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Zoning Board of Appeals

ZBA-25-43

Hearing Date: 11/25/2025

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Mikaylin Hackley, Planner
THROUGH:	Beritt Odom, Land Use Administrative Official
LOCATION:	300 W Abriendo Ave
APPLICANT:	Jeff Bailey
PROPERTY OWNER:	Jeff Bailey
YEAR BUILT:	1900
LEGAL DESCRIPTION:	LOTS 11 TO 16 BLK 96 SOUTH PUEBLO
ZONE DISTRICT:	Subregional Business (B-2) Zone District
PARCEL ID:	536302009
LOT SIZE:	28,340 sq. ft.
REQUEST:	Special Use Permit to allow an Auditorium in a Subregional Business (B-2) Zone District (contingent on rezoning)

EXPLANATION OF REQUEST

The subject property, 300 W Abriendo Ave, is the site of the Abriendo Inn, a 1900 home currently operating as a permitted bed & breakfast inn and a wedding facility under a Multiple-Residential and Office (R-5) Zone District. The applicant is requesting to expand the permitted use of the property to include outdoor ticketed events with live music performances, which are not a permissible use in the R-5 Zone District. Such events have been held since 2024 but were not permitted under the property’s operating business license as approved by the Planning and Community Development Department. These concerts generally took place on Thursday, Friday, and Saturday evenings and ended around 9 to 10pm. In order to permit these outdoor concert events, the applicant requested to rezone the property to Subregional Business (B-2) Zone District. The B-2 Zone District allows Bed and Breakfast Inns, Auditoriums, and Banquet Halls as uses by review, so property owner has submitted applications for Special Use Permits (SUPs) for all three uses. Approval of the three SUPs will be contingent upon the rezoning request being approved by City Council. The B-2 rezoning request was heard and recommended for approval to City Council by the Planning and Zoning Commission on November 12, 2025.

ADDITIONAL BACKGROUND

Independently of formal board and commission hearings, the applicant performed public outreach regarding their various applications. A flyer was created and distributed by the applicant (Exhibit I1) about an outreach meeting they hosted with a QR code to fill out an online survey. Paper copies of the survey were also distributed, and survey collection boxes were available on-site at the Abriendo Inn as well as at the Planning and Community Development Office, 211 E D St. A total of 136 survey responses were collected and shared with the Planning Department. Exhibit I2 is a blank copy of the survey that was sent out as it appeared in both physical and digital forms. Exhibit I3 is Planning staff’s tallied results of the multiple-choice questions on both forms of the survey. Planning staff was also provided with all the written responses to questions that allowed for longer-format answers and found the majority of them supportive of the Abriendo Inn’s events, as many of the respondents

indicated that they are attendees. Those responses that were not in support of the events mostly cited parking and noise as their primary concerns. Planning staff did not create or disseminate this survey outside of keeping a response box in the office, and all responses were anonymized. Official noticing from the Planning Department about this hearing still occurred, and public notice postcards were sent to all 12 property owners within 100’ of the property boundaries of 300 W Abriendo Ave. as required by code.

In addition to the survey collections, the applicants hosted a meeting at their property to present their mitigation plans for the auditorium use. Planning staff was unable to attend the entirety of the meeting due to a scheduling conflict, but the applicant provided a written narrative of the event (Exhibit I4) and met with Planning staff after the event to discuss what was presented. Because the most commonly cited concerns were about parking and noise levels, the applicant’s provided mitigation plans focused on those two elements. The applicant stated that they had invested in sound-dampening blankets and planned to temporarily install them across their western property line fence whenever music events are hosted (Exhibit I5). Parking was also noted as a concern. The Abriendo Inn has 10 on-site parking spaces for the Bed & Breakfast use when outdoor events are not being hosted. However, during outdoor private and ticketed events, the parking area is converted into event space, and all parking occurs off-site. The requested SUPs for the Banquet Hall and Auditorium will be contingent on a 100% on-site parking variance, case ZBA-25-45.

STAFF ANALYSIS

While the Abriendo Inn has been licensed as a wedding facility, the ticketed public events put on by the Inn rather than private renters of the facility are considered a different land use by code. Staff determined that the most accurate land use definition that described the requested public events is an Auditorium, which is defined as follows:

“Auditorium means an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheatres.”

