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Georgia Way

## ZBA-24-64

**TO:** City of Pueblo Zoning Board of Appeals  
**FROM:** Bart Mikitowicz, Senior Planner  
**THROUGH:** Scott Hobson, Land Use Administrative Official  
**LOCATION:** 1103 N Elizabeth St, Pueblo CO 81003  
**APPLICANT:** Ken Harriman  
**PROPERTY OWNER:** GT Haus 3, LLC  
**YEAR BUILT:** 1970  
**LEGAL DESCRIPTION:** LOTS 14 TO 16 INC BLK 43 COUNTY ADD  
**ZONE DISTRICT:** Neighborhood Business (B-1) Zone District  
**PARCEL ID:** 525423013  
**LOT SIZE:** 15,840 sq ft  
**CONCURRENT REQUEST:** N/A

<b>REQUEST:</b>	Special Use Permit to allow for a gas station in a Neighborhood Business (B-1) Zone District
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### BACKGROUND & ANALYSIS

1103 N. Elizabeth St is a 2,028 sq ft commercial building constructed in 1970. The lot is 15,840 sq ft located in the West Downtown subdivision east of Park View Medical Center. The applicant, Mr. Harriman, would like to open a new gas station at this location however a gas station is a use-by-review in the Neighborhood Business (B-1) Zone District. Therefore, the applicant must first obtain a Special Use Permit before proceeding with converting this property to this use.

The subject property opened as a Kwik Way convenience store in 1970 and remained under that brand until 2008, at which time it closed for several years then reopened in 2015 as a Go-Fer convenience store from 2015 to approximately 2023. In 1970 a "service station" was a use-by-right in the B-1 Zone District, in 2015 the Zoning Code was amended making a "gas station" a use-by-review in the B-1 Zone District. While the conversion from a convenience store to a gas station and convenience store would be considered a comparable use the applicant will face some challenges in the process. The addition of the fuel pump canopies at this location will trigger, a full commercial review and require the landscaping to be brought up to current standards of the code. This includes the addition of trees, shrubs, and ground cover along the frontage. They will also need to screen the trash receptacles. The applicant's plan is to reestablish the tree lawn both on N. Elizabeth St. and W. 11th St. and install a buffer between the commercial and residential uses to the west of the property. The planning staff is recommending relief from the required 10-foot landscape buffer between the residential and commercial property along the western property line. Both properties were developed before the current buffer requirement and the commercial structure sits only five feet from the western property line. Additionally, the 10-ft required landscape buffer is generally not visible as a 6-foot opaque fence is also required.

Further analysis shows that ingress and egress are adequate at this location. Off-street parking exceeds the required 10 spaces for this use and location. Utilities are established and present. Signage is in place and any modifications will be reviewed during the commercial review process. There is also no issue with compatibility as this use is parallel to the previous uses over the past 54 years.

**ZONING DISTRICT AND LAND USE**

Zone:		Developed with:
North	Sub-Regional (B-2) Zone District	Law Office
East	Multiple Residential (R-5) Zone District	Single Family Residence
South	Multiple Residential (R-5) Zone District	Single Family Residence
West	Multiple Residential (R-5) Zone District	Single Family Residence

**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 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 has multiple ingress and egress points, two are taken from W 11th Street and two are taken from N Elizabeth St. However, the 11th Street access points will be closed, at the request of the City’s Transportation Department and connections to N. Elizabeth will still be adequate.**

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 is required to have 10 off-street parking spaces and currently has 12 which meets the district requirements.**

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

**Comments: Affirmative finding. The applicant has submitted site plans that indicate a proper trash enclosure will be constructed 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 residential, and site plans indicate screening to be installed. Regarding the buffering meeting the required 10 ft width along the western property line, planning staff is recommending relief from this requirement and the landscape end cap island requirement as a condition of this Special Use Permit. Due to the placement of the principal structure, the required 10-foot landscape width is not currently available and is not visible behind the structure and opaque fence. Additionally, landscape end cap islands will decrease the number of parking spaces available. Staff is a proponent of facilitating infill development and it is our opinion that a 10-foot landscape buffer and end cap islands would not provide a great deal of benefit and would inhibit redevelopment.

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, B-1 Zone District.

