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Zoning Board of Appeals

ZBA-25-29

Hearing Date: 8/26/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Hannah Prinzi, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 2904 Graneros Ln
APPLICANT: Gayla Sykes, Transitional Counseling Service LLC-PC
PROPERTY OWNER: Chad Cunningham, H M B Real Estate Holdings LLC
YEAR BUILT: 1998
LEGAL DESCRIPTION: Lot 6 Block 3, Graneros Industrial Park
ZONE DISTRICT: Industrial (I-2) Zone District
PARCEL ID: 1515430006
LOT SIZE: 0.28 acres

REQUEST: Special Use Permit to allow a general service land use in an Industrial (I-2) Zone District

BACKGROUND

The applicant is requesting a Special Use Permit to allow a general service in an Industrial (I-2) Zone District at 2904 Graneros Ln. The subject property is a .28-acre lot north of Farabaugh Ln and south of Pueblo Blvd near many auto repair and body shops. It is developed with an 1,800 sq. ft office building in the front of the lot and a 2,304 sq. ft. storage building in the rear. The applicant intends to use the office building as a professional counseling office to provide mental health support to their clients. They applied for a business license at the subject property in July, which is when staff informed them that a Special Use Permit is required to issue the business license.

STAFF ANALYSIS

Counseling services is not well-represented by the allowable uses in an Industrial (I-2) Zone District. The closest match is a “general service,” which is defined as “a use that provides results of useful labor, which does not in itself produce a tangible commodity” (Section 17-2-2., (62)). The applicant indicated that counseling services are provided by two full-time and three part-time therapists. Services include individual and group therapy for “individuals needing to learn healthy coping strategies as they move forward in a prosocial and proactive direction.” They plan on hosting small group sessions on Mondays, Tuesdays, and Wednesdays. Individual sessions are scheduled on an as-needed basis, and walk-in appointments are not allowed. The scope of services provided by the proposed use would not generate a tangible commodity, and therefore staff determines it meets the definition of a “general service.”

The site adequately addresses 6 of the 8 Special Use Permit Conditions. Clients and staff would access the counseling office from Graneros Ln. Parking, including one accessible parking space, is located in front and to the side of the building entrance. There are seven total off-street parking spaces; however, No Parking Signs currently hang over two of the seven spaces. Seven off-street parking spaces would be required for a similar office or clinic in an 1,800 sq. ft. building (Section 17-4-43., (b), (2)). The applicant indicated that trash service is provided by the landlord, and the trash receptacle is in the northeast corner of the lot near the street. Similarly, all utilities are in place. Regarding screening, a chain link fence surrounds the property, and a gate separates the office building from the storage building in the rear portion of the lot. The applicant indicated that staff and clients would not have access to the storage building. The applicant has put up a banner on the building to advertise their business.

The surrounding property is predominantly characterized by industrial and auto-oriented land use. The proposed use is service-oriented, which is inconsistent with the nearby land uses. However, the proposed use is considerably less intense than these nearby uses as it would not constitute physically intense labor, require vehicle or equipment storage, or produce any tangible commodity.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone District:	Developed with:
North	Industrial (I-2) Zone District	Auto Repair Shop
East	Industrial (I-2) Zone District	X-Ray Equipment Supplier, Plumber, Trailer Manufacturer
South	Industrial (I-2) Zone District	Labor Union Office, Gym, Fur Tanning Service
West	Industrial (I-2) Zone District	Auto Repair Shop

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.

REVIEWING AGENCIES

City Code Enforcement	No comment
City Parks and Recreation Department	No comment
City Public Works Department	No comment
City Stormwater Department	No comment
City Transportation	No comment
City Wastewater Department	No comment
Fire Department	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building 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. Clients and staff would access the counseling office from Graneros Ln. Parking, including one accessible parking space, is located in front and to the side of the building entrance.
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: Neutral Finding. There are seven off-street parking spaces to the front and side of the building, including one accessible parking space. However, two of the spaces are currently designated as No Parking.
3. Refuse and service areas, with reference to the items above.
Comments: Affirmative finding. The applicant indicated that trash service is provided by the landlord, and the trash receptacle is in the northeast corner of the lot adjacent to the street.
4. Utilities, with reference to the location's availability and compatibility.
Comments: Affirmative finding. Utilities are already in place.
5. Screening and buffering with reference to type, dimensions, and character.
Comments: Affirmative finding. A chain link fence surrounds the property, and a gate separates the office building from the storage building located in the rear portion of the lot. The applicant indicated that staff and clients would not have access to the storage building. Because the proposed use is not anticipated to generate outdoor storage or significant refuse, screening and buffering is not necessary for the proposed professional counseling general service 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 has placed a banner sign with their business name on the building. Staff will need to review the sign to ensure it meets the standards set forth in Chapter 10 of Title XVII of the Pueblo Municipal code; however, the banner is not illuminated.
7. Required yards and other open space.
Comments: Not applicable. No exterior construction or modifications are proposed at this time. The office building is located outside of required setback distances.
8. General compatibility with adjacent properties and other properties in the district.
Comments: Neutral finding. The surrounding properties are predominantly industrial and auto oriented in character. The proposed use is service-oriented, which is inconsistent with the nearby land uses. However, the proposed use is considerably less intense than these nearby uses as it would not constitute physically intense labor, require outdoor storage, generate refuse, or produce any tangible commodity.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this variance, staff recommends Standard Permit Conditions 1 through 13 and the following staff condition:

