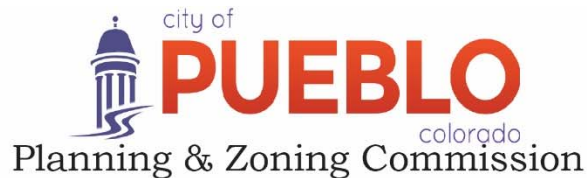


Brandice Eslinger  
Chair

Mike Castellucci  
Vice Chair

Bob Schilling  
City Council Representative



Patrick Avalos

Elizabeth Bailey

Alex San Filippo-Rosser

Vacant

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## **REGULAR MEETING**

City of Pueblo, Colorado

Wednesday, July 10, 2019 – 3:30 p.m.

City Council Chambers – 1 City Hall Place

### **Minutes**

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

The meeting was called to order at 3:32 p.m. with Commissioner Eslinger presiding.

**Commissioners Present:** Brandice Eslinger, Mike Castellucci, Patrick Avalos, Elizabeth Bailey and Alex San Filippo-Rosser

**Commissioners Absent:** Bob Schilling

**Staff Members Present:** Scott Hobson, Assistant City Manager for Community Investment; Bob Jagger, Assistant City Attorney; Beritt Odom, Senior Planner; and Kelly Grisham, Senior Planner.

#### **APPROVAL OF AGENDA**

A Motion was made by Commissioner Bailey to approve the agenda, seconded by Commissioner Castellucci.

**Motion passed 5-0 (Schilling absent).**

#### **PUBLIC MEETING AND ACTION**

- SAP-19-01 Special Area Plan Minor Amendment.** Minor amendment of the setback requirements for Parcels E & F (formerly Lots 17 & 18), Antelope Trail Subdivision.

#### **STAFF REVIEW AND FINDINGS:**

Staff report given by Kelly Grisham.

The applicant is requesting to amend the previously amended Special Area Plan for Parcels E and F (Previously Lots 17 and 18) Antelope Trail, A Special Area Plan. As proposed, the amendment is to adjust the lot lines shown on the Special Area Plan to coincide with Rearrangement of Property Boundaries RPB-19-05 and to reduce the rear setback. The existing setbacks are twenty (20) feet front, five (5) foot side, and fifteen (15) foot rear yard.

The Special Area Plan minor amendment continues the required setback of five (5) foot side by moving the property line between the lots and retaining a five (5) foot setback on either side of the property line. The amendment also reduces the rear setback from fifteen (15) feet to fourteen feet, three inches (14'-3"). The amendment to the Special Area Plan, and the

reduced rear setback is necessary due to an error in setting the foundation during construction. A variance is not permitted due to the property setbacks being created through the Special Area Plan rather than the Zoning Code. The proposed Special Area Plan meets the requirements of Section 17-4-29 of the Pueblo Municipal Code.

### **RECOMMENDED ACTION:**

Staff recommends the Special Area Plan Amendment be **Approved** with the following conditions:

1. Revise the title of the Special Area Plan plat to include Parcels E and F, Rearrangement of Property Boundaries RPB-19-05.
2. Provide an Improvement Location Survey showing the new property line, updated setbacks and the existing improvements
3. Revise the Special Area Plan plat to comply with the required information of a SAP Plat.

Commissioner Eslinger requested a motion.

### **COMMISSION ACTION**

A Motion to **APPROVE** the proposed application was made by Commissioner Castellucci, seconded by Commissioner Bailey, with the following conditions of approval.

1. Revise the title of the Special Area Plan plat to include Parcels E and F, Rearrangement of Property Boundaries RPB-19-05.
2. Provide an Improvement Location Survey showing the new property line, updated setbacks and the existing improvements
3. Revise the Special Area Plan plat to comply with the required information of a SAP Plat.

**Motion passed 5-0 (Schilling absent).**

### **PUBLIC HEARING AND ACTION**

#### **Consent Agenda**

2. **Z-19-03 1201 E 7<sup>th</sup> Street Zoning Map Amendment:** Rezone property located at 1201 E. 7<sup>th</sup> Street from R-2 to Commercial Charter Neighborhood (CCN).

The Planning and Zoning Commission requested the rezoning case, Z-19-03, be moved to the regular agenda.