7. Required yards and other open space.

**Comments: Affirmative finding.** A full commercial review will be needed for this project and that will require the landscaping to be brought up to current standards of the code. This includes the addition of trees, shrubs, and ground cover within the tree lawn adjacent to N. Elizabeth St. and W. 11th St. Dumpsters will need to be screened, and a 6-foot tall opaque fence must be installed along the western property line, providing a visual buffer between the commercial and residential uses. The fence must have a uniform appearance and cannot consist of chain link with opaque attachments.

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

**Comments: Affirmative finding.** Staff does not anticipate an issue with compatibility as this use is parallel to the previous uses over the past 54 years.

#### **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. A minimum 6-foot opaque fence as a buffer between the proposed gas station and the residential to the west. The fence must have a uniform appearance and cannot consist of chain link with opaque attachments.
2. A 10-foot landscape buffer along the western property line and end-cap islands will not be required as a means to facilitate infill development.
3. The site will need to pass a full commercial review including: Small-scale Development Standards, Landscaping, Lighting, and Off-street parking before issuance of a building permit.

#### **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: <b>11/26/2024</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>11/26/2025</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 C. Aerial Map

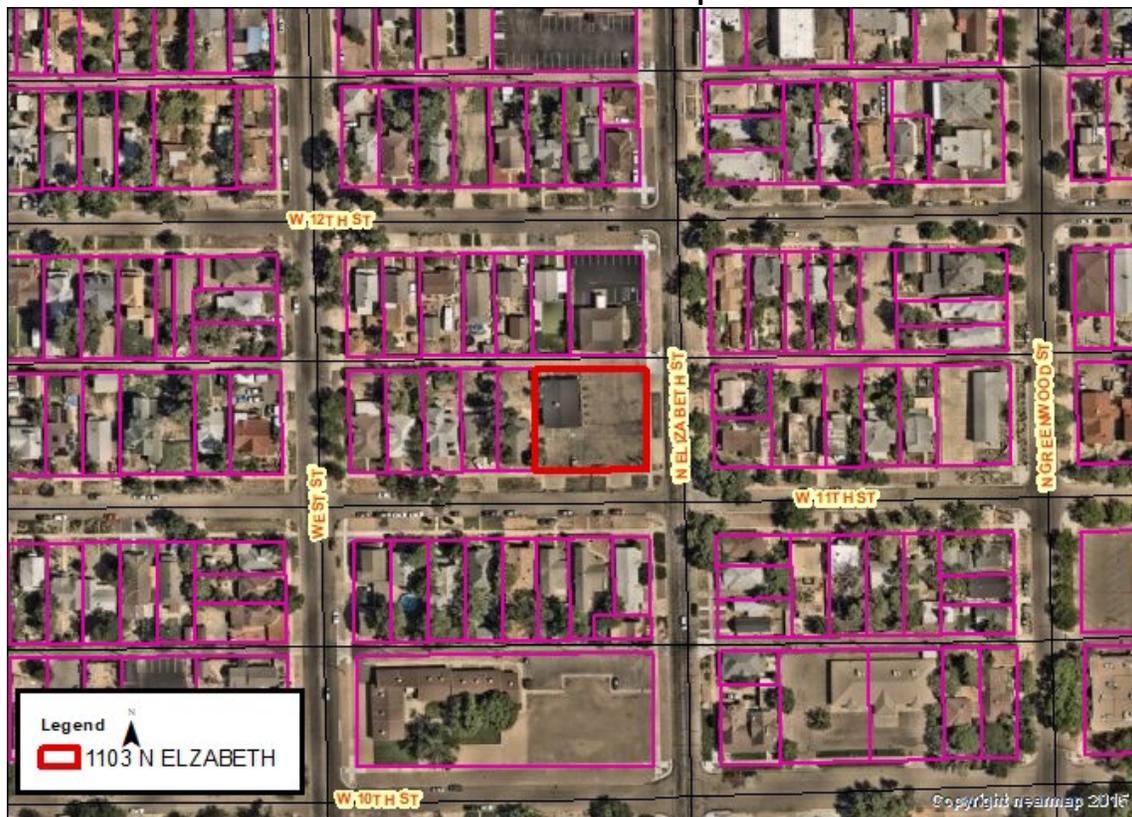
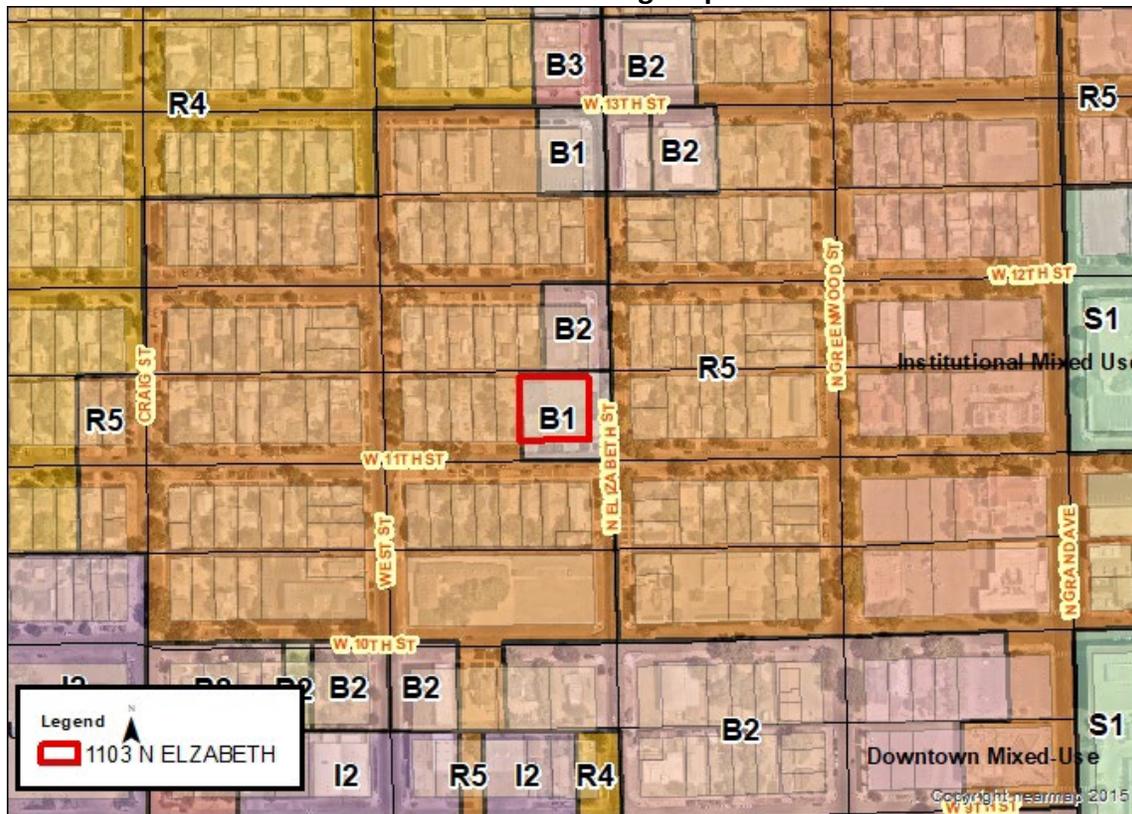
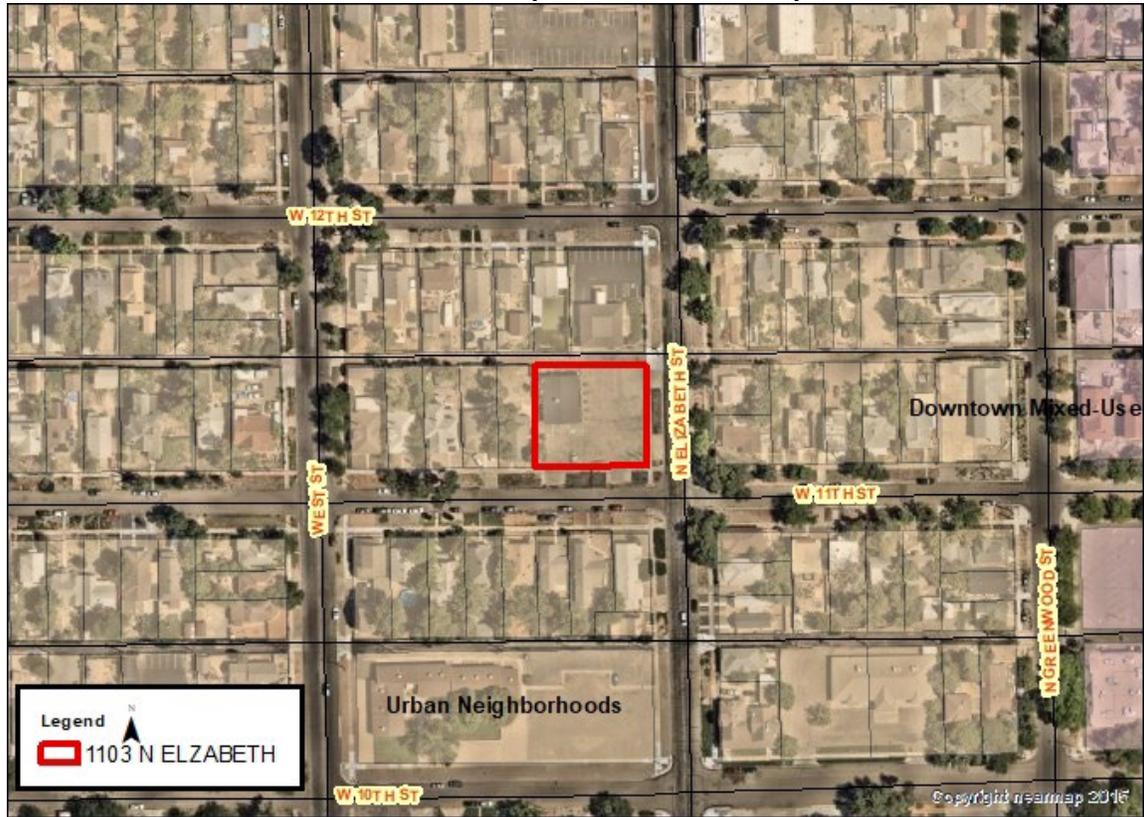


