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Zoning Board of Appeals

ZBA-25-39

Hearing Date: 11/25/2025

TO: City of Pueblo Zoning Board of Appeals
FROM: Riane Ledford, Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 2011 Cedar St.
APPLICANT: Rebecca Mercado
PROPERTY OWNER: EAGLE MR LLC
YEAR BUILT: 1903
LEGAL DESCRIPTION: LOTS 11-12 + N 12 1/2 FT OF 13 BLK 32 LAKE MINNEQUA ADD
ZONE DISTRICT: Single Family Residential district (R-2)
PARCEL ID: 1512316004
LOT SIZE: 7,812 square feet

REQUEST:	Special Use Permit to allow for a bed and breakfast inn in a Single Family Residential (R-2) Zone District
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BACKGROUND

The applicant is requesting a Special Use Permit for a bed and breakfast inn at 2011 Cedar St. The subject property is a 7,812 sq. ft. lot developed with a single-family detached home built in 1903. The home is generally located in the Lake Minnequa neighborhood, west of Interstate 25 and east of Lake Minnequa. In their application, the applicant states that utilizing the home as a short-term rental allows them to ensure that the property is kept clean and that the yard is maintained. The Pueblo Municipal Code defines a bed-and-breakfast inn as “a commercial enterprise which rents out more than three bedrooms to the general public. Such facility may offer meeting facilities and meals to the general public but would be subject to all laws and regulations governing the operation of a restaurant” (Sec. 17-2-2. (20) b). The owner will not be preparing meals for guests, although there will be a kitchen for guests to prepare their own meals. Stays will be for less than 29 consecutive days, and only six guests are allowed in the home at one time. Additional rules include quiet time from 10pm-7am, only one pet allowed, and no parties or events or non-registered guests allowed. The applicant received a code enforcement complaint about an illegally zoned business in September of 2025, at which time staff informed them that a Special Use Permit would be required to operate as a bed and breakfast inn.

STAFF ANALYSIS

As discussed in the findings of fact, staff finds that access to the property, trash collection, utilities, lighting, and open space are suitable at this location for the proposed use. Surrounding uses near the property are primarily single-family residences. There are other commercial uses near the subject property including a hairdresser and a medical facility located to the north of the property. The property is buffered with a 6 ft. fully opaque corrugated metal fence along the eastern and southern property lines, separating the proposed lodging use from the residence to the south. However, the Pueblo Municipal Code does not allow corrugated metal as a fence material in residential zones, so staff has conditioned that the sharp edge at the top of the fence must be capped to be complaint with police code. There is also a newly installed chain link fence along the western and northern

property lines. The property abuts an alley to its right, on the northern side, and to its rear, on the western property line. Staff finds that the privacy fence and alleys are a sufficient buffer for this use.

There is no paved on-site parking on the property, and off-street parking requirements must typically be met in order to allow a change of use. Code dictates that at least one improved, permanent parking space should be provided per four expected occupants of the facility. There is an existing detached garage, but it is not accessible to guests of the bed and breakfast and is used for storage rather than parking. With that said, staff recommends that one paved parking space be provided on the property, or that guests be able to utilize the detached garage as parking. Should there be more than one vehicle at the property at a time, there is on-street parking in front of 2011 Cedar St. allowing up to three vehicles to park in front of the residence without parking in front of any other residences.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Single Family Residential (R-2), Multiple Residential and Office District (R-5)	Single-family homes, a hair salon, and medical offices
East	Single Family Residential (R-2)	Single-family homes, two-family home
South	Single Family Residential (R-2)	Single-family homes
West	Single Family Residential (R-2)	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	No comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building Department	Regional Building has no objections to the application. Permits (and plan review where needed) will be required for any new construction or modification.

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. The property can be accessed from Cedar St. and through a gate in the chain link fence from the alley located adjacent to the northern portion of the home.

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: Negative finding. No off-street parking is provided on site that meets Code requirements. The residence has a detached garage and rear yard; however, the applicant states that guests do not have access to the garage or rear yard.
3. Refuse and service areas, with reference to the items above.
Comments: Affirmative finding. The property receives trash collection service from a small, residential-sized bin that is moved off the street and to the rear yard after pickup. Trash is collected from the street in front of the property weekly.
4. Utilities, with reference to the location's availability and compatibility.
Comments: Affirmative finding. The building has existing electricity, water, gas, and wastewater service, and the proposed use will not necessitate any change in utilities.
5. Screening and buffering with reference to type, dimensions, and character.
Comments: Neutral finding. There is a 6 foot fully opaque fence separating the lodging use from the adjacent residence to the south of the property. However, it is constructed of an unauthorized material; thus, staff condition 1 requires that the material be modified for safety. Directly behind the property and directly to the north of the property is an alley, which separates the proposed use from the nearby residences.
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. There will be no signs on the property except the home address numbers.
7. Required yards and other open space.
Comments: Affirmative finding. No specific open-space regulations are required for this use.
8. General compatibility with adjacent properties and other properties in the district.
Comments: Affirmative Finding. Staff finds that the proposed use is generally compatible with the adjacent properties. There are some higher-intensity commercial uses already established in the neighborhood, including a hairdresser and medical clinic nearby.

