

Jean Latka  
Chair

Brandice Eslinger  
Vice Chair

Chris Kaufman  
City Council Representative



## Planning & Zoning Commission

Weston Burrer

David Webb

Brian Lucas

Raymond Seybold

### ***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, May 14, 2014 – 3:30 p.m.

City Council Chambers – 1 City Hall Place

### **Minutes**

#### **MEETING CALLED TO ORDER**

The meeting was called to order at 3:33 p.m. with Chairperson Jean Latka presiding.

***Commissioners Present:*** Brandice Eslinger, Chris Kaufman, Jean Latka, Ray Seybold, and David Webb.

***Commissioners Absent:*** Weston Burrer and Brian Lucas.

***Staff Members Present:*** Steven Meier, Director of Planning; Paul Willumstad, Attorney for the Planning and Zoning Commission; Pepper Whittlef, Transportation Engineer; Beritt Odom, Sr. Planner, and Kelly Grisham, Planner.

#### **APPROVAL OF AGENDA**

A Motion was made by Commissioner Webb to amend the agenda to combine items Z-14-03 and S-14-02 for purposes of the public hearing, seconded by Commissioner Eslinger. **Motion passed 5-0 (Burrer and Lucas absent).**

#### **PUBLIC HEARINGS AND ACTION**

1. **S-14-02 – Subdivision** – Park West Business Campus, Filing No. 9. Two-lot subdivision located west of the YMCA Community Campus.

#### **BACKGROUND**

Staff report given by Kelly Grisham.

The subject property is located across Spaulding Avenue from the YMCA Campus. The applicant is proposing to resubdivide the 39.65-acre parcel of land into two (2) lots to facilitate the development of the Spanish Peaks Health and Wellness Center Campus. The subdivision is essentially an amendment to increase the area of the Spanish Peaks Health and Wellness Center Campus to locate the maintenance facility further south of the main parking lot.

## **RECOMMENDED ACTION**

Request for Waiver from Requirements: None requested.

Requests for Modification to Requirements: None requested.

Plat Deficiencies: See below.

Conditions of Approval:

1. Property tax must be paid prior to being placed on City Council Agenda.
2. “Drainage facilities located within drainage easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owner(s) of the lots or parcels upon which the easements are located. The City of Pueblo is hereby granted the right but not the obligation in its discretion to maintain, repair, or replace the drainage facilities within such easements and to recover the costs thereof, plus administrative expenses from said owner(s).”

## **HEARING**

**Mike Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the proposed subdivision.

No one testified in opposition to the proposed subdivision.

Chairperson Latka closed the hearing and requested a motion.

## **COMMISSION ACTION**

A Motion was made by Council Person Kaufman to approve the proposed subdivision, seconded by Commission Webb, with the following conditions:

1. Property tax must be paid prior to being placed on City Council Agenda.
2. “Drainage facilities located within drainage easements shown hereon shall be installed, repaired, and maintained in good working order and condition by the owner(s) of the lots or parcels upon which the easements are located. The City of Pueblo is hereby granted the right but not the obligation in its discretion to maintain, repair, or replace the drainage facilities within such easements and to recover the costs thereof, plus administrative expenses from said owner(s).”

**Motion passed 5-0 (Burrer and Lucas absent).**

2. **Z-14-03 – Rezoning** – Spanish Peaks Health and Wellness Center PUD, 1<sup>st</sup> Amendment. Generally located west of the YMCA Community Campus.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting approval of the first amendment to the Spanish Peaks Health and Wellness Center PUD. The subject property is located in the Park West Business Campus, across from the YMCA Community Campus. On July 10, 2013, the Planning and Zoning Commission and subsequently City Council approved the Spanish Peaks Health and Wellness Center PUD rezone. The applicant proposes to amend the current PUD to relocate Planning Area-2 (PA-2) – Maintenance Area to the south of the parking lot.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission forward a recommendation to City Council that the PUD amendment be **APPROVED**.