Exhibit D. Zoning Map



**Exhibit E. Comprehensive Plan Map**



**Exhibit F. Public Notice**



**Exhibit G. Site Photos**



# H. Application

**24-199**  
Zoning Board of Appeals  
- Special Use Permit &  
Variances  
Status: Active  
Submitted On: 10/25/2024

**Primary Location**  
1103 N ELIZABETH ST  
PUEBLO, CO 81003  
**Owner**  
Golden Gate Manor Inc  
612 S Union Ave Pueblo, CO  
81003

**Applicant**  
 Ken Harriman  
 719-248-0446  
 pueblacitycab@gmail.com  
 612 S Union Ave  
Pueblo, Colorado 81004

## Internal

 **ZBA Case Number**  **Planner Assigned**  
-

 **Address Validation by GIS?**

## ZBA

 **Hearing Date**  **Hearing Results**  
- -

 **Board Conditions**

 **Appeal Term End Date**  **Permit Completion Date**  
- -

 **Specially Requested Hearing**

H. Supporting documentation.

**IMPROVEMENT LOCATION CERTIFICATE**

**Legal Description:** Lot 14, 15, 16 Block 43 County Add. Pueblo Colo.

125'

19.8'

33.8'

44.6'

1103 N. Elizabeth St.

36.5'

52.8'

53'

53'

26'

132'

132'

125'

1103 N. Elizabeth St.

S

N

E

W

This is to certify that this Improvement Location Certificate was prepared for the Mortgage lender ★ THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. I further certify that the improvements on the above described parcel on this date, 2/14/15, except utility connections, are entirely within the boundaries of the parcel except as shown. That there are no encroachments upon the described premises by improvements on adjoining premises, except as indicated, and there are no APPARENT evidence or sign of any easement crossing or burdening any part of said parcel except as noted.

