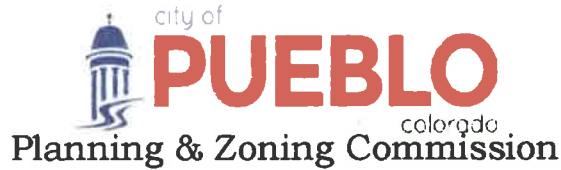


Jean Latka  
Chair

Brandice Eslinger  
Vice Chair

Bob Schilling  
City Council Representative



Mike Castellucci

Brian Lucas

Yvonne Lujan-Slak

David Webb

## ***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, September 9, 2015 – 3:30 p.m.

City Council Chambers – 1 City Hall Place

### **Minutes**

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

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

***Commissioners Present:*** Jean Latka, Brandice Eslinger, Brian Lucas, Mike Castellucci, Yvonne Lujan-Slak and David Webb.

***Commissioners Absent:*** Bob Schilling.

***Staff Members Present:*** Paul Willumstad, Attorney for the Planning and Zoning Commission; Steven Meier, Director of Planning and Community Development; Pepper Whittlef, Transportation Engineer; Jeff Bailey, Assistant City Manager for Stormwater; Todd Zeiller, Planner; and Kelly Grisham, Senior Planner.

#### **APPROVAL OF AGENDA**

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

~ *Commissioner Eslinger arrived* ~

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

1. **Z-15-06 – Rezoning: 1141 Pine St.** Rezoning of approximately .25 acres from R-4 to RCN, Residential Charter Neighborhood.

#### **BACKGROUND**

Staff report given by Todd Zeiller.

The subject property is located at 1141 Pine Street. The applicant is proposing to rezone the existing, developed, .25 acre property to replace existing parking with landscaped green space for the residents. A Parking Variance is required to reduce the site parking space requirement to zero and was granted by the Zoning Board of Appeals by a vote of 5-0 on August 25, 2015. Rezoning from R-4 to the RCN Zone District allows for a one hundred percent Parking

Variance. Parking spaces are proposed on Mesa Ave to fulfill the need for resident parking; however, these parking spaces will not be reserved for the residents of the complex. The surrounding area and existing uses on the property are consistent with the proposed Zone District. The proposed RCN Zone District allows uses that are compatible with the existing surrounding residential zone district.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the rezoning be **APPROVED** with the following conditions:

1. 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. (T. Zeiller, Planning, 7/21/15)
2. All future uses must comply with Section 11-1-607 of the Pueblo Municipal Code regarding noise. (T. Zeiller, Planning, 7/21/15)
3. All parking spaces must comply with the size dimensions of Section 17-4-45 of the Pueblo Municipal Code.

### **HEARING**

**Mike Cuppy, 111 E. 5<sup>th</sup> Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Sheila Henderson, 2040 Wyoming Avenue, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed rezoning.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to forward a recommendation of approval of the application by Commissioner Webb, seconded by Commissioner Lujan-Slak, with the following conditions:

1. 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.
2. All future uses must comply with Section 11-1-607 of the Pueblo Municipal Code regarding noise.
3. All parking spaces must comply with the size dimensions of Section 17-4-45 of the Pueblo Municipal Code.

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

2. **Z-15-04 – Rezoning: Fountain Creek Town Center.** Rezoning approximately 30 acres from I-3 and S-3 to BP, Business Park Zone District. Generally located south of 26<sup>th</sup> Street, and east of I-25.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The Applicant is proposing to redevelop the 27.92-acre parcel of land located east of I-25 and south of 29th Street, which has been historically used for industrial purposes. This site has been home to at least two brick manufacturing enterprises, the Standard Fire Brick Company and the AP Green Brick Refractory. AP Brick Refractory closed in the 1980's and since that time the parcel has remained vacant. In order to promote the redevelopment of this site the applicant is proposing to rezone the area to facilitate commercial and light industrial uses.

### **RECOMMENDED ACTION**

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

### **HEARING**

**Mike Cuppy, 111 E. 5<sup>th</sup> Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed rezoning.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to forward a recommendation of approval of the application by Commissioner Webb, seconded by Commissioner Lujan-Slak.

**Motion passed 5-0-1 (Schilling absent and Eslinger abstaining).**

3. **S-15-05 – Subdivision: Fountain Creek Town Center Subdivision.** Subdividing approximately 28 acres, into 4 lots. Generally located south of 26<sup>th</sup> Street, and east of I-25.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The Applicant is proposing to redevelop the 27.92-acre parcel of land located east of I-25 and south of 29th Street, which has been historically used for industrial purposes. This site has been home to at least two brick manufacturing enterprises, the Standard Fire Brick Company and the AP Green Brick Refractory. AP Brick Refractory closed in the 1980's and since that time the parcel has remained vacant. In order to promote the redevelopment of this site the applicant is proposing to rezone the area to facilitate commercial and light industrial uses.

