

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative



Planning & Zoning Commission

David Webb

Brian Lucas

Raymond Seybold

REGULAR MEETING

City of Pueblo, Colorado

Wednesday, August 13, 2014 – 3:30 p.m.
City Council Chambers – 1 City Hall Place

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 3:30 p.m. with Chairperson Jean Latka presiding.

Commissioners Present: Brandice Eslinger, Jean Latka, Ray Seybold, Brian Lucas and David Webb.

Commissioners Absent: None.

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; Debi Romines, GIS Coordinator; and Kelly Grisham, Planner.

APPROVAL OF AGENDA

A Motion was made by Commissioner Eslinger to amend the agenda to hear item CP-14-01 first, and combine items V-14-05 and Z-14-06 for purposes of the public hearing, seconded by Commissioner Lucas. **Motion passed 5-0.**

PUBLIC HEARINGS AND ACTION

1. **CP-14-01 – Comprehensive Plan Amendment** – 2014 Addendum to the Comprehensive Master Plan for the Physical Development of Pueblo, A Municipal Corporation.

BACKGROUND

Staff report given by Beritt Odom and Debi Romines.

Pueblo's Comprehensive Plan was adopted by the Pueblo City Council in June of 2002 and was based on data provided by the 2000 U.S. Census. The demographics of Pueblo have altered in the last 14 years prompting an update based on 2010 U.S. Census data. In addition to having more current statistical information regarding employment, population, and housing, the Pueblo Metropolitan Planning Organization (MPO) is required by Federal law to update the existing Long Range Transportation Plan (LRTP) to forecast transportation needs every five years. The Pueblo MPO must have an updated Long Range Transportation Plan,

forecasting transportation needs to 2040, completed by the end of 2014. Much of the transportation modeling contained within the LRTP is based upon the demographic information provided by the Comprehensive Plan and the Future Land Use Map, contained within the Comprehensive Plan; therefore, prompting an update to the Plan. The resulting document is the *2014 Pueblo's Comprehensive Plan Addendum*, which updates the *Factual Foundation* portion of the Plan and makes minor amendments to the *Future Land Use Map* based on updated population, housing, and employment figures. The 2014 Addendum does not replace the existing Comprehensive Plan; rather it updates certain sections with current data and trends. All of the information provided within the Addendum utilizes the same methodology used in 2000 with current Census data.

Analysis:

The *2014 Pueblo's Comprehensive Plan Addendum* updates nine (9) subsections of the *Factual Foundation* portion of the 2002 *Pueblo's Comprehensive Plan*:

- Land Demand Analysis-available land for a projected County population of 228,300 in 2040.
- Population Trends-location of population in 2040, City vs. County.
- Housing Trends-types of housing projected to be constructed in the next 26 years.
- Employment Trends-projected growth in the different employment categories.
- Future Land Demand Summary-amount of land that will be needed to support project housing development.
- Land Capacity Analysis-how much development can be accommodated under current zoning.
- Current Growth Capacity-amount of available land compared with the demand for residential and employment purposes.
- Comparing Capacity with Demand-table representing the available land and the projected development demand for land.
- Location of Growth Capacity-breakdown of physical location and projections for development.

The *2014 Pueblo's Comprehensive Plan Addendum* revises the *Future Land Use Map*, found within the *Regional Development* section of the Plan. The revised future land use map cleans up district boundaries that did not follow geographic boundaries and parcel lines and makes seven (7) amendments based on new demographic data and preferred future development within Pueblo County.

