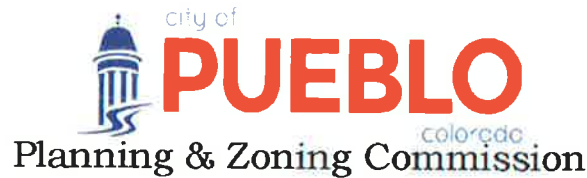


Brandice Eslinger  
Chair

Brian Lucas  
Vice Chair

Bob Schilling  
City Council Representative



Mike Castellucci

Jean Latka

Yvonne Lujan-Slak

David Webb

## ***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, April 13, 2016 – 3:30 p.m.

City Council Chambers – 1 City Hall Place

### **Minutes**

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

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

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

***Commissioners Absent:*** None.

***Staff Members Present:*** Paul Willumstad, Attorney for the Planning and Zoning Commission; Steven Meier, Director of Planning and Community Development; Kelly Grisham, Senior Planner; Alan Lamberg, Planner (for HL-16-01 only); Todd Zeiller, Senior Planner; and Pepper Whittlef, Traffic Engineer.

#### **APPROVAL OF AGENDA**

A Motion was made by Council Person Schilling to approve the agenda, combining items 1a, 1b and 1c, and 4a and 4b for hearing purposes, seconded by Commissioner Webb.

**Motion passed 7-0.**

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

During the Public Hearing and Action, item 5 was moved after item 2 so all continuances were done together.

**1a. Z-15-10 – MVD Rezoning.** Rezoning of approximately 690 acres, located east of I-25 and North of Vestas Towers America Site from County A-1 and City A-1.

**1b. V-15-07 – MVD Vacation.** Vacation of a portion of Greenhorn Drive, located east of I-25 and North of Vestas Towers America Site.

**1c. S-15-07 – MVD Subdivision.** Subdivision of approximately 690 acres, located east of I-25 and North of Vestas America Site

*Staff recommends the applications be continued to the May 11, 2016 Public Hearing with the condition that the applicant pay the Planning and Zoning Continuance fee.*

### **COMMISSION ACTION**

A Motion to continue the proposed applications was made by Commissioner Latka, seconded by Council Person Schilling.

**Motion passed 7-0.**

2. **S-15-10 – Subdivision Dill Subdivision** 1-lot, and 1 parcel subdivision of vacant land, located on Highway 50 Bypass Frontage Road, at the 1000 block of E US Hwy 50 Bypass.

*Staff recommends the application be continued to the May 11, 2016 Public Hearing with the condition that the applicant pay the Planning and Zoning Continuance fee.*

### **COMMISSION ACTION**

A Motion to continue the proposed subdivision was made by Commissioner Webb, seconded by Council Person Schilling.

**Motion passed 7-0.**

5. **Z-16-03 – Rezoning Fellowship of the Rockies** Rezone 4 single family lots from S-1 to R-2, Single Family Residential District. Generally located east of Bandera Parkway, just north of Hwy 78.

*Staff recommends the application be continued to the May 11, 2016 Public Hearing due to failed notice.*

### **COMMISSION ACTION**

A Motion to continue the proposed rezoning was made by Commissioner Latka, seconded by Council Person Schilling.

**Motion passed 7-0.**

3. **S-15-09 – Subdivision FSED Subdivision** Subdivision of approximately 1.253 acres into 1 lot, located at the northeast intersection of West 13<sup>th</sup> Street and North Santa Fe Avenue.

### **BACKGROUND**

Staff report given by Todd Zeiller.

The Applicant is proposing to subdivide the approximately 1.25 acres. The proposed subdivision will create one building lot.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission forward a recommendation the requested Subdivision be **APPROVED** with the following condition of approval:

1. If CDOT requires a right turn lane on 13<sup>th</sup> St. then applicant must resubmit the subdivision application and attachments and pay all fees associated with the new application.

