

Weston Burrer  
*Chair*

Brian Lucas  
*Vice Chair*

Jeff Falletta

**PUEBLO**   
Planning & Zoning Commission

Rod Johnson

Jean Latka

Vera Ortegon

Chuck Pelto

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***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, March 9, 2011 – 3:30 p.m.

City Council Chambers – 301 West B Street

**Minutes**

**MEETING CALLED TO ORDER**

The meeting was called to order at 3:31 p.m. with Chairperson Weston Burrer presiding.

***Commissioners Present:*** Weston Burrer, Jeff Falletta, Rod Johnson, Jean Latka, Vera Ortegon, and Chuck Pelto.

***Commissioners Absent:*** Brian Lucas.

***Staff Members Present:*** Jeff Bailey, P.E., Assistant City Manager for Development Services; Paul Willumstad, Attorney for the Planning and Zoning Commission; Pepper Whittlef, Traffic Engineer; and Kelly Grisham, Planner.

**APPROVAL OF AGENDA**

Motion was made by Commissioner Pelto to amend the agenda to combine items V-11-02, Z-11-01 and S-11-02 for purposes of the Public Hearing, seconded by Commissioner Latka. **Motion passed 6-0.**

**PUBLIC HEARINGS AND ACTION**

1a. **V-11-02 – Vacation:** Utility easement as platted in Rancho Del Sol Subdivision, Filing No. 7.

**BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to vacate the 10' Utility Easement and 10' Drainage and Utility Easement in Lots 1 and 2, Block 1, Rancho Del Sol Subdivision, Seventh Filing. Several utility and drainage easements were platted with the original subdivision. Concurrent to the vacation request, the applicant is proposing to subdivide Lots 1 and 2, Block 1, Rancho Del Sol Subdivision, Filing No. 7 and an unsubdivided parcel into one 0.36-acre lot to facilitate the future expansion of the commercial building located at 1201 Paseo Del Norte. With the resubdivision of the lots, the applicant has provided easements to replace the ones originally platted. The new easements will facilitate future expansion of the property.

## **RECOMMENDED ACTION**

Staff recommends that the Alley Vacation be **APPROVED** with the following condition:

1. Utilities that are currently located in the easements proposed to be vacated must either be located in the new proposed easement or relocated within an easement prior to the vacation plat being recorded.
2. Approval of the easement vacation is conditioned upon approval and recording of the Fortino Commons Subdivision. If the Subdivision is not approved and/or recorded, the applicant must dedicate, by separate document, the easements proposed on the Fortino Commons Subdivision Plat.

## **HEARING**

**Michael Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and spoke in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made by Commissioner Latka to recommend approval of the application, seconded by Commissioner Falletta, with the following conditions:

1. Utilities that are currently located in the easements proposed to be vacated must either be located in the new proposed easement or relocated within an easement prior to the vacation plat being recorded.
2. Approval of the easement vacation is conditioned upon approval and recording of the Fortino Commons Subdivision. If the Subdivision is not approved and/or recorded, the applicant must dedicate, by separate document, the easements proposed on the Fortino Commons Subdivision Plat.

**Motion passed 6-0 (Lucas absent).**

- 1b. **Z-11-01 – Zoning Map Amendment:** Rezone .08-acres of land from R-2 to O-1, Fortino Commons. Generally located north of Fortino Boulevard and east of Paseo Del Norte.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone an unsubdivided parcel of approximately 0.08-acres located east of 1201 Paseo Del Norte to an O-1, Neighborhood Office District to facilitate expansion of the commercial development on the site. The site is currently zoned R-2, Single Family Residential, which has been the zoning for this parcel since 1968.

## **RECOMMENDED ACTION**

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

1. Provide a landscaping plan that conforms with Section 17-4-7 of the Pueblo Municipal Code, prior to recording of the Subdivision, Vacation or Zoning Map Amendment.
2. The site does not meet the requirements for a zone change on its own; therefore, the rezoning cannot proceed independently without the subdivision. In the event the subdivision is not approved or recorded, the rezoning will be considered null and void and will immediately revert back to the R-2 Zone District.
3. Extend the rezoning to the center of Fortino Boulevard.

## **HEARING**

**Michael Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and spoke in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and asked for a motion.

