commercial uses |

**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 LIMITED 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 property has two access points, the street, Union Ave., and the alley, in case of emergency, and the intended use will not significantly increase vehicular traffic on the property.**

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: Neutral Finding. There is no off-street parking within the subject property lot. However, there is striped public parking to the west of the building, and minimal parking will be necessary for the proposed use. The attendees of the business will not be driving themselves, but will be picked up and dropped off daily. Also, the applicant attested in their application (see attachment I) that staff will be parking their personal cars at a separate facility and carpooling to this location together in a single company vehicle.**

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

**Comments: Affirmative finding. Trash is disposed of and picked up from a dumpster stored adjacent to the alley.**

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

**Comments: Affirmative finding. The building is equipped with all necessary utilities.**

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

**Comments: Affirmative finding. The proposed use does not necessitate screening for surrounding commercial mixed-use properties.**

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. The applicant does not intend to install any exterior signage or lighting. The business logo will be printed on a sticker and displayed in the main exterior windows.**

7. Required yards and other open space.

**Comments: Affirmative finding. The only available space on the lot is a small open space in the rear that is shared with the other tenants on the property.**

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

**Comments: Affirmative finding. The services described will not interfere with the surrounding downtown mixed uses.**

**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 condition:

1. Any exterior modifications to the property must be compliant with the Pueblo Historic Business District Guidelines and Standards of Appropriateness as reviewed by the Historic Preservation Commission.

**ATTACHMENTS**

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

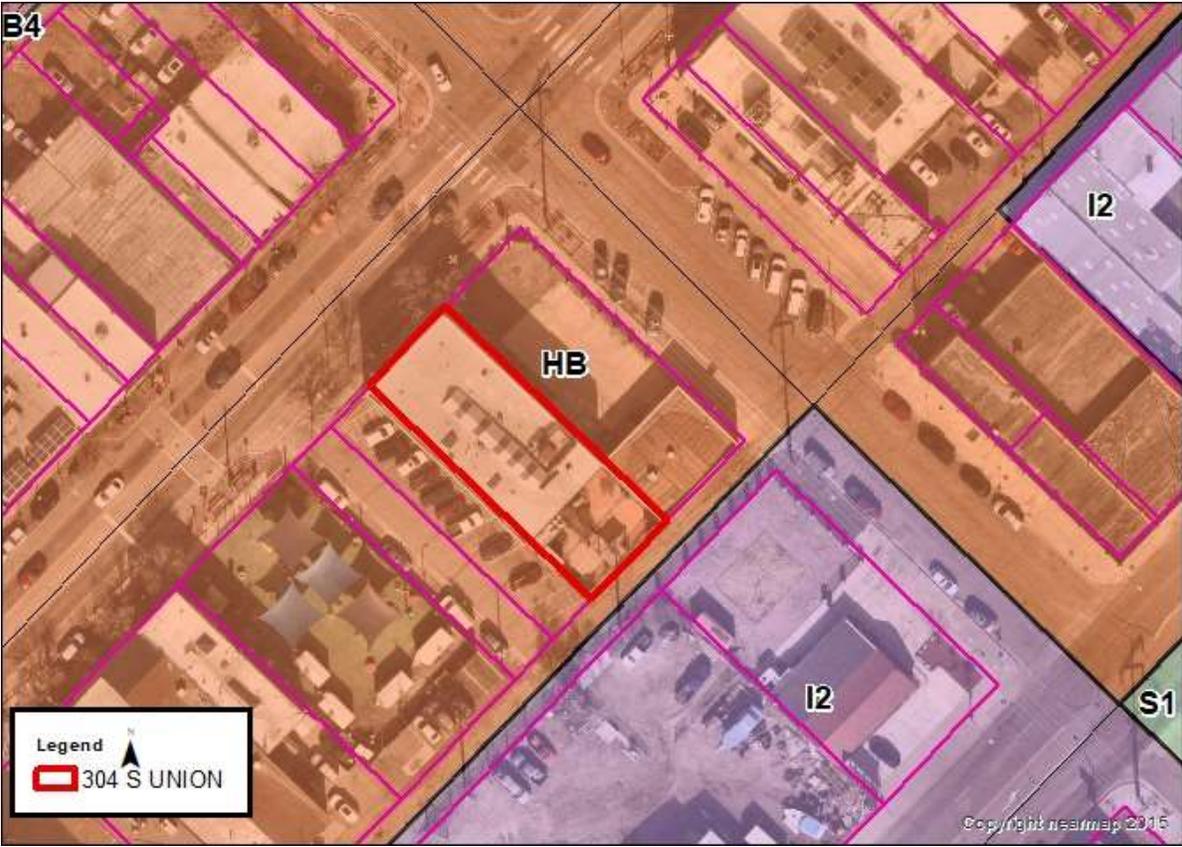
**Exhibit A. Standard Permit Conditions**

| <b>Standard Permit Conditions</b><br>Date of Issuance of Permit: <b>5/29/2024</b> |   |
|---|---|
| 1.  | <b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>5/29/2025</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 D. Zoning Map