### **HEARING**

**Brian Wood, Reed-King**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

A Motion to approve the proposed subdivision was made by Commissioner Webb, seconded by Council Person Schilling with the following condition of approval:

1. If CDOT requires a right turn lane on 13<sup>th</sup> St. then applicant must resubmit the subdivision application and attachments and pay all fees associated with the new application.

**Motion passed 7-0.**

- 4a. **Z-16-01 – Rezoning North Vista PUD** Amendment of the North Vista PUD to modify the Circulation Plan. Generally located east of Overton Road and north of Walking Stick Vista.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is proposing to amend the Circulation Plan contained within the North Vista PUD Development Plans. The amendments will change the configuration/layout of Home of Heroes Parkway to allow for the installation of the Black Hills Energy Substation just south of the 120' power lines. Black Hills Energy obtained approval from the Zoning Board of Appeals to locate the Substation at the proposed location.

The general layout of the proposed Home of Heroes Parkway has been reviewed and approved by the Transportation and Public Works Departments. In addition, the uses of land, and all other requirements contained within the existing Development Guide are not being amended.

### **RECOMMENDED ACTION**

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

1. Provide ownership list of all owners within the area of amendment of North Vista PUD (see attached).

2. All owners within the North Vista PUD that are within the area affected by the proposed changes (see attached) to the PUD must grant approval of the modification prior to the rezoning being scheduled for City Council. The Planning and Community Development Department will provide documentation that must be signed by the affected property owners.

During discussion, Staff determined that all recommended conditions have been completed; therefore, Staff recommended that all conditions be removed.

### **HEARING**

**Kalysta Djuric-Upton, 1032 E. Longsdale Drive, Pueblo West, CO**, the applicant, appeared and testified in favor of the application.

**Dan Boyd, 30080 Danny Road, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Cristin Cochran, 799 Dahlia Street, Unit #7A, Denver, CO**, appeared and testified in favor of the application.

**Cassandra Brock, 1940 Overton Road, Pueblo, CO**, appeared with questions about the application.

**James Gilbertson, 5 Wentworth Place, Pueblo, CO**, appeared with questions about the application.

**Justin Barr, 3750 Overton Road, Pueblo, CO**, appeared and testified in opposition of the application.

Chairperson Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the requested application with no conditions of approval by Council Person Schilling, seconded by Commissioner Lucas.

**Motion passed 7-0**

- 4b. **S-16-02 – Subdivision Fountain Lake Subdivision** 1 lot subdivision of approximately 11.43 acres. Generally located east of Overton Road and south of the City limit line.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The subject property is located along Overton Road, at the northern City Limit Line (generally south of 1940 Overton Road). The applicant is proposing to subdivide the 11.43-acre property into a one buildable lot for the Black Hills Energy Substation and Parcel A. Lot 1 of the subdivision will be used to construct the Black Hills Substation. In addition, the property owner at 1940 Overton Road has encroached into the area beyond the southern property line,

into the area owned by Hometown Finance Company. All parties involved have agreed to create Parcel A, which will be transferred to the adjacent property owner.

### **RECOMMENDED ACTION**

The Subdivision Review Committee, at their April 6, 2016 meeting, recommends the Planning and Zoning Commission forward a recommendation the requested Subdivision be **APPROVED** with the following condition of approval:

1. Comply with comments contained within the Stormwater Utility Memo from Melanie Turner, dated March 22, 2016.

During discussion, Staff determined that all recommended conditions have been completed; therefore, Staff recommended that all conditions be removed.

### **HEARING**

**Kalysta Djuric-Upton, 1032 E. Longsdale Drive, Pueblo West, CO**, the applicant, appeared and testified in favor of the application.

**Dan Boyd, 30080 Danny Road, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Cristin Cochran, 799 Dahlia Street, Unit #7A, Denver, CO**, appeared and testified in favor of the application.

**Cassandra Brock, 1940 Overton Road, Pueblo, CO**, appeared with questions about the application.

**James Gilbertson, 5 Wentworth Place, Pueblo, CO**, appeared with questions about the application.

**Justin Barr, 3750 Overton Road, Pueblo, CO**, appeared and testified in opposition of the application.

Chairperson Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the requested application with no conditions by Council Person Schilling, seconded by Commissioner Lujan-Slak.

