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Georgia Way

## ZBA-25-09

Hearing Date: 2/25/2025

<b>TO:</b>	City of Pueblo Zoning Board of Appeals
<b>FROM:</b>	Hannah Prinzi, Planner
<b>THROUGH:</b>	Scott Hobson, Land Use Administrative Official
<b>LOCATION:</b>	430 Colorado Ave
<b>APPLICANT:</b>	Amanda Wilson
<b>PROPERTY OWNER:</b>	Amanda Wilson
<b>YEAR BUILT:</b>	1970
<b>LEGAL DESCRIPTION:</b>	NWLY 95 FT of Lots 14 to 16 Block 123 South Pueblo
<b>ZONE DISTRICT:</b>	Multiple-Residential and Office District (R-5)
<b>PARCEL ID:</b>	1501222008
<b>LOT SIZE:</b>	0.16 Acres
<b>REQUEST:</b>	Special Use Permit to allow a veterinary clinic in a Subregional Business (B-2) Zone District.

### BACKGROUND

The applicant is requesting a Special Use Permit to allow a veterinary clinic at 430 Colorado Ave. The subject property is a 0.16-acre lot currently zoned Multiple-Residential and Office (R-5) Zone District, generally located north of Pueblo Central High School. The property was used as a dental office as recent as December 2022, which is a use by-right in an R-5 Zone District. Pueblo County Assessor’s data shows the applicant purchased the subject property in April 2023. In December 2024, the applicant applied for a business license for a veterinary clinic at this property called Loving Animals Veterinary Care. They were notified that a veterinary clinic is not permitted in an R-5 Zone District. Thus, they are also requesting to rezone from Multiple- Residential and Office (R-5) Zone District to Subregional Business (B-2) Zone District, where a veterinary clinic is a use by-review. The Planning & Zoning Commission will hear the rezoning request on March 12<sup>th</sup>.

### STAFF ANALYSIS

The subject property is in an area that supports a mix of commercial and residential uses near each other. As an example, a massage studio, foster care organization, high school, insurance agency, single-family homes, and multi-family homes are all in the vicinity of the subject property. The 2022 Regional Comprehensive plan designates this property as Urban Residential, which further supports a blend of commercial and residential uses in the area. A veterinary clinic would be compatible with the surrounding neighborhood.

The veterinary clinic operates from 8:00am to 3:00pm Monday through Friday. It is closed Saturday and Sunday and does not provide overnight boarding of animals or after-hours emergency services. Furthermore, most services are offered at the client’s home. Only surgeries are done at the clinic and include spaying and neutering, dental cleaning and oral surgery, tumor removal, laceration repair, and other urgent surgeries. The rest of the services – including but not limited to wellness exams, end of life visits, and vaccinations – are done at the client’s home. When the animals do visit the clinic, they are boarded inside and taken outside to use the restroom. Noise from the clinic may be audible outside the building due to barking.

The property has a curb cut off E Grant Ave, providing automotive access to the parking lot behind the clinic. This parking lot provides 6 off-street parking spaces, which satisfies the amount of off-street parking spaces required per Code (Section 17-4-43, (b) (2)). There are additional 2-hour, on-street parking spaces on both Colorado Ave and E Grant Ave in front of the building. There is pedestrian access into the building off Colorado Ave and E Grant Ave, with the former providing an ADA accessible ramp. The curb cut off E Grant Ave also provides access to the business’s refuse and service areas. The building is already connected to utilities, and the applicant does not intend to install new lighting or signs. Finally, the building meets minimum setback requirements for both an R-5 and B-2 Zone District. These findings of fact indicate that the subject property is equipped to appropriately accommodate the change of use at the subject property. However, the special use permit can only be issued if the rezoning request is also granted.

**ZONE DISTRICT AND LAND USE**

Zone:		Developed with:
North	Multiple-Residential and Office (R-1) Zone District	Massage Studio
East	Multiple-Residential and Office (R-1) Zone District	Single-Family Homes, Multi-Family Homes, and Foster Care Organization
South	Multiple-Residential and Office (R-1) Zone District	Single-Family Homes, Multi-Family Homes, and Pueblo Central High School
West	Multiple-Residential and Office (R-1) Zone District	Insurance Agency

**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 has a curb cut off E Grant Ave, providing automotive access to the parking lot behind the clinic. The building has pedestrian access off Colorado Ave and E Grant Ave, with the former providing an ADA accessible ramp.**

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.** Per Section 17-4-43, (b), (2), the vet clinic needs to provide 6 off-street parking spaces. The property does provide the required spaces in the parking lot behind the building. Additionally, there is also 2-hour, on-street parking available in front of the property on Colorado Ave and E Grant Ave. Most services are performed at the client's home – not the clinic. When the animals do visit the clinic, they are boarded inside and taken outside to use the restroom. Noise from the clinic may be audible outside the building due to barking.