## **RECOMMENDED ACTION**

The Subdivision Review Committee, at their January 29, 2014 meeting, recommended that the requested subdivision be **APPROVED** with the following noted:

**Request for Waiver from Requirements:** None requested.

**Requests for Modification to Requirements:** None requested.

**Plat Deficiencies:** None.

**Conditions of Approval** (Unless otherwise noted, all conditions of approval must be completed prior to the case being scheduled for City Council hearing):

1. The Transportation Department agrees that the full cost of signalization equipment for the intersection of 29th Street & Dillon Drive will be deposited in conjunction with the first building permit associated with the property. The applicant will be responsible for preparing the addendum for Subdivision Improvement Agreement.
2. The right(s)-of-way and/or easement(s) granted to the D&RG RR. Co, as shown in submitted title commitment, must be released and/or removed from the title commitment, for that portion of said rights(s)-of-way and/or easements(s) that are within the proposed public right-of-way for Dillon Drive within this plat. There can be no conflicts, with RR rights-of-way or private easements, within the public right-of-way.
3. One copy of Traffic Study, or one waiver signed by Traffic Engineer must be submitted.
4. Tax Certificate (proof that taxes have been paid for prior years) must be submitted.
5. Add "\*" to all lots and the following plat statement:  
\* Prior to any building permit being issued an approved 'Flood Hazard Area Development Permit' shall be obtained from the City of Pueblo Public Works.
6. On the plat, change the "drainage easement" to a "detention easement."
7. Change the plat notes to say "detention" rather than "drainage."
8. On the Supplemental Map and Utility Map, label the existing storm pipe size(s). Drainage Report shall address the required 'Flood Hazard Area Development Permit' along with other possible required permits for working in the Fountain Creek floodplain.
9. Drainage Report shall address erosion protection along the Fountain Creek.
10. Provide a drainage basin map in the Drainage Report.
11. The Drainage Report appendix shows five detention ponds in the calculations. The text of the report, along with subdivision plat shows only one. They must match.
12. The Drainage Report states that the detention pond shall be jointly maintained by all owners of the subdivision. The plat states that the detention facility shall be maintained by the owner(s) of the lots upon which it is located. They must be consistent.
13. All proposed buildings on this subdivision must meet 2015 International Fire Code requirements as adopted by the amended Pueblo Municipal Code on August 10th, 2015, through ordinance # 8900. Fire-Flow Requirements, Fire Hydrant Locations and Distribution and Fire Department Access requirements must be met.

## **HEARING**

**Mike Cuppy, 111 E. 5<sup>th</sup> Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made by Commissioner Webb to approve the proposed application, seconded by Commissioner Kucas, with the following conditions of approval be addressed prior to the case being scheduled for City Council hearing:

1. The Transportation Department agrees that the full cost of signalization equipment for the intersection of 29th Street & Dillon Drive will be deposited in conjunction with the first building permit associated with the property. The applicant will be responsible for preparing the addendum for Subdivision Improvement Agreement.
2. The right(s)-of-way and/or easement(s) granted to the D&RG RR. Co, as shown in submitted title commitment, must be released and/or removed from the title commitment, for that portion of said rights(s)-of-way and/or easements(s) that are within the proposed public right-of-way for Dillon Drive within this plat. There can be no conflicts, with RR rights-of-way or private easements, within the public right-of-way.
3. One copy of Traffic Study, or one waiver signed by Traffic Engineer must be submitted.
4. Tax Certificate (proof that taxes have been paid for prior years) must be submitted.
5. Add "\*" to all lots and the following plat statement:  
\* Prior to any building permit being issued an approved 'Flood Hazard Area Development Permit' shall be obtained from the City of Pueblo Public Works.
6. On the plat, change the "drainage easement" to a "detention easement."
7. Change the plat notes to say "detention" rather than "drainage."
8. On the Supplemental Map and Utility Map, label the existing storm pipe size(s). Drainage Report shall address the required 'Flood Hazard Area Development Permit' along with other possible required permits for working in the Fountain Creek floodplain.
9. Drainage Report shall address erosion protection along the Fountain Creek.
10. Provide a drainage basin map in the Drainage Report.
11. The Drainage Report appendix shows five detention ponds in the calculations. The text of the report, along with subdivision plat shows only one. They must match.
12. The Drainage Report states that the detention pond shall be jointly maintained by all owners of the subdivision. The plat states that the detention facility shall be maintained by the owner(s) of the lots upon which it is located. They must be consistent.
13. All proposed buildings on this subdivision must meet 2015 International Fire Code requirements as adopted by the amended Pueblo Municipal Code on August 10th, 2015, through ordinance # 8900. Fire-Flow Requirements, Fire Hydrant Locations and Distribution and Fire Department Access requirements must be met.

