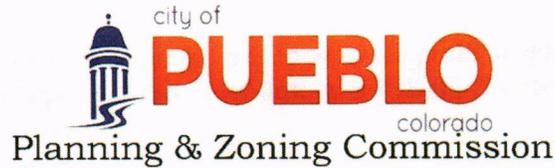


Mike Castellucci  
Chair

Patrick Avalos  
Vice Chair

Sarah Martinez  
City Council Representative



Christopher Pasternak

Alexandra Aznar

Elizabeth Bailey

Cheryl Spinuzzi

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***MINUTES OF REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, March 9, 2022 – 3:30 p.m.

City Council Chambers, 1 City Hall Place

**Join Zoom Meeting online:**

<https://pueblo.zoom.us/j/92717867722?pwd=WUdnaHVGbnlCdHRrUHNfZnpPWG1Ydz09>

**Join Zoom Meeting by phone:**

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

**Online and phone Meeting ID and Password:**

Meeting ID: 927 1786 7722

Passcode: 195462

**MEETING CALLED TO ORDER**

The meeting was called to order at 3:38 p.m. with Commissioner Castellucci presiding.

*The meeting was held at City Council Chambers, 1 City Hall Place, commissioners, applicants, and the public participated in person and via Zoom.*

**Commissioners Present:** Mike Castellucci, Patrick Avalos, Cheryl Spinuzzi, Alexandra Aznar, Christopher Pasternak, Sarah Martinez, and Lisa Bailey.

**Commissioners Absent:** none

**Staff Members Present:** Dan Kogovsek, City Attorney; Scott Hobson, Acting Director for Department of Planning and Community Development; Beritt Odom, Principal Planner; Wade Broadhead, Senior Planner; Danielle Baxter, Planner; John Sakariason, Stormwater Coordinator; and Joe Martellaro, Associate Engineer II.

**APPROVAL OF AGENDA**

A Motion was made by Bailey to approve the agenda with changes to move V-21-03 & S-21-10 to April 13, 2022, hearing and move Z-21-16, V-21-04, and S-21-12 to March 23, 2022, hearing. Seconded by Aznar.

**Motion passed 7-0.**

**PUBLIC MEETING AGENDA**

1. **URP-22-01: Urban Renewal Plan-** Review of the Pueblo Urban Renewal Authority, Mitchell Park South Plan, September 17, 2021, for compliance with the Pueblo Regional Comprehensive Plan, 2002.

Staff report by Danielle Baxter.

**BACKGROUND:**

Pueblo City Council approved Resolution 14666 on July 26, 2021, authorizing the Pueblo Urban Renewal Authority to conduct a blight study of the area adjacent to the Pueblo Community Health Center, Park Hill location, which is being referred to as Mitchell Park South. A Conditions Study and subsequent Urban Renewal Plan was developed for this area. Mitchell Park South consists of approximately 134-acres located south of E 12<sup>th</sup> St, west of N Norwood Ave, north of E 3<sup>rd</sup> St alley, and east of N Joplin Ave. Urban Renewal has completed the Conditions Study and prepared an Urban Renewal Plan based on the results of the survey for Planning and Zoning Commission and City Council consideration.

During the Conditions Survey it was determined that redevelopment would be beneficial for the area indicated. The conditions survey indicated the following characteristics, which are indicative of blight, were found. There are eleven factors of blight listed in the Conditions Survey and eight were found within the survey area.

1. Slum, deteriorated, or deteriorating structures- 21 single family home sites surveyed are severely deteriorated and/or boarded up.
2. Predominance of defective or inadequate street layout- Lack of adequately paved alleys throughout area, which lead to overgrown weeds and soil erosion contaminating water shed.
3. Unsanitary or unsafe conditions- Many boarded-up homes were deemed by Regional Building to be condemned. Several large trees have died and are too expensive for homeowners to remove.
4. Deterioration of site or other improvements- There are approximately 218 rental properties in the survey area. The rental properties have a negative impact on adjoining home and property values. Without adequate parking for multiple tenants, renters drive over curbing and sidewalks destroying city infrastructure.
5. Unusual topography or inadequate public improvements or utilities- Unimproved alleys, broken and non-existent curbing, cracked sidewalks, and erosion are common in the area.
6. Existence of conditions that endanger life or property by fire or other causes- Empty and dilapidated buildings area a fire hazard. Abandoned buildings can be classified as an "attractive nuisance."
7. Buildings that are unsafe or unhealthy for persons to live or work in because of building code violations, dilapidation, deterioration, defective design, physical construction, or faulty or inadequate facilities- Many homes violate Pueblo building codes, are dilapidated, deteriorated, and defective in design and construction.
8. The existence of health, safety, or welfare factors requiring high levels of municipal services or substantial physical underutilization or vacancy of sites, buildings, or other improvements- The abundance of blight in the survey area will require substantial municipal services and public proceeds. The area is severely underutilized because of the state of existing buildings and other blight factors.

## **ANALYSIS OF COMPREHENSIVE PLAN COMPLIANCE WITH THE MITCHELL PARK SOUTH URBAN RENEWAL PLAN:**

The project site has been designated by the Pueblo Comprehensive Plan as mostly *Urban Residential* with a strip of *Urban Mixed Use* along E 4<sup>th</sup> St. The current Comprehensive Plan states *Urban Residential* areas, “are found predominantly within the city limits of Pueblo and the urbanizing areas in the City’s immediate periphery. Examples include Mesa Junction, Eastside, Bessemer, Northside, Aberdeen, State Park, and Hyde Park. They are generally located on a grid roadway network that interconnects a large portion of the urban area. The existing mixture of housing types that range from single family detached housing to duplexes and multi-family housing will be continued with emphasis on maintaining the existing housing stock and in-fill development. Where appropriate, community scale commercial services will be created to provide the necessary day-to-day needs of residents within walking distance. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer and neighborhood parks should be an integral part of the development.”

The Comprehensive Plan defines *Urban Mixed Use* as the city’s traditional downtown. “The land use consists of office, retail, higher-density residential and public uses. The Urban Mixed Use is found along Union Avenue and the HARP and northward toward the Pueblo County Courthouse and southward to include Mesa Junction. Lakeside Drive area south of the Downtown and parts of Northern Avenue area are Urban Mixed Use. Within the Urban Mixed Use, retail uses are emphasized on the first floor of all buildings to maintain a high activity level. Office and residential apartments are encouraged on the upper floors in multi-story buildings. Some higher-density, freestanding residential may also exist in this land use category. In addition, all efforts will be made to maintain the unique character of buildings throughout the area and any new development will be built in a style compatible with the surrounding area. The grid pattern street network and building setbacks created by existing buildings will be maintained. Floor area ratios, the relationship of building square footage to the size of the lot, of non-residential development will be encouraged to maintain a ratio of 1.5. Residential densities will be encouraged to reach higher densities than found in typical suburban settings (upwards of 16 units per acre). These suggested densities encourage pedestrian-oriented development patterns reflective of more historic development within the urban area.”

The area in question includes the Newport Subdivision, Fletcher Hill Addition, Fletcher Hills Addition 2<sup>nd</sup>, Fariss & Gartley Addition, Dr. Owen’s Heights Subdivision, and Winter’s Addition. These subdivisions were platted and recorded between 1880-1900. The proposed blight area redevelopment, as outlined in the Urban Renewal Plan and Conditions Study, will continue the predominantly residential land use in conformity with the Pueblo Comprehensive Plan.

### **STAFF REVIEW AND FINDINGS:**

According to the Urban Renewal Plan for the Mitchell Park South Urban Renewal Project Area, the plan implements the following provisions of the Pueblo Comprehensive Plan:

1. To encourage compatible infill development consistent with the original land uses within the area.

2. To provide maximum opportunities for single family, detached housing rehabilitation.
3. To promote preservation of Urban Residential land use areas where appropriately buffered from existing and future industrial uses currently allowed under existing zoning.
4. To encourage commercial mixed use (re)development to be located within commercial corridors within the area.
5. To interconnect public infrastructure and neighborhood parks to stimulate a safe and walkable urban environment.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the Mitchell Park South Urban Renewal Plan be **APPROVED**.

