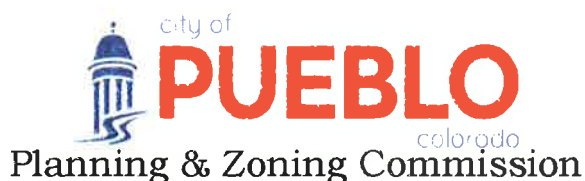


Jean Latka
Chair

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, October 14, 2015 – 3:30 p.m.
City Council Chambers – 1 City Hall Place

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 3:34 p.m. with Acting Chairperson Mike Castellucci presiding.

Commissioners Present: Bob Schilling, Mike Castellucci, Yvonne Lujan-Slak and David Webb.

Commissioners Absent: Jean Latka, Brandice Eslinger, Brian Lucas.

Staff Members Present: Paul Willumstad, Attorney for the Planning and Zoning Commission; Steven Meier, Director of Planning and Community Development; and Kelly Grisham, Senior Planner.

APPROVAL OF AGENDA

A Motion was made by Commissioner Webb to approve the agenda, seconded by Council Person Schilling. **Motion passed 4-0 (Latka, Lucas and Eslinger absent).**

PUBLIC HEARINGS AND ACTION

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

BACKGROUND

Staff report given by Kelly Grisham.

The Southern Colorado Clinic are was annexed into the City in December 2014, and the Annexation Agreement stipulated several requirements for the future development of the property, including zoning the property within 90 days after the effective date of the ordinance annexing the property. In this section of the Annexation Agreement, it specifies that the applicant shall not request a rezoning of the property, or portion of the property, to B-4 nor higher density zoning use. With this rezoning request, the applicant is complying with the provisions of the Annexation Agreement.

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. 5th Street, Pueblo, CO, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed rezoning.

Acting Chairperson Castelucci closed the hearing and requested a motion.

COMMISSION ACTION

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

Motion passed 4-0 (Latka, Lucas and Eslinger absent).

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

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to vacate multiple streets and alleys within the Southern Colorado Clinic Subdivision, Filing 1. The vacation is requested to allow development of the newly platted lots. The streets and alleys will no longer be necessary with the proposed subdivision.

RECOMMENDED ACTION

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

1. The portion of Lot 1, Block 1, Park West Business Campus Filing No. 4 be dedicated to the City of Pueblo before the Southern Colorado Clinic Subdivision Filing No. 1 is recorded.
2. The vacation is null and void if the Southern Colorado Clinic Subdivision Filing No. 1 is not recorded. In the event the Subdivision is not recorded, the City of Pueblo shall rescind the ordinance approving the vacation.

HEARING

Mike Cuppy, 111 E. 5th 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 Council Person Schilling.

Motion passed 4-0 (Latka, Lucas and Eslinger absent).

- 3. S-15-06 – Subdivision: Southern Colorado Clinic Subdivision.** Subdividing approximately 13-acres, into three building sites and three non-buildable parcels reserved for future resubdivision and development.

BACKGROUND

Staff report given by Kelly Grisham.

The Applicant is proposing to subdivide the west side of the area that was annexed into the City of Pueblo in December 2014. The proposed subdivision will create three building lots and three non-buildable parcels reserved for future development. This Subdivision is part of the Southern Colorado Clinic Annexation and Southern Colorado Clinic Overall Development Plan. As required by the Annexation Agreement, the applicant will be dedicating, by separate document, two trail corridors. The Wild Horse Creek Arroyo trail easement and the Highway 50 trail easement must be dedicated and recorded prior to recording of the first subdivision in order to comply with the requirements in the Annexation Agreement.

In addition, the applicant has designated an existing street on the east side of the Wild Horse Arroyo for the required sanitary sewer alignment and the utility corridor. Because the alignment is within an existing right-of-way, this fulfills the requirement for the dedication of the sanitary sewer and utility easements. This alignment is noted on the Overall Development Plan, and when this right-of-way is vacated, the applicant will be required to dedicate a sanitary sewer and utility easement.

RECOMMENDED ACTION

Staff recommends the Planning and Zoning Commission forward a recommendation 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 sanitary sewer easement through the YMCA must be signed and submitted to the Planning Department.