#### **Regular Agenda**

3. **S-19-04. TRE Southgate at Pueblo.** Subdivision of approximately 2.1 acres into two (2) lots. Generally located at 1207 Southgate Place.

### **STAFF REVIEW AND FINDINGS:**

Staff report given by Kelly Grisham.

The subject property is located along Southgate Place, just east of Lake Avenue. The applicant is requesting to plat the property into two (2) lots in order to construct a commercial building next to the existing retail marijuana facility.

On the existing property there are two (2) existing signs for the existing business, a high rise sign along Pueblo Boulevard, and a monument sign on Southgate Place. In 2018, the two (2) signs were errantly permitted (multiple signs on one property are not permitted); however, with the splitting of the property into two (2) lots, there will no longer be two (2) signs on a single property, bringing the signs closer into compliance with the zoning regulations. In order for the signs to be fully compliant, the monument sign will need to be a shared sign, or the business on the proposed Lot 2 will need to be removed from the monument sign.

**RECOMMENDED ACTION:**

The Subdivision Review Committee 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 Modifications to Requirements:** none requested

**Plat and Supplemental 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 existing sign located on the proposed Lot 1 that advertises the business on the proposed Lot 2 must be removed, moved or made into a shared sign for both businesses. Within six (6) months of the subdivision approval by City Council, the sign shall be removed, moved or obtain approval for a shared sign permit to allow the sign to be shared with the business located on the proposed Lot 1.
2. Revise the spelling of "County" on the Subdivision Plat.
3. Comply with conditions included in Stormwater memo from Melanie Turner, Drainage Engineer, dated July 1, 2019

Staff recommended to modify condition number 1. to require the applicant to obtain approval to share the sign rather than moving it to the proposed Lot 2, and to remove conditions 2. and 3.

**Comments only:** (No action required. Comments are for informational purposes only.)

1. The existing building must be a minimum of 10' from the new property line at its closest point.
2. Any new building on the proposed lot 1 would need to conform to the 2015 IBC requirements for occupancy type, construction, and setback from the property line. (PRBD)
3. At that time when Lot 1 requires water service, a separate tap must be made with service and meter to Lot 1 only, which will require PWIF, water meter and associated fees per Board of Water Works of Pueblo, Colorado Rules and Regulations (Pueblo Water)

## **Hearing**

**Laurie Clark, 6821 Hwy 78W, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one appeared to testify in opposition of the application.

Commissioner Eslinger closed the hearing and requested a motion.

## **COMMISSION ACTION**

A Motion to **APPROVE** the proposed application was made by Commissioner Bailey, seconded by Commissioner Castellucci, with the following conditions of approval.

1. The existing sign located on the proposed Lot 1 that advertises the business on the proposed Lot 2 must be removed or made into a shared sign for both businesses. Within six (6) months of the subdivision approval by City Council, the existing monument sign located on the proposed Lot 1, must be removed or obtain approval for a shared sign permit to allow the sign to be shared with the business located on the proposed Lot 1.

**Motion passed 5-0 (Schilling absent).**

4. **Z-19-03. 1201 E 7<sup>th</sup> Street Zoning Map Amendment:** Rezone property located at 1201 E. 7<sup>th</sup> Street from R-2 to Commercial Charter Neighborhood (CCN).

## **STAFF REVIEW AND FINDINGS:**

Staff report given by Beritt Odom.

The church located at 1201 E. 7<sup>th</sup> Street was originally constructed in 1902 as the Bethel Methodist Church and was the first Methodist Church located east of the Fountain Creek. The Bethel Methodist Church congregation grew steadily over the years and in 1920 the current structure was completed and dedicated, replacing the original church. The Bethel Methodist Church served as an important east side neighborhood civic center during the Great Depression and World War II. During the 1940's the church served as the Park Hill Jr. High School Library during reconstruction of the school. In 1950 Fountain Elementary School moved its Kindergarten class to the church for a few years. By 1950, Bethel Methodist Church had a congregation of 925 members and founded its own credit union. An education/office annex addition was constructed along the eastern portion of the church in 1962. As a result of a dwindling congregation, Bethel Methodist Church merged with the First United Methodist church and the building was leased to Solid Rock Ministries until it was sold to HCP Properties in 2011. The building has remained predominantly vacant since 2012.