**HEARING:** Castellucci asked if there is a plan in place for Urban Renewal to improve the area. Andrea De La Garza was sworn in and spoke on behalf of Urban Renewal Authority stating there is no specific plan for infill development currently, but they are looking to institute this program for vacant lots and rehab projects soon as it is a priority for the area. Dan Kogovsek asked if there is a prior Urban Renewal area for this tract. Andrea stated there is another east side Urban Renewal area to the west of this boundary that does not connect to this area. The other plan is more specific to the commercial corridor on 4<sup>th</sup> Street.

**MOTION:** Motion to approve URP-22-01 to City Council with staff conditions 1-5 was made by Bailey, second by Avalos.

**MOTION PASSED 7-0**

**PUBLIC HEARING AND ACTION**

**Regular Agenda**

1. **Z-22-02: Rezone:** Amendment to the Villa Bella Planned Unit Development relating to the 601.3-acre property located east of Colorado State University-Pueblo, north of Cesar Chavez Blvd

Staff Report by Beritt Odom

**BACKGROUND:**

December 12, 2007, the Planning and Zoning Commission recommended approval of the Villa Bella Planned Unit Development and rezoning. City Council approved the Villa Bella PUD in January 2008, providing general design standards for the property. On January 25, 2017, the Thunder Village Urban Design Plan was approved by the Planning Zoning Commission, which established additional development design guidelines for portions of the 601.3-acre development.

In April 2021, the Planning and Zoning Commission recommended approval of the Villa Bella Planned Unit Development amendment relating to the mechanism by which future amendments to the PUD Development Guide are requested and approved, as well as amending the land use for parcels 5 and 6 from multifamily residential to single family residential. The intent of the amendment was to streamline the development process and provide increased opportunities for

single family detached residential development. Below is a summary of modifications to the Villa Bella PUD Development Guide approved by City Council through Ordinance No. 9938 dated May 24, 2021:

- Request and approval of future amendments to the Villa Bella PUD Development Guide shall only require consent and approval of the President (and on behalf) of the Thunder Village Metropolitan District.
- Removal of the phased approach to development, instead allow development to occur as market conditions and the local economy allow.
- Removal of the primary design theme of “contemporary western and southwestern regional styles of architecture” to allow more flexibility in design.
- Reducing the minimum required lot size and setbacks for single family detached lots.
- Increasing the maximum lot coverage for single family detached lots from 55% to 75%.
- Inclusion of the Thunder Village Urban Design Plan into the Villa Bella Development Guide to streamline and simplify development, creating one comprehensive document rather than two separate documents.
- Changing the land use designation for Land Use Parcels 10 and 11 from Multi-Family Residential to Single Family Detached residential.

**STAFF REVIEW:**

Jeff Mark, Caleb Development, LLC, owner of 48.240 acres within the Villa Bella PUD, with approval of Thunder Village Metropolitan District President, Dan DeRose, is proposing to add a new definition of a through lot to the Villa Bella PUD Development Guide to clarify setback requirements within the proposed Villa Bella, Filing No. 2 Subdivision. The proposed subdivision includes multiple single-family residential lots that have street frontage adjacent to what is typically determined to be the front and rear lot lines; however, according to Title 17 of the Pueblo Municipal Code, lots that have street frontage on two sides, running parallel to each other, necessitate two full front-yard setbacks. Requiring two 18-foot front yard setbacks on lots with an 80 to 100-foot depth, drastically reduces the buildable area of the lot. Therefore, Mr. Mark is proposing to add a definition of a through lot that is similar to the Colorado Springs Code of Ordinances through lot definition. The proposed through lot definition only requires a full front yard setback along the street frontage that provides street access to the lot. The proposed amendment also requires the subdivision plat to include a plat note, restricting access to only front and second front yards; access is not permitted from the rear lot line on a double frontage lot.

The applicant is also proposing to amend the rear yard setback for single-family attached homes to 10-feet, which is the same rear-yard setback required for single-family detached homes. Staff does not anticipate any negative externalities stemming from the reduced rear-yard setback, which appears to be a logical change to promote consistency among single-family residential housing products within the development.

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**CHARACTER AND COMPATIBILITY:**

□ **Site Character:**

The property is partially developed with attached single family residential, limited commercial, and the Villa Bella charter school.

- **Neighborhood Compatibility:**
  - North • A-1, County Agricultural One, undeveloped
  - East • A-1, City Agricultural One, undeveloped
  - South • B-4, Central Business District, undeveloped
  - R-5, Multiple Residential and Office District, undeveloped
  - A-1, City Agricultural One, undeveloped
  - West • S-1, Governmental Use, Colorado State University – Pueblo

□ **Comprehensive Plan Compliance:**

The project site is designated by the Pueblo Comprehensive Plan as Urban Residential. Zoning in Urban Residential areas may include zone districts for residential, institutional, office, service and commercial uses; however, focus should be placed on zoning for single-family residential homes.

**The proposed PUD Development Guide Amendment will not affect the approved uses or residential maximum density within the Villa Bella Planned Unit Development. Therefore, the amendment is consistent with the Comprehensive Plan Designation.**

**ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:**

□ **Minimum lot size and area:**

The 601.3-acre parcel is larger than the 5-acre minimum requirement of the PUD Zone District.

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**FINDINGS OF FACT REQUIRED PER §17-8-11 OF THE PUEBLO MUNICIPAL CODE**

**Municipal Code specifies five (5) criteria to be evaluated in conjunction with a PUD application. The Planning and Zoning Commission, before recommending that any property be zoned to a PUD Zone District, shall make the findings concerning the following:**

- (1) **The PUD and Development Guide are compatible with the surrounding neighborhood and the proposed uses are not incompatible to the uses to which the surrounding area is restricted.**

Staff Analysis of Finding #1

The proposed PUD amendment does not change the approved uses, which were determined to be compatible with the surrounding area with the 2021 PUD Amendment approval.

- (2) **The PUD and Development Guide are in accord and in harmony with the Comprehensive Land Use Plan and are being done for the public good; that is, to serve one (1) or more goals of the Comprehensive Plan and enable legislation and thereby bear a relationship to the public health, safety or general welfare.**

Staff Analysis of Finding #2

The project site is designated by the Pueblo Comprehensive Plan as Urban Residential. Zoning in Urban Residential areas may include zone districts for

residential, institutional, office, service and commercial uses; however, focus should be placed on zoning for single-family residential homes.

The proposed PUD Development Guide Amendment will not affect the approved uses or residential maximum density within the Villa Bella Planned Unit Development. Therefore, the amendment is consistent with the Comprehensive Plan Designation.

**(3) The PUD and Development Guide would encourage an appropriate use of land.**

Staff Analysis of Finding #3

The PUD Guide includes provisions for sustainable and environmentally friendly development that encourages alternative methods of transportation, employment centers and a diversity of housing options. The subject property was originally zoned for development of single-family residential. Due to the proximity to the CSU-Pueblo campus and the football stadium, the westerly one-third of the property will be better suited to be developed as commercial, higher density multi-family and single-family housing.

**(4) The PUD and Development Guide would not be so injurious to surrounding properties to the extent of depriving neighboring property owners of any reasonable use of their property.**

Staff Analysis of Finding #4

Homes and buildings will be appropriately setback; landscaping will be required; lighting will comply with “dark sky” requirements; and care will be taken, via a Planning and Zoning Commission review of each PUD Site Plan for each building site with greater than one dwelling unit per lot to ensure that all development will be compatible with the neighborhood.

**(5) All land contained in the PUD District is within the City, proper notice was sent to surrounding property owners, and the required public hearing was held.**

Staff Analysis of Finding #5

All of the land area is within the City of Pueblo and proper notice has been sent by the Department of Land Use Administration to surrounding property owners and the public hearing will be held during a regularly scheduled Planning and Zoning Commission meeting.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED**.

