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Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-24-30

Hearing Date: 6/25/2024

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: **LOTS 5, 6, AND 7 BLOCK 3 OF REGENCY BUSINESS PARK**
APPLICANT: **Michael Cuppy**
PROPERTY OWNER: Clay Whitham, Regency Developers
YEAR BUILT: n/a
LEGAL DESCRIPTION: LOTS 5, 6, AND 7 BLOCK 3 OF REGENCY BUSINESS PARK
ZONE DISTRICT: Highway and Arterial Business (B-3) Zone District
PARCEL ID: **1509477005,1509477006, 1509477007**
LOT SIZE: **159173**

REQUEST: Variance to reduce landscaping setback requirements in a Highway and Arterial Business (B-3) Zone District

REQUEST BACKGROUND AND ANALYSIS

The subject property is located on three undeveloped lots (5,6, and 7), which combined are 159,173 sq ft, in the Regency Business Park just north of Roncalli Middle School. The applicant intends to submit an application for a rearrangement of property boundaries and commercial review application for a 21,930 sq ft Tractor Supply store at this location. The applicant is requesting a landscape variance to construct a 3,200 sq ft concrete pad (display area) along the southwest of the property, adjacent to Kingsroyal Blvd, located in the required landscape setback. According to the applicant, trailers, intended to be sold to the public, will be located on the concrete pad display area. The application states that this is a common element in the "branding and signature look" of Tractor Supply. Sec. 17-4-7 (b)(3)a.1., of the Pueblo Municipal Code 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 proposed concrete pad display area will most likely reduce the number of shade trees by one tree, and the total setback area covered by shrubs or living ground cover adjacent to Kingsroyal Blvd. Landscape plans have not been submitted for review; therefore, the exact number of landscape plantings that will be removed by the concrete display area is unknown at this time.

In analysis, staff finds that granting of the variance will not reduce light and air to adjacent properties, or significantly reduce the the monetary value. It will also not jeopardize the general planning concerning the city's streets and highways. However, staff does feel that strict adherence to the code would secure appropriate development of the property while maintaining the aesthetic standards of the city and neighboring properties. Furthermore, the property for which this variance is requested does not suffer from a unique or singular hardship. Granting of the Variance could be a negative precedent for future development along this corridor.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Highway and Arterial Business (B-3) Zone District	Undeveloped Parcel
East	Highway and Arterial Business (B-3) Zone District	Discount Tire
South	Government Use (S-1) District	Roncalli Middle School
West	Highway and Arterial Business (B-3) Zone District	Undeveloped Parcel

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. Granting the variance would not reduce light and air in the form of new shaded areas in the properties within 100 feet of the property. The trailer equipment on display is adjacent to Kingsroyal Blvd., therefore not impacting private property. The display area is located mid-block and will not obstruct the view of oncoming traffic for those entering or exiting the proposed tractor supply parking lot.

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. This variance would not jeopardize general planning of the city with respect to land use, streets, or highways.

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

Comments: Negative. Strict adherence to the code would not permit this additional display area at this location, however it would not prohibit the display of the merchandise in other areas where landscaping is not required.

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: Negative finding. The commercial site, once rearranged, will accommodate the proposed commercial structure, parking, and proposed outdoor display areas adjacent to the structure. Tractor supply is requesting this variance to place trailer equipment near the street as part of their corporate branding.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

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

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

Standard Permit Conditions Date of Issuance of Permit: ZBA-24-30	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 6/25/2025
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

