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ZBA-23-34

To: City of Pueblo Zoning Board of Appeals
From: Bart Mikitowicz, Senior Planner
Through: Scott Hobson, Director of Planning
Date: 9/26/2023
Request: **A Special Use Permit to allow for a Body art studio in a Sub-Regional Business (B-2) Zone District**
Site Location: 2107 N. Norwood Ave, Pueblo, CO 81001
Legal Description: **LOTS 7 THRU 9 INC BLK 4 BIBY SUB**
Year Built: 1967
Applicant: Jazmyn Lopez
Property Owner: Jossie LLC
Zone District: Sub-Regional Business (B-2) Zone District
Parcel Number 429207001

BACKGROUND

The applicant would like to open a new Body art studio at 2107 N. Norwood Ave. Body art studio means an establishment which is primarily engaged in physical body adornment by artists using, but not limited to the techniques of body piercing and tattooing. This definition does not include ear piercing. The Body art studio is a Use-by-Review in a Sub-Regional Business (B-2) Zone District. Therefore, the applicant is required to obtain a Special Use Permit, in order to obtain a business license and open the studio.

REQUEST AND ANALYSIS

2107 N. Norwood Ave is a 5,040 sq. ft. commercial structure built in 1967. The building is in the Belmont Neighborhood, north of US HWY 50. This parcel was established for commercial uses in 1967. The Body art studio will have three employees, work is done by appointment only with approximately three appointments a day, and hours of operation are noon till eight o'clock PM. The western property was constructed in 1987 after the commercial businesses were established. Previously being K-9 Cutters, pet washing and grooming, the surrounding neighborhood is wholly acclimated to traffic and noises associated with these businesses. The new body art studio expects low traffic would have a minimal impact on the surrounding area.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Mixed Residential (R-4) Zone District	Single and multifamily homes
East	Sub-regional Business (B-2) Zone District	Commercial Uses
South	Sub-regional Business (B-2) Zone District	Commercial Uses
West	Mixed Residential (R-4) Zone District	Multifamily 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.

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 LIMITED 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 site plan indicates access off of N. Norwood Ave., and E. 21st St.

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. The site currently features approximately twenty (25) off-street parking spaces, which is in compliance with Sec. 17-4-43 (b) (4) of the Pueblo Municipal Code.

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

Comments: Affirmative finding. Commercial trash services are established at this property.

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

Comments: Affirmative finding. Sewer, electrical, and water service are available at this site

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

Comments: Neutral finding. According to the code, there should be a buffer in place between commercial and residential uses. This property was developed in 1967, a year before the modern zoning code went into effect. The new body art studio is not anticipated to create an increase in traffic and negative externalities uncommon to the existing and past commercial uses. There are surrounding mixed residential uses that were developed after the subject property.

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. No signs are proposed for this residential use, and any proposed future signs must conform with Sec. 17-10-05 Sign Standards of the Pueblo Municipal Code, B-2 Zone District Sign Regulations.

7. Required yards and other open space.

Comments: Neutral finding. Based on needed lot area, setback requirements, frontage. The landscaping areas are not up to code, however bringing these areas into compliance would be excessive under the circumstances. There are no modifications being made to the property at the time, and furthermore, landscaping could potentially reduce the parking spaces needed to meet the parking requirements.

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

Comments: Affirmative finding. The proposed use is compatible with the comprehensive plan for this location, which is designated commercial mixed-use. This parcel has operated as small commercial space since 1967.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 only

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 9/26/2023	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 9/26/2024
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. Site Map



Exhibit C. Aerial Map



Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map



Exhibit F. Public Notice



Exhibit G. Site Photos



Exhibit H. Application

8/14/23, 9:03 AM

23-159



City of Pueblo PLACE

8/14/2023

23-159

Zoning Board of Appeals -
Special Use Permit &
Variances

Status: Active

Submitted On: 8/13/2023

Primary Location

2107 N NORWOOD AVE
PUEBLO, CO 81001

Owner

Flawless Ink Tattoo LLC
N NORWOOD AVE 2107
PUEBLO , CO 81001-2136

Applicant

Jazmyn Lopez
 719-924-7366
jazmynlopez7429@gmail.com
 3512 Gem Dr
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-23-34

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

09/26/2023

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

Exhibit I. Supporting Documents



Planning & Community Development

211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

Property Owner Affidavit

Please type or print clearly. Illegible applications will not be accepted.

Property Owner:			
Name: Tsega Weldu		Company:	
Address: 2107 N. Norwood Ave			
City: pueblo CO		State: CO	Zip: 81001
Phone: 719-351-2016	Email: Semerehondjiva@gmail.com		
Applicant:			
Name:		Company:	
Phone:	Email:		
Property Address:			

I, Tsega Weldu, hereby state that I am the owner of record of the property located at 2107 N. Norwood Ave, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a _____ at said location.
(application type)


 Signature of Property Owner 08-02-23 Date