**HEARING:** Castellucci requested additional information concerning front yard setbacks and access from streets. Ms. Odom stated there is a requirement of a plat note clearly indicating there is no vehicular access on one of the parallel streets. Jeff Mark (519 Prospect Dr, Castle Rock) and Jason Alwine were sworn in on Zoom to represent the application. Mr. Mark confirmed that there will be no driveway access from any arterial or collector roadways, they will all be off interior residential streets.

No one spoke in support or opposition for the application.

**MOTION:** Motion to recommend approval of Z-22-02 with staff conditions to City Council was made by Bailey, second by Aznar.

**MOTION PASSED 7-0**

2. **Z-21-22:** Rezoning a parcel of land, 26.86 acres, located immediately east of Pueblo Blvd and north of Westview Drive, from R-4, Mixed Residential District to R-6, Multiple Residential and Commercial District for the purposes of developing a recreational vehicle park.

Staff Report by Wade Broadhead.

**BACKGROUND AND ANALYSIS:**

The subject property was annexed into the City in 1973 with the Arkansas River Annexation. Portions of parcel 5522300002 are being rezoned to R-6 to allow the construction of a recreational vehicle park. A recreational vehicle park is a use by review in a R-6 and will require the approval of a special use permit approved by the Zoning Board of Appeals prior to a recreational vehicle park to begin operations.

**STAFF REVIEW AND FINDINGS:**

The subject property is a large parcel containing unplatted land as well as vacated rights of way and derelict lots from the Saunders Subdivision. The rezoning site landscape is characterized mainly by open desert scrub situated east of Pueblo Boulevard and south of 24<sup>th</sup> street. The City inherited the Saunders Subdivision which was platted in the County but never developed when this property was annexed. Rights of way including 22<sup>nd</sup> street were vacated by ordinance in 1957 but the lots remained. The applicant is proposing the development of an RV park. Access, utilities, and development standards will be addressed during the recreational vehicle park special use permit review at the Zoning Board of Appeals. Recreational Vehicle Parks are strictly regulated by Pueblo Municipal Code, Sec 17-4-51(d)(9), (b) a detailed staff review will occur during the subdivision review process to accommodate all development considerations.

The R-6 allows a wide range of housing, restaurant, retail, and office uses by right which are compatible with a large parcel that fronts a very busy state highway and future major intersection due north. There is ample space for various types of development with room for buffering the residential uses to the east and south. The rezoning accommodates the prior zone district uses while allowing flexibility to private owners going forward as the West Side neighborhoods grows and expands.

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**PLANNING AND COMMUNITY DEVELOPMENT COMMENTS**

**CHARACTER AND COMPATIBILITY:**

□ **Site Character:**

The project is located in a desert scrub prairie located directly east of Pueblo Boulevard and south of 24<sup>th</sup> street.

□ **Neighborhood Compatibility:**

North	B-3, empty prairie and R-8 manufactured homes
East	A-4, R-8 Manufactured homes and single-family homes on larger lots
South	R-3, Duplex development
West	Honor Farm Open Space

□ **Comprehensive Plan Compliance:**

The project site has been designated by the Pueblo Comprehensive Plan as “Urban Residential.” According to Pueblo Municipal Code Section 15-4-51(a)(9) states that the purpose of the R-6 Zone District is designed to retain and provide areas of mixed residence, commercial use and accommodations for transients. While much of the urban residential designation is aimed at small-scale single-family development the Comprehensive Plan does mention that “Community-scale commercial zoning will be appropriate at intersections of two collector roads or of a collector and an arterial road”. 24<sup>th</sup> Street and Pueblo Boulevard are major roads where commercial and mixed-use zoning is appropriate. The R-6 allows a wide range of housing and commercial uses at a neighborhood and community scale to comply with the Urban Residential designation. This property is zoned appropriately and will facilitate compliance with the future land use category of the Pueblo Regional Comprehensive Plan.

Staff has determined that the proposed rezoning is consistent with the comprehensive plan designation.

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**APPLICATION REQUIREMENT PER §17-6-1 OF THE PUEBLO MUNICIPAL CODE**

The applicant's name and address and the name and address of any person, firm or corporation represented by such applicant in the application

□ Comments      **The application contains applicant’s information.**

The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales development, operation or other interest.

□ Comments      **The property owner is the applicant.**

The nature of the amendment and a legal description of the property that would be affected by the amendment.

□ Comments      **A full legal description of the property was provided with the application and is attached to the staff report. Staff is working with the representative to refine the legal description before it goes to City Council.**

A general description of the proposed development to the distance which will be affected; such description including subjects of environmental effect, economic effect and traffic effect, if any; and such description carried out in scope and detail to the extent needed to support the requested amendment and as may be required by the Planning and Zoning Commission.

□ Comments      **The applicant proposes to implement a recreational vehicle park on the site after a subdivision and special use permit review.**

A tentative site plan showing proposed structures, uses, open spaces, facilities for parking and loading and arrangements for pedestrian and vehicular circulation.

□ Comments      **A site plan has not been provided but will be provided for the special use review and subdivision, and commercial site plan review.**

A statement of the proposed time schedule for beginning and completion of development.

□ Comments      **The applicant indicated that redevelopment may begin in late 2022 or 2023 after the subdivision and special use permit are approved**

A statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which a zoning amendment is requested.

□ Comments

**The application did not include information regarding the applicant's economic responsibility and capability.**

**ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:**

- Minimum lot size and area:
  - The R-6 Zone District requires a minimum of 3000 square foot of lot area for single family.
  - The proposed area will be 28 acres and has over a hundred feet of frontage on 24<sup>th</sup> Street. The existing site has been reviewed and it complies with the minimum lot area and width for the proposed zone district.
- Lot coverage:
  - The R-6 Zone District allows a maximum lot coverage of 50%.
  - Staff will check for lot coverage at the time of building permits for the home and any accessory buildings.

**Zone District performance standards:**

- **Multifamily Residential Standards, Section 17-4-4, (c), of the Pueblo Municipal Code: Standards will be implemented at the time of development.**
- **Recreational Park performance Standards, section 170451(d),(9), of the Pueblo Municipal Code: Standards will be implemented at the time of development.**

**REFERRAL AGENCIES AND COMMENTS:**

- City Public Works-All lots, blocks. Streets, vacated streets, etc. must be shown in this exhibit. The legal description must also reference the existing lots within the Saunders Subdivision. Joe Martellaro, 2/17/2022.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED with the following conditions:**

1. **Provide an amended legal description, based on the redlined "Butcher Exhibit for 24<sup>th</sup> Street and Pueblo Blvd.," February 17, 2022, Joe Martellaro, Associate Engineer II.**
2. **Provided an amended Zoning Map Exhibit, based on the redlined "Butcher Exhibit for 24<sup>th</sup> Street and Pueblo Blvd.," February 17, 2022, Joe Martellaro, Associate Engineer II.**

**All conditions must be met and approved by Planning and Public Works prior to scheduling the rezone for City Council review.**

**HEARING:** Ms. Spinuzzi asked for clarification regarding the cul-de-sac from the residential neighborhood providing access to the park. Mr. Broadhead stated that this will remain a cul-de-sac and will not have a through street. Mr. Castellucci asked for clarification of what else could be

built on this lot if the R-6 rezoning goes through. Jim Butcher (1 Judy's Dream, Pueblo) and Joe Gagliano (7240 Eagleridge Blvd, Pueblo) were sworn in to represent the application. Mr. Butcher stated this is to be an upscale park, catering to traveling public that may stay from a few days to a season. There will not be any units rented on the property, just parking for RVs. Mr. Gagliano stated some cul-de-sacs will need to be evaluated but the intent is that the only access is from 24<sup>th</sup> St. Ms. Bailey asked if there is a size limitation. Mr. Gagliano stated he is unaware of size limitations, but he is utilizing designs from similar facilities for larger spaces and hookups.

