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ZBA-24-04

To: City of Pueblo Zoning Board of Appeals
From: Jay-Michael Baker, Planner
Through: Scott Hobson, Land Use Administrator
Date: February 27, 2024
Request: Special Use Permit to Allow for a Body Art Studio in a Subregional (B-2) Zone District
Site Location: 2701 N Elizabeth St., Pueblo, CO 81003
Legal Description: LOTS 18 THRU 22 BLK 8 SOMERLID HEIGHTS ADD FORMERLY #05-241-23-013 + 014
Year Built: 1993
Applicant: James Vialpando
Property Owner: Danmaur Investment LLC, c/o Ron Scanlan
Zone District: Subregional (B-2) Zone District

REQUEST

The applicant is requesting a Special Use Permit to allow for a Body Art Studio in a Sub-Regional Business (B-2) Zone District. The address is currently located in a small shopping center style strip mall. The only other tenets in the building are a hair and nail salon, a laser tattoo removal provider, and a barber shop. The structure was built as a commercial establishment in 1993 and has been home to offices and retail over the past 30 years. To the north and the South of the location is Subregional (B-2) Business District. To the south is an established retail site built in 1960 that is currently a Family Dollar. To the north, is a long-time established residential site built in 1907. To the west, are several established residences in a Single Family Residential (R-2) Zone District, and to the East is a Government Use (S-1) Zone District with an established parkway dividing northbound and southbound Elizabeth St. The address in question was most recently used as a doctor's office.

ANALYSIS OF REQUEST

The subject property has been home to several professional offices and service-oriented commercial businesses. The B-2 Zone District allows for a body art studio use by review, and this use provides a personal service, which is similar to the other personal service businesses on the property. The nature of a body art studio, also known as a tattoo parlor, is not anticipated to disturb the light and air or look and feel of other properties in the area.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Subregional Business District (B-2)	Retail Business
East	Government Use District (S-1)	Park and Open Space
South	Subregional Business District (B-2)	Retail Business
West	Single-Family Residential (R-2) Zone 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.

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 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. Ingress and egress points are located in both the front and back of building. Front door is located facing the designated parking lot off of 27th St. and Elizabeth St. and the back door opens up to the alley which runs from 27th St. to 28th St. The front door and back door are located down the hall from one another and are easily accessed by all rooms in the establishment.

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. The parking lot in front of the building has 19 spots that are shared between all the businesses in the shopping center. There are two parking spaces to the right of the building and five diagonal parking spaces on 27th St. There is nothing involved inside or outside of the body art studio that would cause any disturbing, disrupting, or distracting glares, odors, or noises to any neighboring businesses or drivers on the roadways. The exterior lighting at the property faces down and does not create light pollution onto adjacent properties.

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

Comments: Affirmative finding. The facility's dumpster is located to the left of the back door against the wall in the alley and does not interfere with vehicular movement around the property, nor does it interfere with parking, loading, or driving through the alley.

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

Comments: Affirmative finding. The applicant attests that utilities are already being serviced to the property.

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

Comments: Affirmative finding. The property has established landscaping in the form of trees and bushes that provide adequate buffering.

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 is currently a sign location above the front window of the addressed property. The applicant intends to place a branded sign for his body art studio in the same location made of similar materials. As previously noted, the exterior lighting is adequate and proportional for the size of the property, and does not create glare or interference with local traffic.

7. Required yards and other open space.

Comments: Neutral finding. The property has well-established landscaping that is well kept. The location is across Elizabeth St. from an established parkway.

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

Comments: Affirmative finding. A body art studio fits well within this shopping center as it currently houses a salon, a barber shop, and a tattoo removal studio. The applicant attests that the adjacent businesses are operated by friends and family who welcome the addition of his business.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 and the following staff recommended conditions:

1. Staff does not recommend any additional conditions outside of the Standard Permit Conditions 1 through 13.

ATTACHMENTS

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

Exhibit A. Standard Permit Conditions

Standard Permit Conditions Date of Issuance of Permit: 02/27/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 02/27/2025
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 C. Aerial Map



Exhibit D. Zoning Map



Exhibit E. Comprehensive Plan Map

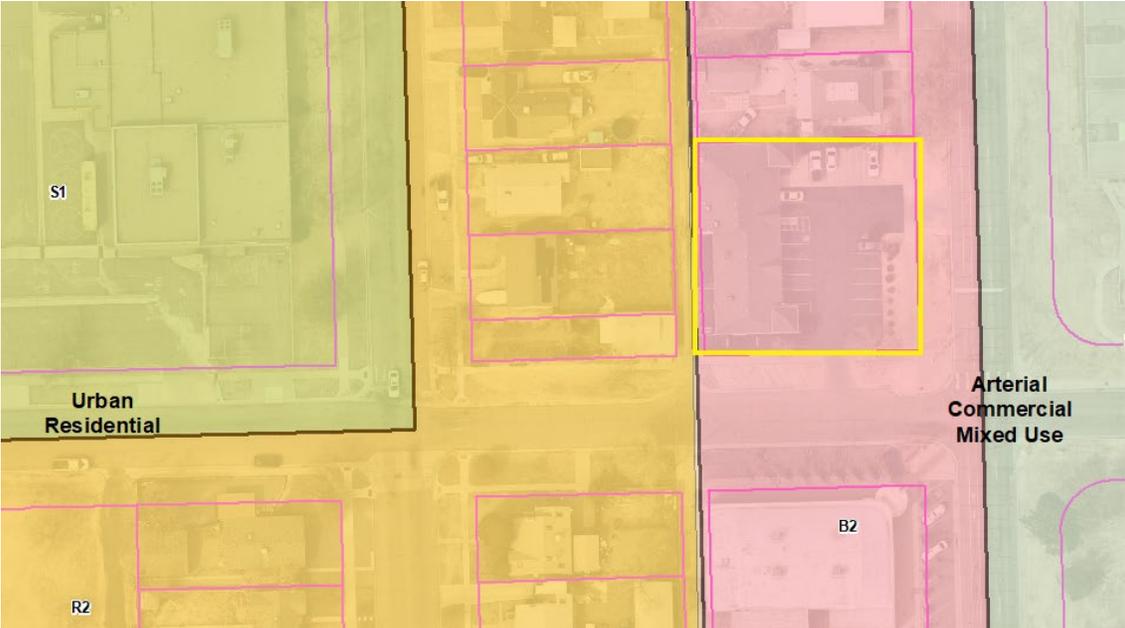


Exhibit F. Public Notice



Exhibit G. Site Photos





H. Application

1/22/24, 2:47 PM

24-20



City of Pueblo PLACE

1/22/2024

24-20

Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 1/22/2024

Primary Location

2701 N ELIZABETH ST
PUEBLO, CO 81003

Owner

DANMAUR INVESTMENT LLC
PO BOX 504 PUEBLO , CO
81002-0504

Applicant

James Vialpando
 719-406-0686
bookjames.arcanum@gmail.com
 747 w abriendo ave
Pueblo, CO 81004

Internal

ZBA Case Number

ZBA-24-04

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

02/27/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

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Specially Requested Hearing