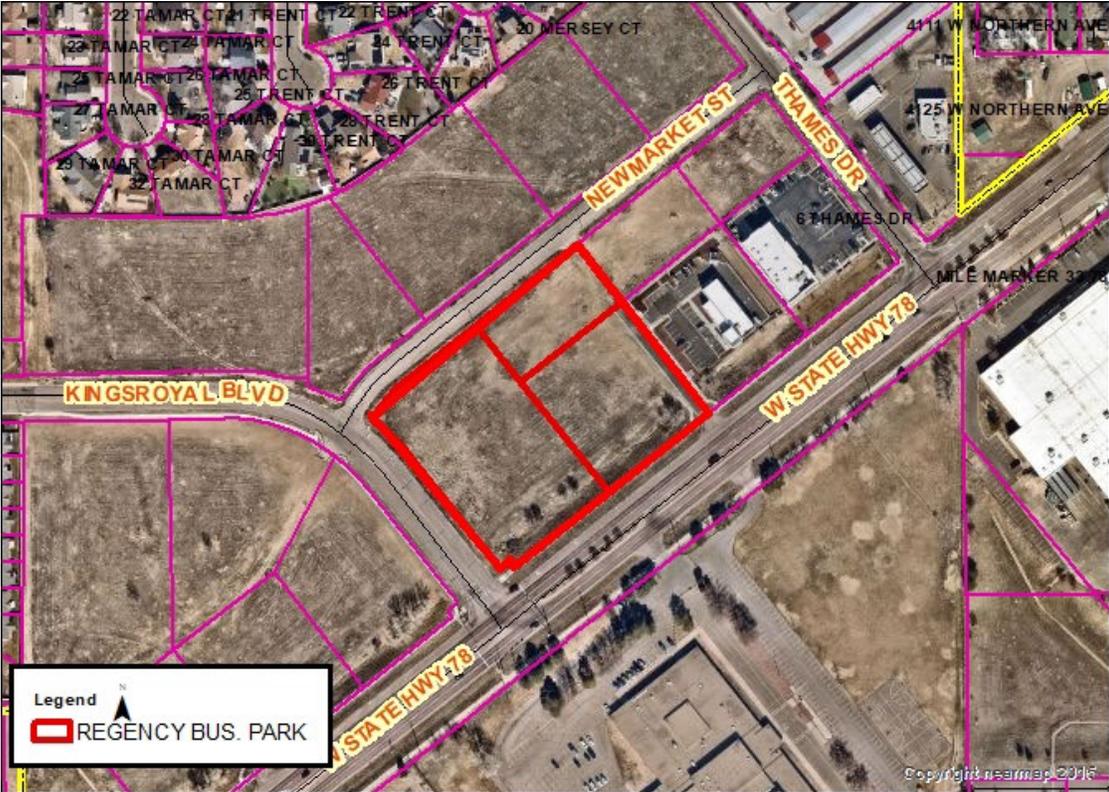


Exhibit D. Zoning Map

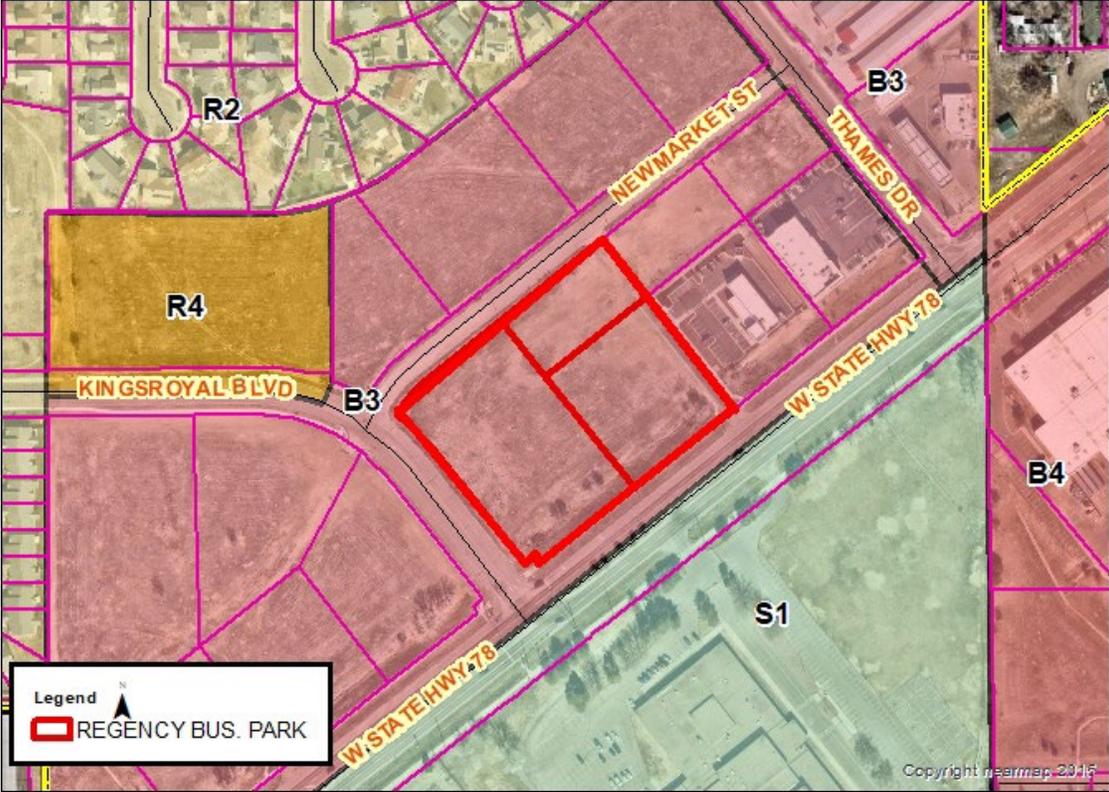


Exhibit E. Comprehensive Plan Map

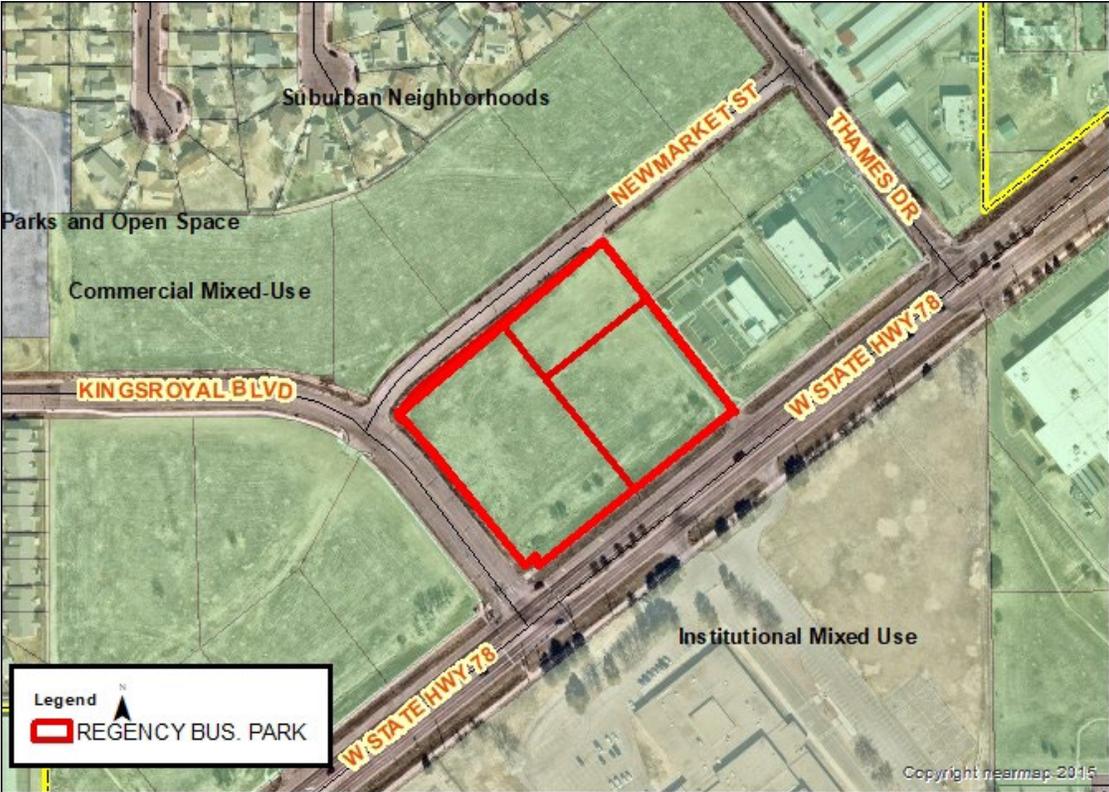


Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application



5/16/2024

24-92
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 5/2/2024

Primary Location
0 1509477006
PUEBLO, CO 81002
Owner
REGENCY DEVELOPERS LLC
200 S MAIN ST LAMAR , CO
81052-2833

Applicant
Michael Cuppy
719-544-6823
mcuppy@northstar-
co.com
111 E 5th St
Pueblo, CO 81003

Internal

ZBA Case Number
ZBA-24-30

Planner Assigned
Planner 3

Address Validation by GIS?

ZBA

Hearing Date
06/25/2024

Hearing Results
-

Board Conditions

Appeal Term End Date
-

Permit Completion Date
-

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.

