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Chair

Steve Anselmo  
Vice Chair



Lisa Bailey  
Secretary

Yvonne Lujan-Slak

Georgia Way

## ZBA-25-15

Hearing Date: 2/25/2025

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Wade Broadhead
<b>THROUGH:</b>	Scott Hobson, Land Use Administrative Official
<b>LOCATION:</b>	604 W. 3rd St
<b>APPLICANT:</b>	Kristin Kirland
<b>PROPERTY OWNER:</b>	JJ Properties C/O J Damman
<b>YEAR BUILT:</b>	1952
<b>LEGAL DESCRIPTION:</b>	<b>Unsubdivided Land</b>
<b>ZONE DISTRICT:</b>	I-2, Industrial
<b>PARCEL ID:</b>	5361455007
<b>LOT SIZE:</b>	.9 acres
<b>REQUEST:</b>	Special Use Permit to allow a Recycling collection center in a I-2, Industrial Zone District

### BACKGROUND

The subject property is located at the intersection of 3<sup>rd</sup> Street and Elizabeth Street and previously housed Airgas. The use will occur primarily in one story, 10,368 sq ft brick building in the Downtown neighborhood. The applicant is proposing to develop a recycling collection center that will receive, repackage and ship recycled goods. Pueblo Municipal Code 17-2-2(122) defines a recycling collection center as “a center for the acceptance by donation, redemption, or purchase of recyclable materials for transshipment to a recycling center or an industrial processing facility.” According to the applicant this project will accomplish two goals: it will provide the business community with enhanced access to recycling with a free drop off center and it will serve as a hub for the Circular Transportation network which will provide free pick up for businesses and communities that struggle to recycle in rural areas. Collected materials will be repackaged (baled) and sent to other locations to be processed into other goods; no processing will take place on site. Materials handled at the site include aluminum cans, cardboard, plastics #1 and #2, film plastics paper. The site has already been accepted by the Colorado Department of Health and Environment as a recycling facility.

### STAFF ANALYSIS

The proposed business will operate three days a week: Monday, Wednesday and Friday from 9 a.m. to 3 p.m. The north eastern portion of the site, adjacent to W. 3<sup>rd</sup> Street and N. Elizabeth Street will be fully fenced by an opaque fence and the customers will access the drop off bins and warehouse through two already existing ingress/egress points on W. 3<sup>rd</sup> Street, please refer to the attached site plan. One to three customers will be allowed to unload at a time. Fifteen parking spaces (including two handicap spaces) will be provided on the far western and eastern sections of the site. During operating hours, the facility will have a full-time attendant.

The proposed location for the recycling center is situated in a historically industrial section of the city adjacent to a recently vacated manufacturing building and it is surrounded by industrial uses. The building has served as a type of transload facility for the railroad since at least the 1950s and the area to the west is utilized by the railroad for storage and shipping. The existing design of the building and its location lend itself toward a transload shipping use with four loading bays and direct access to a long open air elevated loading dock. The

only change required will be the addition of an opaque fencing around the perimeter of the site in replacement of the existing chain link fence.

**ZONE DISTRICT AND LAND USE**

Zone:		Developed with:
North	S-1, Governmental Use	Board of Water Works, warehouse and office.
East	I-2, Industrial Zone District	Office/Industrial Buildings
South	I-2, Industrial Zone District	Large industrial building, previous IndieDwell
West	I-2, Industrial Zone District	Large storage area for railroad, loading docks

**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. Access will be gained from two drive cuts on 3<sup>rd</sup> street as well as a small parking area located on Elizabeth.**

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 site has room for 15 parking spaces and two handicap spaces. A small parking lot is located near the office, along Elizabeth Street and a larger parking lot is located on the western section of the site.**

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

**Comments: Affirmative finding. Recycling containers/bins will be located within the screened area. The facility will also have traditional trash service for the office housed in a locked dumpster also in the screened in area.**

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

**Comments: Affirmative finding. The building has been operating since 1952 for industrial uses and currently has access to all utilities.**

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

**Comments: Affirmative finding. The site has an existing eight-foot chain link fence, the applicant will erect a new opaque fence and understands chain link with slats is not an approved screening type.**

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 will post signs on the north and east gates. A sign at the entrance will show the hours of operation, name of business, and contact information. Signage will also be present that shows what types of materials can be accepted at this site.**

