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Lisa Bailey
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Yvonne Lujan-Slak

Georgia Way

ZBA-24-19

TO: City of Pueblo Zoning Board of Appeals
FROM: Bart Mikitowicz
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 311 S Union Ave. Pueblo, CO 81003
APPLICANT: Andrew Romero
PROPERTY OWNER: Josh Koncilja, K & KV LLC
YEAR BUILT: 1890
LEGAL DESCRIPTION: LOTS 21-22 NELY 3 FT 4 3/4 IN OF LOT 23 BLK 48 SOUTH PUEBLO
ZONE DISTRICT: Historic Business (HB) Zone District
PARCEL ID: 536409010
LOT SIZE: 5246

REQUEST: Special Use Permit to allow for a Body art studio in a Historic Business (HB) Zone District

BACKGROUND AND ANALYSIS OF REQUEST

311 S Union Ave., is a 5,246 sq ft commercial building on a 7,490 sq ft lot, built in 1890. The property is between B and C St. on Union Ave., in the historic South Pueblo Subdivision. The building has had many uses over the past 130 years including, but not limited to, a candy store, a furniture store, a plumber's office, and a magic shop.

The applicant, Mr. Romero, would like to open a Body art studio (specifically tattoos) at this location. However, a Body art studio is a Use-by-Review in the HB zone district. Therefore, he is required to obtain a Special Use Permit before opening his shop.

This is an existing commercial building in a commercial area. Ingress and egress and vehicle parking are taken from the ally and rear parking lot area. Utility and trash collection services are in place. Screening and buffering are not required, and the use is generally compatible with surrounding uses. The planning department sees no negative externalities in the granting of this Special Use Permit.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Historic Business (HB) Zone District	3D's Cigars
East	Historic Business (HB) Zone District	La Bella Union Plaza
South	Historic Business (HB) Zone District	Scott Office Products and Card Company Inc.
West	Regional Business (B-4) Zone District	Mr. Tandoori Urban Bar and Grill

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. The subject property is located on Union Ave in the historic business district. The main entrance can be accessed from S Union Ave, with on-street parking in the front of the building and a 2,200 sq ft parking lot in the rear that is accessed off the Neon Alley between S Union Ave and S Victoria Ave.

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. This is in the historic business district, loading in this area is commonly done through use of the Union Ave center lane. There is also off-street parking at the rear of the property adjacent to the ally and public on-street parking along S Union Ave.

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

Comments: Affirmative finding. According to the applicant, there is dumpster in the back-alley way that they were given permission to use for trash. If this changes they will obtain a commercial trash service.

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 is in a business district surrounded by other businesses. No additional screening or buffering is required.

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. They will be putting the business name and logo on the front windows; the same logo on each of the windows. Business hours will be posted on the front door. The business logo is the name written out in the shape of a circle in the middle of the circle is a scale. The name of the business will be "Greyscale Tattoo Collective".

7. Required yards and other open space.

Comments: Affirmative finding. The property has well-established landscaping that is well kept as part of the Union Ave streetscape.

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

Comments: Affirmative finding. A body art studio fits well with this commercial corridor. Traffic, noise, odors, and other disruptions would be negligible.

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. The parking spaces in the rear parking lot area need to be restriped.
2. Any changes to the exterior of to the exterior of the building that materially alters, restore, construct on , relocate, remove, or in any way significantly change the feature of a cultural resource designation shall apply for & receive a certificate of appropriateness from the Historic Preservation Commission.
3. All Proposed signs comply with the Pueblo Historic Business Design Guidelines.

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: 4/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 4/23/2025
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

