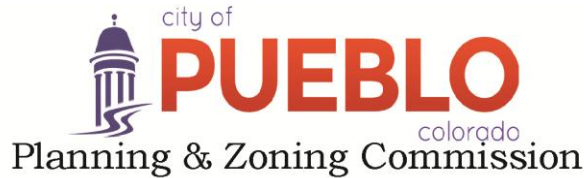


Jean Latka
Chair

Brandice Eslinger
Vice Chair

Bob Schilling
City Council Representative



David Webb

Brian Lucas

Raymond Seybold

REGULAR MEETING
City of Pueblo, Colorado
Wednesday, July 8, 2015 – 3:30 p.m.
City Council Chambers – 1 City Hall Place

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 3:36 p.m. with Chairperson Jean Latka presiding.

Commissioners Present: Bob Schilling, Jean Latka, Brian Lucas, and David Webb. Commissioners Brandice Eslinger and Raymond Seybold were present but unable to vote because their terms expired on July 1, 2015.

Commissioners Absent: None.

Staff Members Present: Paul Willumstad, Attorney for the Planning and Zoning Commission; and Kelly Grisham, Senior Planner.

APPROVAL OF AGENDA

A Motion was made by Commissioner Lucas to approve the agenda, seconded by Commissioner Webb. **Motion passed 4-0.**

PUBLIC HEARINGS AND ACTION

1. **Z-15-02 – Rezoning:** Sawyer Ridge rezoning of 20.70 acres from R-2, to R-2U

BACKGROUND

Staff report given by Kelly Grisham

The subject property is generally located north of Eagleridge Boulevard, between Mark Twain Lane and Sawyer Ridge Drive, in the first and second filings of Sawyer Ridge Subdivisions. The applicant is proposing to rezone the properties to allow for shorter front yard setbacks. The R-2 Zone District requires a minimum of 25' front yard setback, while the R-2U allows a front yard setback of 18' to the house, 10' to an unenclosed porch and 20' from the garage to the sidewalk.

RECOMMENDED ACTION

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

Request for Modification:

1. The applicant has requested to allow the rezoning to R-2U even though the streets exceed the allowed width according to the R-2U Zone District.

Staff recommends APPROVAL of the request for modification given the streets are already build and/or designed at 36' in width. The City Department of Transportation has no objection to the request for modification to allow the streets to remain at 36' wide.

HEARING

No one testified in favor to 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 Schilling, seconded by Commissioner Webb to approve the following request for modification:

Request for Modification:

1. The applicant has requested to allow the rezoning to R-2U even though the streets exceed the allowed width according to the R-2U Zone District.

Motion failed 3-1 (Webb dissenting).

A Motion was made by Commissioner Webb to approve the proposed rezoning, seconded by Council Person Schilling. **Motion failed 3-1 (Webb dissenting).**

2. **Z-15-03 – Rezoning:** 404 Vanita Rezoning of approximately 1.2 acres from B-3 to BP

BACKGROUND

Staff report given by Kelly Grisham.

The subject property is located at 404 Vinita Place. The applicant is proposing to rezone the existing developed 1.15 acre property to allow uses that are not currently allowed in the B-3 Zone District. The surrounding area and existing uses on the property are not consistent with the proposed Zone District. The proposed B-P Zone District allows uses that are incompatible with the existing residential zone district and the existing single family residential use immediately to the east of the property.

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **DENIED** due to the existing structures being located within 100 feet of an existing residential zone district and an existing residence.

Regardless of the Planning and Zoning Commission recommendation to City Council, staff recommends the following modification and conditions be required to accompany the application through to City Council:

Request for Modification:

1. The applicant has requested to allow the rezoning to B-P even though the property cannot meet the requirement of the minimum distance of structures to an existing residential zone district.

Staff recommends a DENIAL of the request for modification due to the existing structures being approximately 60 feet from the existing R-6 Residential Zone District. Most of the R-6 Zone Districts in the City are commercial properties; however, in this instance, a residential home is located immediately adjacent to the property that is requesting a rezone to B-P Zone District. In addition, the B-P allows a much higher intensity of uses than the current B-3 Zone District.

Conditions of Approval

1. If the business owner or operator and property owner store debris, rubbish, materials, supplies or equipment on the site, they will be required to enclose all sides with a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. The storage of items shall not exceed the height of the screening wall or fence. (K. Grisham, Planning, 7/2/15)
2. The applicant must landscape the property to the requirements of 17-4-7 of the Pueblo Municipal Code within 6 months of the rezoning. Staff will review the plans and work with the applicant to ensure the landscape plan is compliant with the landscape requirements. (K. Grisham, Planning, 7/2/15)
3. All future uses must comply with Section 11-1-607 of the Pueblo Municipal Code regarding noise. (K. Grisham, Planning, 7/2/15)
4. If the business owner or operator and property owner store debris, rubbish, materials, supplies or equipment on the site, they will be required to enclose all sides with a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. The storage of items shall not exceed the height of the screening wall or fence. (K. Grisham, Planning, 7/2/15)
5. All non-conforming existing lights must be brought into compliance by being replaced with full cut-off fixtures. (K. Grisham, 7/2/15)
6. If the applicant removes the garage doors that allow access to the indoor parking spaces, they must provide an additional two (2) outdoor parking spaces. (P. Whittlef, 7/2/15)
7. All parking spaces must comply with the size dimensions of Section 17-4-45 of the Pueblo Municipal Code, restriping appears to be necessary given the site plan submitted and reviewed by Staff. Staff must review proposed parking plan prior to restriping. (P. Whittlef, 7/2/15)
8. Connection fees are due for this building. (B. Maurello, 5/21/15)
9. A grease and sand interceptor will be needed. (B. Maurello, 5/21/15)

HEARING

Jeff Genova, 25900 Highway 50 East, Pueblo, CO, the applicant, appeared and spoke in favor of the proposed rezoning.

