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ZBA-24-39

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz, Senior Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 102-110 W B St, Pueblo, CO 81003
APPLICANT: Donna Vigil
PROPERTY OWNER: Tallie Koncilja, Pueblo Union Depot Inc
YEAR BUILT: 1950
LEGAL DESCRIPTION: LOT 1 BLK 1 PUEBLO UNION STATION SUB FORMERLY #05364-28-003
ZONE DISTRICT: Historic Business (HB) Zone District
PARCEL ID: 536343001
LOT SIZE: 33,175 sq ft
CONCURRENT REQUEST: N/A

REQUEST:	Special Use Permit to allow for a Adult day service center in a Historic Business (HB) Zone District
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BACKGROUND & ANALYSIS

102-110 W B Street is a 9,805 sq ft commercial building constructed in 1950. The lot is 33,175 sq ft located in the Union Station Subdivision adjacent to Union Depot. Since its construction, the location has hosted a variety of businesses including grocery stores, cafes, hair stylists, and periods of vacancies. The new occupants at this location would like to open True Triumph Support Services which according to the applicant provides habilitation services for individuals diagnosed with intellectual/developmental disabilities. According to Sec. 17-2-2 (1); Adult day service center means a facility providing health and social services, individual therapeutic and psychological activities for the elderly and/or persons with disabilities for a portion of a twenty-four-hour day. Such a facility may be operated with or without compensation for such services. A facility shall be properly licensed and/or certified as required by the State. However, Adult day service is a use-by-review in the Historic Business (HB) Zone District. The applicant must obtain a Special Use Permit for this use before they can obtain their business license.

The subject property has a shared parking area with ingress and egress off W. B St with an ADA-accessible ramp leading to the entrance. Additional vehicle parking can be found in the lot west of Union Depot. The applicant has indicated that they will have commercial trash service and utilities have already been established at this location. There is no need for additional screening or buffering and the landscape areas are well-kept. There will be a total of 9 staff members, 2 managers, and 7 direct care staff. The applicant anticipates about 20 individuals would participate in this program, with a majority of them being dropped off and picked up by a third party. According to the applicant, the hours of operation will be 7:00 AM to 4:00 PM. The planning staff has found no negative externalities in the approval of this use at this location.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Historic Business (HB) Zone District	RazMataz
East	Historic Business (HB) Zone District	Fuel & Iron Food Hall
South	Historic Business (HB) Zone District	Janey Lattimer Interior Design
West	Historic Business (HB) Zone District	JstylezByJanette

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	This constitutes a change in occupancy for this building and the project will be required to go through the commercial plan review process, including the routing process. Information for the commercial plan review process can be found at our website here: https://prbd.com/complanrev.php .
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 finding. The subject property’ ingress and egress are taken from W B 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 finding. The subject property has a shared parking lot with 23 available off-street parking spaces. Additional parking is available to the west of Union Depot and behind the principal structure.

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

Comments: Affirmative finding. The applicant has indicated that that commercial trash service will be contracted for this business.

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

Comments: Affirmative finding. The applicant attests that the utilities are in place and the building is already being serviced.

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

Comments: Affirmative finding. The adjacent uses are not residential and no additional screening or buffering is required.

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. Any proposed future signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, HB Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Affirmative finding. Lot area, setback requirements, frontage, and landscaping areas are compliant.

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

Comments: Affirmative finding. This area has a moderate amount of varied commercial businesses and traffic. This specific use will not create any conflicts with the established surrounding business. Furthermore, associated staff and clients of the subject property will most likely utilize the surrounding restaurants, services, and retail shops.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommend Standard Permit Conditions 1 through 13 and the following staff suggested conditions:.

1. Any changes to the exterior of to the exterior of the building that materially alters, restore, construct on , relocate, remove, or in any way significantly change the feature of a cultural resource designation shall apply for & receive a certificate of appropriateness from the Historic Preservation Commission.
2. All Proposed signs comply with the Pueblo Historic Business Design Guidelines.

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: 7/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/23/2025
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 C. Aerial Map