## **COMMISSION ACTION**

Motion was made by Commissioner Pelto to recommend approval of the application with the exception of the third condition. The motion was seconded by Council Person Ortegon. The application is approved with the following conditions:

1. Provide a landscaping plan that conforms with Section 17-4-7 of the Pueblo Municipal Code, prior to recording of the Subdivision, Vacation or Zoning Map Amendment.
2. The site does not meet the requirements for a zone change on its own; therefore, the rezoning cannot proceed independently without the subdivision. In the event the subdivision is not approved or recorded, the rezoning will be considered null and void and will immediately revert back to the R-2 Zone District.

**Motion passed 6-0 (Lucas absent).**

- 1c. **S-11-02 – Subdivision:** Fortino Commons Subdivision.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is proposing to subdivide Lots 1 and 2, Block 1, Rancho Del Sol Subdivision, Filing No. 7 and an unsubdivided parcel into one 0.36-acre lot to facilitate the future expansion of the commercial building located at 1201 Paseo Del Norte. The unsubdivided parcel to the east of the existing structure has remained vacant and was not included with the Rancho Del Sol Subdivision and is not included in the Pueblo Grande Mobile Home Park to the east. The unsubdivided parcel is not of sufficient size to meet the minimum lot size

requirements; therefore, for this property to be utilized it must be combined with another property.

### **RECOMMENDED ACTION**

Move that the requested Subdivision be **APPROVED** with the following noted:

Request for waiver from requirements: None.

Requests for Modifications to Requirements: None.

Plat Deficiencies: None

Conditions of Approval: The existing building is constructed over lot lines and within the required setback and easement along Fortino Blvd. The encroachment onto Lot 2 will be rectified by the subdivision combining the lots into one and the encroachment into the utility easement will be rectified by the vacation of the utility easement. A variance from the Zoning Board of Appeals will be required to rectify the building located within the required setback along Fortino Boulevard. The applicant must apply for the variance prior to City Council review and must be done regardless of the outcome of the Subdivision, Vacation and Rezoning.

### **HEARING**

**Michael Cuppy, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared on behalf of the applicant and spoke in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and asked for a motion.

### **COMMISSION ACTION**

Motion was made by Commissioner Latka to recommend approval of the application, seconded by Commissioner Falletta, with the following condition:

The existing building is constructed over lot lines and within the required setback and easement along Fortino Boulevard. The encroachment onto Lot 2 will be rectified by the subdivision combining the lots into one and the encroachment into the utility easement will be rectified by the vacation of the utility easement. A variance from the Zoning Board of Appeals will be required to rectify the building located within the required setback along Fortino Boulevard. The applicant must apply for the variance prior to City Council review and must be done regardless of the outcome of the Subdivision, Vacation and Rezoning.

**Motion passed 6-0 (Lucas absent).**

2. **V-11-03 – Vacation:** Street Vacation. South 5’ of 12<sup>th</sup> Street, east of Jasper Street.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to vacate the south 5’ of 12<sup>th</sup> Street, adjacent to Block 27, West Side Addition. Currently, 12<sup>th</sup> Street between Jasper Street and the Railroad is a dirt pathway that has never been improved or maintained, and likely will never be improved.

A water main exists in the northern portion of 12<sup>th</sup> Street, which eliminated the possibility of a full vacation of 12<sup>th</sup> Street. In 1995, the office building was constructed, but was inadvertently constructed off property. The office building encroaches approximately 3.5' into the 12<sup>th</sup> Street right-of-way. In addition, an air conditioner unit, fence and retaining walls are also constructed in the 12<sup>th</sup> Street right-of-way. Staff is recommending the applicant obtain a revocable permit to allow these items to remain.

### **RECOMMENDED ACTION**

Staff recommends that the Street Vacation be APPROVED with the following condition:

Prior to recording the vacation plat, a revocable permit is required for the air conditioner unit, fence and retaining wall that will still be located in the 12<sup>th</sup> Street right of way.

### **HEARING**

**Randy Reeves, Cardinal Point Surveying, 4776 Eagleridge Circle, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and asked for a motion.

### **COMMISSION ACTION**

Motion was made by Commissioner Latka to recommend approval of the application, seconded by Commissioner Johnson, with the following condition:

Prior to recording the vacation plat, a revocable permit is required for the air conditioner unit, fence and retaining wall that will still be located in the 12<sup>th</sup> Street right of way.

**Motion passed 6-0 (Lucas absent).**

4. **DPR-04-01(b) – Development Plan Review:** YMCA Community Campus Minor Amendment of Approved Development Plan Review.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting a minor amendment for the relocation of several site elements originally approved with DPR-04-01. On December 8, 2004, the applicant was granted approval of a Special Use Permit by the Planning and Zoning Commission, providing for the main building, a golf learning center, a site maintenance building, two (2) park shelters, press boxes, baseball fields, multi-purpose fields, a football field, a running track, a passive park, associated trail system, and a nine (9) hole golf course. The applicant is requesting to change the location of several of the sports elements. Staff has recommended that the applicant show the location of each element on the plan and include an associated table listing specifically what will be included in each of the locations. This will alleviate the applicant having to appear before the Commission each time an element needs to be moved and adjusted to best suit their operation.