1. The two parking spaces marked as no-parking must be reinstated, or two additional parking spaces must be identified and improved according to municipal code standards on the subject lot.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 8/26/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 8/26/2026
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. Aerial Map

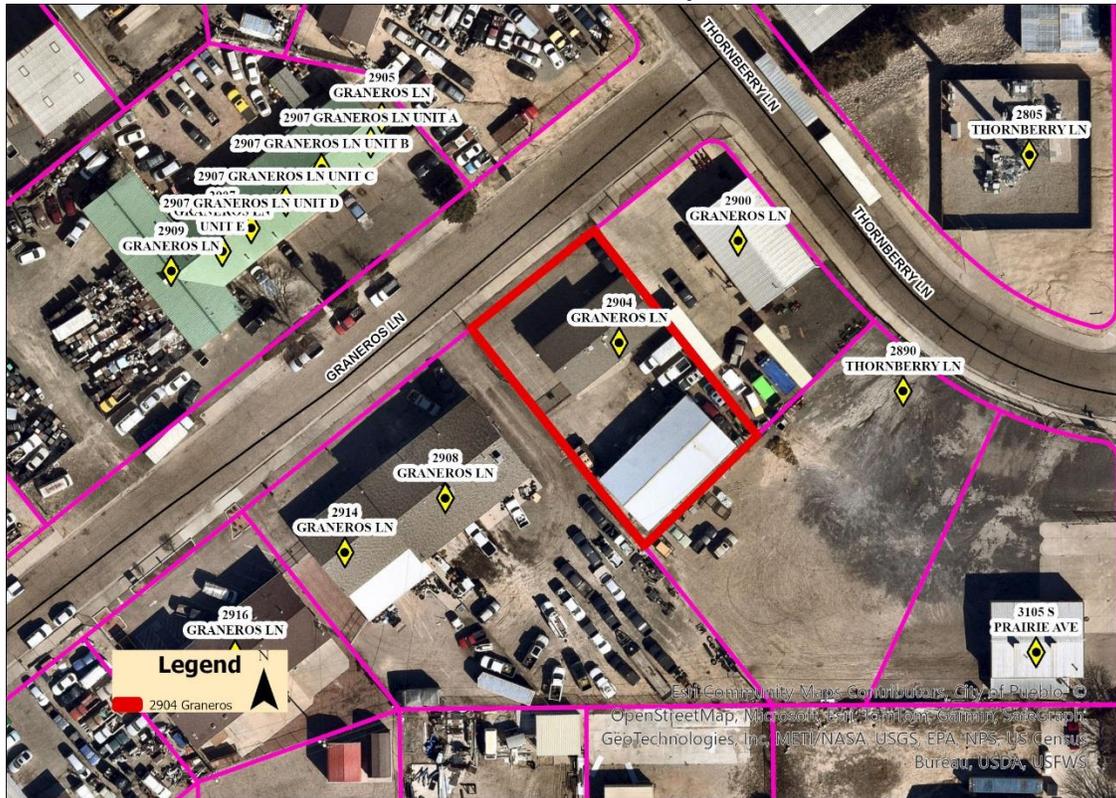


Exhibit C. Zoning Map

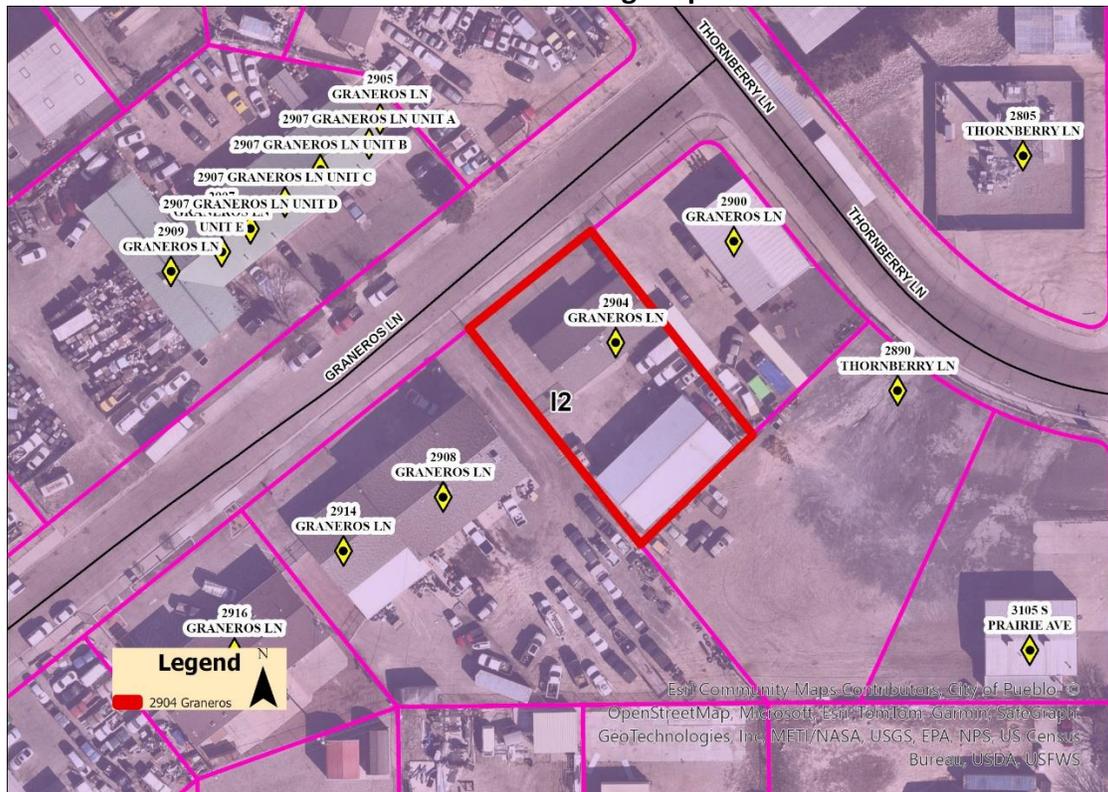


Exhibit D. Comprehensive Plan Map