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

**Comments: Affirmative finding.** The refuse and service areas are accessible via the curb cut off E Grant Ave.

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

**Comments: Affirmative finding.** Utilities already run to the building.

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

**Comments: Neutral finding.** An opaque fence separates the proposed vet clinic and the house to the northeast. However, there is no screening between the proposed clinic's parking lot and the duplex adjacent to the southeast property line.

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 not be adding any new exterior signs or lighting.

7. Required yards and other open space.

**Comments: Affirmative finding.** The property meets all setback requirements.

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

**Comments: Affirmative finding.** This neighborhood supports a mix of commercial and residential uses.

#### **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 and the following staff conditions.

1. The variance request is contingent upon the approval of the B-2, Subregional Zone District, rezone request.
2. The vet clinic will not board animals overnight.

#### **ATTACHMENTS**

- A. Standard Permit Conditions
- B. Aerial Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Public Notice Photo
- F. Site Photos
- G. Application
- H. Site Plan

**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

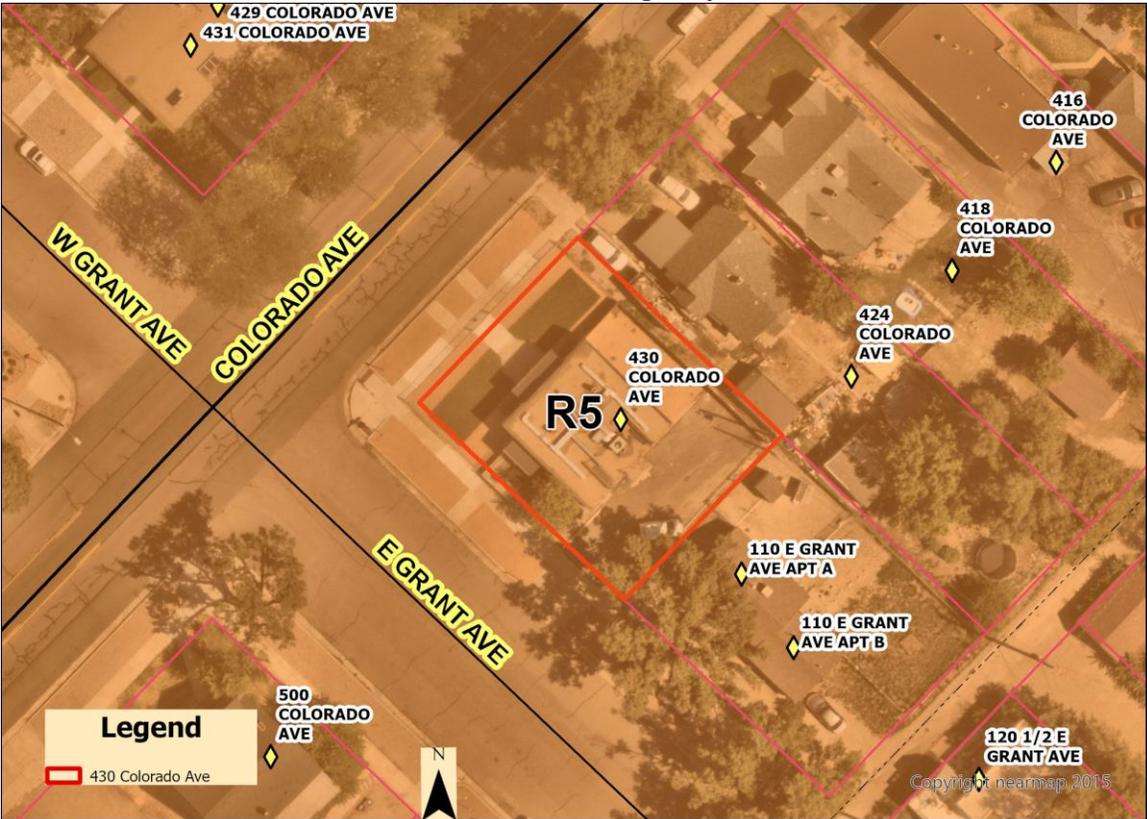


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



**Exhibit F. Site Photos**  
Parking





Exhibit G. Application

 City of Pueblo PLACE

January 7, 2025

**25-9**  
Zoning Board of  
Appeals - Special Use  
Permit & Variances  
Status: Active  
Submitted On: 1/7/2025

**Primary Location**  
430 COLORADO AVE  
PUEBLO, CO 81004

**Owner**  
WILSON AMANDA K  
PO BOX 8581 PUEBLO , CO  
81008-8581

**Applicant**  
 Amanda Wilson  
 505-860-8427  
 lovinganimalsvetcare@gmail.com  
 430 colorado ave  
pueblo, Colorado 81004

Exhibit H. Site Plan



SUP Site Plan for 430 Colorado Ave., NWLY 95 Ft of Lots 14 to 16 BLK 123 South Pueblo