## **RECOMMENDED ACTION**

Staff recommends Planning and Zoning Commission **APPROVE** DPR-04-01(b) with the following conditions:

1. The plans and concept layouts submitted to the Planning and Zoning Commission shall be the approved plans. Any alteration, modification, substitution, or revision, including but not limited to colors, materials, building or activity placement, or massing shall be at the discretion of the Director of Planning and Community Development, who reserves the right to require said changes to be reviewed and approved by the Planning and Zoning Commission.
2. Any additions or deletions of Intended Uses or sizes of Development Areas shown on the Development Planning Areas table shall be approved by the Administrative Official, who reserves the right to require said changes to be reviewed and approved by the Planning and Zoning Commission.
3. Generally speaking, all of the proposed uses listed in the Development Planning Areas table are either permitted by right or have been granted a Special Use Permit with the original YMCA approval (DPR-04-01). At the time of construction or installation, Staff reserves the right to verify the specific use proposed is either listed in the appropriate Development Area or is compatible with the proposed approved uses listed for that Area, as well as verify the use is an allowable use per Section 17-4-51 (20) of the Pueblo Municipal Code.
4. Facilities or structures (i.e. solar panels) may not be located within, across or encroach into the 20' sanitary sewer easement, either one of the Board or Water Works water main easements or other easements.
5. Access to the sanitary sewer easement must be maintained through and into the solar panel field.
6. In the near future, when the City of Pueblo Wastewater Department requires, a 20' wide sanitary sewer easement shall be granted to the City of Pueblo. The exact alignment may be adjusted to work within any future plans of the YMCA.
7. All buildings, including but not limited, the Indoor Sports Complex, restroom/concession building in the Outdoor Sports Complex, and the maintenance facilities, must be architecturally compatible with the main YMCA building. Architectural compatibility shall be as defined in the Accessory Building and Structures ordinance (Section 17-4-23 (c)(5) of the Pueblo Municipal Code) which means "construction of similar materials and details and shall specifically exclude prefabricated metal structures and pole barns, or the use of corrugated metal panels as a siding material."

## **HEARING**

**Bob Leach, 635 West Corona, Pueblo, CO** appeared and testified in favor of the application.

**Terry Lockwood, CEO of YMCA, 1 Glendora Court, Pueblo, CO** appeared and testified in favor of the application.

**Donald Banner, Attorney at Law, 1612 August Court, Pueblo, CO** appeared and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made by Council Person Ortegon to recommend approval of the application, seconded by Commission Latka, with the following modified conditions:

1. The plans and concept layouts submitted to the Planning and Zoning Commission shall be the approved plans. Any alteration, modification, substitution, or revision, including but not limited to colors, materials, building or activity placement, or massing shall be at the discretion of the Director of Planning and Community Development, who reserves the right to require said changes to be reviewed and approved by the Planning and Zoning Commission.
2. Any additions or deletions of Intended Uses or sizes of Development Areas shown on the Development Planning Areas table shall be approved by the Planning and Zoning Commission.
3. Generally speaking, all of the proposed uses listed in the Development Planning Areas table are either permitted by right or have been granted a Special Use Permit with the original YMCA approval (DPR-04-01). At the time of construction or installation, Staff shall verify the specific use proposed is listed in the appropriate Development Area as well as verify the use is an allowable use per Section 17-4-51 (20) of the Pueblo Municipal Code. (Any modification or addition of uses listed on the Development Planning Areas table shall only be added by the Planning and Zoning Commission).
4. Facilities or structures (i.e. solar panels) may not be located within, across or encroach into the 20' sanitary sewer easement, either one of the Board or Water Works water main easements or other easements.
5. Access to the sanitary sewer easement must be maintained through and into the solar panel field.
6. In the near future, when the City of Pueblo Wastewater Department requires, a 20' wide sanitary sewer easement shall be granted to the City of Pueblo. The exact alignment may be adjusted to work within any future plans of the YMCA.
7. All buildings, including but not limited, the Indoor Sports Complex, restroom/concession building in the Outdoor Sports Complex, and the maintenance facilities, must be architecturally compatible with the main YMCA building. Architectural compatibility shall be as defined in the Accessory Building and Structures ordinance (Section 17-4-23 (c)(5) of the Pueblo Municipal Code) which means "construction of similar materials and details and shall specifically exclude prefabricated metal structures and pole barns, or the use of corrugated metal panels as a siding material."