No one else spoke in support of the application.

Tiffany Grainger (Ridgeview Place) was sworn in and spoke in opposition of the application. Ms. Grainger stated that residential is a greater need than an RV park. RV park is not best suited for neighborhood and Pueblo in general. Even though the RV park claims to be upscale there could be increased crime which would be a detriment to the neighborhood. There could be unwanted clientele that is disruptive to the neighborhood. Ms. Grainger also stated that notices may not have been received by all residences and there may be more opposition down the road. No one else spoke in opposition.

Randy Thurston (102 S. Union) was sworn in and spoke on behalf of the applicant. Mr. Thurston stated there are a lot of new homes and apartments being built in Pueblo. What is needed in Pueblo is RV parking for EVRAZ and solar contractors who travel in RVs. Canon City is opening an RV park with 100 spaces. This will be a quality, first class, RV park with amenities and parks. Marijuana restrictions and RV year manufactured restrictions will be in place. Ms. Martinez asked why this parcel was chosen. Mr. Thurston stated it has easy access off the Blvd, close to reservoir, RV parks need major roadways for access. Also, the proposed extension of 24<sup>th</sup> to Pueblo West would create an ideal location for the community. Mr. Avalos stated this is not a mobile home park, the stay in an RV Park is temporary and not permanent in nature. Ms. Spinuzzi seconded these statements stating that her experience is that these parks are well maintained and would not bring in any additional crime.

**MOTION:** Motion to recommend approval of Z-21-22 with staff conditions to City Council was made by Bailey, second by Pasternak.

**MOTION PASSED 7-0**

- 3. V-21-02: Alley Vacation:** Vacate approximately twenty-five feet (25') of the alley between Mahren Ave and Egan Ave below East Mesa Ave in the Agram, Laibach, and Wien Subdivisions, (1212 Mahren Avenue)

Staff report by Danielle Baxter.

**Staff review and findings:**

Platted as part of the Agram Subdivision in 1901, the alley in question allows rear access to homes fronting East Mesa Ave, Mahren Ave, and Egan Ave, down to Roitz Ave. A portion of said alley creates a "T" intersection before turning south toward Roitz Ave. The applicants are requesting to vacate a portion of the alley, which is a dead end. The portion of the alley in question is approximately twenty-five (25) feet in length, and fifteen (15) feet wide, estimated at 375 square

feet. Vacating this portion of the alley will leave a “T” intersection but will decrease the length of that dead end portion of the alley.

The purpose of this partial alley vacation is to deter illegal dumping and vandalism, which the applicants have been facing. There are three applications for this vacation. Two applicants are property owners with lot frontage along the portion of the alley requesting to be vacated. The two applicants with frontage along the portion of the alley requesting to be vacated plan to divide the alley in half and absorb the additional square footage into their respective lots. The third applicant owns Lot 6, Block 1 of the Agram Subdivision, and the vacated portion of the alley will end at their property line. The 375 square feet of alleyway requesting to be vacated, does not house any underground utility mains and the applicants agree to allow utility service lines within the vacated portion of the alley to provide service, if necessary.

The portion of the alley the applicants are requesting be vacated is a dead end that juts past the south turn in the alley. The alley dead ends on the east side of Lot 7 & strip, Block 1 of the Agram Subdivision. The south side of the alley requesting to be vacated abuts Lot 8, Block 1 of the Agram Subdivision.

**Applicable Regulations:**

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

**REFERRAL AGENCIES AND COMMENTS:**

- City Public Works-Per redlined plans from Joe Martellaro, Associate Engineer II, dated 3/4/2022, the following revisions need to be made on the vacation plat before it can be heard at City Council.
  - The description of the vacation plat is not accurate.
  - The applicants must remove the temporary fence they have installed across the alley.

**Recommended Action:**

Staff recommends that the Vacation be APPROVED with the following condition.

1. The applicant must address all redlined comments on the Alley Vacation within the Agram Subdivision Plat, as noted by Joe Martellaro, Associate Engineer II, City of Pueblo Public Works Department (March 4, 2022). All revisions must be complete and approved by Public Works prior to City Council Review.
2. The applicants must remove the temporary fence they have installed across the alley.

**HEARING:** Mr. Castellucci asked for clarification as to why the fence needed to be removed. Mr. Martellaro added that the fence as it was temporarily constructed did not follow the vacation lines as proposed. Mark Acosta (1212 Mahren Ave, Pueblo) was sworn in to testify on behalf of the application. Mr. Acosta stated the fence has been removed and thanks the departments involved to help the homeowners keep a close eye on this portion of the alley.

No one spoke in support or opposition of application.

**MOTION:** Motion to recommend approval of V-21-02 with staff conditions to City Council was made by Pasternak, second by Bailey.

**MOTION PASSED 7-0**

4. **V-21-05: Street Vacation:** Vacate portions of the following unimproved public rights-of-way:
- S. Bradford Street and adjacent alley to the west, both public rights-of-way are located south of City Center Drive and east of Interstate-25
  - E. River St, located west of S. Bradford Street and east of Interstate-25,
  - The present Kelly Avenue (Freeway Change Agreement, 10-30-1957) south of City Center Drive and east of Interstate-25.

Staff report by Danielle Baxter.

**Staff review and findings:**

There are four areas of platted right of way being vacated in this request. The first street the applicant is requesting to be vacated is platted S. Bradford Street located east of I-25 and south of City Center Dr. The area of S. Bradford St is approximately 332 feet long and 80 feet wide, located in Kramer's Subdivision. The second street requesting to be vacated is platted Kelly Ave. Kelly Ave is noted in the freeway change agreement, 10-30-1957. The platted avenue is divided into two parts by platted E. River St, which is also being vacated. The south half of Kelly Ave is approximately 32 feet wide and 509 feet long. The north half of Kelly Ave is approximately 32 feet wide and 123 feet long. Separating Kelly Ave is the platted roadway of River St. River St. was platted to connect Hector Garcia Place (which was previously River St) and E. River Street, before I-25 was constructed. River St is located within the Baxter's, Amin Santa Fe, and Kramer's Subdivisions and is approximately 81 feet wide and 537 feet long. Finally, the last platted access being vacated is an alley located between the Kramer's and Baxter's Subdivisions. The platted alley is approximately 16 feet wide and 356 feet long.

The purpose of this expansive vacation request is to clear up previously platted roadways which are now part of the Colorado Department of Transportation right of way. All the above-mentioned roads and alleys were only platted and were never developed. CDOT is requesting the vacation to eliminate platted roads within their current right of way, adjacent to Interstate-25. Because this vacation is being requested after the development of the I-25 interchange there is no utility work planned in the area, no future roadways, and existing fencing will not be removed.

According to CDOT, the interstate was originally constructed over these platted roadways. When the Ilex and City Center interchanges to I-25 were realigned CDOT agreed to complete this vacation process to eliminate these platted roads that are now currently within CDOT's right of way. All utilities have already been relocated and any remaining utilities within the CDOT right of way are permitted.

**Applicable Regulations:**

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

**Recommended Action:**

Staff recommends that the Vacation be APPROVED.

**HEARING:** Amber Billings (5615 Wills Blvd), CDOT, was sworn in via Zoom to speak on behalf of the application.

No one spoke in support of application.

Fred Barros (20004 Aspen Rose Dr, Weston, CO) was sworn in and spoke in opposition of the proposed vacation. Mr. Barros owns the property at 302 City Center Dr, which borders Bradford, and stated he was not aware of the vacation and wanted clarification from CDOT for the right of way. Mr. Barros is concerned if he is responsible for this new vacated property and continued utility access in the vacated roadways. No one else spoke in opposition to the application. Ms. Billings stated the project began in 2011 at the Ilex interchange and the City Center intersection was completed in 2018. Ms. Billings was working with the previous property owner at 302 City Center Dr around that time and the current fencing already shows the new property line for the adjacent property owner. The utilities within the proposed right of way are there via permits with the city and will not be moved. Ms. Odom confirmed that the vacated portion of the platted roadway is divided in half between property owners and suggested Mr. Barros contact Ms. Billings directly to work out the details.

