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Zoning Board of Appeals

ZBA-25-40

Hearing Date: 10/28/2025

TO:	City of Pueblo Zoning Board of Appeals
FROM:	Riane Ledford, Planner
THROUGH:	Beritt Odom, Land Use Administrative Official
LOCATION:	305 S. Union Ave
APPLICANT:	Kristyn Dunsworth
PROPERTY OWNER:	K+K IV LLC
YEAR BUILT:	2009
LEGAL DESCRIPTION:	SWLY 2.5 FT OF LOT 17 ALL OF LOT 18 + NELY 16 FT OF LOT 19 ALL IN BLK 48 FORMER TOWN OF SOUTH PUEBLO FORMERLY 05-364-09-008
ZONE DISTRICT:	Historic Business Zone District (HB)
PARCEL ID:	536409022
LOT SIZE:	3,500 Square Feet
REQUEST:	Special Use Permit to allow for an instructional studio in a Historic Business (HB) Zone District

BACKGROUND

The applicant, Kristyn Dunsworth, is requesting a Special Use Permit to allow an instructional studio at 305 S. Union Ave. for Pueblo Pilates, a reformer Pilates studio. Currently, the applicant runs Pueblo Pilates one street over at 224 S. Victoria Ave, where an instructional studio is a use by right in the Central Business (B-4) zone district. An instructional studio is defined by the Pueblo Municipal Code (PMC) as a “facility established to provide classes for the teaching of various arts (e.g. dance, painting, sculpting, singing, karate).” For the proposed Pilates studio, the applicant states there is a maximum of 10 people per class with advanced registration. The studio is only open during class times which are outlined in a tentative class schedule that was provided by the applicant (Exhibit H).

STAFF ANALYSIS

As discussed in the findings of fact, staff find that access to the property, trash collection, utilities, screening, and open space are suitable at this location for the proposed use. The applicant is not intending to modify the existing building for the proposed use. The proposed signage is limited to interior vinyl signs with no new exterior lighting proposed. The property has a six-space shared parking lot in the rear of the building, with two regular parking spaces dedicated to the 305 address specifically as well as an ADA accessible parking spot. Additionally, there is public street parking off C street and Union Ave. At peak demand, there would be a maximum of 10 clients and 1 staff member. Section 17-4-43 of the PMC requires that one parking space be provided for every four occupants of the facility; thus, the 3 provided spaces are sufficient for this use. Staff finds that an instructional studio is generally compatible with the surrounding uses in the Historic Business Zone District. The proposed use is a quiet, appointment-based, instructional studio with business hours from 6:00am-7:30pm, which is typical of Union Ave. A Pilates studio fits well with this commercial corridor and will not interfere with the surrounding downtown mixed uses.

SURROUNDING ZONE DISTRICTS AND LAND USES

	Zone:	Developed with:
North	Historic Business (HB), Central Business District (B-4)	Antique shops, restaurant Goal High School, Neon Alley
East	Historic Business (HB)	Apartments, tattoo shop, restaurant, shops
South	Historic Business (HB)	Parking lot, Bella Union Plaza, restaurant
West	Historic Business (HB)	Cigar shop, law firm, shops, pottery studio, dentist office

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 comment
Pueblo Board of Water Works	No comment
Pueblo City/County Health	No comment
Pueblo Regional Building Department	Regional Building has the following stipulations: This constitutes a change in occupancy for this building and the project will be required to go through the commercial plan review process. Information for the commercial plan review process can be found at our website or feel free to call or email with any questions.

CONDITIONS REQUIRED FOR SPECIAL USE PERMIT

- 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 subject property is located on Union Ave in the historic business district. The main entrance can be accessed from S. Union Ave. There is secondary access in the rear of the building that is accessed off the Neon Alley between S. Union Ave and S. Victoria Ave.
- 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 required 3 on-site parking spaces are provided with a parking lot containing two regular parking spots and an accessible parking spot to be used for class participants. There is also angled public parking on W. C St. and on-street parking along S. Union Ave.
- Refuse and service areas, with reference to the items above.