Darlene Horn, 301 N. Main Street, Pueblo, CO, the applicant, appeared and spoke in favor of the proposed rezoning

Arleen Ware, 2301 E. 4th Street Pueblo, CO appeared and spoke in opposition of the proposed rezoning.

Enrique Alvarado, 2211 E. 4th Street Pueblo, CO appeared and spoke in opposition of the proposed rezoning.

Gordon Seybold, 2205 E. 4th Street Pueblo, CO appeared and spoke in opposition of the proposed rezoning.

Estela Cabral, 2211 E. 4th Street Pueblo, CO, with Wendy Castaneda as interpreter, appeared and spoke in opposition of the proposed rezoning.

Wendy Castaneda, 2211 E. 4th Street Pueblo, CO, appeared and spoke in opposition of the proposed rezoning.

Carla Gaytan, 2211 E. 4th Street Pueblo, CO, with Wendy Castaneda as interpreter, appeared and spoke in opposition of the proposed rezoning.

Chairperson Latka closed the public hearing and requested a motion.

COMMISSION ACTION

A Motion to recommend approval of the proposed rezoning was made by Commissioner Webb, seconded by Commissioner Lucas, with the following request for modification and conditions:

Request for Modification:

1. The applicant has requested to allow the rezoning to B-P even though the property cannot meet the requirement of the minimum distance of structures to an existing residential zone district.

Conditions of Approval

1. If the business owner or operator and property owner store debris, rubbish, materials, supplies or equipment on the site, they will be required to enclose all sides with a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. The storage of items shall not exceed the height of the screening wall or fence. (K. Grisham, Planning, 7/2/15)
2. The applicant must landscape the property to the requirements of 17-4-7 of the Pueblo Municipal Code within 6 months of the rezoning. Staff will review the plans and work

with the applicant to ensure the landscape plan is compliant with the landscape requirements. (K. Grisham, Planning, 7/2/15)

3. All future uses must comply with Section 11-1-607 of the Pueblo Municipal Code regarding noise. (K. Grisham, Planning, 7/2/15)
4. If the business owner or operator and property owner store debris, rubbish, materials, supplies or equipment on the site, they will be required to enclose all sides with a screening wall or solid fence at least six (6) feet, but no more than ten (10) feet, in height. The storage of items shall not exceed the height of the screening wall or fence. (K. Grisham, Planning, 7/2/15)
5. All non-conforming existing lights must be brought into compliance by being replaced with full cut-off fixtures. (K. Grisham, 7/2/15)
6. If the applicant removes the garage doors that allow access to the indoor parking spaces, they must provide an additional two (2) outdoor parking spaces. (P. Whittlef, 7/2/15)
7. All parking spaces must comply with the size dimensions of Section 17-4-45 of the Pueblo Municipal Code, restriping appears to be necessary given the site plan submitted and reviewed by Staff. Staff must review proposed parking plan prior to restriping. (P. Whittlef, 7/2/15)
8. Connection fees are due for this building. (B. Maurello, 5/21/15)
9. A grease and sand interceptor will be needed. (B. Maurello, 5/21/15)

Motion failed 0-4 (Latka, Webb, Lucas and Schilling dissenting).

3. **SUP-15-01 – Special Use Permit:** 105 S. Victoria. Special Use Permit to allow a 100 foot tall tower to be constructed on the S-1 Zone District.

BACKGROUND

The applicant requested to continue the hearing to the August 12, 2015 Public Hearing.

COMMISSION ACTION

A Motion to continue the proposed special use permit was made by Commissioner Webb, seconded by Council Person Schilling. **Motion approved 4-0.**

4. **V-15-03 – Vacation:** 1111 Bonforte vacation of two (2) utility easements.

BACKGROUND

The application must be continued to the August 12, 2015 Public Hearing due to failed public notice (poster was not picked up and placed on the property).

COMMISSION ACTION

A Motion to continue the proposed vacation was made by Commissioner Webb, seconded by Council Person Schilling. **Motion approved 4-0.**

APPROVAL OF MINUTES

A Motion was made by Commissioner Webb to approve the Minutes of the May 13, 2015 Public Hearing, seconded by Council Person Schilling. **Motion passed 4-0.**

OLD/NEW BUSINESS

No Old/New Business was discussed.

SCHEDULE PUBLIC HEARING

The Public Hearing for August will convene on August 12, 2015 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for July will convene on Wednesday, July 22, 2015 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 4:20 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.