### **HEARING**

**Mike Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the proposed rezoning.

No one testified in opposition to the proposed rezoning.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Council Person Kaufman to approve the proposed rezoning, seconded by Commission Webb. **Motion passed 5-0 (Burrer and Lucas absent).**

3. **PUD-14-01 – PUD Site Plan** – Bella Vista Filing No. 3. Site Plan approval for 10 duplex units and a clubhouse for the Primrose Assisted Living Center. Located between Ridge Drive and Outlook Drive.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting PUD Site Plan approval for the construction of ten duplex residential units and a clubhouse for the Primrose Assisted Living Facility.

The neighborhood is a mix of residential; therefore, the proposed use is consistent with the neighborhood and the Comprehensive Plan. The PUD Development Guide requires a minimum lot size of five (5) acres in the Assisted Living (AL) Planning Area. As created with the proposed Bella Vista Subdivision, 3rd Filing, Lot 1, Block 1, Bella Vista Subdivision, 3<sup>rd</sup> filing complies with the minimum lot area. The PUD Development Guide requires compliance with the Small Scale Architectural Standards for the clubhouse and duplexes. The plans demonstrate compliance with the standards and will be architecturally compatible with the main Primrose Assisted Living facility. The proposed lighting plans demonstrate full compliance with the lighting code. No signage is proposed on the site plan.

The submitted landscape plan, as conditioned, is compliant with the requirements of the PMC. The proposed plans provide landscaping setback along Outlook Boulevard, Ridge Drive as well as along Primrose Lane. The property will also be providing parking lot islands and landscaped open space throughout the property.

The site will be accessed from Outlook Boulevard and Ridge Drive, via Primrose Lane, which is a private street. Pedestrian access is provided via a detached sidewalk on Outlook Boulevard and Ridge Drive. Once on the site, sidewalks along Primrose Lane will provide access to the duplex units.

The parking requirements are based on the area of the clubhouse, requiring 1 space per 300 square feet of gross floor area. The proposed clubhouse, approximately 3,256 square feet, requires 11 parking spaces. The parking lot adjacent to the clubhouse is providing 11 parking spaces; therefore, the proposed parking lot complies with the Pueblo Municipal Code.

The plans submitted appear to be generally compliant with the Bella Vista, 3<sup>rd</sup> Amendment, PUD Development Guide and the Pueblo Municipal Code.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission **APPROVE** the proposed PUD Site Plan with the following noted:

1. Prior to the issuance of any building permit or business license for the property, final construction plans must be submitted and approved by the Planning and Zoning Commission.
2. Provide information regarding trash service for duplexes and clubhouse.
3. All utilities must be screened. Provide complete information regarding all utility locations and screening methods.
4. Primrose Lane Setback trees must be at least 50% shade trees (9 shade trees) required.
5. Provide revised landscape plan to comply with conditions listed above.
6. Provide a detail of typical driveway and sidewalk layout.
7. Provide details of the sidewalk across the driveways to insure ADA compliance.
8. Fix north arrow on sheet A1.0.
9. Work with Pueblo Fire Department to determine locations of public/private fire hydrants.
10. Include limits of easement on plan. Easements shall be provided for any water meter that may fall outside of the platted easement.

### **HEARING**

**Mike Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the proposed PUD Amendment.

**John Zondlo, 5085 Buchanan Drive, Pueblo, CO** appeared and testified in favor of the proposed PUD Amendment and to ask questions concerning code enforcement of an adjacent property.

No one testified in opposition to the proposed PUD Amendment.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Commissioner Webb to approve the proposed PUD Amendment, seconded by Council Person Kaufman, with the following amended conditions:

1. Prior to the issuance of any building permit or business license for the property, final construction plans must be submitted and approved by the Planning and Zoning ~~Commission~~ Department.
2. Provide information regarding trash service for duplexes and clubhouse.
3. All utilities must be screened. Provide complete information regarding all utility locations and screening methods.
4. Primrose Lane Setback trees must be at least 50% shade trees (9 shade trees) required.
5. Provide revised landscape plan to comply with conditions listed above.
6. Provide a detail of typical driveway and sidewalk layout.
7. Provide details of the sidewalk across the driveways to insure ADA compliance.
8. Fix north arrow on sheet A1.0.
9. Work with Pueblo Fire Department to determine locations of public/private fire hydrants.
10. Include limits of easement on plan. Easements shall be provided for any water meter that may fall outside of the platted easement.