**Motion passed 7-0**

6. **V-16-01 – Vacation 2601 Kachina Dr** Vacation of a portion of a drainage easement within Lot 2, Block 4, Wills Commercial Park, Filing No. 4.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to vacate the south 10 feet of a 20 foot wide drainage easement, which is south of the lot line for Lot 2, Block 4, Wills Commercial Park Subdivision, Filing No. 4. In January of 2016 a permit was issued for a new commercial building on the property. The building was approved to be constructed within the drainage easement; therefore, to bring the site into compliance with regulations, either the building must be moved or the easement must be vacated. The Stormwater Department has no issues with the vacation of the easement.

### **RECOMMENDED ACTION**

Staff recommends that the Vacation be APPROVED.

### **HEARING**

**Joe Gagliano, 1740 Eagleridge Suite 150, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**Marty Bechina, 15 Lathyrus Court, Pueblo, CO**, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the requested application with no conditions by Commissioner Latka, seconded by Commissioner Webb.

**Motion passed 7-0**

- 7. S-16-01 – Subdivision Southern Colorado Medical Center, Filing No. 4** Resubdivision of approximately 12 acres, generally located north of Parker Blvd.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The subject property is located at the southeast corner of Pueblo Blvd and US Hwy 50. The applicant is proposing to resubdivide the three subject lots, totaling 12 acres, into changed building sites. Currently, two buildings (Skilled Nursing Facility and a future Medical Office Building) are proposed on Lot 1, in Southern Colorado Medical Center, Filing No. 3. This subdivision will split the lot into two lots, so the two buildings will be on separate lots. In addition, Filing 3 created a small, essentially unbuildable lot (Lot 2, Southern Colorado Medical Center, Filing No. 3), which will be combined with Lot 9, of Filing No. 2 to create a larger, more usable lot. Typically, a lot line rearrangement would be utilized to facilitate the changed building lots; however, lot line rearrangements are only permitted for less than 5 acres.

### **RECOMMENDED ACTION**

The Subdivision Review Committee, at their April 6, 2016 meeting, recommends the Planning and Zoning Commission forward a recommendation the requested Subdivision 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 Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the requested application with no conditions by Council Person Schilling, seconded by Commissioner Latka.

**Motion passed 7-0**

8. **SUP-16-01 – Special Use Permit 609 E 6<sup>th</sup> Street.** Special use permit for a non-governmental use to allow a food truck rally at El Centro del Quinto Sol Park

### **BACKGROUND**

Staff report given by Kelly Grisham.

The subject property is located at 609 E. 6<sup>th</sup> Street. The City of Pueblo is proposing to utilize the park for a Food Truck Rally. The intent of the Food Truck Rally is to raise awareness to the El Centro del Quinto Sol skate park and to bring new visitors to the park. The Rally will also promote local food truck cuisine in the newly renovated and expanded park. The schedule will run for 15 weeks, two hours per week on Tuesdays. The Parks Department will organize the Rally and each vendor will have an assigned space on the Festival area of the park. Electrical hookups will be available.

The Pueblo Regional Building Department has noted that any food trucks that are not self-contained must be inspected and approved by the Pueblo Regional Building Department.

### **RECOMMENDED ACTION**

Staff recommends the Special Use Permit be **APPROVED**.

### **HEARING**

**Mike Sexton, 800 Goodnight Avenue, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one testified in opposition to the proposed application.

Chairperson Eslinger closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the requested application with no conditions by Commissioner Webb, seconded by Commissioner Latka.

**Motion passed 7-0**

~ Commissioner Latka left the meeting ~

### **PUBLIC MEETING AND ACTION**

#### **1. HL-16-01 – Black Hills 5 & 6 Landmark Case.**

#### **BACKGROUND**

Staff report given by Todd Zeiller.

