

Weston Burrer
Chair

Brian Lucas
Vice Chair

Jeff Falletta

PUEBLO

Planning & Zoning Commission

Rod Johnson

Jean Latka

Vera Ortegon

Chuck Pelto

REGULAR MEETING

City of Pueblo, Colorado

Wednesday, June 8, 2011 – 3:30 p.m.

City Council Chambers – 301 West B Street

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 3:35 p.m. with Chairperson Weston Burrer presiding.

Commissioners Present: Weston Burrer, Jeff Falletta, Brian Lucas, Vera Ortegon, and Chuck Pelto.

Commissioners Absent: Rod Johnson and Jean Latka.

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 Council Person Ortegon to approve the agenda, seconded by Commissioner Falletta. **Motion passed 5-0.**

PUBLIC HEARINGS AND ACTION

1. **V-11-04 – Vacation:** Drainage Easement Vacation and Dedication Plat located within Lot 2, Block 1, Pinion Ridge Commercial Center Subdivision.

Commissioner Lucas recused himself.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to vacate and re-dedicate the drainage easement located in the lot adjacent to the Love's Truck Stop in the Pinion Ridge Commercial Center Subdivision. The lot was originally platted with a large drainage easement on the eastern portion of the lot. The configuration of the easement made the lot virtually unbuildable. The new drainage easement dedication plat will reconfigure the easement to allow a more buildable site, while still providing drainage facilities for the subdivision.

RECOMMENDED ACTION

Staff recommends that the proposed vacation be **APPROVED**.

HEARING

Jim Prioreshi, 4776 Eagleridge Circle, 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 Commissioner Falletta to recommend approval of the application, seconded by Commissioner Pelto. **Motion passed 4-0-1 (Lucas abstained)**.

2. **S-11-04 – Subdivision:** Comanche Subdivision, 1st Amendment. Approximately 696 acres located at 205 Lime Road.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to resubdivide the two-lot, 696-acre property located at 2005 Lime Road to modify the interior property lines of the existing subdivision. The resubdivision will eliminate any buildings crossing existing lot lines. Generally, lot line rearrangements are approved administratively through the Subdivision Review Committee; however, due to the size of the property, this rearrangement is not eligible for that process.

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: None

HEARING

Casey Crain, 1800 Larimer Street, Denver, CO, appeared and testified in favor of the application.

Brooks Kaufman, 5496 N. US 85, Sedalia, 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 Commissioner Lucas. **Motion passed 5-0.**

3. **TA-11-03 – Text Amendment:** An Ordinance Amending Section 17-4-44 of Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to Parking Requirements.

BACKGROUND

Staff report given by Kelly Grisham.

Currently, the Pueblo Municipal Code does not allow the approval of any parking space where a vehicle must back across an alley or any public right-of-way line, except in single and two-family areas. The proposed text amendment will allow parking spaces to utilize the alley for a backing maneuver. This text amendment will allow for greater flexibility in designing the site by allowing the backing space and drive aisle to be incorporated into adjacent alleys. This concept also encourages access off the alley rather than the public roadways, thereby eliminating driveways and reducing potential conflicts between exiting vehicles and pedestrians, bicycles, and other vehicles.

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 asked for a motion.

COMMISSION ACTION

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

4. **TA-11-04 – Text Amendment:** An Ordinance Amending Section 17-3-4 of Chapter 3 of Title XVII of the Pueblo Municipal Code relating to Additions to Legal Nonconforming Structures.

BACKGROUND

Staff report given by Kelly Grisham.

Currently, the Pueblo Municipal Code requires that additions to nonconforming structures be limited to thirty percent (30%) of the gross floor area and must receive a special permit from the Zoning Board of Appeals. This discourages citizens from rehabilitating and expanding older housing stock that was built prior to the passage of the City Zoning Ordinances in 1968. The proposed text amendment will allow additions to be approved administratively as long as the addition is under forty percent (40%) of the gross floor area. Additions larger than forty percent, or that do not meet the setback requirements, or are taller than the original structure, must still be approved by the Zoning Board of Appeals.