**MOTION:** Motion to recommend approval of V-21-05 to City Council was made by Bailey, second by Aznar.

**MOTION PASSED 7-0**

- 5a. **Z-22-01: Rezone:** Rezoning of 23.61 acres from B-P, Business Park to R-5, Mixed Residential and Office District, Lots 1 through 4, Block 2, River's Run Subdivision. Generally located north and east of S. Joplin Ave. and north of S. Portland Ave.

Staff report by Beritt Odom.

**BACKGROUND AND ANALYSIS:**

The Planning and Zoning Commission approved the River's Run Master Development Plan, Case No. MP-04-01 in 2004. The Master Plan called for rezoning the entire 67.93-acre site from I-3, Heavy Industrial to a mixture of B-P, B-2, R-4, and R-2 to facilitate the development of a mixed-use neighborhood on the historic Walter's Brewery site and within the City's lower Eastside Neighborhood. New owners of the River's Run Subdivision are requesting to deviate from the approved master plan and rezone the southwestern portion of the project area from light industrial/commercial to a multifamily residential/office use to better compliment the single-family development planned for the northern portion of the project site.

Currently, the B-P and B-2 zone districts sit directly south of the R-2 zoned single-family residential lots. Municipal Code B-P Performance Standards restrict structures from being constructed within 100-feet of a residential zone district, making future development in the BP Zone District challenging (§17-4-5, (4)). Furthermore, light-industrial uses located adjacent to residential uses are not harmonious and have the potential to create negative externalities for the residents. Uses within the B-2, Subregional Business District are limited to service and offices uses, such uses are generally included within the R-5 Zone District.

Mr. Haaga indicates in his rezoning request, that he intends to develop an apartment complex adjacent to Joplin Ave. and either office or multifamily uses north of S. Portland Ave., which would better compliment the adjacent single-family uses to the north. In order to accomplish the proposed development, the applicant is also requesting to vacate a portion of Fir Street, drainage/utility easements, and resubdivide Lots 1-8, Block 1. Planning staff concurs with Mr. Haaga and supports the rezoning, vacation, and resubdivision as a means to introduce more compatible development within the southern portion of the River's Run community.

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## **PLANNING AND COMMUNITY DEVELOPMENT COMMENTS**

### **CHARACTER AND COMPATIBILITY:**

□ **Site Character:**

The subject property is unimproved, single-family residences are currently being constructed to the north of the site.

□ **Neighborhood Compatibility:**

- |       |  |
|-------|--|
| North | R-2, Single-Family Residential: construction of the single-family homes along Rivers Run Avenue.   |
| East  | I-3, Heavy Industrial: historic business records indicate the site has been home to Auto Body, Auto Detail, and Contractor uses.   |
| South | South of S. Joplin Ave., S-3, Flood Plain District: unimproved land.<br>South of S. Portland Ave., Pueblo County I-3, Heavy Industrial: Tony J. Beltramo and Sons Construction Yard. |
| West  | I-3, Heavy Industrial: primarily unimproved with the exception of two single-family residences.<br>S-3, Flood Plain District: unimproved land.                                       |

□ **Comprehensive Plan Compliance:**

The subject property lies within a Special Development Area identified in the Pueblo Regional Comprehensive Plan, 2002. These areas call for the careful planning of undeveloped lands due to significant development and/or open space potential in strategic locations. The Comprehensive Plan further contends that a Master Plan must be prepared prior to development in Special Development Areas. The River's Run Master Development Plan was approved by the Planning and Zoning Commission in 2004. The master plan includes provisions for a mixture of B-P, B-2, R-4, and R-2 zone districts.

The current property owner is requesting to deviate from the approved master plan by rezoning the B-P and B-2 zone districts to R-5, facilitating multifamily residential and office development. Staff supports the rezoning request as multifamily and office uses are more compatible with the established single-family residential uses located directly north of the rezoning site.

### **ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:**

❑ **Minimum lot size and area:**

R-5 lot size depends upon the use, the minimum required lot size is 3,000 square feet for a single-family use; 5,000 square feet for other permitted uses; and 1,000 square feet per dwelling unit for multifamily uses of six dwelling units or more.

- All existing lots being rezoned exceed the 5,000 square foot minimum and as resubdivided will continue to exceed the minimum area requirement.

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**APPLICATION REQUIREMENT PER §17-6-1 OF THE PUEBLO MUNICIPAL CODE**

The applicant's name and address and the name and address of any person, firm or corporation represented by such applicant in the application

- ❑ Comments      **The application contains applicant's information.**

The interest of the applicant and the interest of the person, firm or corporation represented by the applicant, be it legal, sales development, operation or other interest.

- ❑ Comments      **The property owner is the applicant.**

The nature of the amendment and a legal description of the property that would be affected by the amendment.

- ❑ Comments      **A full legal description of the property was provided with the application and is attached to the staff report.**

A general description of the proposed development to the distance which will be affected; such description including subjects of environmental effect, economic effect and traffic effect, if any; and such description carried out in scope and detail to the extent needed to support the requested amendment and as may be required by the Planning and Zoning Commission.

- ❑ Comments      **The applicant proposes to implement multi-family residential development and office/light commercial uses.**

A tentative site plan showing proposed structures, uses, open spaces, facilities for parking and loading and arrangements for pedestrian and vehicular circulation.

- ❑ Comments      **A site plan has not been provided.**

A statement of the proposed time schedule for beginning and completion of development.

- ❑ Comments      **The applicant indicated that redevelopment may begin in 2022.**

A statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which a zoning amendment is requested.

- ❑ Comments      **The application did not include information regarding the applicant's economic responsibility and capability.**

**REFERRAL AGENCIES AND COMMENTS:**

- City Wastewater- "The flow analysis between the existing zoning and the proposed zoning was not provided," email from Sonia Mondragon, February 22, 2022.

**RECOMMENDED ACTION:**

- Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED**.

**HEARING:** Castellucci asked for clarification that the rezone would make the proposed zone more compatible with existing single-family residences. Ms. Odom confirmed this statement. Aaron Haaga (6375 S Highland Dr, Salt Lake City, UT) was sworn in to speak on behalf of the application. Mr. Haaga added that the rezone supports current development so there is a better buffer between the industrial areas and residential neighborhoods. Ms. Martinez asked what the completion date of development is. Mr. Haaga stated they are developing 67 acres in multiple

phases. Once the rezone is complete, they are looking to construct the apartment complex this summer; it may take five to seven years for the entire build out of the community.

No one spoke in support or opposition of the application.

**MOTION:** Motion to recommend approval of Z-22-01 to City Council was made by Bailey, second by Pasternak.

**MOTION PASSED 7-0**

- 5b. V-22-01: Vacation:** Rivers' Run Subdivision Right-of-Way and Easement Vacation. Vacation of a portion of Fir Street and multiple easements within Blocks 1 and 2, Rivers' Run Subdivision. Generally located north and east of S. Joplin Ave. and north of S. Portland Ave

Staff report by Beritt Odom.

**Staff review and findings:**

Fir Street and the Public Utility and Drainage Easements proposed to be vacated were subdivided in 2005 with the River's Run Subdivision. At the time, Fir Street and the drainage/utility easements were intended to provide drainage and utility service to multiple lots zoned for light industrial and commercial uses. Aaron Haaga, property owner, is requesting to resubdivide Lots 1-8, Block 1, River's Run Subdivision to create two large lots zoned for multifamily residential and commercial uses; therefore, it is no longer necessary to have multiple easements for drainage/utilities and for Fir Street to run the entire length of Block 1. Additionally, Lots 1-4, Block 2, River's Run Subdivision, are proposed to be rearranged into one large lot for multifamily residential development, negating the need for multiple drainage/utility easements to run through the block. The 30-40-foot easement that runs adjacent to the southern and eastern boundary of Block 2 will remain providing drainage and detention for the rearranged parcel.

