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ZBA-24-45

TO: City of Pueblo Zoning Board of Appeals
FROM: Wade Broadhead, Sr. Planner
THROUGH: Scott Hobson, Land Use Administrative Official
LOCATION: 129 S. Union Ave, Pueblo, CO, 81003
APPLICANT: Matalyn Whitehead
PROPERTY OWNER: Gallagher Damond
YEAR BUILT: 1900
LEGAL DESCRIPTION: LOT 30 LESS 2.02 FT X 60 FT ON NELY SIDE BLK 50 SOUTH PUEBLO
ZONE DISTRICT: Historic Business (HB) Zone District
PARCEL ID: 536420013
LOT SIZE: 3,217

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

BACKGROUND AND ANALYSIS OF REQUEST

129 S Union Ave., is a 1,520 sq ft commercial building on a 3,217 sq ft lot, built before 1900. The property is located in The Union Avenue National Register Historic District. The building is a one-story brick traditional historic storefront that has hosted numerous uses such as a furniture repair shop and a secondhand store, over the past 100 years.

The applicant, Ms. Whitehead 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, she is required to obtain a Special Use Permit before opening his shop.

This is an existing commercial building in the Historic Business District. The primary business access is provided from the Union Avenue entrance. Vehicular ingress and egress and parking for the artists and staff will be taken from the ally. Refuse collection services are located in the alley similar to adjacent businesses in the district. Screening and buffering are not required because of the existing adjacent commercial uses. Body art studios have become more common recently and the use is anticipated to draw clients into the Historic Business District. The proposed business hours, 12:00 PM-8:00 PM, are not anticipated to conflict with existing and emerging residential uses in the district.

ZONING DISTRICT AND LAND USE

Zone:		Developed with:
North	Historic Business (HB) Zone District	Retail commercial store
East	Historic Business (HB) Zone District	Retail commercial store
South	Historic Business (HB) Zone District	Retail secondhand store
West	Regional Business (B-4) Zone District	Open air parking lot

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 is located on S Union Ave, with on-street client parking in the front of the building. Parking for artists and staff is located in the rear of the building and accessed from the alley.

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 the rear of the building off the alley. There is also off-street parking at the rear of the property and an adjacent public parking along Union Ave and D. Street as well as some parking across the alley and down a half block.

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

Comments: Affirmative finding. According to the applicant, there is dumpster in the alley 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. Applicant will comply with the Pueblo Historic Business District Guidelines for signage as approved by the Historic Preservation Commission.

7. Required yards and other open space.

Comments: Affirmative finding. The property is located in the Historic Business Zone District, which does not require yards and open space. The public right of way has 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 has a similar impact as other uses by right in a Historic Business Zone District such as a Beauty Salon. This location has a waiting area which screens the workspaces from the street and client will be limited to a small amount of people based on number of employees present. Traffic, noise, odors, and other disruptions would be negligible. All signage will be reviewed by the historic preservation commission.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board chooses to approve this Special Use Permit staff recommends Standard Permit Conditions 1 through 13 as well as staff condition:

1. Any exterior alteration to the building or proposed signage will need to receive a Certificate of Appropriateness (COA) reviewed and issued by the Pueblo Historic Preservation Commission.

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: 7/23/2024	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 7/23/2025
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

7/1/24, 8:06 AM

24-142

 **City of Pueblo PLACE**

July 1, 2024

24-142
Zoning Board of Appeals - Special Use Permit & Variances
Status: Active
Submitted On: 6/29/2024

Primary Location
129 S UNION AVE
PUEBLO, CO 81003
Owner
GALLAGHER DAMOND
S UNION AVE 129 PUEBLO , CO
81003-3425

Applicant
 Matalyn Craighead
 380-957-7760
 lifebloodtattooshop@gmail.com
 1901 E 9th St
Pueblo, Colorado 81001

Internal

 **ZBA Case Number**
ZBA-24-45

 **Planner Assigned**
-

 **Address Validation by GIS?**

ZBA

 **Hearing Date**
07/23/2024

 **Hearing Results**
-

 **Board Conditions**

 **Appeal Term End Date**
-

 **Permit Completion Date**
-

7/1/24, 8:06 AM

24-142

🔒 Specially Requested Hearing

Public Notice

🔒 Number of Posters

—

🔒 Number of Postcards Sent

—

🔒 Cost of Newspaper Notice

—

🔒 Public Notice Costs

🔒 Other Fees:

🔒 Public Notice costs must be paid by:

—

🔒 Public notice zoning poster must be displayed BY:

—

🔒 Public Notice zoning poster must be displayed UNTIL:

—

🔒 Is a 1-year inspection required?

