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Georgia Way

Zoning Board of Appeals

ZBA-25-59

Hearing Date: 1/27/2026

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Beritt Odom, Land Use Administrative Official
LOCATION: 3011 W 12th Street
APPLICANT: Mike Ward
PROPERTY OWNER: Mike Ward
YEAR BUILT: NA
LEGAL DESCRIPTION: LOTS 31 TO 40 INC BLK 23 WESTSIDE ADD FORMERLY #05270-49-003
ZONE DISTRICT: I-2, Industrial District
PARCEL ID: 527307003
LOT SIZE: 31,250 sq. ft.

REQUEST: Special Use Permit to allow salvage yard in an Industrial District (I-2) Zone District.

BACKGROUND

3011 W. 12th St. is a 31, 250 sq. ft. unimproved parcel located directly east of 3017 W. 12th Street. The parcel sits at the northwest corner of W. 12 street and Garnet Street within the City’s Westside Neighborhood. The property, directly to the west at 3017 W. 12th St., received a Special Use Permit (ZBA 65-77) in 1977 to allow a salvage yard and has been in continuous operation since that time. A new owner has purchased the existing business and adjacent property in question and is requesting to expand the salvage yard to store automobiles and allow members of the public to salvage car parts on site. The applicant proposes an open-air salvage yard of automobiles, with no proposed new structures. The applicant plans to screen the entire property with seven-foot-tall metal fence. The applicant is proposing one access point to the proposed salvage yard on W. 12th street in addition to the existing access for the established salvage yard business. Road base is proposed as the base material for the salvage yard site.

STAFF ANALYSIS

The current special use permit ZBA 65-77 allowed a salvage on the property at 3017 W. 12th Street. A site photo attached with the staff report shows the original applicant has cleared cars off the adjacent hill and complied with the special use conditions by screening in the auto storage yard and has complied with City of Pueblo Salvage yard, PMC Section 9-7-16 to 9-7-21 requirements.

The applicant is currently screening the site with a 7’ tall meal fence, but according to Sec 9-7-16 screening must be a masonry wall, wooden fence or ornamental hedge. Section 9-7-18 allows for variances from the Zoning Board of Appeals for alternate methods of screening as “provided that the alternative method of enclosure shall fulfill the intent of sections 9-7-13 to 9-7-25 to keep out children and other persons to enter the salvage yards illegally, to keep areas free from rats and vermin, and to effectively screen such yards from public view”. The code goes on to state, “Also by way of illustration, variances may include earth berms enclosures, opaque materials securely

fastened or entwined in chain link fencing, or such screening devices as will effectually and substantially carry out the purposes of these provisions”. The site is located in a high desert setting with little native vegetative growth, and no nearby residential uses or other buildings that require intensive screening methods. The owner will have a year to comply with screening requirements in Sec 9-7-16 or apply for a variance for alternative methods of screening.

The subject property is located on the City’s Westside Neighborhood in an area of open undeveloped lots, with a power substation located immediately to the northeast and the railroad located directly to the west. There is one house 650 ft to the northwest and there are no residential uses to the east, and south for at least 650 to 700 ft. To the west, the land slopes down to the railroad tracks and beyond the tracks are additional industrial uses. The property and unimproved land, in the immediate vicinity of the subject site, are designated by the Comprehensive Plan for future light industrial uses, which is compatible with the proposed salvage yard.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Agricultural Four (A-4) and, Highway and Arterial Business and Arterial (B-3)	Undeveloped prairie and a electrical substation
East	Agricultural Four (A-4)	Undeveloped prairie
South	Industrial District (I-2)	Undeveloped prairie
West	Industrial District (I-2)	Undeveloped prairie and railroad tracks

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 objection, fire hydrant located 450’ west, applicant must not construct any structure on this parcel other than those which do not require a permit. The applicant shall install signage on or adjacent to the proposed entry gate indicating a gate identification similar to those existing on their current fenced enclosures.
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building Department	No comment

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 applicant is proposing an additional access point along W. 12th Street to provide direct access to the proposed salvage yard use.

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. The property has adequate space for parking but a modified site plan will need to be reviewed and approved by the Public Works and Transportation Department.

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

Comments: Affirmative finding. All refuse is collected and maintained on-site, with the whole site enclosed by a seven-foot opaque fence.

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

Comments: Affirmative finding; utilities are established at the existing site, but there is no future plan for any structures, water, or electrical service to this expansion.

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

Comments: Negative Finding. Pueblo Municipal Code requires screening of wood, masonry, or ornamental shrubs. Applicant can apply for a variance via ZBA to allow the proposed metal fencing.