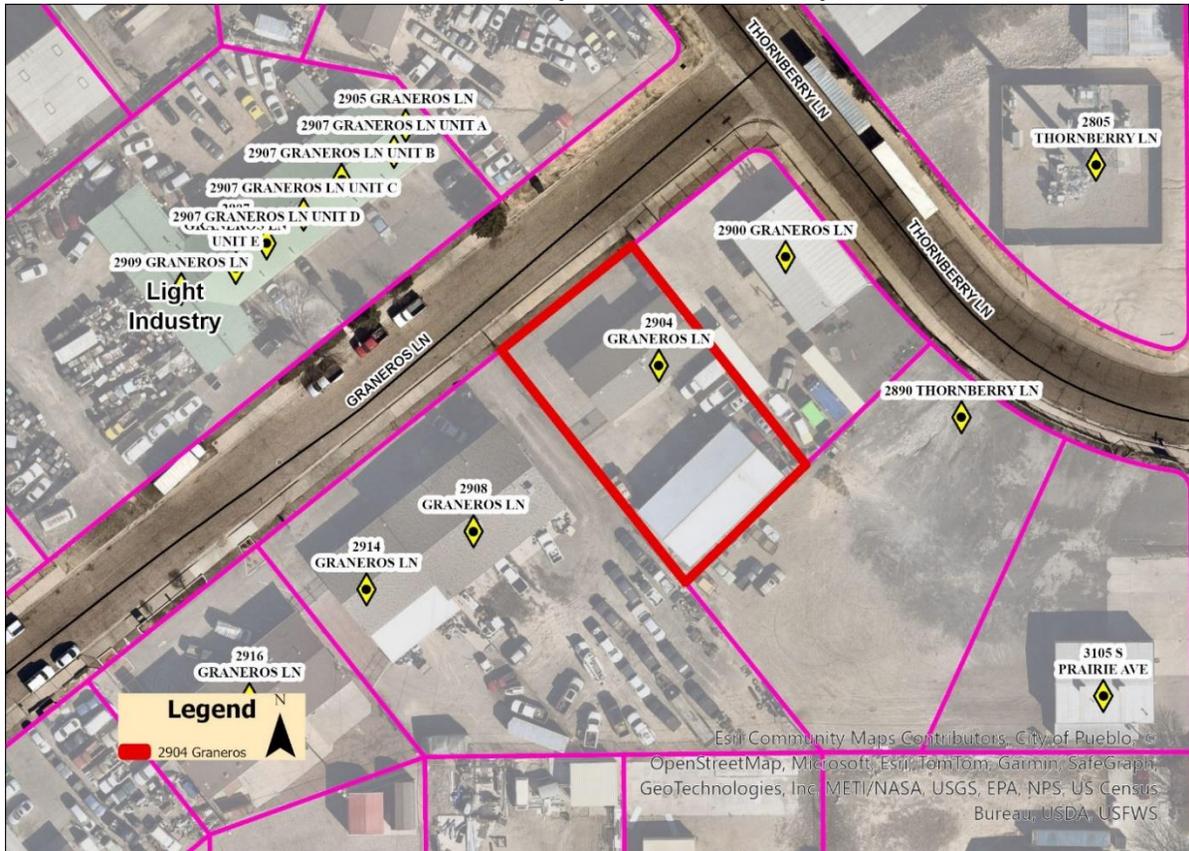


Exhibit E. Public Notice



Exhibit F. Site Photos



Front entrance and off-street parking



"No Parking" signs hanging above the two off-street parking spaces to the side of the building



Trash Receptacle



Auto Repair across Graneros Ln

Exhibit G. Site Plan



Exhibit H. Application and Property Owner Affidavit

To view Exhibit H. Application and Property Owner Affidavit, please reach out to the Planning & Community Development Department at (719) 553-2259 or visit us at 211 E D Street.