Abeyta Investments purchased the property in 2018 and proposes to reinstitute the religious institution use and introduce banquet hall and office uses. The banquet hall and church use require a Special Use Permit in the CCN Zone District. Mr. Abeyta received approval of a Special Use Permit for the banquet hall and religious institution uses from the Zoning Board of Appeals on June 25, 2019. The Special Use Permit is contingent upon the approval of the CCN rezoning request.

The purpose of the CCN Zone District is to retain and conserve suitable areas for commercial, office and mixed-use development that primarily serve the residents of the surrounding charter neighborhood. The church, banquet hall, and office uses meet the intent of the CCN by providing a mixture of uses on one development site within the primarily residential neighborhood. The church, banquet hall, and offices have the ability to serve multiple residents within walking distance. The proposed mixed-use follows the historical development pattern of the neighborhood by combining a religious institutional use with that of a gathering space. A tentative site plan for development indicates that the historical church structure will remain and provide space for the religious use and banquet hall. The annex addition, constructed in the 1960's, will house office uses. The applicant has landscaped the site in accordance with the landscape plan provided to the Planning Office. Mr. Abeyta has also constructed a 6-foot opaque cedar buffer fence along the eastern property line between the church property and residential property. Landscaping per the municipal code is not required until a new structure or an addition, of 30-percent or more of the existing structure, is proposed. If an addition or new structure is proposed staff will review the development plans to ensure that the CCN Performance Standards are met.

**RECOMMENDED ACTION:**

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

- All outdoor light fixtures must comply with Section 17-4-52 of the Pueblo Municipal Code.

**Hearing**

**Steve Abeyta, 1201 E. 7<sup>th</sup> Street, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

No one appeared to testify in opposition of the application.

Commissioner Eslinger closed the hearing and requested a motion.

**COMMISSION ACTION**

A Motion to **APPROVE** the proposed application was made by Commissioner Castellucci, seconded by Commissioner Bailey, with the following condition of approval.

- All outdoor light fixtures must comply with Section 17-4-52 of the Pueblo Municipal Code.

**Motion passed 5-0 (Schilling absent).**

5. **TA-19-03. Text Amendment.** An Ordinance amending Title XVII of the Pueblo Municipal Code relating to the correction of miscellaneous provisions.

**STAFF REVIEW AND FINDINGS:**

Staff report given by Kelly Grisham.

Throughout the years, the Planning Department has created a list of the issues within the Zoning Code. The proposed Ordinance is the second of three (3) phases intended to address

the issues that the Department has discovered. These issues range from minor issues, including typos, mis-spelled words and incorrect references to more significant issues, such as when single family home placement standards are required for additions.

The proposed text amendment amends the existing Zoning Code to provide clarification and consistency to the existing regulations. It also fixes several typos and errors within the text of the Zoning Code. Specifically, the changes are outlined below:

1. Section 1:
  - a. Definition of *Recreational park* was amended to change the maximum time that camping is permitted so that its consistent with the specific use standards for recreational parks.
2. Section 2:
  - a. Language was added to clarify that an addition of more than 500 square feet, or 40% of the existing area, shall require the addition be architecturally compatible with the existing structure.
  - b. Language was also added for additions to historic properties.
3. Section 3:
  - a. In 2018, the non-residential off-street parking requirements were amended to allow greater additions to buildings before the parking requirements would be required.
  - b. With this change, a section regarding a one-time exemption from these standards was left in the code; however, with the new standards for additions, this exemption is no longer applicable.
4. Section 4:
  - a. The table of uses is being amended to require a Kennel (cattery) to obtain a Special Use Permit in the B-3 Zone District, where it was permitted previously.
5. Section 5:
  - a. This Section revises name of Food wholesaling to Food warehousing to be consistent with the table of uses and the definition.
  - b. This Section also amends the conditions for a Veterinary clinic to remove the requirement for Special Use Permit for a veterinary hospital in the B-3 and B-4 Zone Districts. This amendment creates consistency for veterinary clinics and hospitals throughout the code.
6. Section 6:
  - a. This Section removes the provision that the Zoning Board of Appeals has the power to grant extensions to the time to remove nonconforming signs.
  - b. When the sign code was first drafted, it included an amortization schedule for removal of existing signs that did not meet the new code requirements. This section gave ZBA the ability to amend the requirements outlined in the amortization schedule.
  - c. Since the amortization schedule was not included in the final sign code, this section is no longer needed.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission forward a recommendation of **APPROVAL** of the proposed Text Amendment to City Council.