—

Scope of Work

Type of Request*

Use by Review (Special/ Limited Use Permit)

Type of Use by Review*

Special Use Permit

H. SUPPORTING DOCUMENTATION

7/1/24, 8:06 AM

24-142

Provide a short description of the proposed request:*

We intend to use this space as a body arts facility in which we do tattoos on the local community.

What is the general use of the property*

Commercial

Detailed explanation of the request as listed above. *

We intend to use this space as a tattoo shop. We are a family owned business and we are looking to open in this location and stay for a long time. We are hoping by providing this location it will infuse additional cash flow and business into the neighborhood of local businesses and the local art community. We plan to involve the nearby businesses in cross-promotion and advertising. The space itself requires little changes to ensure a successful tattoo business, and the heavy foot and vehicle traffic allows for great visibility and therefore a lot of business flow. We like this location because it provides great accessibility for handicapped clients which is very important to the kind of service we provide. We are already established in the area from our previous location and have lots of clientele ready and waiting for us to open our doors and provide a professional body arts facility to the community.

Justification of facts required for the request. Be specific.*

See questions below for justification of facts.

Are there any concurrent zoning requests?*

No

Use by Review Justification of Facts

Describe the ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

A. There is readily available access into the property from the front and back in case of emergency or for any necessary entrance to the building. Pedestrians have easy access off the street from the main entrance, located on S Union Ave where there is a large sidewalk. Traffic flow should not be interfered with in any way by the amount of clients we have in the property at any given time.

Describe off-street parking and loading areas where required, with particular attention to the items in Subparagraph a above and the economic noise, glare or odor effects of the use by review on adjoining properties and properties generally in the district.*

B. There is good public off street parking on our street and on the neighboring cross streets as well as city parking behind the building. The street parking on S Union street and the neighboring streets public parking should be more than sufficient for clients at our business. there should be no effects on the nearby area and businesses as far as glare, odor, and noise. It is a quiet, clean, and professional environment and we will extend every courtesy to nearby businesses.

Describe refuse and service areas, with particular reference to the items in the two questions above.*

C. Refuse will be located in the back of the property off the alleyway, in the private outdoor area attached to the back of the building where it will be picked up regularly and kept secure. The main service area will be the front two rooms of the property which are open and easily accessible.

Describe utilities, with reference to the location's availability and compatibility.*

D. Utilities that we will need include electricity and water. There is no gas being used in this space. There is access to all of these utilities including gas if ever needed, and they are already in use in this space (except for gas). All heating and cooling is electric.

Describe screening and buffering with reference to type, dimensions and character.*

E. Screening and buffering will be provided by the layout of the building. There is a front lobby immediately when you walk in from the front entrance off of Union street that is a 16' by 22' space. This area will be for waiting for the procedure to begin and for making appointments. Clients will be enforced to stay in this area until called back by the artist for their procedure after paperwork is complete. The procedure area is the next room in the building with a wall and doorway separating it from the lobby. The procedure room is a 40' by 22' space. The bathroom cuts out a back corner of this room that is 10' by 10'. The procedure area is a large open space where there will be individual stations for the artists and a large open walkway down the middle. The bathroom is located in the northwest corner of this room. At the back of the procedure room, there is a door leading to a storage space (20' by 36') where clients are not allowed. This area will be for storing supplies and the general public will not have access. It is accesable for city required or emergency purposes. There are great aesthetic touches in the space already which we do not intend to change including beautiful antique filagry style ceiling tiles, light colored walls and steel paneling along the bottom of them, as well as wood and tile floors. The space has a bright, professional atmosphere that fits well into the historic nature of the area.