7. Required yards and other open space.

**Comments: Affirmative finding. The proposed use is located within an existing building with no planned addition that would alter yards, setbacks, or open space.**

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

**Comments: Affirmative finding. The building has been utilized for industrial uses and transloading shipping with a rail access loading dock since 1952. The surrounding area is characterized by industrial uses with accessory offices dedicated to manufacturing, shipping, and other heavy industrial uses. The loading from 3<sup>rd</sup> street buffers the activity to the west against a large railroad property where similar activity is occurring. The four garage bay loading dock and open-air dock lend themselves to a transload shipping activity.**

#### **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**

<b>Standard Permit Conditions</b> Date of Issuance of Permit: <b>2/25/2025</b>	
1.	<b>Time Limits</b> Zoning permit shall become invalid unless work or action authorized by permit is fully executed by <b>2/25/2026</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 C. Zoning Map

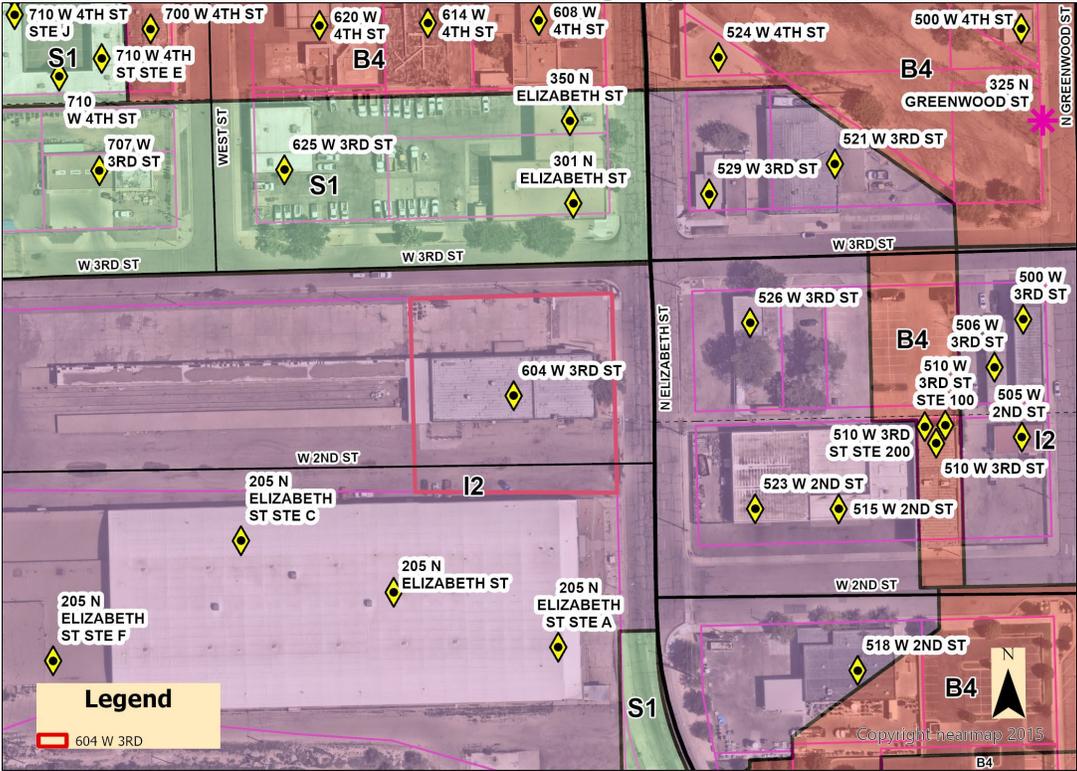


Exhibit D. Comprehensive Plan Map

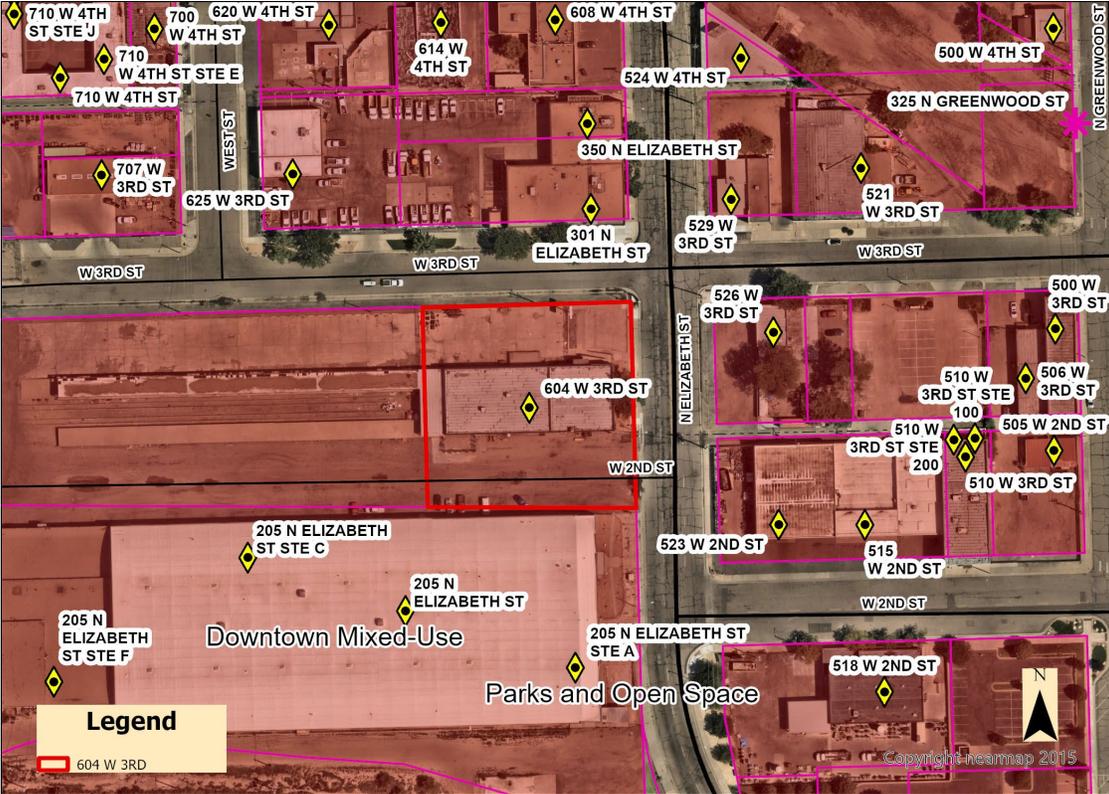


Exhibit E. Public Notice



Exhibit F. Site Photos





### Exhibit G. Application

 City of Pueblo PLACE

January 31, 2025

**25-24**  
**Zoning Board of Appeals - Special Use Permit & Variances**  
Status: Active  
Submitted On: 1/31/2025

**Primary Location**  
604 W 3RD ST  
PUEBLO, CO 81003  
**Owner**  
J J PROPERTIES C/O J DAMMANN ,  
C/O J DAMMANN 109  
FORDHAM CIR PUEBLO , CO  
81005-1647

**Applicant**  
 Kristin Kirkland  
 719-310-2567  
 kristin@frontrangetransload.com  
 604 W 3rd St  
Pueblo, CO 81003