**Motion passed 5-0 (Burrer and Lucas absent).**

4. **Z-14-04 – Rezoning** – 1201 East Evans Avenue. Rezone old Fire Station #4 from S-1 to R-4, Mixed Residential District.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone 0.42 acres to from S-1 (Governmental Use District) to R-4 (Mixed Residential District). Until 2012, the site had been the location of Fire Station No. 4. This Fire Station was built in 1940 on the site of the old Bessemer City Hall.

The project site has been designated by the Pueblo Comprehensive Plan as “Urban Mixed Use”. As proposed, the rezoning request is consistent with recommended land uses in the “Urban Mixed Use” classification. The 18,300 square-foot property exceeds the minimum dimensional requirements for the subject zone district and the existing building coverage is

less than the maximum 50% lot coverage limitation in the R-4 zone district. Therefore, the property has the ability to comply with the proposed zone district.

### **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 of approval:

1. Based on submittals for this application, it would appear that, from the building Department's point of view, this would remain a commercial building due to the mixed use. Construction and permit applications will need to conform to the 2009 International Building Code (IBC).
2. The building will have to conform to the 2009 International Fire Code (IFC) requirements for fire sprinkler systems, to be reviewed during plan review at the Pueblo Regional Building Department.
3. Parking requirements will be based on the immediate proposed use of residential with a home office, requiring one (1) off-street parking space. If the home office will accommodate customers, additional parking will be required.
4. The Transportation Department will also require the current driveway, built to accommodate fire truck access to the front of the building, be removed and replaced with standard curb, gutter, sidewalk, and curb ramps. City Traffic will relocate the pedestrian traffic signal indications at the intersection in conjunction with this reconstruction.
5. Contingent on Transportations requirements, the stormwater inlet on Evans Avenue will need to be compatible with the installation of new curb and gutter.
6. The property must be granted a home occupation permit to allow the business to be located at the residence, which may require review and approval by the Zoning Board of Appeals.

### **HEARING**

The applicant was not in attendance. No one else testified in favor of the proposed rezoning.

No one testified in opposition to the proposed rezoning.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Commission Seybold to continue this item to the June 11, 2014 Public Hearing. Motion seconded by Commissioner Eslinger. **Motion passed 5-0 (Burrer and Lucas absent).**

5. **Z-14-05 – Rezoning** – 2414 North Grand Avenue. Rezone from O-1 to R-3, One and Two-Family Residential District.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone 0.19 acres to from O-1 (Neighborhood Office District) to R-3 (One and Two-Family Residential District). The applicant's request it to effectively down-zone the property to take the zoning classification back to its pre-1999 R-3 classification. Reestablishing a residential use of the property is compatible within the context of the neighborhood. The site has the appearance of a single family residential property with the main building originally housing a residence and an accessory detached garage in the rear yard.

## **RECOMMENDED ACTION**

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

## **HEARING**

**Ray Hughes, 2414 N. Grand Avenue, Pueblo, CO** appeared and testified in favor of the proposed rezoning.

No one testified in opposition to the proposed rezoning.

Chairperson Latka closed the hearing and requested a motion.

## **COMMISSION ACTION**

A Motion was made by Commissioner Eslinger to approve the proposed rezoning, seconded by Commissioner Webb. **Motion passed 5-0 (Burrer and Lucas absent)**.