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 staff conditions 1-3.

STAFF CONDITIONS

1. The top of the corrugated metal fence along the eastern and southern property lines must be capped to prevent the sharp edge from causing injury.
2. One paved parking spot at least 9 ft. wide and 18 ft. long and located outside of all required setbacks must be provided. The parking space must meet all requirements established by Sec. 17-4-42, (a) of the Code.
3. Quiet hours must be maintained from 10pm-7am, and no more than eight overnight adult guests are allowed at one time.

ATTACHMENTS

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

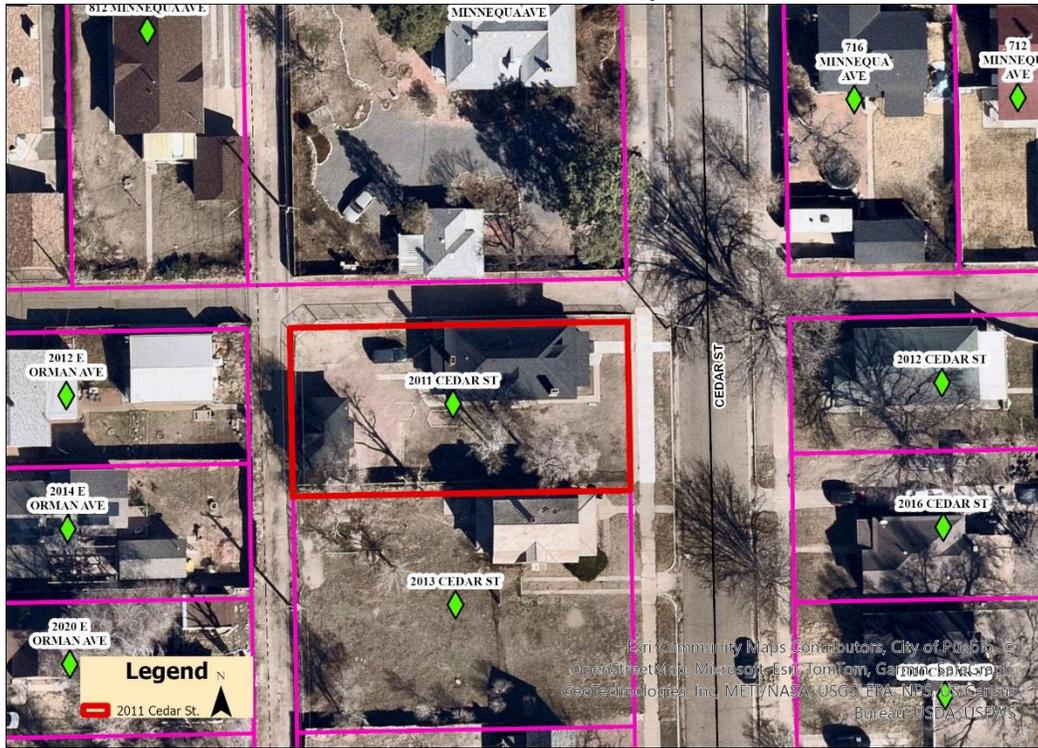


Exhibit C. Zoning Map

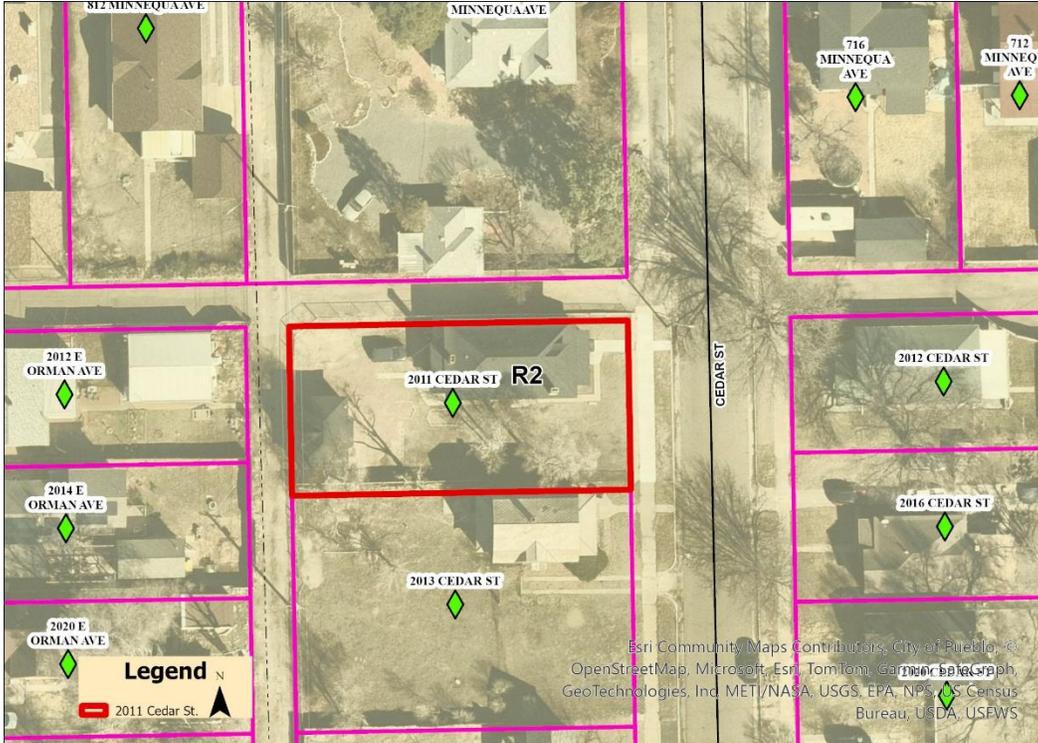


Exhibit D. Comprehensive Plan Map

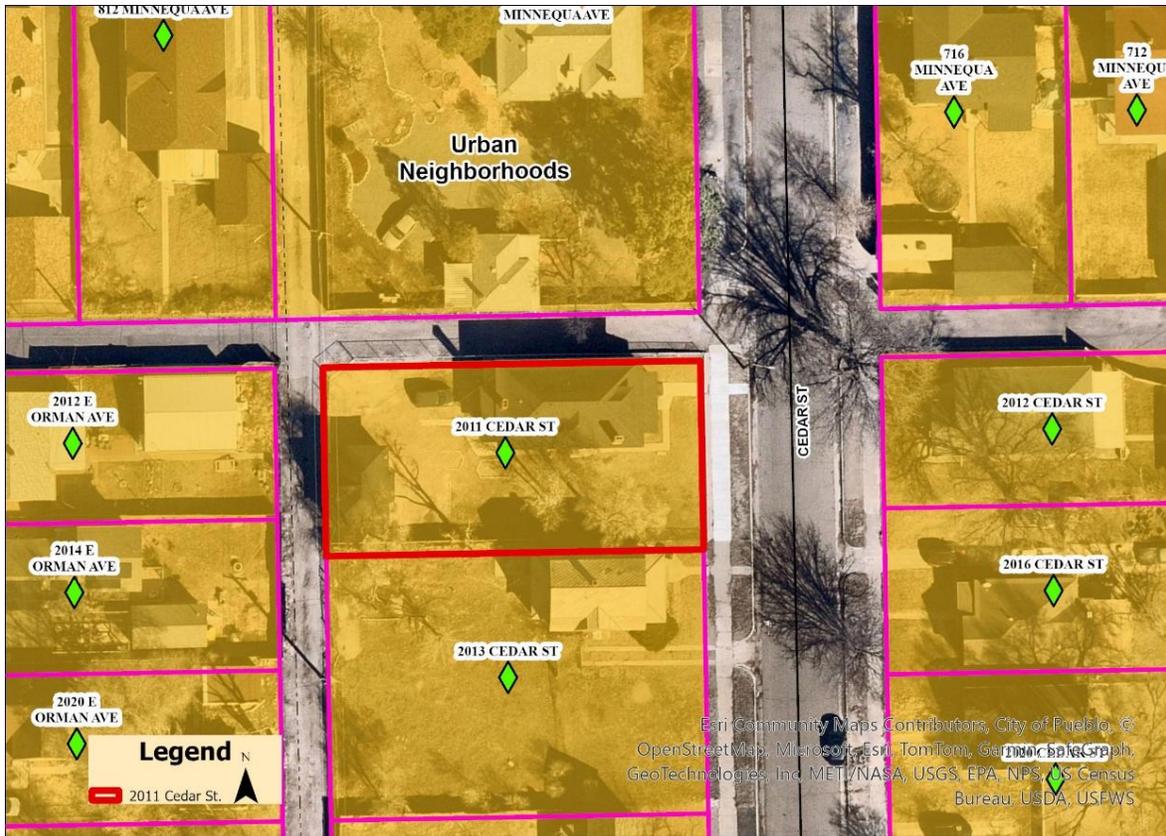


Exhibit E. Public Notice



Exhibit F. Site Photos





Exhibits G-H. Application & Supporting Documents

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