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Chair

Steve Anselmo
Vice Chair



Lisa Bailey
Secretary

Yvonne Lujan-Slak

Georgia Way

ZBA-25-01

Hearing Date: 1/28/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Mikaylin Hackley
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 2113 S Prairie Ave
APPLICANT: Bryan Antle
PROPERTY OWNER: James Bowen
YEAR BUILT: 1951
LEGAL DESCRIPTION: S 135.38 FT OF E 321.7 FT OF N 1/2 NE 1/4 SE 1/4 SE 1/4 LESS E 125 FT OF N 50 FT 10-21-65 0.86A
ZONE DISTRICT: Central Business (B-4) Zone District
PARCEL ID: 1510400004
LOT SIZE: 36610

REQUEST:	Special Exception Modification to allow a Contractor's Yard in a Central Business (B-4) Zone District
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BACKGROUND AND ANALYSIS

The applicant is requesting a Special Exception modification in order to modify the use of the subject property from one legal non-conforming use, a tow yard, to another, a contractor's yard.

The most recent use at this property was a tow yard, which was allowed as a legal non-conforming use. The business license granting to the towing business in 2010 included a note from staff validating the legal non-conforming use status as the property was annexed into the city in 1979 with the tow yard use already established. Now, the applicant wishes to redevelop this property as a contractor's yard, but that is not an allowable use within current B-4 Zone District Standards. However, the Zoning Board of Appeals has the authority to allow a property to transition from one non-conforming use to another non-conforming use should they deem it appropriate to do so, as stated in Sec. 17-3-5 (3) of the Pueblo Municipal Code,

"If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accordance with the provisions of this Title."

To find the new non-conforming use appropriate, the Board must find that the proposed use is of equal or less intensity than the previous non-conforming use. The applicant attests that the contractor's yard for equipment storage will have no more impact on the neighborhood than the long-existing tow yard use did. As addressed in the findings of fact, staff supports this assessment that allowing for this Special Exception Modification will not negatively impact the neighborhood.

ZONE DISTRICT AND LAND USE

Zone:		Developed with:
North	Central Business (B-4) Zone District	National American Car Wash
East	Highway and Arterial Business (B-3) Zone District	Undeveloped
South	Single-Family Residential (R-2) Zone District	Undeveloped
West	Highway and Arterial Business (B-3) Zone District	Vehicle storage

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 property takes access off of an existing curb cut on Prairie Ave, and the proposed contractor’s yard use will generate less frequent traffic than the previous tow yard use.

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. No new parking will be required by this change of use so it will not be more intense.

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

Comments: Affirmative finding. The change in use will not require any changes to trash service; the applicant attests that the site’s commercial dumpster is stored out of sight behind a fence.

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

Comments: Affirmative finding. All needed utilities are established on the site and the change of use will not require any change in utility consumption.

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

Comments: Neutral finding. The property is surrounded on all sides by a chain link fence with slats. Landscaping code dictates that this fence type is not allowed for screening fences between commercial and

residential uses; however, the R-2 lots directly to the south are very established and no additional screening has ever been required for this property when it had the similar tow yard use.

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 change any lighting on the property to accommodate this new use. There is an existing freestanding sign on the eastern edge of the property and the applicant does not intend to install any new signage.

7. Required yards and other open space.

Comments: Affirmative finding. There are no required yards or open space for the proposed use.

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

Comments: Neutral finding. The subject neighborhood is in a transitional state with a mixture of residential and commercial uses all in immediate vicinity to each other. Several commercial properties in the area are repurposed single-family house structures. The current Future Land Use Comprehensive Plan designates this block of Prairie Avenue for Commercial Mixed-Use, and the proposed redevelopment of the subject property consists of one non-conforming use to another.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 only.