**Motion passed 5-0-1 (Schilling absent and Eslinger abstaining).**

4. **V-15-06 – Vacation: Fountain Creek Town Center.** Vacation of a portion of Santa Fe Avenue between 26<sup>th</sup> Street and the D&RGW Railroad.

#### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to vacate a ½ of the Santa Fe Avenue Right-of-Way. This request facilitates the proposed subdivision of the property. This Right-of-Way will no longer be necessary with the new subdivision.

#### **RECOMMENDED ACTION**

Staff recommends that the Vacation be APPROVED.

#### **HEARING**

**Mike Cuppy, 111 E. 5<sup>th</sup> Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

#### **COMMISSION ACTION**

Motion was made to forward a recommendation of approval the application by Commissioner Webb, seconded by Commissioner Castelucci.

**Motion passed 5-0-1 (Schilling absent and Eslinger abstaining).**

5. **DPR-15-01 – Development Plan Review: East Side Library art approval.** Development Plan Review of the art installation proposed at the East Side Library, (1315 E 7<sup>th</sup> St.).

#### **BACKGROUND**

Staff report given by Kelly Grisham.

The Applicant is requesting development plan approval for the installation of the art, as required by DPR-13-01. On June 12, 2013, the Planning and Zoning Commission approved the construction of the East Side Library, later named the Patrick A. Lucero Library, with the condition of approval that the applicant incorporate public art or other architectural feature on the large blank areas of the building. Planning and Zoning Commission required that the design for the art be completed and approved by the Planning and Zoning Commission within 1 year, and installed within 5 years from the date of the building permit.

The building permit for the library was issued on December 24, 2013 and while the design and approval of the art installation is being done nearly 2 years after the building permit issuance,

the applicant should be able to sufficiently meet the requirement that the art be installed within 5 years from the date of building permit issuance. Staff is in support of the location of the art work proposed, as it fulfills the requirement of eliminating the large open area of the building that is quite visible from 7<sup>th</sup> Street. Staff is not making a recommendation regarding the art chosen for the location, as that is up to the Commission to determine its appropriateness.

**HEARING**

**Jon Walker, 4216 Muirfield Court, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

**COMMISSION ACTION**

A Motion was made by Commissioner Eslinger to approved the proposed application, seconded by Commissioner Castelucci.

**Motion passed 5-1 (Schilling absent and Webb dissenting).**

- 6. Z-15-07 – Rezoning: Southern Colorado Clinic.** Rezoning from A-1 to B-3, Regional Business District.

*Staff recommends the application be continued to the September 9, 2015 Public Hearing.*

**COMMISSION ACTION**

A Motion to continue the proposed rezoning was made by Commissioner Lucas, seconded by Commissioner Webb.

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

- 7. V-15-05 – Vacation: Southern Colorado Clinic.** Vacating various streets and alleys within the Southern Colorado Clinic Subdivision.

*Staff recommends the application be continued to the September 9, 2015 Public Hearing.*

**COMMISSION ACTION**

A Motion to continue the proposed vacation was made by Commissioner Eslinger, seconded by Commissioner Lucas.

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

- 8. S-15-06 – Subdivision: Southern Colorado Clinic.** Subdividing approximately 10 acres into 3 lots.

*Staff recommends the application be continued to the September 9, 2015 Public Hearing.*

## **COMMISSION ACTION**

A Motion to continue the proposed subdivision was made by Commissioner Webb, seconded by Commissioner Eslinger.

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

9. **Z-15-08 – Rezoning: Vistas at Walking Stick.** 1<sup>st</sup> Amendment of the Walking Stick Vista Development Guide.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is proposing to amend pages 1 and 16 the PUD development guide for the Walking Stick Vista PUD. The amendments include the following:

1. Adding “1<sup>st</sup> Amendment” to the title of the document,
2. For the PA-2 area - eliminating the bulk standards for lots over 75’ in width,
3. For the PA-2 area - changing Single Family Detached (lot width 60’ – 74’) to (lot width 60’ or above),
4. For the PA-2 area - changing the second yard setback for garages from 20’ to 18’ in all Single Family Detached and Attached lot widths,
5. For the PA-2 area - changing the side yard setback for garages in the Single Family Detached (lot width 60’ or above) from 7’ to 5,’
6. For the PA-2 area - changing the side yard setback for livable portion of homes in the Single Family Detached (lot width 60’ or above) from 7’ to 5,’
7. For the PA-2 area - changing the maximum lot coverage in the Single Family Detached (lot width 60’ or above) from 60% to 65%,
8. For the PA-2 area - adding a provision that garages must be 30’ or less frontage at the curb, and
9. For the PA-2 area - adding a provision that driveways must be made of cement, pavers or a combination of both. No asphalt is required.