In 2000 when the Future Land Use Map was created, the City and County did not have in-house GIS mapping capabilities which led to minor discrepancies in Future Land Use District boundaries. Those areas have been cleaned up, minimizing confusion for rezoning cases within the City and County. Staff from Pueblo County, the City, and Pueblo West Metropolitan District met frequently over the course of a year to review the existing map and have proposed seven (7) prominent changes to the new Land Use map, primarily occurring in Pueblo County:

1. Highway 50 West between Spaulding Avenue and McCulloch Boulevard-addition of Arterial Commercial Mixed Use to the south and north sides of Highway 50 (Pueblo County, Pueblo West Metropolitan District).
2. Expansion of the Large Parks, Open Space, and River Corridors designation north of the Arkansas River on Highway 96, heading west towards Lake Pueblo (Pueblo County).
3. Scaled back Residential and increased Rural Ranch designations for the area north and east of the Pueblo Southside Landfill (Pueblo County).
4. Southern Extension of the Employment Center Industry designation south of the Vestas Development site (Pueblo County).
5. Introduction of Large Parks, Open Space, and River Corridors along the northern and southern borders of the Arkansas River east of the City and south of the Airport Industrial Park (Pueblo County).
6. Expansion of the Employment Center-Light Industry designation north of Highway 50 and just east of the City limits (Pueblo County).
7. Expansion of the Employment Center-Light Industry designation surrounding the Black Hills Annexation east of the City limits (Pueblo County).

RECOMMENDED ACTION

Approval and Recommendation to the Pueblo City Council to adopt the 2014 Addendum to the Comprehensive Master Plan for the Physical Development of Pueblo, A Municipal Corporation by Ordinance.

HEARING

No one testified in opposition to the proposed amendment.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

A Motion was made by Commissioner Webb, to approve the proposed amendment, seconded by Commissioner Seybold. **Motion passed 5-0.**

2. **V-14-05 – Vacation** – Vacating the alley located in Block 121, Fletcher Hill Addition. Generally located north of the East Side Library.

BACKGROUND

Staff report given by Kelly Grisham.

The subject property is located north of the East Side Library, which is currently under construction. The applicant is proposing to vacate the alley and rezone the north ½ of the alley to S-1, so that the zoning is consistent with the entire property. The entire alley will be combined with the East Side Library property once the vacation is complete, per a contract

with Safeway. A sanitary sewer line is existing in the alley; therefore, a utility easement is being reserved in the vacated alley to allow it to remain.

RECOMMENDED ACTION

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

HEARING

Jon Walker, Executive Director, Pueblo City-County Library District, 100 East Abriendo, Pueblo, CO appeared and testified in favor of the proposed vacation.

Nick Gradisar, 1836 Vinewood, Pueblo, CO appeared on behalf of the applicant and testified in favor of the proposed vacation.

No one testified in opposition to the proposed vacation.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

A Motion was made by Commissioner Webb to approve the proposed vacation, seconded by Commission Lucas. **Motion passed 5-0.**

3. **Z-14-06** – Rezoning the north ½ of the vacated alley in Block 121, Fletcher Hill Addition. Generally located north of the East Side Library.

BACKGROUND

Staff report given by Kelly Grisham.

The subject property is located north of the East Side Library, which is currently under construction. The applicant is proposing to vacate the alley and rezone the north ½ of the alley to S-1, so that the zoning is consistent with the entire property.

The project site has been designated by the Pueblo Comprehensive Plan as “Urban Residential.”

The Pueblo Comprehensive Plan designation of *Urban Residential*, which promotes the existing mixture of housing types that range from single family detached housing to duplexes and multi-family, is continued with emphasis on maintaining the existing housing stock and in-fill development. In addition, where appropriate, community scale commercial services are encouraged to provide the necessary day-to-day needs of residents within walking distance. The integration of a community library is a much needed service that will directly benefit the residents of the immediate neighborhood.

The proposed rezoning is in conformance with Comprehensive Plan designation of “Urban Residential.”

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission **APPROVE** the proposed rezoning with the following condition:

Prior to the application being forwarded to City Council, provide a landscape plan, showing the improvements proposed to the alley. Approved improvements shall be complete prior to issuance of a Certificate of Occupancy for the East Side Library.

HEARING

Jon Walker, Executive Director, Pueblo City-County Library District, 100 East Abriendo, Pueblo, CO appeared and testified in favor of the proposed rezoning.