**Applicable Regulations:**

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

**Recommended Action:**

The Subdivision Review Committee recommends that the Street and Easement Vacation be recommended for APPROVAL following conditions:

1. Provide a signed and stamped preliminary drainage report in accordance with the Storm Drainage Design Criteria and Drainage Policies for the City of Pueblo, Colorado prior to submittal for City Council review and approval.
  - a. The report will need to include a discussion about any increases in impervious area and impacts to the detention facility.
  - b. The drainage and drainage easements are changing significantly. A new grading plan is required showing the proposed design and drainage basins.
  - c. Include all items in the checklist in the report and on the drainage plan.
2. If the new design changes are significant enough to change the easements, dedication statements, maintenance statement, and agreements, then the plat will have to be resubmitted for Planning and Zoning Commission review and recommendation.

3. Water quality must be addressed. All onsite developed stormwater flows are required to be treated prior to being released offsite per the City's Criteria Manual and MS4s permit. Since this is a re-subdivision and it disturbs over an acre, water quality will have to be brought up to current standards.
4. The stormwater facility maintenance agreement is currently under review and needs to be finalized prior to City Council review.

**All conditions must be met and approved by the Stormwater Department prior to the Vacation request being scheduled for City Council review.**

- **Stormwater Comment: Stormwater Utility Memo from John Sakariason, Stormwater Coordinator, March 1, 2022**

**HEARING:** Aaron Haaga (6375 S Highland Dr, Salt Lake City, UT) was still under oath to speak on behalf of the application. Mr. Haaga added that the vacation is due to combining lots and they are no longer needed. He also added that the Fir St vacation is for crime reduction in the neighborhood. No one spoke in support or opposition to the application.

**MOTION:** Motion to recommend approval of V-22-01 with staff conditions to City Council was made by Bailey, second by Avalos.

**MOTION PASSED 7-0**

- 5c. **S-22-01: Subdivision:** Rivers Run Subdivision, 1<sup>st</sup> Amendment. A re-subdivision of 12.88 acres (13 lots) into three multi-family residential/office lots. Generally located north and east of S. Joplin Ave. and north of S. Portland Ave

Staff report by Beritt Odom.

**BACKGROUND AND ANALYSIS:**

The Planning and Zoning Commission approved the River's Run Master Development Plan, Case No. MP-04-01 in 2004. The master plan identified the resubdivision area for light industrial uses and it was subsequently subdivided into eight non-residential lots with drainage/utility easements servicing each lot. Mr. Haaga, property owner, is now requesting to deviate from the approved master plan to resubdivide the eight lots into two large lots to facilitate the development of multifamily residential housing within the City's lower Eastside Neighborhood.

The resubdivision site sits directly south of the existing R-2 zoned, single-family residential lots. Mr. Haaga indicates in his subdivision request, that he intends to develop an apartment complex adjacent to Joplin Ave., which would better compliment the adjacent single-family uses to the north. In order to accomplish the proposed development, the applicant is also requesting to vacate a portion of Fir Street, drainage/utility easements; rezone Lots 1-8, Block 1, and Lots 1-4, Block 2; rearrange Lots 1-4, Block 2; and rearrange Lots 1-2, Block 3. Planning staff concurs with Mr. Haaga and supports the rezoning, vacation, rearrangement and resubdivision as a means to introduce more compatible development within the southern portion of the River's Run community.

**APPLICABLE REGULATIONS:**

Sec. 12-4-6(b)(1) through (3) concerning the necessary information and supporting documents to be submitted for review and required drawing to be recorded; and Sec. 12-4-7 concerning the minimum standards for all subdivisions.

**ANALYSIS:**

The proposed Subdivision conforms with the applicable Municipal Codes.

**RECOMMENDED MOTION:** The Subdivision Review Committee recommends the Planning and Zoning Commission forward a recommendation that the requested Subdivision be **APPROVED** with the following noted:

<b>Requests for Modifications to Requirements:</b>	Not Applicable
<b>Request for Deferred Filings</b>	Not Applicable
<b>Plat Deficiencies:</b>	
<p><b>Conditions of Approval:</b> (Unless otherwise noted, all conditions of approval must be completed prior to the case being scheduled for City Council hearing.)</p>	<p><b>Conditions required by stormwater (Stormwater Utility Memo, March 1, 2022):</b></p> <ol style="list-style-type: none"> <li>1. Provide a signed and stamped preliminary drainage report in accordance with the Storm Drainage Design Criteria and Drainage Policies for the City of Pueblo, Colorado prior to submittal for City Council review and approval.               <ol style="list-style-type: none"> <li>a. The report will need to include a discussion about any increases in impervious area and impacts to the detention facility.</li> <li>b. The drainage and drainage easements are changing significantly. A new grading plan is required showing the proposed design and drainage basins.</li> <li>c. Include all items in the checklist in the report and on the drainage plan.</li> </ol> </li> <li>2. If the new design changes are significant enough to change the easements, dedication statements, maintenance statement, and agreements, then the plat will have to be resubmitted for Planning and Zoning Commission review and recommendation.</li> <li>3. Water quality must be addressed. All onsite developed stormwater flows are required to be treated prior to being released offsite per the City’s Criteria Manual and MS4s permit. Since this is a re-subdivision and it disturbs over an acre, water quality will have to be brought up to current standards.</li> <li>4. The stormwater facility maintenance agreement is currently under review and needs to be finalized prior to City Council review.</li> </ol> <p><b>Wastewater Conditions (email from Sonia Mondragon, February 22, 2022):</b></p>

	<p>1. Provide field verified elevation at the connection manholes on the Utility Plan (Subdivision Submittal Checklist Part 1, #23).</p> <p><b>General Condition:</b></p> <p>1. The vacation and subdivision plat must be recorded concurrently.</p>
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**PLANNING AND COMMUNITY DEVELOPMENT COMMENTS**

**CHARACTER AND COMPATIBILITY:**

□ **Site Character:**

The subject property is unimproved.

□ **Neighborhood Compatibility:**

- North R-2, Single-Family Residential: construction of single-family homes along Rivers Run Avenue.
- East I-3, Heavy Industrial: historic business records indicate the site has been home to Auto Body, Auto Detail, and Contractor uses.
- South South of S. Joplin Ave., S-3, Flood Plain District: unimproved land.  
South of S. Portland Ave., Pueblo County I-3, Heavy Industrial: Tony J. Beltramo and Sons Construction Yard.
- West I-3, Heavy Industrial: primarily unimproved with the exception of two single-family residences.  
S-3, Flood Plain District: unimproved land.

□ **Comprehensive Plan Compliance:**

The subject property lies within a Special Development Area identified in the Pueblo Regional Comprehensive Plan, 2002. These areas call for the careful planning of undeveloped lands due to significant development and/or open space potential in strategic locations. The Comprehensive Plan further contends that a Master Plan must be prepared prior to development in Special Development Areas. The River's Run Master Development Plan was approved by the Planning and Zoning Commission in 2004. The master plan includes provisions for a mixture of residential, commercial and light industrial uses.

The current property owner is requesting to deviate from the approved master plan by rezoning the B-P and B-2 zone districts to R-5, rearranging, and resubdividing the commercial/industrial areas facilitating multifamily residential and office development. Staff supports the subdivision request as multifamily and office uses are more compatible with the established single-family residential uses located directly north of the rezoning site.

**ABILITY TO COMPLY WITH THE ZONE DISTRICT REGULATIONS:**

- **Minimum Lot Size and Area:**

R-5 lot size depends upon the use, the minimum required lot size is 3,000 square feet for a single-family use; 5,000 square feet for other permitted uses; and 1,000 square feet per dwelling unit for multifamily uses of six dwelling units or more.