**Motion passed 6-0 (Lucas absent).**

*Commissioner Falletta left the meeting at 4:16 p.m.*

4. **SNC-110-01 – Street Name Change:** Change Drew Dix Drive as platted in Belmont Subdivision, 28<sup>th</sup> and 34<sup>th</sup> Filings, to Nottingham Drive.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to change the street name of Drew Dix Drive to Nottingham Drive within the Belmont Subdivisions, 28<sup>th</sup> and 34<sup>th</sup> filings. The proposed street name change is necessary to facilitate the proposed street name change of Platteville Boulevard to Drew Dix Parkway as platted in the Pinion Ridge Commercial Center Subdivision (SNC-11-02). Currently, Platteville Boulevard cannot accommodate any additional street addresses. Staff has worked with City Council, who proposed moving Drew Dix to a more prominent location within the City of Pueblo to better honor the Medal of Honor recipient. Drew Dix Drive is currently located in Belmont, east and west of Troy Avenue.

### **RECOMMENDED ACTION**

Move that the requested Street Name Change be **APPROVED**.

### **HEARING**

**Pepper Whittlef, Traffic Engineer, City of Pueblo, 350 S. Grand Avenue, Pueblo, CO** appeared and spoke in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made by Commissioner Johnson to recommend approval of the application, seconded by Commissioner Latka. **Motion passed 5-0 (Falletta, Lucas absent).**

5. **SNC-11-02 – Street Name Change:** Change Platteville Boulevard as platted in Pinion Ridge Commercial Center Subdivision to Drew Dix Parkway.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to change the street name of Platteville Boulevard to Drew Dix Parkway within the Pinion Ridge Commercial Center Subdivision. Platteville Boulevard extends from I-25, past the future extension of Pueblo Boulevard and into Pueblo West. Currently, Platteville Boulevard cannot accommodate any additional addresses. All number and directional prefixes are currently in use and therefore, the Pueblo Regional Building Department is not able to assign an address to buildings fronting on Platteville Boulevard. In the future, as the roadway is extended from the Pinion Ridge Commercial Center Subdivision to the future extension of Pueblo Boulevard, it will be platted as Drew Dix Parkway.



## **RECOMMENDED ACTION**

Move that the requested Street Name Change be APPROVED.

## **HEARING**

**Pepper Whittlef, Traffic Engineer, City of Pueblo, 350 S. Grand Avenue, Pueblo, CO** appeared and spoke in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made by Commissioner Pelto to recommend approval of the application, seconded by Commissioner Latka. **Motion passed 5-0 (Falletta, Lucas absent).**

6. **TA-11-02 – Text Amendment:** An Ordinance amending Section 12-5-4 of Chapter 5 of Title XII and Section 17-6-4 of Chapter 6 of Title XVII of the Pueblo Municipal Code Relating to Planning and Zoning Commission Recommendations to City Council.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The proposed Ordinance will extend the amount of time that applicants and staff have to forward Planning and Zoning Commission's recommendation to City Council for vacations, rezonings and text amendments. The Ordinance will give applicants 180 days to provide the necessary documents to Planning Staff. Planning Staff will then have 30 days to forward the Commission's recommendation to City Council. Upon receipt of a letter of request, and for good cause shown, the Administrative Official may grant a 90-day extension for the applicant to provide the necessary documents.

## **RECOMMENDED ACTION**

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

## **HEARING**

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made by Commissioner Latka to recommend approval of the application, seconded by Commissioner Pelto. **Motion passed 5-0 (Falletta, Lucas absent).**

**APPROVAL OF MINUTES**

Motion was made by Commissioner Latka to approve the Minutes of the February 9, 2011 Public Hearing, seconded by Commissioner Pelto. **Motion passed 5-0.**

**SCHEDULE PUBLIC HEARING**

The Public Hearing for April will convene on Wednesday, April 13, 2011 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for March will convene on Wednesday, March 23, 2011 at 5:00 p.m. in the Planning Conference Room, 211 East D. Street.

**ADJOURN**

There being no further business the Regular Meeting was adjourned at 4:26 p.m.

Respectfully submitted,

Attest:

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Weston Burrer  
Chairperson

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Jerry M. Pacheco  
Executive Secretary

Audiotapes 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.