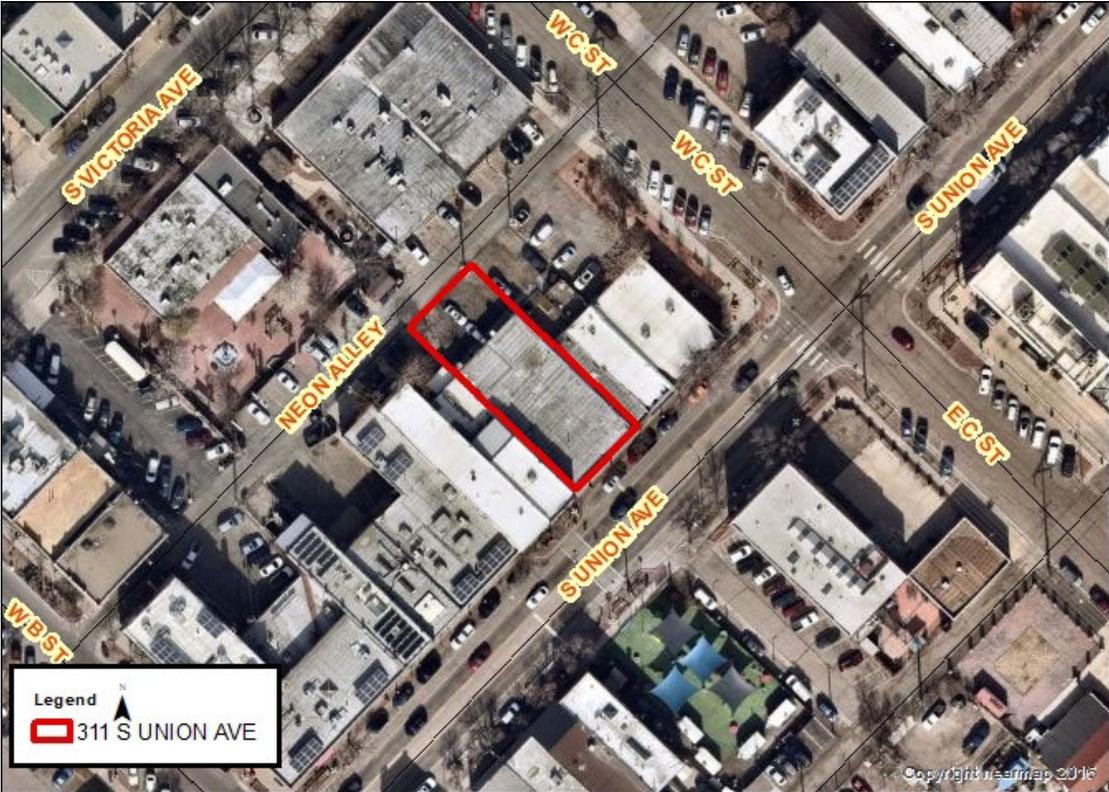


EXHIBIT D. ZONING MAP

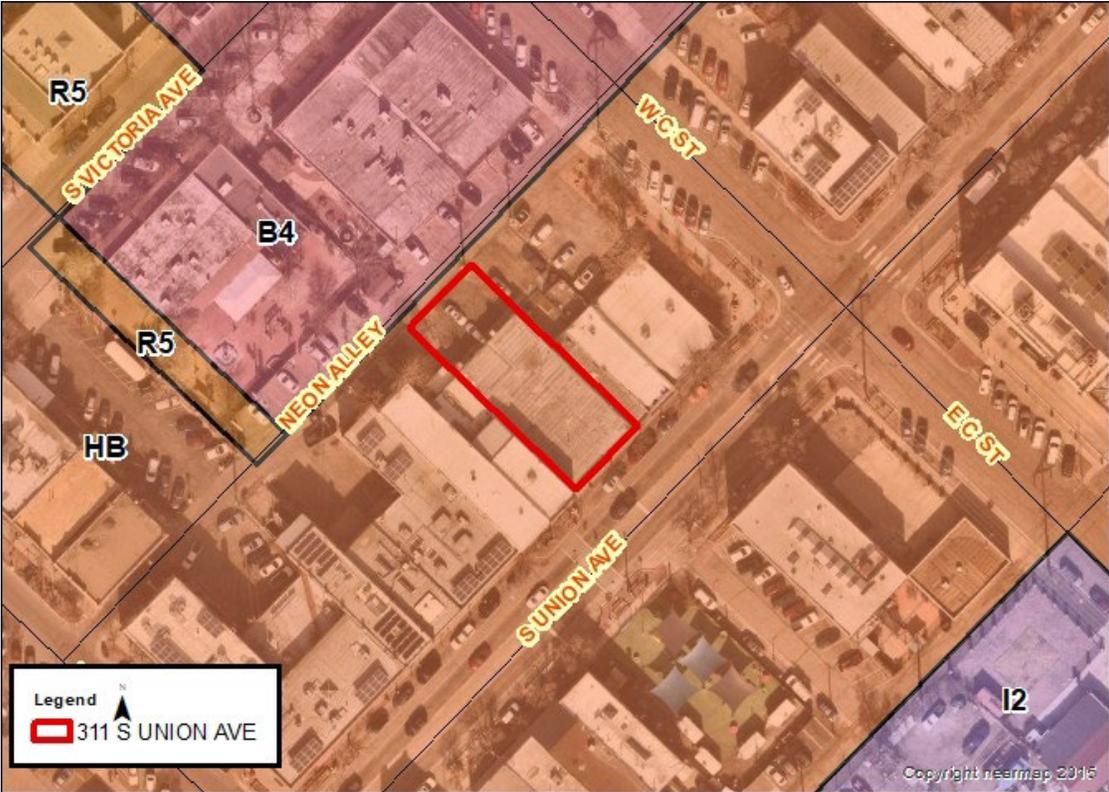


EXHIBIT E. COMPREHENSIVE PLAN MAP

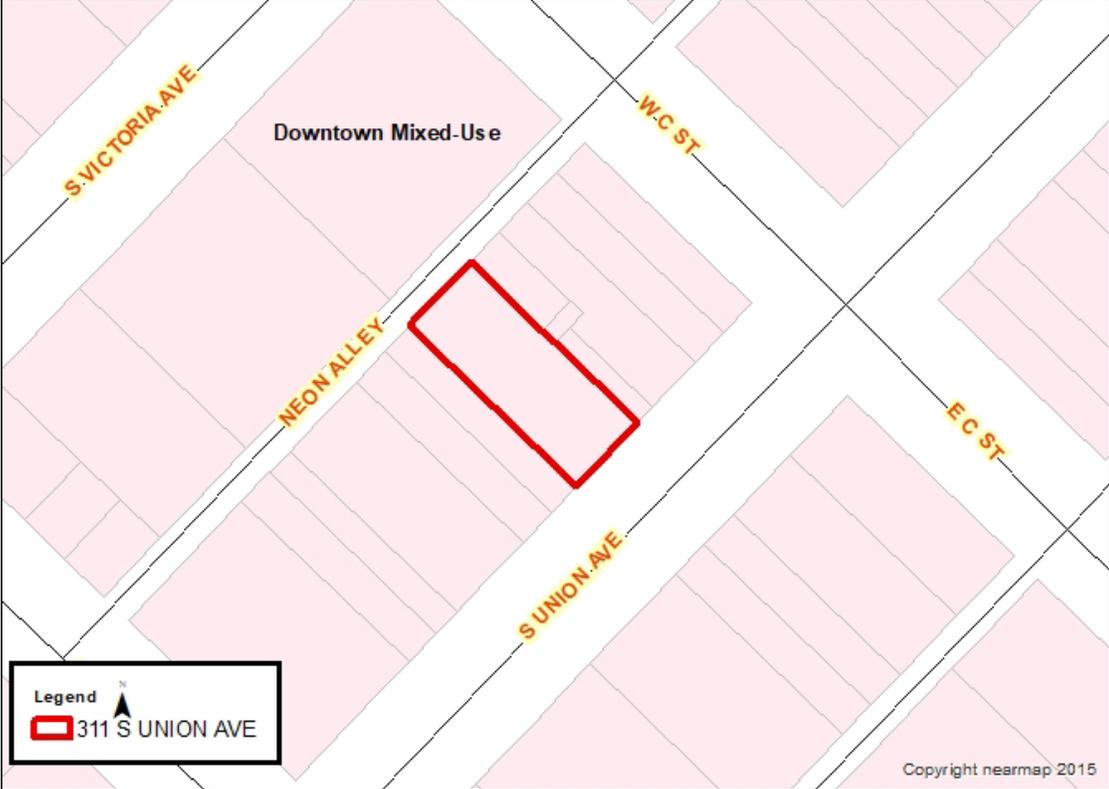


EXHIBIT F. PUBLIC NOTICE



EXHIBIT G. SITE PHOTOS



H. APPLICATION

3/26/24, 9:47 AM

24-57



City of Pueblo PLACE

3/26/2024

24-57
Zoning Board of Appeals -
Special Use Permit &
Variances
Status: Active
Submitted On: 3/25/2024

Primary Location
311 S UNION AVE
PUEBLO, CO 81003
Owner
K + KV LLC
125 W B ST PUEBLO , CO
81003-3400

Applicant
 Andrew Romero
 719-225-5549
 drew_6464@yahoo.com
 127 University circle
Pueblo, CO 81005

Internal

ZBA Case Number

ZBA-19

Planner Assigned

-

Address Validation by GIS?

ZBA

Hearing Date

04/23/2024

Hearing Results

-

Board Conditions

Appeal Term End Date

-

Permit Completion Date

-

H. SUPPORTING DOCUMENTATION



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: Joseph Kancija	Company: K & K, V, LLC	
Address: 311 S. Union Ave.		
City: Pueblo	State: CO	Zip: 81003
Phone: 719-406-1576	Email: jtkancija@comcast.net	
Applicant:		
Name: Andrew Romero	Company: Grey Scale	
Phone: 719-225-5549	Email:	
Property Address: 311 S. Union Ave.		

I, Joseph Kancija, hereby state that I am the owner of record of the property located at 311 S. Union Avenue, Pueblo, Colorado, and further acknowledge that by signing this affidavit I authorize the submission of an application for a Body Art Studio at said location.
(application type)

Joseph Kancija 3-25-24
 Signature of Property Owner Date