- The two proposed lots exceed the minimum area requirement for the R-5

**REFERRAL AGENCIES AND COMMENTS:**

- Pueblo Board of Water Works-Please see the attached email from Steven Anselmo, February 23, 2022
- City Wastewater-Please see the attached email from Sonia Mondragon, February 22, 2022
- City Stormwater-Please see the attached memorandum from John Sakariason, Stormwater Coordinator, March 1, 2022

**HEARING:** Aaron Haaga (6375 S Highland Dr, Salt Lake City, UT) was still under oath to speak on behalf of the application. Mr. Haaga stated he understood the conditions of the report. No one spoke in support or opposition of application.

**MOTION:** Motion to recommend approval of S-22-01 with all staff conditions to City Council was made by Bailey, second by Aznar.

**MOTION PASSED 7-0**

6. **ODP-20-01: Overall Development Plan Wildhorse:** Overall Development Plan of approximately 179.38 acres generally located north of West U.S. Highway 50, east of E. Industrial Blvd. and south of Fourth Road.

Staff report by Scott Hobson.

**BACKGROUND AND ANALYSIS:**

Wildhorse Crossing was annexed into the city as a two-phase annexation on January 31, 2022, by Ordinance Nos. 10103 and 10104. The Annexation Agreement requires the petitioners to submit an Overall Development Plan that includes a Development Plan, Drainage Plan, Sanitary Sewer Plan, Transportation Plan and Environmental Studies to the Planning and Zoning Commission to review and approve. According to Section 12-4-5, (b) of the Pueblo Municipal Code, the Overall Development Plan must correspond to the site's Pueblo Regional Comprehensive Plan land use classification.

The 179.38-acre site is undeveloped and was zoned Pueblo County A-3 and A-1 prior to annexation. The property owners are proposing a mixture of commercial, office, business park, and multifamily residential uses to be established on the site. Proposed land uses and the general circulation plan are included in the attached "Wildhorse Crossing, Planning Areas/Land Use Plan." A Wildhorse Master Traffic Impact Study was prepared by SM Rocha, LLC, and provides a detailed analysis of the traffic impact that will occur with the full buildout of the proposed development in the land use plan. The transportation study analysis was reviewed by the City of Pueblo Public Works and Transportation Departments. NorthStar Engineering provided the

drainage plan and sanitary sewer plans, which have been reviewed by the City's Stormwater and Wastewater Utility Departments. A 120-foot wide Southern Colorado Power Company easement crosses the property in an east to west direction. The development plan reflects the continuation of the power line to cross the property and has established the land use areas to reflect land uses and roadway alignments that are not inconsistent with the powerline crossing the property. The final acreage of the planning areas bordering Pueblo Boulevard may vary slightly depending on whether the intersections are constructed with traffic signals or round-a-bouts. The proposed land use plan identifies nine planning areas that are designated for the following uses:

- PA-1 Auto Dealerships and Auto Service, 15.24 acres
- PA-2 Commercial Uses, 14.03 acres
- PA-2A Office/Warehouse Uses, 9.76 acres
- PA-3 Hotel/Commercial Uses, 11.73 acres
- PA-3A Office/Warehouse Uses, 16.41 acres
- PA-3B Office/Warehouse Uses, 11.96 acres
- PA-4 Retail Uses, 25.22 acres
- PA-5 Multifamily Rental Use, 10.93 acres, approx., 270 units
- PA-6 Office/Warehouse Uses, 30.54 acres

**Comprehensive Plan Compliance:**

Wildhorse Crossing is designated as a Special Development Area by the Pueblo Regional Comprehensive Plan, 2002. Special Development areas call for the careful planning of undeveloped lands due to significant development and/or open space potential in strategic locations. The Comprehensive Plan further contends that a Master Plan must be prepared prior to development in Special Development Areas. The Wildhorse Crossing Overall Development Plan meets the Special Development Area criteria for master planning by providing location specific plans for infrastructure related to private development.

**Pueblo Area Council of Governments (PACOG) Long Range Transportation Plan 2045:**

The Wildhorse Crossing Overall Development Plan includes provisions for the extension of North Pueblo Boulevard. within the property to accommodate a NR-C Non-Rural Arterial designed roadway with a one hundred fifty (150) foot wide right-of-way, and full movement intersection spacing at two intersections within the property. The one hundred fifty (150) foot right-of-way may be expanded to no greater than a maximum of one hundred seventy-five (175) feet in specific roadway segments if the traffic study results warrant additional width. The right-of-way will include sufficient width for a center median which allows for the installation of full movement turn lanes and intersections. The PACOG 2045 Long Range Transportation Plan identifies the full extension of Pueblo Boulevard, if developed as an extension of the State of Colorado highway system, as an expressway. The right-of-way requirements within the annexation agreement provide for the minimum width identified for an expressway should the north extension of Pueblo Boulevard be considered in the future as an addition to the State of Colorado highway system. There are two proposed full movement (4-way) intersections with the extended Pueblo Boulevard, Wildhorse Road and Dunn Avenue. Both roadways currently exist but are proposed to be realigned for better intersection spacing.

**Trails Master Plan Compliance:**

The City's 2040 Vision Plan for trail development does not identify any trails planned through Wildhorse Crossing. However, should a trail be developed along Wildhorse Creek, extending through the property, the annexation agreement requires the dedication of a 20-foot-wide trail easement and the construction of a concrete trail through the property. The Wildhorse Creek corridor is shown on the land use plan as open river corridor.

**Neighborhood Compatibility:**

The proposed development is a mixture of retail, high density residential, and business park uses. The proposed annexation site is located adjacent to unincorporated Pueblo County (A-1, Agricultural One, A-2, Agricultural Two, A-3, Agricultural Three Districts). Development north of the site consists of a self-storage facility, Wildhorse Self Storage, a contractor's yard, and an auto salvage yard, Chapas Auto Parts. All businesses are located within the Pueblo A-2 Agricultural District. The property to the east, is undeveloped A-1, Agricultural One in Pueblo County. The property to the south has A-3, Agricultural Three, A-1, Agricultural One, and S-1, Public Use Districts within unincorporated Pueblo County. There is one residence south of the property within the Holiday Hills Subdivision in unincorporated Pueblo County. In addition, the Colorado Department of Transportation Maintenance Facility and Yard is located south of the property within city limits. The area west of the property is undeveloped A-3, Agricultural Three in Pueblo County.

**REFERRAL AGENCIES AND COMMENTS:**

- City Wastewater-All wastewater comments were addressed with the February 2022, Sanitary Sewer Master Plan.
- City Stormwater- "The 100-ft prudent line setback, from the floodplain, needs to be taken into consideration when planning the subdivisions," Stormwater Utility Memo, from John Sakariason, Stormwater Coordinator, February 23, 2002.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission approve the Wildhorse Crossing Overall Development Plan.

**HEARING:** Michael Cuppy (111 E 5<sup>th</sup> St, Pueblo) and Jim Munch (327 Argyle, Pueblo) were sworn in to represent the application. Mr. Cuppy added this is the required next step after annexation and the site plan shown is not set in stone and could be changed in the future. Mr. Cuppy said any proposed changes will be compared to this approved plan for compliance and all changes will need additional approval. Castellucci asked about street alignments on the site plan and Mr. Cuppy stated the intersections as shown are the agreed upon intersections with CDOT. Mr. Munch added that he was the Planning Director from 1985-2007, he was working on this development for 20-30 years and this is the last major commercial development along Hwy 50. Mr. Munch added there is adequate buffer to properties to the north and he is excited for the development. Ms. Spinuzzi asked if there was an issue obtaining enough designated right of way for CDOT. Mr. Cuppy stated the right of way width as presented is adequate for a major roadway and will be similar to Pueblo Blvd. No one spoke in support or opposition to application. There was a question asked in the audience, the citizen was not sworn in, and the question is not audible on the recording. Mr. Cuppy's response to the question was that Pueblo Blvd will connect to Platteville eventually, however there are multiple hurdles; the proposed plan sets up the alignment for the future connection.