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### Internal

 **ZBA Case Number**  
ZBA-25-15

 **Planner Assigned**  
-

 **Address Validation by GIS?**

### ZBA

 **Hearing Date**  
02/25/2025

 **Hearing Results**  
-

 **Board Conditions**

 **Appeal Term End Date**  
-

 **Permit Completion Date**  
-

## Front Range Transload Special Use Permit Application

**Type of Request:** Use by Review

**Type of Use by Review:** Special Use Permit

**Provide a short description of the proposed request:**

This request is to locate a recycling collection center on the property located at 604 W. 3rd Street in Pueblo.

**What is the general use of the property?** Industrial. This property is currently used by Front Range Transload as a hub for their transload operation. It houses offices, a warehouse, loading docks and a storage yard for materials that are received and shipped via truck and rail.

**Detailed explanation of the request listed above:**

Front Range Transload seeks to operate a recycling collection center at their facility located at 604 w. 3rd Street in Pueblo. Front Range Transload is an existing business that is a full service transload facility. Partnering with BNSF, the facility currently receives and ships building materials by truck and rail.

Thanks to grant funding from the Colorado Department of Public Health and Environment's [Colorado Circular Communities Enterprise Fund \(C3\)](#) and assistance from the [Circular Economy Development Center](#), Front Range Transload would like to host a recycling center on its premises. The new facility will serve two functions: it will provide the business community with enhanced access to recycling by providing a free drop-off for the following materials: aluminum cans, cardboard, plastics #1 and #2, film plastics, office and mixed paper and tin/steel cans.