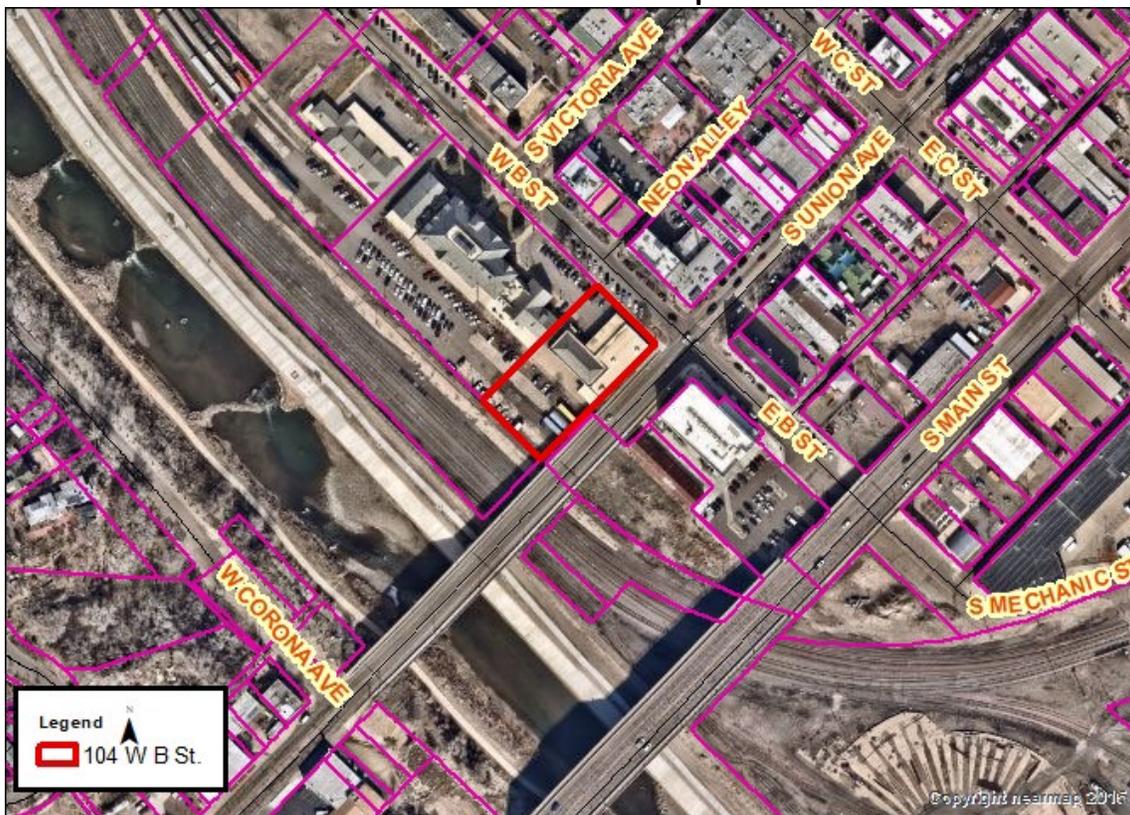


Exhibit D. Zoning Map

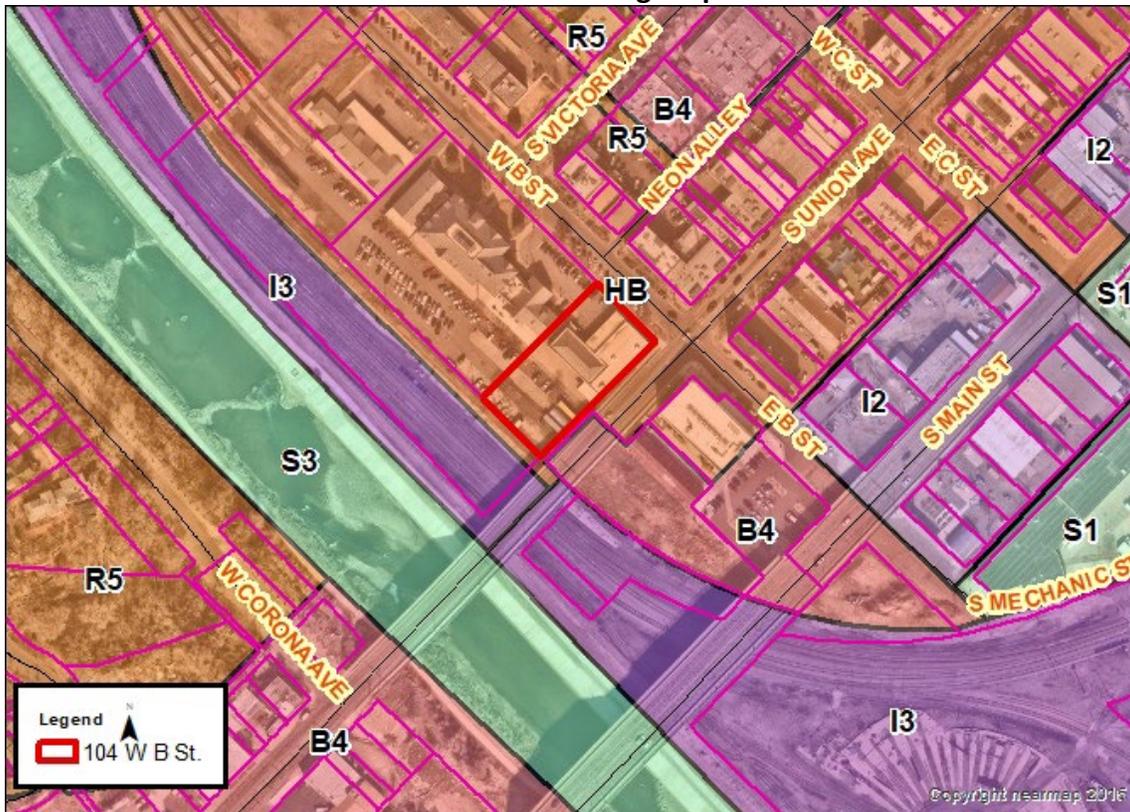


Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



H. Application



City of Pueblo PLACE

6/17/2024

community logo

24-130

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 6/14/2024

Primary Location

104 W B ST
PUEBLO, CO 81003

Owner

PUEBLO UNION DEPOT INC
132 W B ST PUEBLO , CO
81003-3402

Applicant

Donna Vigil
719-251-8759
• donnavigil@truetriumph.org
3508 Ivywood Ln
Pueblo , Co 81005

Internal

ZBA Case Number

ZBA-24-39

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

07/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

H. Supporting documentation.



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.

Name: Tallie Kancija		Company:	
Address: 132 W B St.			
City: Pueblo		State: CO	Zip: 81003
Phone: 719-544-0200		Email:	
Name: Donna Vigil		Company: True Triumph Support Services	
Phone: 719-251-8759		Email: Donna.vigil@true-triumph.com	
Property Address: 104 W B St. Pueblo CO. 81003			

I, Tallie Kancija, hereby state that I am the owner of record of the property located at 104 W. B. Street, 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)

Tallie Kancija 6-15-24
Signature of Property Owner Date