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; any proposed signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code. The existing salvage yard business has a sign, already, no new business signs proposed.

7. Required yards and other open space.

Comments: Affirmative finding. Adequate passageways are required to allow unobstructed passage of fire-fighting vehicles. The applicant has indicated that they will comply with not placing salvage vehicles within the indicated passage areas as required by the Pueblo Fire Department.

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

Comments: Affirmative finding. The existing salvage yard use has been present since 1977, there is only one home 650 ft to the north, and the areas to the east and south are undeveloped prairie, and an electric utility substation. To the west there are train tracks and industrial uses.

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 only.

1. No inoperable vehicles may be stored outside the fenced area.
2. Owner must full comply with the salvage yard conditions outlined in Sec. 9-7-16 thru 9-7-20, with specific attention to the underscored sections.
3. Submit a revised site plan showing adequate parking for the proposed use to be approved by the Traffic and Public Works Department

4. All screening fencing must be in uniform construction and appearance, opaque, and adequately maintained. The applicant has a year to comply with salvage yard screening requirements described below or apply for a variance: **Sec. 9-7-16. - Salvage and storage premises to be enclosed.**
- (a) It shall be unlawful for any person to maintain a salvage yard or salvage shop in the City or any place for the storage of wrecked or unusable automobiles awaiting repairs unless such business or storage is carried on entirely inside a building or unless the premises on which such business or storage is carried on be entirely enclosed by a solid fence at least seven (7) feet in height. Such fence shall be a masonry wall, a wooden fence or an ornamental hedge. Variances may be permitted as prescribed in Section 9-7-18. Such fence shall be maintained in a neat, substantial, safe condition. Gates for access to said premises shall swing inwardly, and such gates shall be kept closed when the premises are not open for business.
 - (b) Such wall or fence, or the gates thereof, shall not contain any advertising sign or poster other than that needed to identify the enclosed business.
 - (c) There shall be no stacking of automobiles, salvage or other materials which shall be visible above the surrounding enclosure or gates from ground level.
 - (d) Salvage operations, including storage, shall not encroach upon or use any area outside the enclosure.

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: 1/27/2026	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 1/27/2027
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