The Historic Preservation Commission Code requires that the Planning and Zoning Commission review the application in regards to the following items (staff comments are indicated by bullet points):

#### **1. COMPREHENSIVE PLAN COMPLIANCE:**

The project site has been designated by the Pueblo Comprehensive Plan as a “Special Development Area,” which states;

*The Pueblo Comprehensive Plan designation of Special Development Areas have been identified on the Future Land Use Map. These are areas where there appear to be multiple possibilities for development as well as significant care to be taken with the development. These areas are lands with significant development, redevelopment and/or open space potential in strategic locations that suggest the need for careful, location-specific plans for infrastructure and private development. Master plans should be prepared prior to development or redevelopment occurring. Most of these areas will be developed through Master Development Plans or PUD Development Plans created by the developer or, in cases of publicly owned land, by the City and/or the County. A Master Development Plan for those Special Development Areas eligible for Annexation or a PUD Development Plan for concurrently annexing and zoning a Special Development Areas shall be prepared in such a manner as to provide for: (1) the orderly growth and development of the municipality and region through the logical extension of municipal government services and facilities; (2) areas which are urban or will be urbanized in the near future and areas which share both a community of interest and are integrated or are capable of being integrated with the City; and (3) the fair and equitable distribution of the costs of municipal government services and facilities among the persons who benefit therefrom including the cost for the extension, development, operation, and maintenance of municipal government facilities and services.*

- The proposed redevelopment plans will need to be in conformance with Comprehensive Plan designation of “Special Development Area”.



## **2. ABILITY TO COMPLY WITH THE ZONE DISTRICT REGULATIONS:**

- The S-1 Zone District requires review and approval of lot size, coverage, lot area and setbacks by the Planning and Zoning Commission in each case.
- The Black Hills property has an area of approximately 3 acres. The building footprint on the property contains an area of approximately .5 acres (25,600 square feet). The current lot area and configuration would require a lot line rearrangement to provide access and parking for future redevelopment of the site.
- This property has the ability to comply with the future zone district considerations and redevelopment plans.

## **3. PUBLIC IMPROVEMENT**

- Public improvements will be identified at the time of subdivision and redevelopment plan review.

## **4. EXISTING AND PROPOSED RENEWAL AND DEVELOPMENT PLANS**

- The building is located in the Downtown Urban Renewal Area.
- The Pueblo Urban Renewal Authority (PURA) was established in 1959 to promote the revitalization of Pueblo.

## **RECOMMENDED ACTION**

The P&Z Commission shall forward a recommendation of either approval or denial of this landmark application.

## **HEARING**

**Melissa Miler, 3005 Baystate Avenue, Pueblo, CO**, appeared to comment on the proposed application.

**Maria Tucker, 15 Mayweed Court, Pueblo, CO**, appeared to comment on the proposed application.

**Laurel Campbell, 104 W. Adams, Pueblo, CO**, appeared to comment on the proposed application.

**Gerald Dandurand, 1716 Tierra Berienda, Pueblo, CO**, appeared to comment on the proposed application.

No one testified in favor to the proposed application.

No one testified in opposition to the proposed application.

Chairperson Eslinger closed the hearing and requested a motion.

**COMMISSION ACTION**

Motion was made to approve the requested application with no conditions by Commissioner Webb, seconded by Commissioner Lujan-Slak.

**Motion passed 4-2-1 (Eslinger and Castellucci dissenting, Latka absent)**

**APPROVAL OF MINUTES**

A Motion was made by Council Person Schilling to approve the Minutes of the March 9, 2016 Public Hearing, seconded by Commissioner Webb.

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

**Old/New Business**

Discussion of the 2016 APA Colorado State Conference.

**SCHEDULE PUBLIC HEARING**

The Public Hearing for May will convene on May 11, 2016 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for April is scheduled for April 27, 2016 at 3:30 p.m. in the Planning & Community Development Department Conference Room.

**ADJOURN**

There being no further business the Regular Meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Attest:



Brandice Eslinger  
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.