

Mike Castellucci
Chair

Steve Anselmo
Vice Chair



Yvonne Lujan-Slak
Secretary

Brian Lucas

Rodger Ortiz

Minutes for October 24, 2017
City Council Chambers, 1 City Hall Place

MEETING CALLED TO ORDER

The meeting was called to order at 7:08 p.m. with Chairman Castellucci presiding.

Board Members Present: Mike Castellucci, Yvonne Lujan-Slak, and Brian Lucas.

Board Member Absent: Steve Anselmo and Rodger Ortiz.

Staff Members Present: Scott Hobson, Assistant City Manager for Community Investment; Paul Willumstad, Board Attorney; and Valerie A. Sherman, Planner.

APPROVAL OF MINUTES

Motion to approve the corrected minutes from the meeting September 26, 2017, by Lucas, second by Lujan-Slak.

Motion passed 3 - 0

APPROVAL OF AGENDA

Motion to approve the agenda for October 24, 2017, by Lucas, second by Lujan-Slak.

Motion passed 3 - 0

REGULAR BUSINESS

Regular Agenda

Each case that follows proceeded in a uniform process as directed by Chair Castellucci. Beginning with a staff report presented by Planner Valerie A. Sherman, then questions, if any, from the Board to staff members. Next, the applicant is sworn in by Board Attorney Paul Willumstad, then the applicant states his or her name and address. The Board questions the applicant and confirms understanding of staff report and conditions for approval. Applicant may add further information, followed by further questions, if any, from the Board. Then the Board asks if anyone present in the audience will state support for the applicant, followed by those who state opposition. Then the Board closes the public hearing and reviews findings of fact. Then the Board may motion to approve or deny the application for permit. In some cases, permits may be conditionally approved.

ZBA-17-38 (2840 Lancaster Drive)

A Variance to allow a carport/patio combination to be built two (2) feet from the side yard lot line.

Applicant present: Felipe Omar Soto Mena

Castellucci asked Mr. Mena if he read the staff report, understood the condition, and can comply with the staff condition. Mr. Mena stated that he did understand the condition and is able to comply. Mr. Mena stated that the kids window is on that side of the home, and the main reason for the carport is to protect the window from weathering any further.

Castellucci asked Planner Sherman to add an additional condition; no enclosing of the carport/patio.

No public testimony in support.

No public testimony in opposition.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 3 - 0 with staff conditions, and standard permit conditions.

ZBA-17-39 (2620 Aster Street)

A Variance to allow a mini-mobile storage container to remain as placed, zero (0) feet from the side yard lot line.

Applicant present: Susan Nunn

Castellucci asked Ms. Nunn if she read the staff report. Ms. Nunn stated that she had not read the staff report.

Planner Sherman stated that the staff report was emailed to Ms. Nunn the Friday before the hearing.

Ms. Nunn stated that since they did not have a garage for storage, they placed the metal container on the property approximately ten years ago. Ms. Nunn stated that since they store gasoline and other materials in the container, they placed the container on the side property line to make sure it was far enough away from the home, and to clear the Comcast lines.

Castellucci expressed concern that if the property adjacent to the home to the northwest was every sold, then the metal container would be visible from that location. Castellucci suggested that the metal container be covered on the south (driveway) and northwest sides, with a material that is architecturally compatible with the home. Castellucci suggested using wainscoting and/or stone to cover the container.

Ms. Nunn stated that she could make it architecturally compatible with the home.

No public testimony in support.

No public testimony in opposition.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 3 - 0 with staff condition and standard permit conditions.

ZBA-17-40 (5 Baybridge Court)

A Variance to allow a home to remain as built, six (6) feet from the rear yard lot line.

Applicant present: Marty Bechina, Sierra Homes of Pueblo, Inc.

Castellucci asked Mr. Bechina if he read the staff report and did he have anything to add. Mr. Bechina stated that he did read the staff report and he had nothing to add, other than the property owner's sister was purchasing the empty lot to build a house there.

No public testimony in support.

No public testimony in opposition.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 3 - 0 with staff conditions and standard permit conditions.

ZBA-17-41 (1715 West 29th Street)

A Special Use Permit to allow an automobile dealership with the condition that the site is rezoned to a Subregional Business (B-2 zone) district.

Applicant present: Raymond Seybold, Ray's Truck Plaza

Castellucci asked Mr. Seybold if he read the staff report and understood the staff conditions. Mr. Seybold stated that he did read the staff report and did understand the staff conditions. Mr. Seybold was in possession of a letter from the Housing Authority which stated that they do not want a solid fence behind his building for security reasons. Planner Sherman marked the Housing Authority letter as exhibit 1 and gave it to Castellucci. Castellucci asked Planner Sherman to remove condition number 7 from the staff conditions.