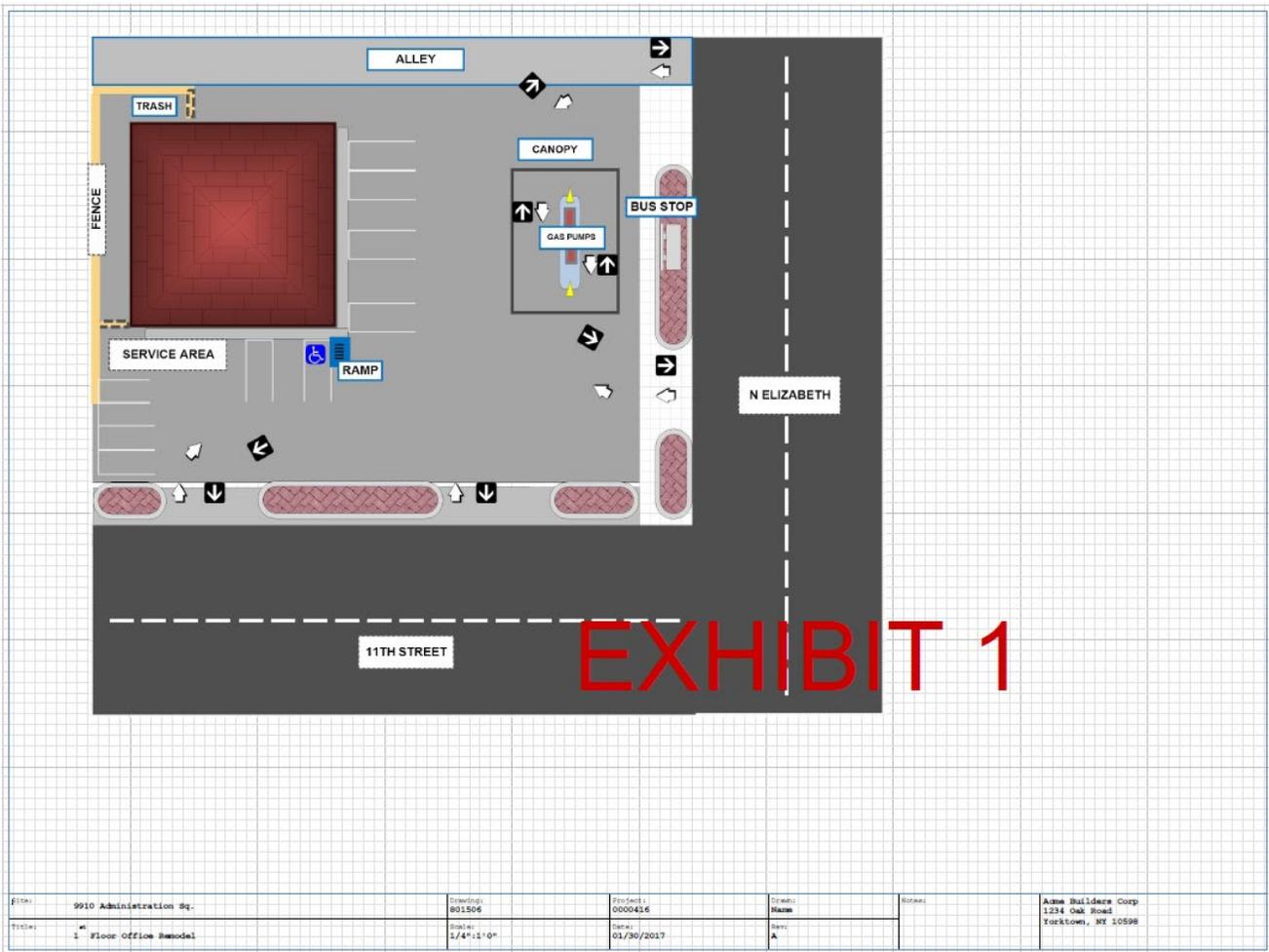
★ BR Real Estate  
Title Co: Land Title  
Borrower: BR Real Estate  
DATE: 2/14/15  
SCALE: 1" = 20'

2/12/15

COLORADO REGISTERED  
Gary C. Amella  
12697  
PROFESSIONAL LAND SURVEYOR

JOB1502ga12068

**AMELLA**  
**SURVEYING**  
501 N. Main St. LL103  
Pueblo, Colorado  
719-543-1974



**EXHIBIT 2 A PARKING**



# EXHIBIT 3



## Conoco Fusion LED Light Bar Signature Image **Installation Guide**

Please review site plans before proceeding. Contact LSI Customer Service at 1-800-231-0129 for installation support.

Read through all of the instructions prior to beginning installation, and verify (using the packing list) that all parts have been received and are in good condition.

The location of the disconnect switch after installation shall comply with Article 600 (A)(1) of the National Electrical Code.