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 Pelto to recommend approval of the application, seconded by Commission Falletta. **Motion passed 5-0.**

5. **TA-11-05 – Text Amendment:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to Small and Medium-Scale Development Performance Standards.

BACKGROUND

Staff report given by Kelly Grisham.

Currently, the Pueblo Municipal Code does not regulate small and medium-scale non-residential developments, which have the largest impact on our built environment. The proposed text amendment adds two sections to the Code that creates minimum performance standards for non-residential developments to aid in making the City more attractive. Some of the requested standards include higher quality materials, not allowing prefabricated metal

structures, adding façade treatments to break up large blank walls, enhance entrance and roof designs, and site design.

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 Falletta to recommend approval of the application, seconded by Commission Pelto. **Motion passed 5-0.**

6. **TA-11-06 – Text Amendment:** An Ordinance Amending Chapters 2 and 4 of Title XVII of the Pueblo Municipal Code Relating to Community Gardens.

BACKGROUND

Staff report given by Kelly Grisham.

The proposed text amendment will define a Community Garden and allow for their lawful use throughout the City. The text amendment will also provide basic guidelines for how a Community Garden must operate when it is a primary use of land.

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 Lucas to recommend approval of the application, seconded by Commission Falletta. **Motion passed 5-0.**

APPROVAL OF MINUTES

Motion was made by Commissioner Lucas to approve the Minutes of the April 13, 2011 Public Hearing, seconded by Commissioner Falletta. **Motion passed 5-0.**

OLD/NEW BUSINESS

1. **1005 Lake Avenue Landmark.** Staff report given by Kelly Grisham. The applicant is requesting landmark status for the property known as the William J. Anderson house. The property is located at 1005 Lake Avenue. The house was constructed in 1890 and has been used as a residence since that time. The home qualifies under Criteria 1a for having special architectural character and interest as part of the cultural characteristics of the City. The home also qualifies for its short but significant association with William J. Anderson, President of Iron City Fuel Company. The Historic Preservation Commission approved the local landmark nomination at their April 14, 2011 hearing and is requesting approval from the Planning and Zoning Commission. Motion was made by Commissioner Pelto to recommend approval of the application, seconded by Commissioner Falletta. **Motion passed 5-0.**
2. **Fence in HARP to Expand HARP Lot 3 (Angelo's) Liquor License and Lease Area.** Staff report given by Kelly Grisham. The applicant has received approval from the HARP Authority to expand their liquor license lease area into HARP. The applicant is now requesting approval from the Commission to place a three foot six inch (3'6") tall picket fence that will match the existing fence on the property. The fence will be constructed of vertical pickets and painted maroon. The fence installation is a minor modification of the HARP Development Plan and is not considered redevelopment; therefore, a public hearing is not required. A discussion followed concerning the necessity of placing the fence, proximity to the HARP channel, sidewalk width, and fence height. Motion was made by Commissioner Pelto to approve the modification, seconded by Council Person Ortegon with the recommendation that the fence be between three feet (3') and three feet six inches (3'6") maximum in height. **Motion passed 5-0.**
3. **Discuss Text Amendment to Allow Child Care Center in B-1 and B-2 Zone Districts as a Use by Review.** Staff is requesting approval to place this text amendment on the agenda for the Planning and Zoning Commission July 13, 2011 Public Hearing. Currently, Child Care Centers are allowed with a special use permit in all of the agricultural zone districts, the R-1, R-2, R-2U, R-3, R-4, RCN and BP zone districts. In R-5, R-6, B-3 and B-4 zone districts, child care centers are a use by right. Staff feels that allowing child care centers in the B-1 and B-2 zone districts with a special use permit is an appropriate use. Requiring the special use permit will allow staff to review neighborhood compatibility before approval. The Commission gave permission to place the text amendment on the July 13, 2011 Public Hearing agenda.

SCHEDULE PUBLIC HEARING

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

SCHEDULE WORK SESSION

The Work Session for June will convene on Wednesday, June 22, 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 4:46 p.m.

Respectfully submitted,

Attest:

Weston Burrer
Chairperson

Jerry M. Pacheco
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.