The events are most akin to an amphitheater because they are outdoors with seating arranged around a stage. As calculated by City Fire Department, the maximum occupancy of the outdoor event space when it is used for an Auditorium is 250 occupants. The City Department of Transportation calculated that 76 off-street parking spaces would be required for the proposed use as illustrated at the subject property. Since the paved parking area on the property is converted into event space when these concerts occur and all parking happens off-site, this SUP is contingent on the approval of a 100% off-street parking variance.

As discussed in the findings of fact, staff suggests required mitigation efforts for screening and compatibility with the neighborhood as a consideration for this Auditorium SUP request. While the surrounding neighborhood is a mixed-use corridor with a variety of small-scale commercial uses and varying residential densities, the proposed Auditorium use would be more intense compared to the existing commercial uses in terms of noise and traffic generation. Thus, staff conditions that sound-dampening mechanisms must be implemented along the property boundaries that abut residences during all outdoor events.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Multiple Residential and Office (R-5) District & Government Use (S-1) District	Multi-family housing and two small parks
East	Multiple Residential and Office (R-5) District & limited Central Business (B-4) District	Single-family and multi-family homes

South	One- and Two-Family Residential (R-3) District	Single-family homes
West	Multiple Residential and Office (R-5) District	Single-family homes

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	A use map of the property was required to calculate maximum event occupancy (attached) which is 250 guests.
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

- 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. Vehicles do not access the site during live music events as the parking area is converted into outdoor seating space. Pedestrian ingress and egress are through two gates, one adjacent to Abriendo Ave and the other to Jackson St.
- 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: Negative Finding. No off-street parking is provided during the live music events; thus, this SUP is contingent upon the approval of ZBA-25-45, which is a parking variance of 100% of required spaces. The variance request details parking mitigation efforts that will be conditioned by staff and will alleviate the influx of parking on surrounding residential streets.
- Refuse and service areas, with reference to the items above.
Comments: Affirmative finding. The property has a 2-yard dumpster and additional trash totes that are picked up outside of the gates on the western edge of the property.
- Utilities, with reference to the location's availability and compatibility.
Comments: Affirmative finding. Individual food truck or vendors that come to the property for the ticketed public events must pull additional utility permits in order to operate electrical generators on site, but the subject property itself requires no upgrades to utilities for the proposed use.
- Screening and buffering with reference to type, dimensions, and character.

Comments: Neutral finding. There is a 6-foot-tall privacy fence on the property lines adjacent to residences. Additionally, the applicant has purchased sound dampening blankets to hang behind on the southern fence to screen additional noise during outdoor events; however, the nature of the use prevents the possibility of full screening from the nearby residences to ever be achievable.

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 property has a non-permanent, non-illuminated sign in the front of the property adjacent to Abriendo Ave. that does not constitute a nuisance for the surrounding properties. All other lighting as set up for special events is temporary in nature.

7. Required yards and other open space.

Comments: Affirmative finding. No specific yards or other open space are required for the proposed use.

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

Comments: Neutral finding. The surrounding neighborhood is a mixed-use corridor with a variety of small-scale commercial uses and varying densities of residence; however, staff posits that the proposed Auditorium use would be the most intense land use in the area should this SUP be approved.

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:

1. The Auditorium Special Use Permit is contingent upon the property being rezoned to a B-2, Subregional Business District.
2. Per the Fire Department, the maximum occupancy of the venue is 250 individuals.
3. Outdoor concert events may only take place on Thursday, Friday, or Saturdays. The concerts may not begin before 5:30 p.m. on Thursdays or Fridays. All concerts must be concluded by 9:30 or 10:00 pm.
4. Sound-dampening mechanisms must be implemented along the property boundaries that abut residences for all outdoor events that include playing music or sound amplification through speakers.
5. A 100% parking variance, case ZBA-25-45, must be approved with all included conditions in tandem with this Special Use Permit.

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
- I. Supporting Documents

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 11/25/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 11/25/2026
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



Exhibits G-I. Application & Supporting Documents

To view all attachments, please contact the Planning department at planninglanduse@pueblo.us or visit our office at 211 E D St.