This product is intended to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Customer Service  
Phone No. : 1-800-231-0129

Thomas Thompson, Field Service  
Phone No. : 713-744-4135  
Email: [Thomas.Thompson@lsicorp.com](mailto:Thomas.Thompson@lsicorp.com)

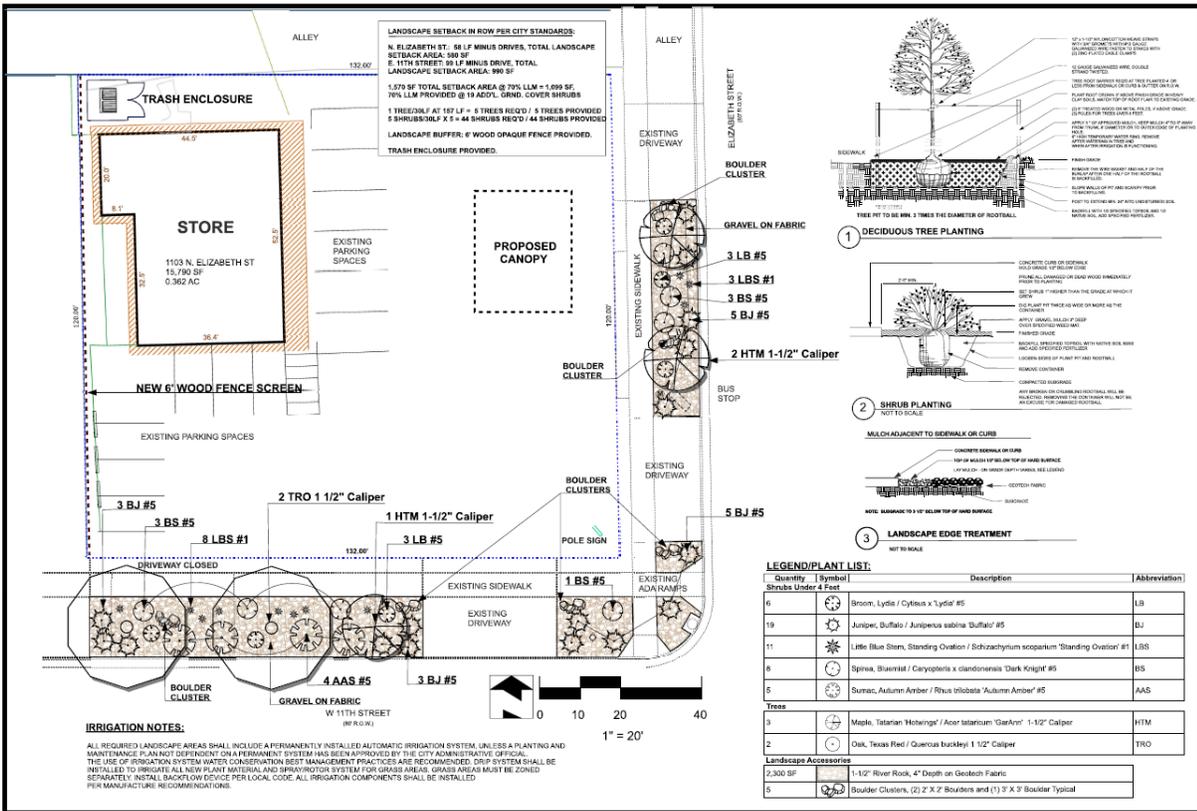
LSI part number of this installation guide is 661922.

INSTRUCTIONS: 5100490 - FUSION LED LIGHT BAR

Sheet 1 of 15

REV 9/8/2021





**COMPANY:**  
**ZWICK DESIGN**  
 1103 N. ELIZABETH STREET  
 PUEBLO, CO 81003

**PROJECT:**  
 GOULDER GATE CONDO CAS & GOODS  
 1103 North Elizabeth Street  
 Pueblo, CO 81003

**SHEET DESCRIPTION:**  
 LANDSCAPE PLAN  
 ZBN-24-84 SLP

**DATE:**  
 11/08/2024

**JOB NUMBER:**  
 2024-11

**DRAWN BY:**  
 WJZ

**CHECKED BY:**  
 WJZ

**SCALE:**  
 1" = 20'

**SHEET:**  
 LB-01