Comments: Affirmative finding. There is commercial dumpster in the back-alley way that is fully screened for the tenants of 305 S. Union Ave to use for trash service.

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

Comments: Affirmative finding. The building is equipped with all necessary utilities.

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. The applicant does not intend to install any exterior signage or lighting. The business logo will be printed on a sticker and displayed in the main exterior windows.

7. Required yards and other open space.

Comments: Affirmative finding. The property is 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 Pilates studio fits well with this commercial corridor. The service described will not interfere with the surrounding downtown mixed uses.

PLANNING AND COMMUNITY DEVELOPMENT STAFF RECOMMENDATION

If the Board makes the necessary findings of fact to approve this special use permit, staff recommends Standard Permit Conditions 1 through 13 and the following staff recommended condition:

1. All proposed signs must comply with the Pueblo Historic Business District Guidelines.
2. Because this building is a non-contributing structure in the HB Zone District, all exterior modifications to the building must comply with Pueblo Municipal Code Title 17, HB Zone District regulations, and Historic Business District Guidelines.

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: 10/28/2025	
1.	Time Limits Zoning permit shall become invalid unless work or action authorized by permit is fully executed by 10/28/2026
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

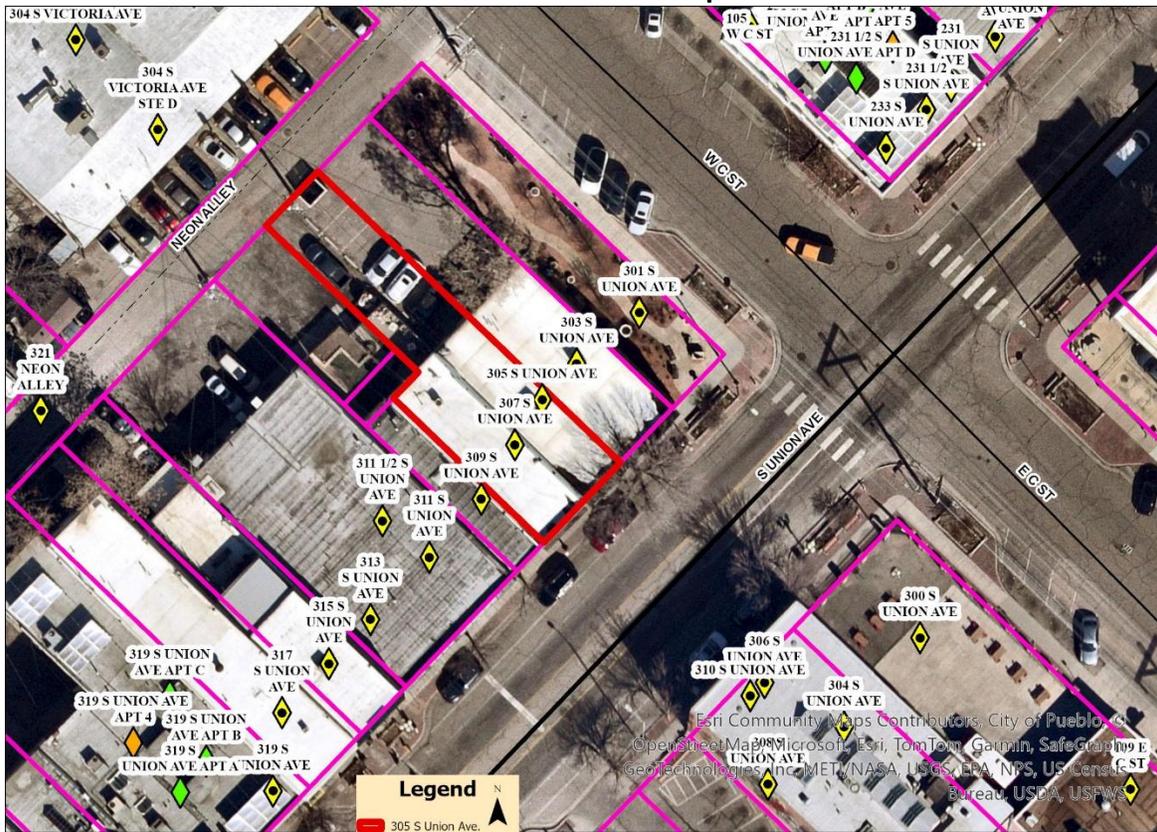


Exhibit C. Zoning Map

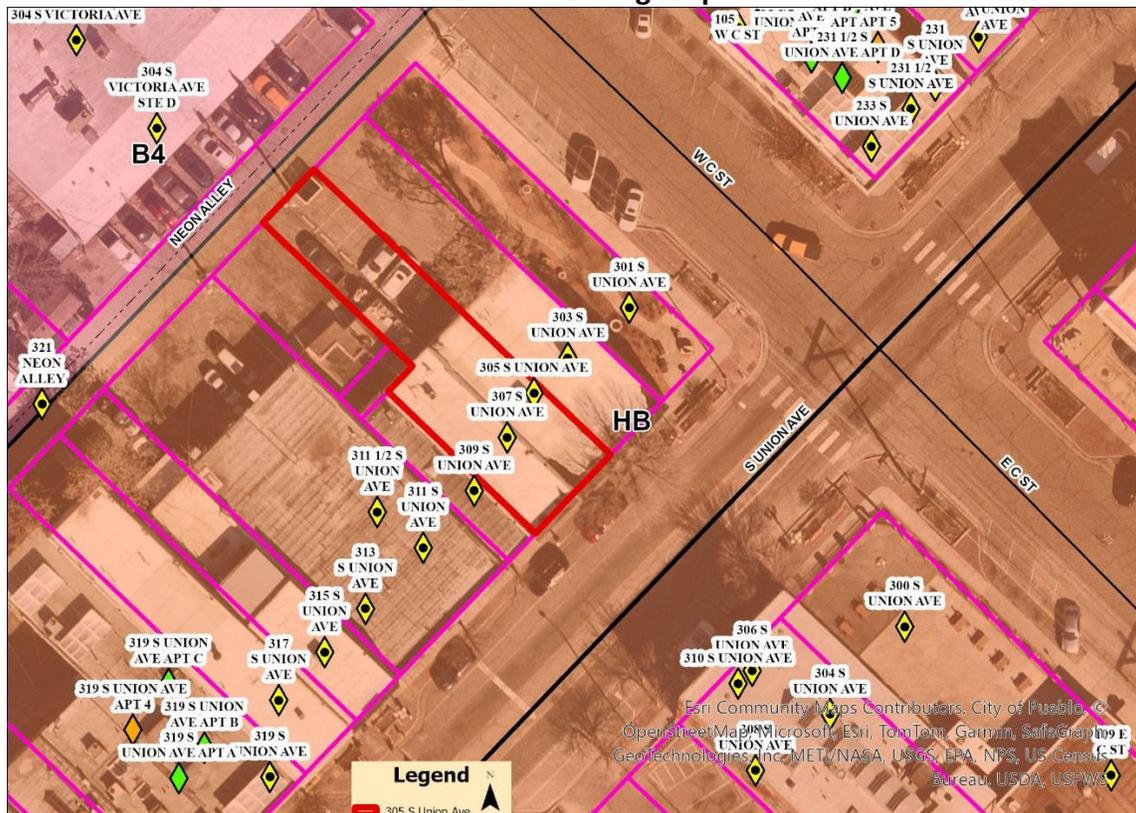


Exhibit D. Comprehensive Plan Map



Exhibit E. Public Notice



Exhibit F. Site Photos



Exhibits G-H. Application & Supporting Documents

To view attachments, please contact the Planning department at planninglanduse@pueblo.us or visit our office at 211 E D St.