Additionally, the facility will serve as a hub for a new program called the Circular Transportation Network. This program will provide free recycling pick up for businesses and communities that struggle to recycle in rural and mountainous areas of Colorado due to lack of transportation and prohibitive hauling costs. The program utilizes trucks that are hauling loads from the Front Range Transload Facility to areas all over the state. Instead of returning empty, the trucks will backhaul source-separated recyclable materials to the Front Range Transload facility where they will be aggregated, baled and shipped to end markets. This program fills an important need in Colorado's recycling ecosystem.

The Business Recycling Drop-off will be open to the public three days a week, Monday, Wednesday and Friday from 9am - 3pm. It will be located in a fully fenced area on the North side of the property with access to the building's warehouse via a loading dock. The recycling drop-off will be staffed and users will be asked to register online in advance where they must agree to comply with the terms of use and acceptable materials. All materials will be source-separated; this facility will not have equipment to sort materials. It will simply function as an aggregation point where materials will be collected, baled and stored until they are ready to ship by rail or truck to end markets. The facility has already been accepted by CDPHE as a

recycling facility and requests permission from the City of Pueblo to add recycling collection as a special use.

**Justification for the request. Be specific.**

This site seeks to provide Pueblo's business community with a free recycling drop-off. No other facility in Pueblo County serves this need and it provides an opportunity for businesses in and around Pueblo to recycle that would not be able to do so otherwise. It also provides a hub for a state-wide effort to help communities and businesses in rural and mountainous parts of the state to recycle that don't currently have access to recycling. Materials collected through this program will be sent to reliable end markets within Colorado where possible, and beyond where they will be processed and remanufactured into new products. This will serve to keep materials circulating in the economy at their highest and best value.

**Are there any concurrent zoning requests? No.**

**Describe the ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.**

**Drop-off Ingress:** Traffic for the recycling drop-off will enter a parking lot on the North side of the property from 3rd Street and on axis with West Street. Traffic will proceed through a long circulation/queue zone and will enter the fenced drop-off area from the West. Upon entering the drop-off area, vehicles will park in the designated loading zone and offload material into 40"W x 48"L x 46"H bins dedicated to specific materials.

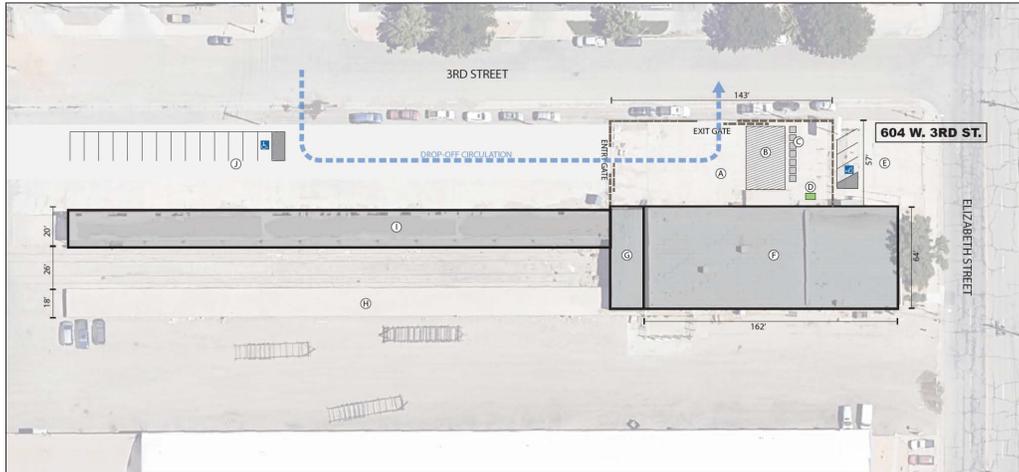
**Drop-off Traffic Flow:** It is anticipated that approximately 1-3 vehicles will be able to offload in the gated drop-off area at a time. Up to 6 additional vehicles have space to queue in the circulation zone located just west of the fenced drop off area. Should any additional vehicles need to wait their turn to drop off materials, they can park and wait in the parking lot to the west of the car line zone.

**Drop-off Egress:** Traffic exiting the site will leave through a second gate at the North end of the property and turn directly onto 3rd Street. 3rd Street is not a through street and currently has very little traffic. Because the recycling drop-off can only accommodate up to three vehicles at a time, traffic exiting the site should be spaced out and should not notably impact traffic.

