

Weston Burrer  
*Chair*

Brian Lucas  
*Vice Chair*

Jeff Falletta

**PUEBLO**   
Planning & Zoning Commission

Vera Ortegon

England Porter

Ralph Scaplo

Raymond Seybold

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***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, July 13, 2011 – 3:30 p.m.

City Council Chambers – 301 West B Street

**Minutes**

**MEETING CALLED TO ORDER**

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

***Commissioners Present:*** Weston Burrer, Brian Lucas, Vera Ortegon, England Porter, Ralph Scaplo and Raymond Seybold.

***Commissioners Absent:*** Jeff Falletta.

***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 Lucas. **Motion passed 6-0.**

**PUBLIC HEARINGS AND ACTION**

1. **Z-11-02 – Zoning Map Amendment:** Rezone property located at 1201 East 7<sup>th</sup> Street from R-2 to CCN.

**BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone a 5-lot parcel located at 1201 East 7<sup>th</sup> Street from an R-2, Single Family Residential Zone District to a CCN, Commercial Charter Neighborhood District. The purpose of the rezoning is to facilitate the use of the site as a church and urgent care clinic (health center). The property historically has been used as a church, with offices and an educational facility attached. The property will continue to be used as a church; the office and educational area will be utilized as the urgent care facility. The submitted plans generally comply with the Pueblo Municipal Code and the proposed zone district; however, several conditions of approval are recommended that would bring the property into full compliance. In addition, contingent upon the approval of the rezoning request, the applicant

has been granted two special use permits for the uses in the CCN Zone District, as well as, a parking variance.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the zoning map amendment be **APPROVED** with the following noted:

#### **Request for waiver from requirements:**

The CCN Zone District requires that the building must have at least 30% of the street level façade area as measured from the street level upward a maximum of 12' devoted to display windows or windows affording views into the interior area. The existing building provides 12% on the West façade and 17.7% on the South façade.

*Staff supports the waiver request. According to the Architectural Inventory Form from Colorado Cultural Resource Survey, the building is individually eligible for the local, state and national historic registry. Staff will not support alterations to the building, which may be detrimental to the historic integrity of the structure.*

#### **Conditions of Approval:**

1. The property shall be landscaped per Section 17-4-7 of the Pueblo Municipal Code within one (1) year of City Council approval of the rezoning.
2. Provide a landscaping plan that conforms with Section 17-4-7 of the Pueblo Municipal Code. The landscape plan must be reviewed and approved by Staff prior to City Council review of the rezoning.
3. Provide a rezoning exhibit, indicating rezoning to the center of streets and alley rights of way.
4. Provide a statement of the proposed time schedule for beginning and completion of project.
5. Provide a statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which the zoning amendment is requested.
6. The property must be brought into compliance with the requirements of the CCN Zone District. Provide a site plan complying with the requirements of the CCN Zone District and Planning & Community Development comments. The site plan must be reviewed and approved by Staff prior to City Council review of the rezoning.

7. Address conditions contained in the memorandum from Pepper Whittlef, dated April 27, 2011.

All conditions of approval must be addressed prior to the application being scheduled for City Council.

### **HEARING**

**Robert Tschida, 1201 East 7<sup>th</sup> Street, 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 Council Person Ortegon to recommend approval of the application, seconded by Commissioner Lucas, with the following conditions:

#### **Request for waiver from requirements:**

The CCN Zone District requires that the building must have at least 30% of the street level façade area as measured from the street level upward a maximum of 12' devoted to display windows or windows affording views into the interior area. Existing building provides 12% on the West façade and 17.7% on the South façade.

#### **Conditions of Approval:**

1. The property shall be landscaped per Section 17-4-7 of the Pueblo Municipal Code within one (1) year of City Council approval of the rezoning.
2. Provide a landscaping plan that conforms with Section 17-4-7 of the Pueblo Municipal Code. The landscape plan must be reviewed and approved by Staff prior to City Council review of the rezoning.
3. Provide a rezoning exhibit, indicating rezoning to center of streets and alley rights of way.
4. Provide a statement of the proposed time schedule for beginning and completion of project.
5. Provide a statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which a zoning amendment is requested.

6. The property must be brought into compliance with the requirements of the CCN Zone District. Provide a site plan complying with the requirements of the CCN Zone District and Planning & Community Development Comments. The site plan must be reviewed and approved by Staff prior to City Council review of the rezoning.
7. Address conditions contained in the memorandum from Pepper Whittlef, Dated April 27, 2011.

All conditions of approval must be addressed prior to the application being scheduled for City Council.

**Motion passed 6-0.**

2. **Z-11-04 – Zoning Map Amendment:** Rezone property generally located at the east end of Country Club Village from R-6 to R-1, Single Family Residential.

**BACKGROUND**

Staff report given by Kelly Grisham.

The applicant, Pueblo Country Club, is requesting approval to rezone Phase I of the Pueblo Country Club Overall Development Plan. The applicant is requesting to rezone the property from an R-6, Multiple Family and Commercial Zone District to an R-1, Single Family Residential Zone District. The rezoning is a requirement of the Overall Development Plan due to the anticipated use of the property. The rezoning, as submitted, complies with the proposed zone district as well as the requirements of the Overall Development Plan.

**RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the zoning map amendment be **APPROVED**.

**HEARING**

**Randy Reeves, Cardinal Point Surveying, 4776 Eagleridge Circle, Pueblo, CO** appeared on behalf of the applicant 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 6-0.**

3. **SAP-11-02 – Special Area Plan:** Country Club Vista. Approximately .54 acres, generally located at the east end of Country Club Village.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant, Pueblo Country Club, is requesting approval of a Special Area Plan that will allow the unique development of the Country Club Vista Subdivision. The Special Area Plan is required because the property does not front on a public street. Otherwise, the development complies with the R-1 Zone District requirements. The lot will be accessed via Country Club Village, which is a private street that is part of the Country Club Village 4<sup>th</sup> Filing Subdivision.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission make the necessary findings to forward a recommendation to City Council that the request for a Special Area Plan be **APPROVED** with the following conditions:

1. Provide a copy of the general maintenance agreement with Country Club Village HOA or provide a copy of the covenants, which provides for the use and continuous maintenance of any remaining open space as well as land common to all properties for review and approval by the City Law Department. The covenants, after City approval, shall be recorded with the Subdivision and Special Area Plan.
2. Provide a copy of the access easement agreement, which must include the use of Country Club Village, a private street, as well as the Country Club Village 4<sup>th</sup> Filing mailboxes.

Unless otherwise stated, all conditions must be met prior to City Council review.

### **HEARING**

**Randy Reeves, Cardinal Point Surveying, 4776 Eagleridge Circle, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Burrer closed the hearing and asked for a motion.

### **COMMISSION ACTION**

Motion was made by Council Person Ortegon to recommend approval of the application, seconded by Commissioner Scaplo with the following conditions:

1. Provide a copy of the general maintenance agreement with Country Club Village HOA or provide a copy of the covenants, which provides for the use and continuous maintenance of any remaining open space as well as land common to all properties for review and approval by the City Law Department. The covenants, after City approval, shall be recorded with the Subdivision and Special Area Plan.
2. Provide a copy of the access easement agreement, which must include the use of Country Club Village, a private street, as well as the Country Club Village 4<sup>th</sup> Filing mailboxes.

Unless otherwise stated, all conditions must be met prior to City Council review.

**Motion passed 6-0.**

4. **S-11-05 – Subdivision:** Country Club Vista. Approximately .54 acres, generally located at the east end of Country Club Village.

**BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting approval to subdivide Phase I of the Pueblo Country Club Overall Development Plan. The subdivision will create one single family residential lot and one access parcel.

**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:

1. Cash in lieu of land dedication is required and must be equal to 8% of the fair market value of the subdivided and zoned property, exclusive of street widths.
2. Reiteration that the turn-around must remain open; it may not be fenced or gated. This is a Fire Code requirement due to the length of the access street that a turn around is required beyond 150'.

**HEARING**

**Randy Reeves, Cardinal Point Surveying, 4776 Eagleridge Circle, Pueblo, CO** appeared on behalf of the applicant 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 Commission Lucas with the following conditions:

1. Cash in lieu of land dedication is required and must be equal to 8% of the fair market value of the subdivided and zoned property, exclusive of street widths.
2. Reiteration that the turn-around must remain open; it may not be fenced or gated. This is a Fire Code requirement due to the length of the access street that a turn around is required beyond 150'.

**Motion passed 6-0.**

5. **TA-11-07 – Text Amendment:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to Child Care Centers.

### **BACKGROUND**

Staff report given by Kelly Grisham.

Currently child care centers are not permitted as a use by right nor as a use be review in the B-1 and B-2 Zone Districts. Given that the use is permitted in residential zone districts by review, it could be assumed that they should also be allowed in the B-1 and B-2 Zone Districts, which are by comparison, more commercial in nature than the residential zones. Child care centers are a use by right in R-5, R-6, B-3 and B-4 Zone Districts and by review in A-1, A-2, R-1, R-2, R-3, R-4, RCN, B-P and CCN Zone Districts. The proposed Ordinance will allow the use with a special use permit in the B-1 and B-2 Zone Districts. As a condition of approval for a special use permit for all child care centers, the facility shall be properly licensed by the State of Colorado and supervised by the appropriate State or County Agency.

### **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 Council Person Ortegon to recommend approval of the application, seconded by Commission Porter. **Motion passed 6-0.**

**APPROVAL OF MINUTES**

Motion was made by Council Person Ortegon to approve the Minutes of the June 8, 2011 Public Hearing, seconded by Commissioner Lucas. **Motion passed 6-0.**

**SCHEDULE PUBLIC HEARING**

The Public Hearing for August will convene on Wednesday, August 10, 2011 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for July will convene on Thursday, July 21, 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 4:07 p.m.

Respectfully submitted,

Attest:

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Weston Burrer  
Chairperson

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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.