These changes will allow the owner of the properties to market them with side yard setbacks the same as the majority of the City of Pueblo. The major difference between these standards and a property zoned R-2, is the allowance of the livable portion of the home being allowed to be set back only 20’. In addition, R-2 zoned property requires a maximum lot coverage of 50%. Given the setbacks required with this development, Staff feels most properties will be unable to even exceed 50% lot coverage; therefore, staff has no issues with the increase from 60% to 65% lot coverage.

## **RECOMMENDED ACTION**

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



## **HEARING**

**Jim Gilbertson, 5 Wentworth Place, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Colleen Peterson, 2 Portmarnock Place, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made to forward a recommendation of approval the application by Commissioner Webb, seconded by Commissioner Eslinger.

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

### **10. DPR-15-02 – Development Plan Review: 105 South Victoria Street.** Development Plan Review of a utility building

#### **BACKGROUND**

Staff report given by Kelly Grisham.

The Applicant is requesting development plan approval for the installation of a prefabricated utility building at the Black Hills Energy complex, located at the corner of Victoria Street and D Street. The proposed building will be 414 square feet (11'-5" x 36'-0") and is proposed to be located approximately 40' east of D street. The building will be used for communications equipment for the Black Hills Energy operations.

The proposed building will be constructed of exposed aggregate precast concrete panels, with several large vent hoods, two 5-ton AC units and three doors. These items will be painted beige. Below is the list of items that will not meet code for architecture and landscaping. The applicant is requesting a waiver from these requirements as the existing site has no landscaping and has several buildings which don't comply with current architectural regulations.

#### **Request for Modification:**

1. The applicant has requested to not provide landscaping

*Staff has determined that appropriate landscaping is necessary to screen the proposed structure.*

2. The applicant has requested to not be required to comply with architectural requirements

*Staff agrees that the building will fit in with the existing industrial structures on the site; however, if the main brick building is demolished, then this building will be much more visible from HARP. Staff requests some architectural enhancements be made to the*

*proposed building, or landscaping installed to screen the structure from D Street and HARP.*

### **HEARING**

**Bret Jones, 105 South Victoria Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Daniel Thompson, 201 Lampkin, Apt 103, Pueblo, CO**, testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion was made by Commissioner Eslinger to approved the proposed application, seconded by Commissioner Webb.

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

### **APPROVAL OF MINUTES**

A Motion was made by Commissioner Eslinger to approve the Minutes of the August 12, 2015 Public Hearing, seconded by Commissioner Webb. **Motion passed 6-0 (Schilling absent).**

### **OLD/NEW BUSINESS**

- 1. DPR-15-03 – Development Plan Review: 800 Goodnight Avenue.** Development Plan Review for City Park Bath House.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The Applicant, through the City Parks Department, a redevelopment plan is proposed to replace the aged City Park Bath house. The proposed replacement building will be approximately 2,500 square feet, and constructed with painted CMU blocks, metal screening, and slate accents, with an overhanging single-slope roof. The building contains ADA bathrooms and showers, a concession stand, family changing area, equipment storage, cashier and an area for lifeguard lockers and first aid. The structure will be located to the north of the pool, adjacent to the parking lot. Also with this project, ADA parking spaces will be created near the entrance, the existing bath house will be demolished, and the existing drop off loop will be removed.

The proposed building replacement is required by the City of Pueblo Settlement Agreement with the Federal Department of Justice for ADA Accessibility.

### **RECOMMENDED ACTION**

Staff recommends the application be APPROVED.

**HEARING**

No one testified in support to the proposed application.

No one testified in opposition to the proposed application.

Chairperson Latka closed the hearing and requested a motion.

**COMMISSION ACTION**

A Motion was made by Commissioner Eslinger to approved the proposed application, seconded by Commissioner Lucas.

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

**SCHEDULE PUBLIC HEARING**

The Public Hearing for September will convene on October 14, 2015 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for August will convene on Wednesday, September 23, 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 4:56 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.