**MOTION:** Motion to approve ODP-20-01 was made by Bailey, second by Aznar.

**MOTION PASSED 7-0**

- 7a. **Z-21-20: Rezoning** 7 Reservoir Drive, Rezoning of .38 acres from A-2, Agricultural-One Zone District to R-1, Single Family Zone District. *Continued from the February 9<sup>th</sup>, 2022, hearing*

Staff report by Wade Broadhead.

**BACKGROUND AND ANALYSIS:**

The property located at 7 Reservoir Drive was annexed into the City and in 1973 and zoned A-2 a zone that most closely matched the historic use of the area despite creating some legal nonconforming lots. The applicant is requesting to rezone to R-1 to allow the construction of a single-family house.

**STAFF REVIEW AND FINDINGS:**

To erect a structure in the City of Pueblo owners need to be on subdivided ground. The current property legal description is metes and bounds so the owner has submitted a one lot subdivision as concurrent review (S-21-11). Currently their lot is .42 acres and the minimum size for a single family is .5 acres, not allowing the lot to conform with minimum sizes for A-2 zone district. The R-1 Zone District allows larger lot development and mostly single family uses. The proposed one lot subdivision would meet the minimum size (7000 sq ft) and lot width (70 ft) for a R-1 zone district. The proposed use is a single-family residence which is a use by right. During the public notice feedback period and site inspection staff learned that two tiny homes are on site. Both of these units will need to be removed before the subdivision moves to City Council and it has been so conditioned in case S-21-11. Though there is no R-1 located nearby the effective use of the R-1 will be complimentary and compatible with the surrounding neighborhood of single-family homes on large lots with some grazing and pastureland.

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**PLANNING AND COMMUNITY DEVELOPMENT COMMENTS**

**CHARACTER AND COMPATIBILITY:**

□ **Site Character:**

The property is currently a vacant flat riverfront field.

□ **Neighborhood Compatibility:**

North	• A-2, Agricultural Two, single family homes on large lots and the Arkansas River
East	• A-2, Agricultural Two, single family homes on large lots and the Arkansas River
South	• A-2, Agricultural Two, single family homes on large lots and pasture.
West	A-2, Agricultural Two, single family homes on large lots and pastures.

□ **Comprehensive Plan Compliance:**

- The project site has been designated by the Pueblo Comprehensive Plan as “Country Residential.” The Pueblo Comprehensive Plan designation of *Country Residential* area states that is intended to remain more rural in character without public sewer service but having some suburban amenities such as public water service. This is the one-to-five-acre

lot development ...Lot development should be low density and the use of clustering is encouraged.” While lacking animal uses, R-1 fits the overall description of Country Residential. This property is zoned appropriately, and the new subdivision will facilitate compliance with the future land use category of the Pueblo Regional Comprehensive Plan. Staff has determined that the proposed rezoning is consistent with the comprehensive plan designation.

**ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:**

- Minimum lot size and area:
  - The R-1 Zone District requires a minimum of 7000 square foot of lot area, with a minimum of 70-foot-wide street frontage.
  - The proposed lot will be .42 acres square feet and has a lot width of 142-feet along Reservoir Drive. The existing site has been reviewed and it complies with the minimum lot area and width for the proposed zone district.
  
- Lot coverage:
  - The R-1 Zone District allows a maximum lot coverage of 50%.
  - Staff will check for lot coverage at the time of building permits for the home and any accessory buildings.
  
- **Zone District performance standards:**
  - Single family homes must meet conform with Residential Placement standards (Sec-17-4-11) and have eight design elements to be permitted. The elevations and design standards will be reviewed when a building permit is submitted.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED:**

**HEARING:** “Jay” Howard Miller was sworn in by Dan Kogovsek. Commissioner Castellucci asked Mr. Miller if he understood the staff conditions and he said he did. Commissioner Castellucci asked Mr. Miller to address the mobile homes (tiny homes). He explained that he applied for a permit for existing structures, and he initially told the committee staff in July that he would have construction trailers and that’s what he considers those. His caretaker had a trailer that was falling apart so that’s why he added those buildings, replacing the older structure. Commissioner Castellucci asked staff if that was ok to keep the temporary mobile homes until a permanent home was constructed and Odom and Broadhead responded that it was not allowed. Broadhead said it (the mobile homes) had to be removed before it went to City Council. Mr. Miller said he understands that response but does not agree with it. Odom stated that we do not have provisions for temporary residences and that the city has looked at this issue but has not made changes to the code. Broadhead added that he was not present for initial discussions, but the idea was more of a short-term trailer during construction. Commissioner Castellucci asked Mr. Kogovsek if the Commission had the authority to allow the mobile homes (tiny homes) during construction and if that was not allowed was there any other alternative. Kogovsek could not find an avenue to allow the structures. Mr. Miller gave some history of the property and homes. He

stated that he has owned the house for 14 years and it has been used as a residence for most of that time. He stated that he could look at other uses by rights or conditional uses and asked was there any avenue to allow the homes that are there. Broadhead suggesting continuing the hearing a month to give staff time to work on this issue. Commissioner Avalos said that if Mr. Miller goes through and is denied at this level and the homes are removed, he would have to start all over. Mr. Miller stated he wanted to find some way to allow the house without throwing his roommate out who is a disabled individual. Commissioner Castellucci said he saw nothing wrong if he had the authority to grant this, but he does not and there is no way to accommodate this at this point. He suggested to Mr. Miller taking Mr. Broadhead's suggestion to continue the case. Mr. Hobson stated that most of the properties along this road are not subdivided and the City has received many requests for new houses and buildings, and this has been an issue for multiple properties, not just this one. He stated that the issue wasn't allowing a house without subdivision, the issue would be what uses could continue while a home was constructed. Commissioner Castellucci asked what to do about people who were present today and wanted to testify. Castellucci addressed those present in the audience and on Zoom whether they wanted to testify. A citizen asked if they could testify at both hearings and was told that he could not. Broadhead stated that citizens could ask him questions at any time.

**MOTION:** Motion to continue case Z-21-20 and S-21-11 to the April 13, 2022, meeting of the Planning and Zoning Commission at the request of the applicant by Bailey, seconded by Avalos.

**MOTION PASSED 7-0**

- 7b. **S-21-11: Subdivision** 7 Reservoir Drive, the subdivision of .38 acres into a one lot subdivision to allow the construction of a single-family home. *Continued from the February 9<sup>th</sup>, 2022, hearing*

**HEARING:** No hearing, case was continued with the motion at the end of the hearing for Z-21-20.

**MOTION:** Motion to continue case Z-21-20 and S-21-11 to the April 13, 2022, meeting of the Planning and Zoning Commission at the request of the applicant by Bailey, seconded by Avalos.

**MOTION PASSED 7-0**

#### **APPROVAL OF MINUTES**

Approval of the minutes for the Planning and Zoning Commission Public Hearing held on February 9, 2022. Motion by Bailey, second by Aznar.

**MOTION PASSED 7-0**

#### **NEW/OLD BUSINESS:**

Election of officers. Castellucci asked if anyone wished to step up or step down from a position, there were none. Avalos added that his term ends in July. If Mr. Avalos chooses to leave the Commission when his term ends, the Commission will then elect a Vice Chair. Motion was made

by Bailey to keep all current appointments of Chair, Vice Chair, ZBA Liaison, and TAC Liaisons, second by Aznar.

**ADJOURN**

There being no further business the Regular Meeting was adjourned at 5:55 p.m.

Respectfully submitted,

Attest:



Mike Castellucci  
Chairperson



Scott Hobson  
Executive Secretary

Digital recordings of all the meetings of the Planning and Zoning Commission are maintained and available for inspection and review during normal business hours (M – F, 8 a.m. – 5 p.m.) at the Department of Planning & Community Development, 211 East D Street, Pueblo, CO.