2. City must approve the 1041 permit before it gets finalized. (K. Grisham, 7/27/15)
3. Comply with the requirements contained in the memorandum from Joe Martellaro, dated 9/3/15. (J. Martellaro, 9/3/15)
4. Add the following plat note: Proposed 30 ft utility corridor within Harold Street shall be dedicated to the City of Pueblo as a 30 ft utility corridor easement with the vacation of Harold Street. (M. Turner, 10/9/15)

Comments only:

1. Proposed Fire Hydrant locations and distribution must meet the minimum requirements set forth in Appendix C of the 2015 IFC.
2. Proposed Fire Apparatus Access Roads must meet the minimum requirements set forth in Appendix D (amended) of the 2015 IFC. (E. Duran, 9/28/15)
3. Attach the Subdivision Drainage Plan and updated Overall Development Plan Drainage Exhibit to the Appendix of the Drainage Report. Not a condition of approval, can be completed with Part II of the Subdivision. (M. Turner, 10/9/15)

HEARING

Mike Cuppy, 111 E. 5th 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 Council Person Schilling, with the following conditions of approval:

1. The sanitary sewer easement through the YMCA must be signed and submitted to the Planning Department, to be completed before recording of the Subdivision.
2. City must approve the 1041 permit before it gets finalized, to be completed before recording of the Subdivision. (K. Grisham, 7/27/15)
3. Comply with the requirements contained in the memorandum from Joe Martellaro, dated 9/3/15, to be completed before recording of the Subdivision. (J. Martellaro, 9/3/15)
4. Add the following plat note: Proposed 30 ft utility corridor within Harold Street shall be dedicated to the City of Pueblo as a 30 ft utility corridor easement with the vacation of Harold Street, to be completed before the application is scheduled for City Council. (M. Turner, 10/9/15)

Motion passed 4-0 (Latka, Lucas and Eslinger absent).

4. **Z-15-09 – Rezoning: Fire Station #4.** Rezoning 0.42 acres from S-1 to R-4, Mixed Residential District.

BACKGROUND

Staff report given by Jerry Pacheco.

On December 31, 2013, the City of Pueblo sold the subject property, formerly known as Fire Station No. 4, to Cozzetta/Purcell Properties, LLC for their private non-governmental use. The S-1 zoning classification of the property is not consistent with the general plans of the City or the intent of the S-1 zone. Staff has determined that the R-4 zoning classification is the most appropriate classification in this case.

RECOMMENDED ACTION

Staff recommends that the Vacation be APPROVED.

HEARING

Jerry Pacheco, on behalf of the City of Pueblo, 1 City Hall 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 Council Person Schilling, seconded by Commissioner Webb.

Motion passed 4-0 (Latka, Lucas and Eslinger absent).

5. **TA-14-06 – Text Amendment: Permitted Uses.**

BACKGROUND

Staff report given by Kelly Grisham.

The current Zoning Ordinance was adopted in 1968 as a major upgrade to the 1931 Zoning Ordinance. Throughout the years many incremental changes have been made resulting in it being very difficult to use and interpret. This has caused many issue for the Planning and Community Development Department as well as the general public. The proposed amendments seeks to alleviate some of the issues this Department and our customers encounter on a daily basis. Some of these issues include the following:

1. The current code is very difficult to use and creates many inconsistent interpretations.

2. There is no consistency between Zone Districts
 - a. *Residence, over 4 family* in one zone district and *Apartment building* in another zone district.
3. Not all uses are defined and some are defined but are not used anywhere in the code.
 - a. For example, *Boarding house and Christian science practioner* are listed uses, but neither are defined.
 - b. Also, *Pet shop, Mini-warehouse and Home, nursing* are defined, but are not used anywhere in the code.
4. The uses are very confusing, for example:
 - a. Is *Auto storage* different than *Auto parking*?
 - b. *Home, nursing* is defined, but under permitted uses, *Nurses home, dormitory* is listed. Are these two the same?
5. Many of the uses included are outdates, for example:
 - a. *Asbestos products, buggy manufacturer, and Phonograph records, manufacture* are all uses listed in the code.
6. Since the code has been cobbled over the years, uses don't always make sense where they are allowed and not allowed, for example:
 - a. In the R-5 Zone District, a *Hospital* is allowed by right, but a *restaurant* requires a Special Use Permit.
 - b. Also in the R-5 Zone District, an *office* is allowed, yet a *Home occupation* requires a Special Use Permit.
 - c. *Church and religious institutions* are allowed in the R-2 Zone District, yet they are not allowed at all in the B-1 Zone District.
7. Many of the Zone Districts handle uses differently, being very specific in some, yet very general in others. This leaves a lot of interpretation up to the Land Use staff.

Analysis:

Section 1:

In order to fix the numbering system in the definitions, and to create separate sections for general definitions and use definitions, all of the current definitions contained in Section 17-2-1 of the Pueblo Municipal Code (PMC) are deleted. Then, a new section is created for use definitions (Section 17-2-2 of the PMC) and the general definitions are put back in Section 17-2-1 of the PMC. Attachment C. provides a list of all of the definitions, and provides a summary of which definitions were deleted, added, modified, or moved. In addition, all uses that are in the table of uses will be defined.

Section 2:

Section 2 amends Section 17-4-2 from *Duplex* to *two-family* to be consistent with the definitions. This Section also amends the reference to the R2-U Performance Standards.

Section 3:

Section 3 amends the Schedule of District Regulations to reference *Non-Residential* since it is referencing non-residential standards. This Section also amends the reference to the height regulations for the S-2 Zone District.