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

Standard Permit Conditions Date of Issuance of Permit: 1/28/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/28/2026
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 C. Zoning Map

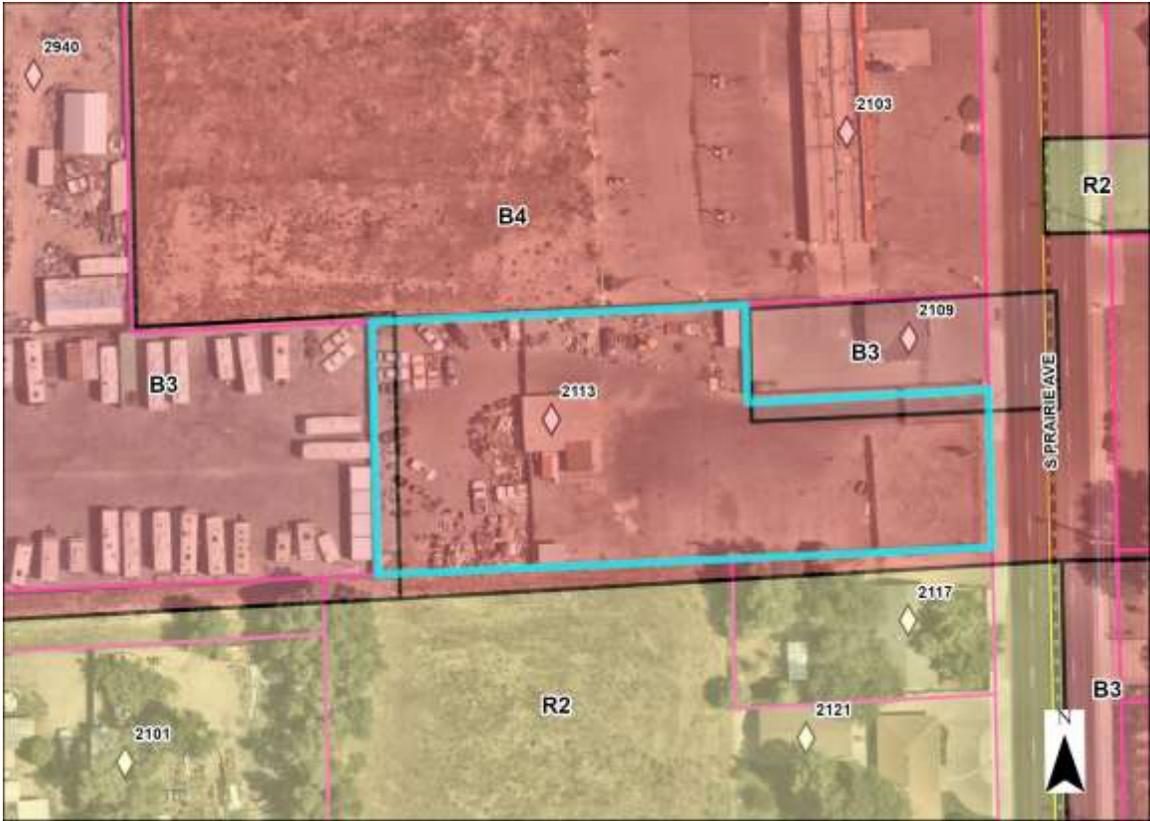


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibit G. Application



November 15, 2024

24-215
Zoning Board of Appeals
- Special Use Permit &
Variances
Status: Active
Submitted On: 11/15/2024

Primary Location
2113 S PRAIRIE AVE
PUEBLO, CO 81005
Owner
BOWEN JAMES J / BOWEN
AUDRA J
2010 MOORE AVE PUEBLO , CO
81005-2426

Applicant
Bryan Antle
719-289-8382
antle@t1roof.com
24799 South Rd
Pueblo, CO 81006

Exhibit H. Supporting Documents





CITY OF PUEBLO
FINANCE DEPARTMENT/SALES TAX DIVISION
P.O. BOX 1427, PUEBLO, CO 81002
#1 CITY HALL PLACE, PUEBLO, CO 81003
PHONE (719) 553-2659 FAX (719) 553-2657
WWW.PUEBLO.US

Office Use Only
Account Number

N U A C N C O C

SALES AND USE (\$50.00)

USE TAX (\$50.00)

EXEMPT (No Fee)
(Charitable, Religious, Governmental Only)