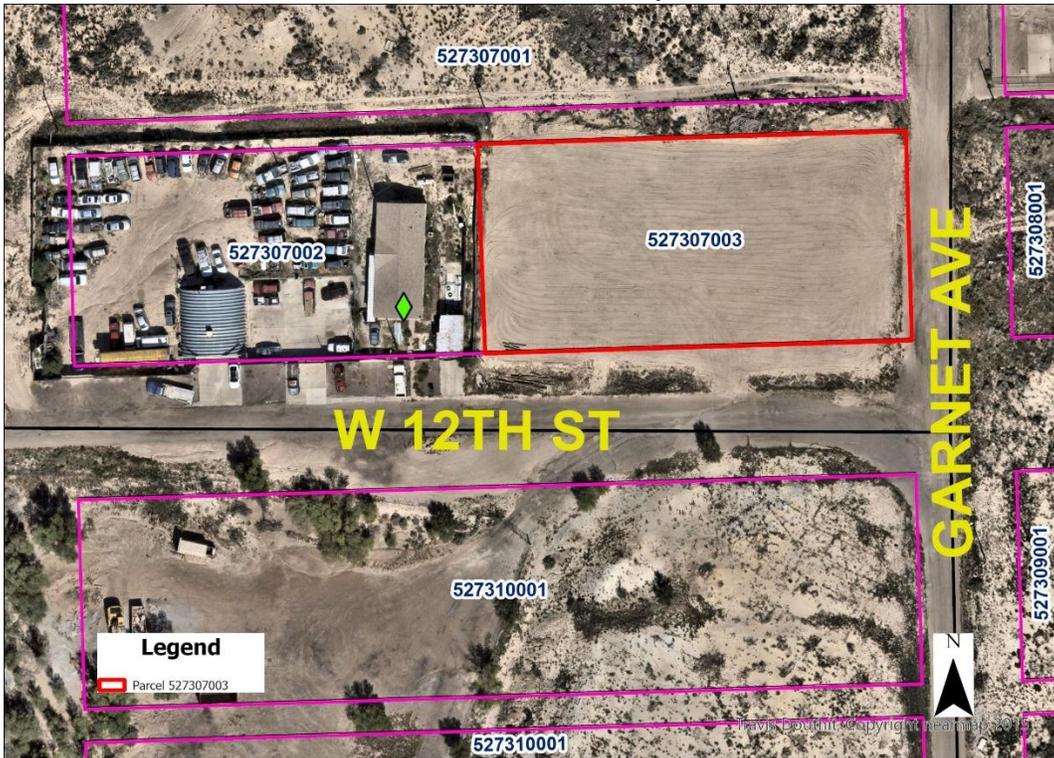


Exhibit C. Zoning Map

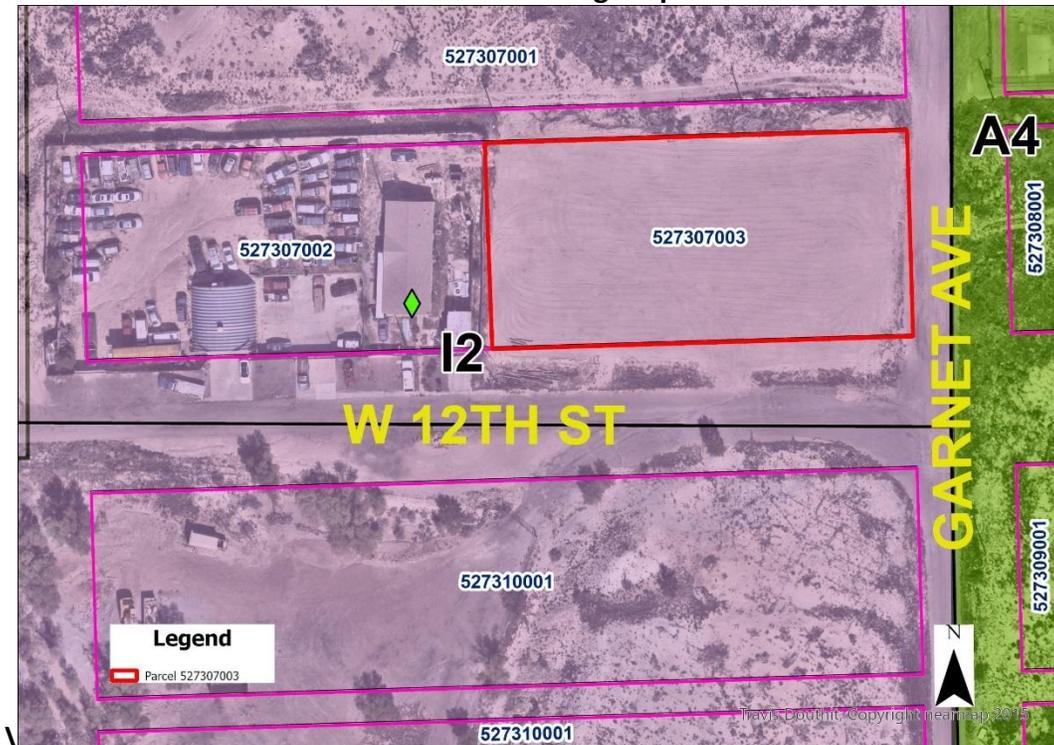


Exhibit D. Comprehensive Plan Map

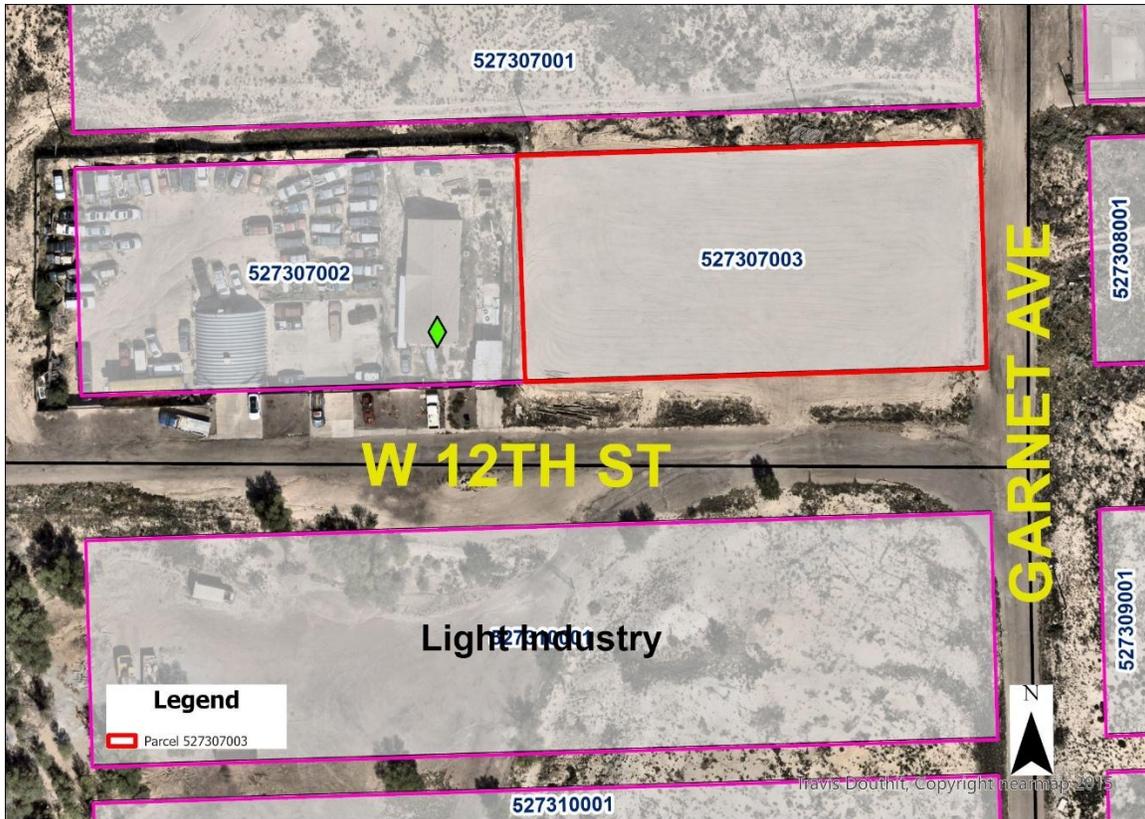
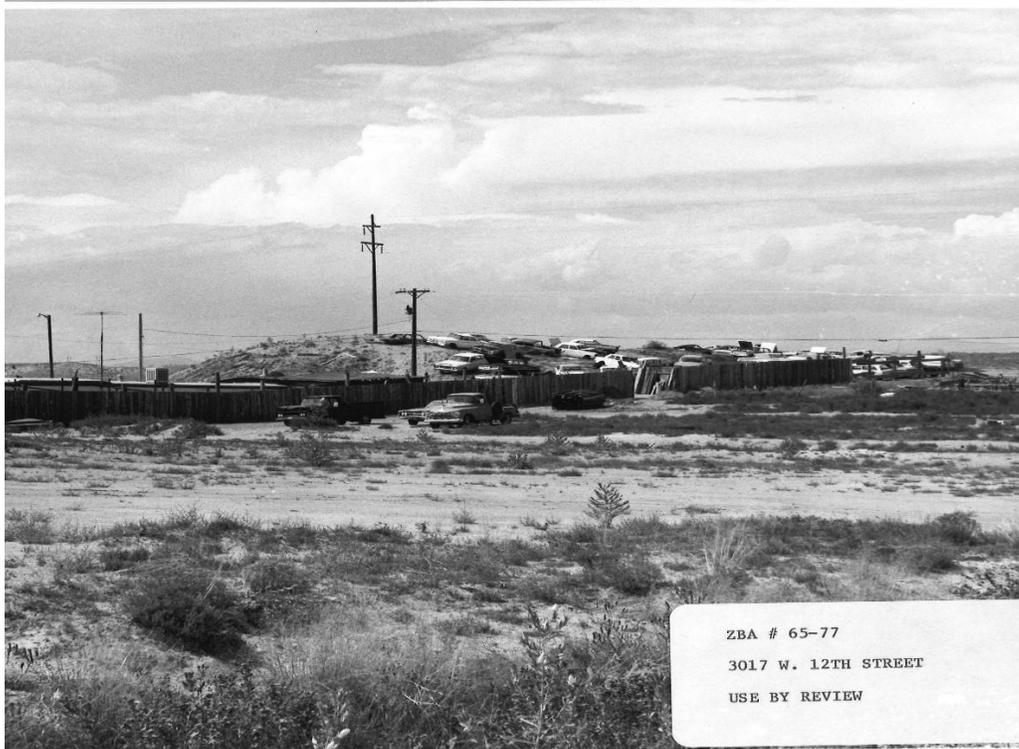


Exhibit E. Public Notice



Exhibit F. Site Photos



Staff photo of the site from 1977



Overview of the site and access point to W. 12th Street



Overview of W. 12th street, existing business and on street parking



Overview of the northern board fence line.



Overview of the eastern boundary fence line along Garnet Street

Exhibits G. Site Plan



H. Application & Supporting Documents

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