Describe signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect and compatibility and harmony with properties in the district.*

F. We will put up signs on the approved spaces in a similar fashion to the surrounding businesses that say the name of our shop and window decals that say what service we provide. We will not be using lighted or neon signs for the outside of our business. The low street lights should give adequate light outside that provides safe mobility for pedestrians on the sidewalk in front of our business. We will make no other changes outside.

Describe how you will comply with the required yards and other open space.*

G. There are no yards or outdoor spaces required for the kind of business we intend to open in this space. The only outdoor space there is sits behind the building and provides 2 car parking for the staff. This area is off limit to the general public.

Describe the general compatibility with adjacent properties and other property in the district.*

H. A body arts facility that provides tattoos is a great attraction for more consumers in the area which we hope will help bring more traffic into the surrounding businesses. There are two other tattoo shops on this street about a block down which are both successful and have brought more consumer traffic to S Union st. The tattoo business we will provide is an art driven and welcoming space which we hope will continue to expand the brilliance of the Historic District and enforce a positive, safe, and welcoming atmosphere to S Union st.

Terms

Is the applicant and property owner the same?*

No

Applicant Signature*

Matalyn Lee Craighead
Jun 26, 2024

Attachments

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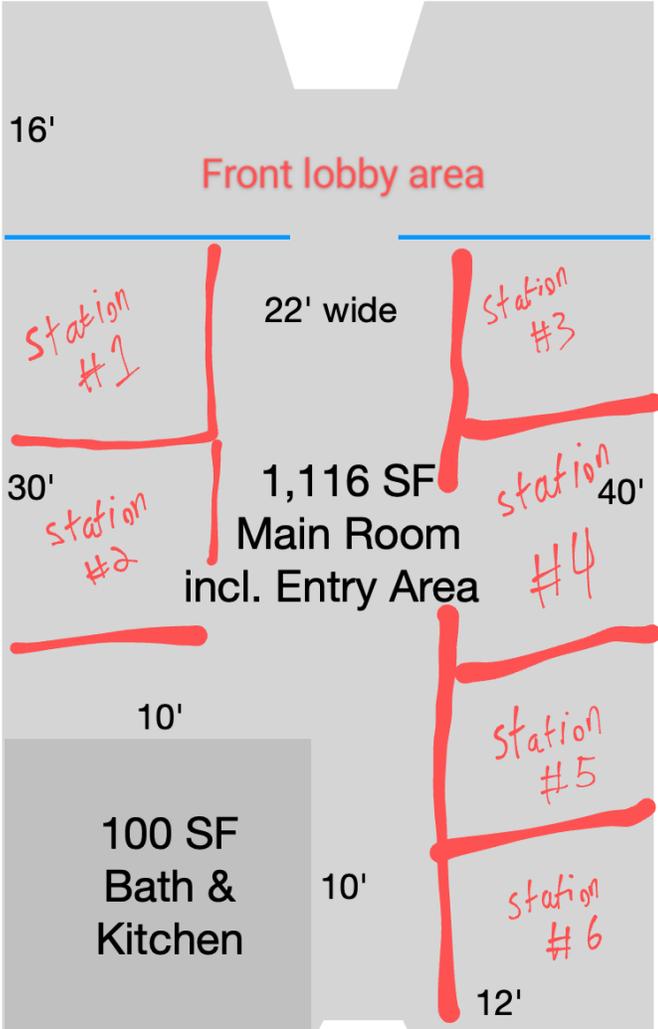
Site plan **REQUIRED**
 Copy of 129 S. Union floorplan.png
 Uploaded by Matalyn Craighead on Jun 29, 2024 at 12:26 PM
- 

Property Owner Affidavit **REQUIRED**
 Property Owner Affidavit.jpeg
 Uploaded by Matalyn Craighead on Jun 29, 2024 at 12:11 PM

History

Date	Activity
7/1/2024, 8:06:52 AM	Karen Elgin changed ZBA Case Number from "" to "ZBA-24-45" on Record 24-142
7/1/2024, 8:06:52 AM	Karen Elgin changed Hearing Date from "" to "07/23/2024" on Record 24-142
7/1/2024, 8:05:17 AM	Karen Elgin approved approval step Fee Review on Record 24-142

129 South Union Avenue ~ Pueblo, CO



Back Storage Room
20' wide by 36' long
720 SF

All measurements taken with laser device and are approximate and are not guaranteed as accurate