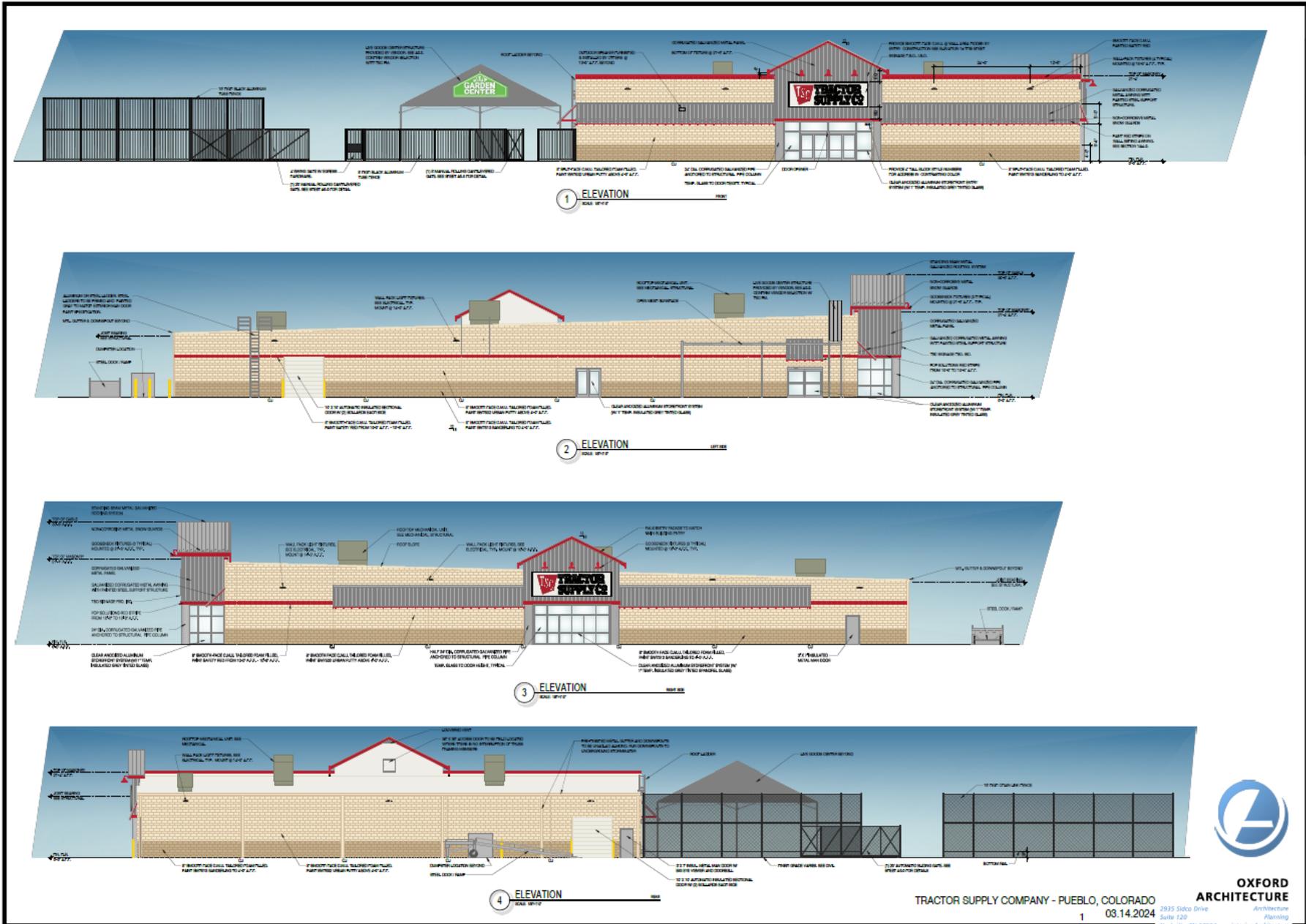
Property Owner:		
Name: Clay Whitham, Manager		Company: Regency Developers, LLC
Address: 200 S. Main Street		
City: Lamar		State: CO Zip: 81052
Phone: 719-547-9133	Email: clay@frontierbankco.com	
Applicant:		
Name: David Soto		Company: National Retail Development LLC
Phone: 312-446-7021	Email: soto@atwatergroup.com	
Property Address: Lots 5, 6, and 7, Block 3 of Regency Business Park, LLC subdivision		

I, Regency Developers, LLC, hereby state that I am the owner of record of the property located at Lots 5, 6, and 7, Block 3 of Regency Business Park, LLC subdivision Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a ZBA Landscape variance at said location.

(application type)
Regency Developers, LLC,
a Colorado Limited liability company

Clay Whitham 5-1-2024
Signature of Property Owner Date
Clay Whitham, Manager

Cw



TRACTOR SUPPLY COMPANY - PUEBLO, COLORADO
 2935 Sisko Drive
 Suite F20
 Nashville, TN 37204



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ARCHITECTURE
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