**Drop-off Pedestrian Safety:** Due to the nature of the facility, pedestrian activity will be limited to patrons unloading vehicles within a dedicated unloading zone and staff checking patrons in. There will be little to no foot traffic through the site.

**Greater Transload Site Traffic Flow:** The existing facility has been used as a transload site accommodating fleets of trucks for years. Accordingly, there is an extensive history of the traffic patterns on the site and in the neighboring area. As part of the BNSF engineering process, a

truck movement plan was prepared that is specific to the site. The material collected through the Circular Transportation Network will not increase traffic because it utilizes the same trucks on their existing return routes. Therefore, no additional semi-truck traffic will be generated as a result.



**Fire Safety:** In the event of fire, the two operable gates provide egress from the site. Access to the gates will not be blocked and will be kept open during business hours. Emergency vehicles can access the building through these gates from the north, and additionally have access to the east and south. To the west of the building, two long loading docks extend approximately 350 feet and can be accessed by fire truck from the north and south sides.

**Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.**

**Off-street Parking:** Off street parking will be provided in a parking lot located to the west of the recycling drop off and circulation zone. An additional parking lot serving the office building is located on the northeast corner of the property. Though it is not anticipated that patrons will need to park on the premises beyond the loading area, they will have access to 13 spaces in the western parking lot. This lot is located on BNSF property that is also leased by Front Range Transload.

**Drop-off Loading Areas:** The material unloading area will be located within the gated recycling drop-off area. Depending on the size, approximately 1-3 vehicles will be allowed to pull into the recycling drop-off area at a time to offload materials. A full-time attendant will assure that the businesses have registered with Front Range Transload in advance and will monitor the

materials being unloaded to assure that they are acceptable. Customers will have access to 40"W x 48"L x 46"H bins for each material that they wish to drop off. The bins are easily transported by forklift. Once full, the bins will be swapped for an empty bin. Bins will sit outside, weather permitting, until full or until the end of operating hours. Full bins will be stored in the warehouse until enough material is collected to form a bale. At that point, the material will be baled. Bales will be stored in the warehouse until they are shipped to an end market.

The recycling drop off area is fully fenced and loose materials will be brought into the warehouse facility at regular intervals throughout the day. At the end of business hours, no loose materials will be left outside overnight. Any materials blown by the wind should be stopped by the perimeter opaque fencing. Full time staff will be on the premises during business hours to monitor and clean up any blowing debris as well. On very windy days, the drop off may be shut down to prevent blowing debris, similar to Recycle Works.

**Noise:** Noise of note at the FRT site should be limited to the baler, which will be operational for only a portion of working hours and located within the warehouse building. During times when the baler is in operation, FRT will comply with the City of Pueblo's noise ordinance, operating between the allowed hours of 7am-7pm and staying below the 80 dba allowable limit.

**Odor:** It is anticipated that there may be some odor at the FRT facility. Due to the industrial nature of where these operations are being conducted, odor should not affect the surrounding community beyond the property lines in compliance with the City of Pueblo's odor requirements.

The area is heavily industrial (zoned I-2) and otherwise well suited for the intended use. For this reason, no nuisance or other trash distribution issues should arise from this additional operation and the site will be maintained in a clean, neat and orderly manner.

**Describe refuse and service areas, with particular reference to the items in the two questions above.**

The site is designed with refuse collection and control in mind. Though most materials will be collected, baled and shipped to end markets, there will be some residual trash generated by the business that will need to be collected by a hauler. Trash dumpsters are currently located on the adjacent BNSF property to the west of the proposed drop off site. Another 8-yard locking dumpster will be tucked into the SE corner of the drop site, adjacent to the building and away from public access or pedestrian activity. The dumpster will be for use by employees only and accessible by trash truck. It is expected that patrons of the site will haul their own trash from the site.

**Describe screening and buffering with reference to type, dimensions and character.**

An existing 8 foot chain link fence wraps the perimeter of the commercial drop-off site. To comply with Section 17-4-49 (d) of the Pueblo Code, a new opaque fence will be constructed in compliance with 17-4-49 (e) (4)f. The gate will be closed and locked during non-operating hours to prevent unauthorized access to the facility.