6. **TA-14-02 – Text Amendment** – An Ordinance Amending Title XVII Relating to Interim Uses.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The Pueblo Municipal Code requires full compliance with landscaping, parking, stormwater, public improvements, and lighting with the construction or erection of any new structure, unless the structure is a temporary structure housing a temporary use. A temporary use is defined as:

*Any activity, occupation, business, or operation carried on, or intended to be carried on, in or from a tent, movable stand, portable equipment or any temporary building or structure, or*

*in or from a truck, trailer, or other vehicle, for a period not to exceed thirty (30) days in any calendar year.*

The temporary use/structure code is functional for businesses that are operated from mobile vehicles, but the Code does not sufficiently or clearly address structures that aren't permanent (no foundation) or mobile (with wheels and axles, with or without motive power). However, by considering these structures permanent (where they don't have to move every 30 days), these businesses trigger compliance with the full code requirements, also effectively making operation unfeasible due to excessive costs.

The proposed Ordinance will grant the Administrative Official the authority to issue an interim use permit for the installation of structures, which by design are not considered temporary structures, but are so minimal in impact that full compliance with commercial requirements would be excessive. Specific conditions are outlined in the Ordinance, and shall be included in the Permit. If approved, the Permit would be issued for a maximum of two (2) years, with the allowance of a one (1) year extension. At the expiration of the Permit, the applicant will have the opportunity to remove the structure, or bring the site into compliance with the applicable codes, allowing the structure to remain.

### **RECOMMENDED MOTION**

Staff recommends that the Planning and Zoning Commission forward a recommendation of **APPROVAL** of the proposed text amendment to City Council.

### **HEARING**

The City of Pueblo is the applicant.

**Greg Gradisar, 2700 Prairie Avenue, Pueblo, CO** appeared and spoke in favor of the proposed text amendment.

No one spoke in opposition to the proposed text amendment.

Chairperson Latka closed the public hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Council Person Kaufman to recommend approval of the proposed text amendment; the Motion was seconded by Commissioner Webb. **Motion passed 4-1 with Commissioners Burrer and Lucas being absent and Commissioner Seybold dissenting.**

7. **TA-14-03 – Text Amendment** – An Ordinance Amending Title XVII Relating to Home Child Care Uses.



## **BACKGROUND**

Staff report given by Kelly Grisham.

Child Care Homes are presently permitted in residential districts with a Limited Use Permit approved by the Zoning Board of Appeals. These approvals have become very routine and conditions of approval have become very standardized. Given the routine nature of these approvals, coupled with the relatively high cost to process these cases to the Zoning Board of Appeals, the Zoning Board of Appeals has requested that the Planning and Zoning Commission make such approvals administrative at the staff level.

Under the recently created category for conditions uses, if an applicant complies with specific conditions, the Administrative Official has the authority to issue a conditional use permit. These conditional use permits are renewable yearly after review to ensure continued compliance.

This Ordinance amends the definition of a *Child Care Home* to clarify that the child care home must be located in the care provider's place of residence, specifies zone districts where child care homes may be permitted as a conditional use permit, and removes the use from the permitted uses and use by review categories in the following zone districts:

1. Agricultural Districts: A-1, A-2, A-3 and A-4
2. Residential Districts: R-1, R-2, R-2U, R-3, R-4, R-5 and R-6

Additionally, requirements are outlined for conditions for the use, such as requirements to provide a copy of the State of Colorado Daycare Home Permit, provide off-street parking, and provide outdoor recreation areas.

## **RECOMMENDED MOTION**

Staff recommends that the Planning and Zoning Commission forward a recommendation of **APPROVAL** of the proposed text amendment to City Council.

## **HEARING**

The City of Pueblo is the applicant. No others spoke in favor of the proposed action.

No one spoke in opposition to the proposed action.

Chairperson Latka closed the public hearing and requested a motion.

## **COMMISSION ACTION**

A Motion was made by Commissioner Eslinger to recommend approval of the proposed text amendment; the Motion was seconded by Commissioner Seybold. **Motion passed 5-0 (Burrer and Lucas absent).**

8. **SNC-14-01 – Street Name Change** – Changing 1<sup>st</sup> Street to City Center Drive.