## **HEARING**

No one appeared and testified in favor of the application.

No one appeared and testified in opposition to the application.

Chairperson Eslinger closed the hearing and requested a motion.

## **COMMISSION ACTION**

A Motion to forward a recommendation of **APPROVAL** of the proposed Text Amendment was made by Commissioner Bailey, seconded by Commissioner Avalos.

**Motion passed 5-0 (Schilling absent).**

- 6. TA-19-05. Text Amendment.** An Ordinance amending Title XVII of the Pueblo Municipal Code relating to the correction of miscellaneous provisions.

## **STAFF REVIEW AND FINDINGS:**

Staff report given by Kelly Grisham.

The purpose of this text amendment is to regulate the installation of fences, walls, hedges and any similar screening methods to minimize the impacts that result from fence location and height, without limiting the intended function of fences, walls and hedges

1. General regulations:

- a. Provides what is included in the requirements of the regulations.
- b. States that the responsibility of locating the property lines is solely with the property owner. The Planning and Public Works Departments can help with identifying property lines; however, the responsibility will still lie with the property owner. The only true way to accurately identify the property lines is to find the property pins or higher a surveyor to find or set the property pins.
- c. The general requirements also limit the encroachment of hedges into the public right-of-way and allow that hedges can be used in the same manner or purpose as a fence or wall.

2. Fence Location:

- a. This Section defines the location that fences may be placed upon the property. This includes setbacks from property lines for solid fences that are over seven (7) feet tall, requirements for gates, and setbacks from fire hydrants.

3. Maximum Height:

- a. The Section regarding the maximum height defines how fence height is measured and provides maximum height limits for fences based on the use of the property.
- b. In addition, this Section provides the Administrative Official the ability to allow taller fences based on proven need for heightened security.
- c. Several diagrams are provided in this Section to demonstrate the location of the primary front yard, secondary front yard, rear and side yards as they relate to the fences, walls and hedges.

4. Materials:
  - a. The materials section provides the standards for materials that are permitted and not permitted as well as architectural features required for long expanses of fences.
5. Security Fencing:
  - a. This Section provides standards for security fencing, where permitted, height allowed, and provisions for electrically charged fences.
6. Screening:
  - a. This Section provides standards for fencing that is used for screening purposes and reflects the provisions contained in the Industrial Performance Standards, Section 17-4-49 of the PMC.
7. Temporary fences:
  - a. This Section provides standards for the instances temporary fencing is permitted and the maximum amount of time that temporary fencing is allowed.
8. Variances:
  - a. This Section provides clarification to the allowances for variances that the Zoning Board of Appeals is permitted to grant.
9. Maintenance:
  - a. This Section allows the Administrative Official to order a fence to be removed when it is dilapidated, dangerous or those causing traffic sight hazards.

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission forward a recommendation of **APPROVAL** of the proposed Text Amendment to City Council.

**HEARING**

No one appeared and testified in favor of the application.

No one appeared and testified in opposition to the application.

Chairperson Eslinger closed the hearing and requested a motion.

**COMMISSION ACTION**

A Motion to forward a recommendation of **APPROVAL** of the proposed Text Amendment was made by Commissioner Bailey, seconded by Commissioner Castellucci.

**Motion passed 5-0 (Schilling absent).**

**APPROVAL OF MINUTES**

A Motion was made by Commissioner Castellucci to **APPROVE** the Minutes of the May 8, 2019 Public Hearing, seconded by Commissioner San Filippo-Rosser.

**Motion passed 5-0 (Schilling absent).**



**ADJOURN**

There being no further business the Regular Meeting was adjourned at 4:23 p.m.

Respectfully submitted,

Attest:

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Brandice Eslinger  
Chairperson

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Steven Meier  
Executive Secretary