Castellucci expressed concern about the landscaping requirements. Castellucci stated that they do not want to create a situation in which the applicant cannot afford to do the landscaping. Castellucci asked Mr. Willumstad which set of landscaping conditions would prevail between the Planning & Zoning Commission and the Zoning Board of Appeals hearings. Mr. Willumstad explained that whatever conditions are greater, would prevail. Castellucci asked Mr. Willumstad that in the event the landscape conditions were not reachable for the applicant, then would he be able to come back to the ZBA for a variance? Castellucci stated that he was trying to avoid having the applicant come back for another hearing with the ZBA.

No public testimony in support.

No public testimony in opposition.

Commission Action:

Motion to grant by Lujan-Slak, second by Lucas.

Motion passed 3 - 0 with staff conditions and standard permit conditions.

ZBA-17-42 (401 South Prairie Avenue)

A Special Use Permit to allow a charitable institution/community center with the condition that the site is rezoned to a One and Two-Family Residential (R-3 zone) district.

Applicants present: Will Raihl, The Salvation Army and John Chrisman, Chrisman Engineering, Inc.

Mr. Chrisman stated that they have some long-term landscape plans, and there may be some conflict with their plans and the specific landscape requirements in the staff conditions. Mr. Chrisman stated that they do not want to implement specific staff conditions, and then be forced to go back later and tear them out to do their next step on the long-term landscape plan.

Castellucci asked Planner Sherman, if the board could approve the landscaping requirements by simply saying the 'accepted landscape plans'? Mr. Willumstad advised that the applicant may want to defer the landscaping plans for two years instead of one year. Castellucci asked, if the board approves the motion for the case, then could the board make recommendations for staff to adjust as needed for the landscaping plans? Mr. Willumstad stated "yes".

Castellucci asked Mr. Raihl if they read and will be able to comply with the other staff conditions. Mr. Raihl said that their intent is to convert this building into a family focused center, especially youth focused programs such as sports programs, and be family friendly. Mr. Raihl stated that their other facility is too small for these types of programs.

No public testimony in support.

Public testimony in opposition:

- Fran Jackevitch, Henry Avenue. Ms. Jackevitch called the Planning Department and spoke with Planner Sherman regarding two concerns she had about the Salvation Army property, and asked Planner Sherman to present those to the board in her behalf. Planner Sherman stated that Ms. Jackevitch reported that the net at the west end of the new soccer field is not high enough to block the ball from going over the fence, and across the street into the front yard of her home. Ms. Jackevitch reported that she has had to continually take the soccer ball back across the street to the players. Ms. Jackevitch also reported that there was a lot of trash stuck in the bushes and weeds around the property, as well as water bottles laying around.

Mr. Raihl stated that due to the stringent chain-link fence requirements, the Salvation Army would be putting up a free standing taller net, to block the soccer ball from going over the fence.

- Arlene Vislosky, 340 Gaylord Avenue. Ms. Vislosky asked if the City has a limit on the frequency of fund raising events, as it would really impact the residences in the area. Ms. Vislosky stated that the staff report was vague on community center meals-that they are not normally consumed or dispensed, and she was not clear about people coming for meals there. Ms. Vislosky was unclear about the time limit to have everything developed on the property. She stated that the staff report has one year, but they are talking about two years for everything to be developed. She is concerned about it taking two years for everything to be developed.

Zoning Board of Appeals, Minutes for October 24, 2017

Castellucci stated that the two years was for the landscaping only, because you can only plant specific things at certain times of the year.

Ms. Vislosky stated that the certificate of occupancy must be issued before the premises can be used. She stated that the property has been holding church services and they had their employee give away, as well as holding basketball in the gym. Ms. Vislosky asked if the Salvation army was in compliance.

Mr. Hobson stated that they can use the building for church services and related activities, as well as work on the building and property before obtaining the special use permit.

Mr. Willumstad stated that a religious institution does get to have special activities in relation to the church. Mr. Willumstad explained that the issuance of the certificate of occupancy before the premises can be used, does not apply in this case because they already have a certificate of occupancy.

Castellucci asked what would happen if the Salvation Army did not hold up to their end of the bargain, and if there is a system in place to address that? Mr. Hobson explained that there would be a process to have the special use permit revoked.

Mr. Raihl stated that they would do a fund-raiser maybe once or twice a year. Mr. Raihl stated that they do not normally serve meals. Mr. Raihl stated that the only meals that would be served would be snacks for the kid's programs and possibly a dinner meal for the kid's programs.

Mr. Raihl stated that due to funding, it will take several years for them to get all the projects completely done, but their priority is to bring the building up to code right away.

Commission Action:

Motion to grant by Lucas, second by Lujan-Slak.

Motion passed 3 – 0 with staff conditions and standard permit conditions.

OLD BUSINESS

ZBA-16-50 (2300 Oakshire Lane)

Request for a one-year extension on the Variance to reduce landscape performance standards for a new multi-family apartment by not requiring a six (6) foot tall, opaque cedar fence around the property.

Commission Action:

Motion to grant by Lucas, Lujan-Slak.

Motion passed 3 – 0 with staff conditions and standard permit conditions.

ADJOURNMENT

Meeting adjourned at 8:40 p.m.

Minutes respectfully submitted by Sherman.