**BACKGROUND**

Staff report given by Kelly Grisham.

The Pueblo City Center Partnership is requesting to change the street name of 1<sup>st</sup> Street to City Center Drive, between Dayton Avenue and North Greenwood Street to add signage on I-25 indicating the location of City Center.

While reviewing the request, Staff has identified several issues with the proposed street name change. Section 12-4-7 of the Pueblo Municipal Code (PMC) requires streets, which are obviously in alignment with others already existing and named, shall bear the name of existing streets. Having a portion of a street named differently than the rest of the street causes issues with tourists and visitors having difficulty navigating. It also creates issues with emergency responders finding addresses on the street that gets changed. Compounding these issues, GPS and web-based maps, such as Google and Bing, take a significant amount of time to make changes, if they are made at all. Drivers using those applications to navigate will be presented with incorrect information. As close as 1<sup>st</sup> Street is to the downtown and our major tourist destinations, Staff feels it would be very detrimental to our downtown to make finding major destinations, such as City Hall and HARP, harder to find. Also, if the City violates its own Ordinances, it will be difficult to defend the Standards when dealing with future requests.

The impacts to the property and business owners with 1<sup>st</sup> Street addresses may be significant. There are approximately 26 properties/businesses with a 1<sup>st</sup> Street address that will be required to change their address. In addition, the financial impact to the City of Pueblo would be approximately \$5,300 to change the local street name signs along the existing 1<sup>st</sup> Street Corridor.

The Pueblo Police Department and the Transportation Department have also indicated there will be problems caused with compiling and benchmarking traffic accident data. Not only does it make the intersection along 1<sup>st</sup> Street difficult to track for transportation purposes, but it also makes traffic accidents on the section of 1<sup>st</sup> street difficult to accurately collect crash data.

**RECOMMENDED MOTION**

Move that the requested Street Name Change be **DENIED** and one of the following alternative recommendations approved instead:

1. Request the Central Business District be officially renamed as the City Center and that CDOT change the wording on the Central Business District signs to City Center Business District.

2. Establish a specific area to be defined as Pueblo City Center. Work with the business owners in the City Center to establish a marketing tool to promote the City Center, such as requesting business owners to append their name with “at City Center” (Pueblo Marriott at City Center for example).

### **HEARING**

No one testified in favor of the proposed street name change.

No one testified in opposition to the proposed street name change.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Council Person Kaufman to recommend approval of the proposed street name change; the Motion was seconded by Commissioner Seybold. **Motion failed 3-2-0 with Commissioners Burrer and Lucas being absent and Commissioners Eslinger and Webb dissenting.** A minimum of four affirmative votes is required for a recommendation of approval to be forwarded to City Council.

### **APPROVAL OF MINUTES**

A Motion was made by Commissioner Webb to approve the Minutes of the April 9, 2014 Public Hearing, seconded by Council Person Kaufman. **Motion passed 5-0 (Burrer and Lucas absent).**

### **OLD/NEW BUSINESS**

**Comprehensive Plan Update Public Outreach Process** – Sr. Planner Beritt Odom appeared and gave the Commission an overview of the Comprehensive Plan update. Specifically, she requested input from the Commission regarding how to proceed with the public outreach process. Staff recommended that the Comprehensive Plan update be placed on two Planning and Zoning Commission Public Hearing agendas and then proceeding to City Council for approval. After discussion, the Commission gave approval to proceed as recommended.

### **SCHEDULE PUBLIC HEARING**

The Public Hearing for June will convene on June 11, 2014 at 3:30 p.m. in the City Council Chambers.

### **SCHEDULE WORK SESSION**

The Work Session for May will convene on Wednesday, May 28, 2014 at 3:30 p.m. in the Planning Department Conference Room, 211 East D Street.

**ADJOURN**

There being no further business the Regular Meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Attest:

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Jean Latka  
Chairperson

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Steven Meier  
Executive Secretary

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