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



Exhibit G. Site Photos



Exhibit H. Application



City of Pueblo PLACE

5/8/2024

24-74  
Zoning Board of Appeals -  
Special Use Permit &  
Variances  
Status: Active  
Submitted On: 4/9/2024

Primary Location  
304 S UNION AVE  
PUEBLO, CO 81003  
Owner  
HENRIKSON MARILYN  
310 S UNION AVE PUEBLO ,  
CO 81003-3430

Applicant  
Barbara Gonzales  
719-406-6487  
barbgonz1@gmail.com  
2208 Moline Ave  
311 W. 24th St. Unit 6  
Pueblo, CO 81003

Internal

ZBA Case Number  
ZBA-24-31

Planner Assigned  
-

Exhibit I. Supporting Documents



Property Owner Affidavit

Please type or print clearly. Illegible applications will not be accepted.

Property Owner: Name: MARILYN HENRIKSON, Address: 310 S. Union Ave, City: Pueblo, State: Co., Zip: 81003, Phone: 719-542-6432, Email: [blank]. Applicant: Name: Barbara Gonzales, Company: Steel City Services, Phone: 719-406-6487, Email: barbgonz1@gmail.com, Property Address: 304 S Union Ave Pueblo, CO 81003

I, Marilyn Henrikson, hereby state that I am the owner of record of the property located at 304 S. Union Ave, Pueblo, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Special use permit for a Day Club Center at said location.

Marilyn Henrikson Signature of Property Owner, 4-8-24 Date

*Steel City Services, LLC*  
311 W 24<sup>th</sup> St. Unit 6  
Pueblo, CO 81003  
719-406-6487/ 719-242-6993  
*Barbgonz1gmail.com*

April 9<sup>th</sup>, 2024

(Amended April 10<sup>th</sup>, 2024)

To Whom It May Concern:

Please accept this letter as our Plan for 304 Union Ave. Pueblo Co. 81003 (Site Plan):

Steel City Services is not requesting any modifications to the building located at 304 S Union Ave to be done while under lease. The building is ADA accessible. The front entrance has a flat slope to enter the building, the front door measures 40 inches wide. The back entrance to the building is a flat surface with a backdoor entrance measuring 36 inches wide. There is a men's and women's restroom, with grab bars for safety, both sinks are ADA accessible and both entrances measure 36 inches wide. We are asking to use the building and location to provide a service to the Intellectual or Developmental Disability (IDD) Community here in Pueblo and the surrounding areas of Pueblo.

The services that will be provided requires that Steel City Services provides tables, chairs, and any materials for the individuals to use while attending the location. The individuals in services will work on daily living skills, skills that they have learned in the past, basic school learning (i.e., reading, writing, math, socialization), arts and crafts, community integration-all while having trained staff for supervision. When the individuals are attending this location, they will also be encouraged to utilize the businesses on Union to shop or explore while gaining access to the community and working on socialization skills.

The maximum number of bodies that will be at this location will be twenty (20). There will be sixteen (16) individual receiving services at this location. Steel City Services will be required to have a Direct Care Staff for every four (4) individuals. This is a slow process; Steel City Services is required to answer referrals for services for individuals that are seeking services for the services we offer. Steel City Services expects to be open and operating four (4) days of the week, Monday through Thursday from 9 AM till 3 PM. Direct Care Staff will be required to meet at a residential facility to carpool to the location in the NEMT. The Direct Care Staff will be required to park the vehicle in a parking space located on C St. The individuals that will attend this location do not drive themselves. All individuals receiving services will be either picked up or dropped off. Steel City Services will have the individual's driver utilize a parking space off either sides of C St., nearest to the building or the back alley for this process. When drop-offs are scheduled a Direct Care Staff will meet the individual's driver at either of these locations to walk the individuals into the building and when pickups are scheduled a Direct Care Staff will walk the individual to the designated area for pickup.

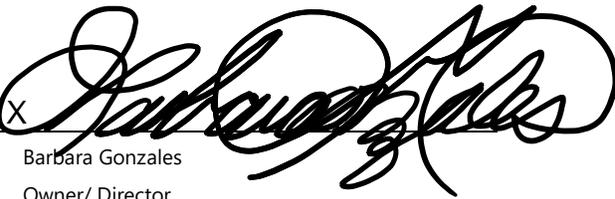
Steel City Services will be required to submit and get approved multiple plans to/from HCPF and CDPHE prior to any services being done at this location (i.e., bomb threat policy, tornado and fire policy, illness policy, etc.). The company will also be required to have first aid kits and fire

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extinguishers in place prior to any inspections or services to be done at the location. This process also includes detailed screening of staff working on site.

Please do not hesitate to contact me if there are any questions or concerns.

Kind Regards,

X 

Barbara Gonzales  
Owner/ Director