Section 4:

Section 4 amends the Schedule of District Regulations to include Special Residential and this Section removed the reference to "mobile" homes in the R-8 District. The R-8 Zone District

allows single family homes, manufactured homes as well as mobile homes. In addition, *Section 4* updates the regulations for homes located in the R-8 Zone District.

Section 4 also deletes the Recreational Vehicle Park Performance Standards. It is then moved to Section 17-4-51(d)(8) in *Section 12* of the Ordinance.

Section 4 adds the Residential Charter Neighborhood (RCN) and the R2-U performance standards to where all of the residential Zone District Performance Standards are located. These performance standards do not change, they are just being relocated.

Section 5:

Section 5 amends Section 17-4-5 by adding the Commercial Charter Neighborhood (CCN), BP, HB, HARP-1, HARP-2, and HARP-3 Performance Standards to where all of the non-residential Zone District Performance Standards are located. These performance standards do not change, they are just being relocated.

Section 6:

Section 6 amends Section 17-4-9 to reference the table of uses for where homeless shelters are allowed.

Section 7:

Section 7 amends Section 17-4-10 to change the reference of *Home occupations* to *Home based businesses*.

Section 8:

Section 8 amends Section 17-4-11 to reference the new location of *Manufactured home*.

Section 9:

Section 9 amends Section 17-4-24 to specify when you can construct more than one principal structure on a lot.

Section 10:

Section 10 amends Section 17-4-43 to remove the reference to *church*.

Section 11:

Section 11 amends Section 17-4-44 to amend the reference of *duplex* to *two-family*.

Section 12:

Section 12 amends Section 17-4-51 to separate the (a) Zone Districts, (b) Permitted uses table legend, (c) Permitted uses table, (d) use performance standards and (e) conditional uses. Each of these sections are outlined in more detail below:

(a) Zone Districts:

All Zone Districts are contained in this Section, along with the purpose statements. Generally all of the purpose statements remain unchanged, except minor amendments in the I-1, I-2, and S-2 Zone Districts. Also, purpose statements have been added to the S-3, PUD and MPCD Zone Districts (PUD and MPCD Districts have been added to this Section).

This section is where the uses were previously located, so with this amendment, the uses from each Zone District are deleted. In addition, throughout this Section, some of the Zone Districts are re-numbered and some Districts are relocated within this Section (RCN). Also, all of the Zone District Performance Standards that were previously located in 17-4-51 have been deleted, and moved to other sections of the code.

The existing Conditional uses contained in Section 17-4-51 have been deleted and moved to the new Conditional uses section.

(b) Permitted uses table legend:

This Section has been created to provide specific information for each type of use allowed in the table of permitted uses. It also provides standards for uses and terms that are not specifically defined, specifies that all uses must comply with the use performance standards and when accessory uses are allowed. In this Section, the legend for the letter references used in the use table are defined.

(c) Permitted uses table:

This Section creates the table of permitted uses. Most uses were not amended by going to the table of permitted uses. Those that were modified, are listed in Attachment D.

(d) Use performance standards:

This Section is the location of all use performance standards. The performance standards that were contained in other areas of the code, are now moved to this Section, making them easier to find and administer. The performance standards contained in this Section are not new, they are moved from other sections of the existing code.

(e) Conditional uses:

This Section outlines the uses that are required if a use is listed as a *condition use* in the table of permitted uses.

Section 13:

Section 13 amends Section 17-4-65 of the Cell Tower section to amend the reference of *duplex* to *two-family*.

Section 14:

Section 14 amends Section 17-5-32 to amend limited use permits to be designated by the table of permitted uses. This section also deletes the standards for pigeon and dove keeping to move it to the use performance standards.

Section 15:

Section 15 amends Section 17-10-4 to change the reference of *Home occupations* to *Home based businesses*.

Section 16:

Section 16 amends Section 17-11-4 to change the reference of *church* to *religious institution*.

Section 17:

Section 17 amends Section 17-11-5 to reference the table of uses for where adult entertainment uses are allowed.

Section 18:

Section 18 amends Section 17-13-03 to reference the table of uses for where emergency generators are allowed.

Section 19:

Section 19 amends Section 17-15-6 to change the reference of *Home occupations* to *Home based businesses*.

HEARING

No one 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 Webb to approved the proposed application, seconded by Council Person Schilling.

Motion passed 4-0 (Latka, Lucas and Eslinger absent).

APPROVAL OF MINUTES

A Motion was made by Commissioner Webb to approve the Minutes of the September 9, 2015 Public Hearing, seconded by Council Person Schilling **Motion passed 4-0 (Latka, Lucas and Eslinger absent).**

SCHEDULE PUBLIC HEARING

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

SCHEDULE WORK SESSION


The Work Session for August will convene on Wednesday, October 28, 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 3:56 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.