OTHER LICENSES REQUIRED

MAKE CHECK OR MONEY ORDER PAYABLE TO THE "CITY OF PUEBLO"
(A SEPARATE APPLICATION IS REQUIRED FOR EACH LOCATION)

IMPORTANT: PLEASE ANSWER ALL QUESTIONS COMPLETELY - FAILURE TO DO SO MAY DELAY THE
ISSUANCE OF YOUR LICENSE

1. Business Name M and M Towing Business Phone 719-561-5600
Fax Number

If Corporation, please list corporate name:

2. Business Address 2113 S. Prairie Ave Pueblo CO 81005
Street City State Zip Code

3. Contact Person James Bowen 719-561-9061
Name Phone Number

4. E-mail Address

5. Where do you want tax returns mailed?
Name Address City & State Zip

6. Type of Ownership Sole Proprietor* Partnership Corporation* LLC*

Required for licensing: Verification of Lawful Presence in the US (Sole Proprietor only), Proof of Corporation

LLC, or Partnership to include Certificate of Inc., Articles of Inc. and/or By-Laws and all other documentation.

Name of all principal owners or officers:

Name Home Address City, State & Zip Date of Birth Home Phone Title

A.

B.

C.

D.

If corporation outside the State of Colorado, list registered agent in Colorado, address and phone number:

7. Name of business bank

8. Signature of business

- 9. List other City of Pueblo licenses held _____
- 10. Landlord of business address _____

Name	Address	Phone Number
- 11. Accountant or Bookkeeper _____

Name	Address	Phone Number
- 12. Location of Records: Mailing Address Business Address
 Other (please specify) _____
- 13. Date business began in Pueblo _____ Date of Change (i.e. address, name) _____
- 14. If business purchased, please list date of purchase and former owner _____
- 15. Did you purchase any business furniture, equipment or supplies from previous owner, from other individuals or vendors located outside the City of Pueblo, which you did not pay City of Pueblo sales tax? _____
 - A. If yes, use tax is due to the City of Pueblo within ten (10) days. Use Tax Return given _____
 - B. If leasing, the equipment use tax is due on the monthly tax.

I hereby certify that the statements made herein are true and correct to the best of my knowledge and that I have read and understand the City of Pueblo ordinances pertaining to the operation of my business.

I agree this business will not be involved in medical marijuana consumption, dispensary, cultivation, or other associated use.

X _____ Signature

Title & Date

SIGNATURES MUST BE OBTAINED FROM THE FOLLOWING DEPARTMENTS BEFORE ISSUANCE OF A LICENSE:
(If business is located outside the city limits of Pueblo, signatures not required.)

PLANNING & COMMUNITY DEVELOPMENT
211 E "D" STREET
PUEBLO, CO 81093
* verified by Paul Willmstead 3-30-10
MONDAY & FRIDAY (8:00-12:00)
OR WEDNESDAY (1:00-5:00)

B4 1510400004
Zone
* Annexed R-19-79 as Cramer's Auto Body services (1972 Public) legal use when Annexed

Signature
3-30-10
Date

*(You must take this form to the Planning & Community Development at the address listed above for a signature)

FIRE DEPARTMENT*
1551 BONFORTE BLVD
PUEBLO, CO 81001
(719) 553-2830

Signature

Date

Letter of Request for Special Use Permit
2113 S. Prairie Ave Pueblo, Co 81004

Date - 11/11/2024

Property Owner - Jim Bowen/ Audra Bowen - 2010 Moore Ave Pueblo, CO 81005
719-568-1836/ 719-482-6882

Leasee/Requestor- Bryan Antle/ Paul Carter- Tier 1 Roof Supply LLC
24799 South Rd Pueblo, CO 81006
719-289-8382/ 719-242-5859

Site Location - 2113 S. Prairie Ave Pueblo, CO 81005
Zone B-4 Commercial

Reason for special use permit - Vehicle Fleet equipment storage/ Contractor yard equipment
Equal or less property utilization than original zoning as Tow
Yard facility.

Existing Facilities - Office structure, Garage structure, and exterior fenced space.
No new proposed structures.

Leasee representative - Bryan Antle



Leasee representative - Paul Carter