**Describe signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district**

**Signage:** Operating hours will be posted on signs on the gates on the North and East sides of the property where they will be visible from 3rd St and Elizabeth Street. A sign at the location entrance will show the name of the facility, the operating hours and contact information. Wayfinding signs will clearly mark the entrance and exit points to clarify traffic circulation through the site. Signage, the company's website and printed materials will describe the types of materials that are accepted and not accepted. Signage will comply with local requirements to assure that it is compatible with other properties in the district.

**Lighting:** The public recycling drop-off will be open from 9am - 3pm, therefore no additional outdoor lighting will be required.

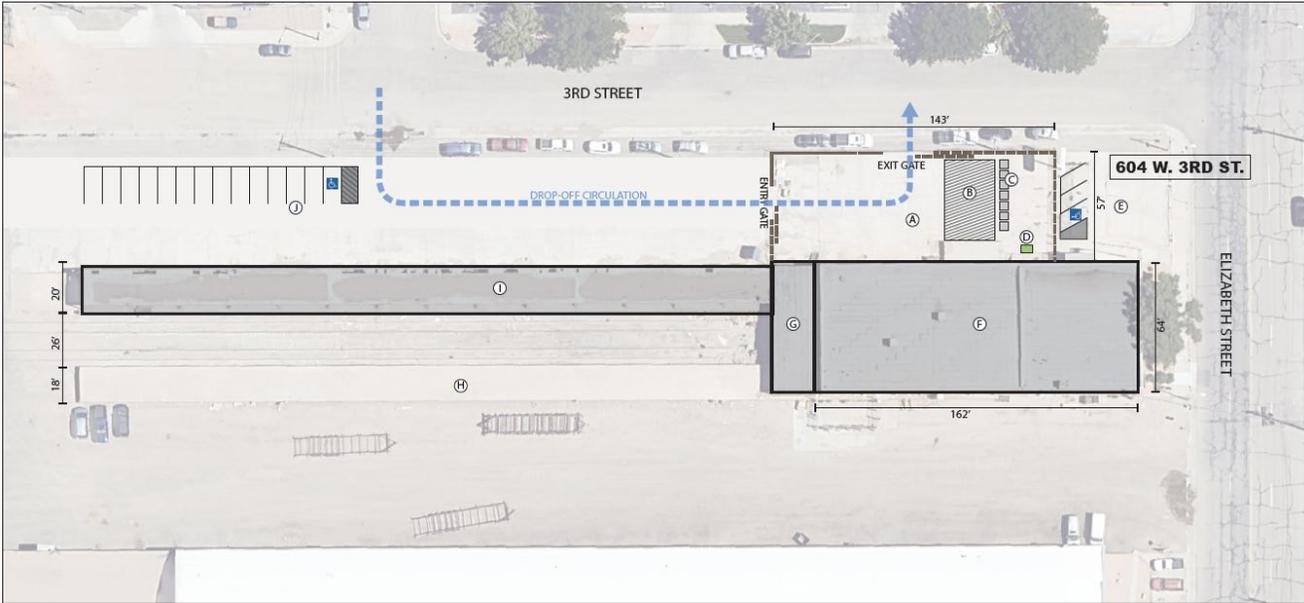
**Describe how you will comply with the required yards and other open space.**

This is an existing facility and no new permanent structures will be erected on the site. The proposed use should not change the setback or open space requirements.

**Describe the general compatibility with adjacent properties and other property in the district.**

Other properties in this area are also zoned I-2 and are industrial in nature. 3rd Street is not a through street and has light traffic. The Board of Water Works is located across 3rd Street with vehicular access available from both 3rd and West Streets; public pedestrian access is located on Elizabeth Street. The only other property in the block along 3rd street is the Board of Water Works warehouse and storage yard. It is located further west and should not be impacted by the drop off.

Site Plan



- (A) Gated drop-off area (existing)
- (B) Unloading area (proposed)
- (C) Drop-off bins: 40"W x 48"L x 46"H
- (D) 8-yard dumpster-locked, for internal use
- (E) Office parking (existing)
- (F) Office and warehouse building (existing)
- (G) Covered dock-height storage (existing)
- (H) Covered dock-height platform (existing)
- (I) Uncovered dock-height platform (existing)
- (J) Parking



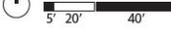
----- DROP-OFF TRAFFIC CIRCULATION

----- OPAQUE FENCE (PROPOSED)

----- CHAIN LINK FENCE WITH PRIVACY SCREEN (PROPOSED)

PROPOSED SITE PLAN

Scale: 1" = 40'



FRONT RANGE TRANSLOAD LLC