Nick Gradisar, 1836 Vinewood, 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 Commissioner Eslinger to approve the proposed rezoning, seconded by Commissioner Webb, with the following condition:

Prior to the application being forwarded to City Council, provide a landscape plan, showing the improvements proposed to the alley. Approved improvements shall be complete prior to issuance of a Certificate of Occupancy for the East Side Library.

Motion passed 5-0.

5. **Z-14-07 – Rezoning** – Rezoning 2705-2719 Farabaugh Lane from B-3 to B-P Zone District.

BACKGROUND

The subject property is located at 2705-2719 Farabaugh Lane. The applicant is proposing to rezone the existing developed 30,000 square foot property to allow uses that are not currently allowed in the B-3 Zone District. Specifically, the applicant would like to lease a portion of the existing building for a marijuana cultivation facility. The surrounding area and existing uses on the property are consistent with the proposed Zone District.

The project site has been designated by the Pueblo Comprehensive Plan as “Employment Center – Light Industry.”

The Pueblo Comprehensive Plan designation of Employment Center – Light Industry includes manufacturing, assembling, research, and development that provide tax revenue and jobs. The uses should not include industrial processes that emit significant smoke, noise or odors, or handle hazardous materials.

The proposed rezoning would be more consistent with the Comprehensive Plan than the current B-3 zoning.

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. Prior to the application being forwarded to City Council, provide a legal description in a word document. The legal description must include ½ of the rights-of-way of Farabaugh Lane and Broadmoor Road.
2. Prior to the application being forwarded to City Council, provide a rezoning exhibit and site plan in dwf format.
3. Prior to the application being forwarded to City Council, provide a landscape plan, bringing the landscape setback areas into compliance with Section 17-4-7 of the Pueblo Municipal Code. Landscaping must be installed within one (1) year of the rezoning approval.

HEARING

Don Pagano, 89 Purdue, 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, with the following conditions:

1. Prior to the application being forwarded to City Council, provide a legal description in a word document. The legal description must include ½ of the rights-of-way of Farabaugh Lane and Broadmoor Road.
2. Prior to the application being forwarded to City Council, provide a rezoning exhibit and site plan in dwf format.

3. Prior to the application being forwarded to City Council, provide a landscape plan, bringing the landscape setback areas into compliance with Section 17-4-7 of the Pueblo Municipal Code. Landscaping must be installed within one (1) year of the rezoning approval.

Motion failed 2-3. (Lucas, Webb, and Seybold dissenting).

5. **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 Jerry Pacheco at the July 9, 2014 Public Hearing.

The applicant is requesting to rezoning 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.

Pepper Whittlef requested an amendment to one of the recommended conditions of approval to only require the removal and replacement of the current driveway with standard curb, gutter, sidewalk, and curb ramps when the applicant changes the use from residential to commercial.

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. [The applicant shall only be required to make the above noted improvements to the property when the use is changed from residential to commercial.]
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 Commissioner Webb to approve the proposed rezoning, seconded by Commissioner Lucas, with the following conditions:

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. [The applicant shall only be required to make the above noted improvements to the property when the use is changed from residential to commercial.]
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.

Motion failed 1-3-1. (Webb, Latka, and Seybold dissenting and Eslinger abstaining).

APPROVAL OF MINUTES

A Motion was made by Commissioner Seybold to approve the Minutes of the July 9, 2014 Public Hearing, seconded by Commissioner Webb. **Motion passed 5-0.**

OLD/NEW BUSINESS

1. **Appoint a Representative to the Transportation Advisory Committee:** A Motion was made by Commissioner Eslinger to nominate Commissioner Webb as the Planning and Zoning Commission representative to the Transportation Advisory Committee, seconded by Commissioner Seybold. **Motion passed 5-0.**

SCHEDULE PUBLIC HEARING

The Public Hearing for September will convene on September 10, 2014 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for August will convene on Wednesday, August 27, 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 4:45 p.m.

Respectfully submitted,

Attest:

Jean Latka
Chairperson

Steven Meier
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.