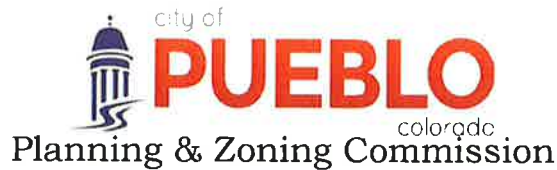


Mike Castellucci
Chair

Alex San Filippo-Rosser
Vice Chair

Bob Schilling
City Council Representative



Patrick Avalos

Alexandra Aznar

Elizabeth Bailey

Cheryl Spinuzzi

MINUTES OF REGULAR MEETING

City of Pueblo, Colorado

Wednesday, September 9, 2020 – 3:30 p.m.

The meeting and Public Hearing will be held via Zoom

Join Zoom Meeting online:

<https://pueblo.zoom.us/j/93519142144?pwd=c0pjMVgvK05JdllyQndqTHRJMlduUT09>

Join Zoom Meeting by phone:

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Online and phone Meeting ID and Password:

Meeting ID: 935 1914 2144

Passcode: 428244

MEETING CALLED TO ORDER

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

This meeting was held via conference call. All votes were recorded by roll call, to distinguish each speaker.

Commissioners Present: Mike Castellucci, Patrick Avalos, Alex San-Filippo-Rosser, Cheryl Spinuzzi, Bob Schilling, Alexandra Aznar, and Lisa Bailey.

Commissioners Absent: None

Staff Members Present: Dan Kogovsek, City Attorney; Scott Hobson, Acting Director for Department of Planning and Community Development; Beritt Odom, Principal Planner; Alan Lamberg, Senior Planner; Bartholomew Mikitowicz, Planner; Joe Martellaro, Associate Engineer II; Charles Hernandez, Finance Director and Laura Solano, Chief of Staff.

APPROVAL OF AGENDA

A Motion was made by Bailey to approve the agenda, Seconded by Schilling.

Motion passed 7-0

PUBLIC HEARINGS AND ACTION

Regular Agenda

1a.Z-20-04. JBC PUD AMENDMENT. The applicant is requesting to amend the JBC Subdivision Planned Unit Development Guide that was approved by the Planning Commission and City Council in 2013, to accommodate the new JBC Subdivision, which includes six lots instead of the three lots originally proposed.

STAFF REVIEW AND FINDINGS:

Staff report given by Principal Planner, Beritt Odom.

The subject property is located north of highway 50, east of the railroad track, west and south of the Crestview Hills, No 1, Subdivision. The applicant is proposing to resubdivide the 10.75-acre property into six (6) lots, to facilitate the development of approximately seven commercial structures, adjacent to Highway 50 West, and personal storage that will include outdoor recreational vehicle storage, north of the commercial development and west of the residential structures along Crestview Drive. The existing PUD was approved to accommodate three lots and four Planning Areas. The proposed PUD amendment will accommodate three additional lots, address internal circulation, allow more flexibility in the architectural design of the commercial structures, allow a mixture of light industrial uses (storage) to co-mingle with commercial uses, and provide flexibility for signage due to the restricted access off of Highway 50 West.

The previous PUD Development Guide established four Land Use Areas; 1. Planning Area-1 (PA-1) – Retail (Proposed car dealership); 2. Planning Area-2 (PA-2) – Office (Proposed mini-storage office and caretakers residence); 3. Planning Area-3 (PA-3) – Storage (Proposed mini-storage); and 4. Planning Area-4 (PA-4) – Storage (outdoor RV and boat storage). The PUD Development Guide Amendment proposes three Land Use Areas; Planning Area-1 (PA-1) and Planning Area-2 (PA-2), which allow for commercial retail, service, office, recreational and cultural uses. Planning Area-3 (PA-3) is reserved for personal storage to include outdoor recreational vehicle storage and a caretaker residence on the storage site. The Land Use Table, located within the Design Guidelines, designates the uses allowed by right, by review, and not permitted in each Planning Area. Commercial, service, office, and cultural uses are allowed in both PA-1 and PA-2 with only one minor difference, a caretaker residence is not allowed in PA-1 and is allowed by right in the PA-2 and PA-3 areas. Planning Areas 1 and 2 allow most retail sales to include automobile sales, seasonal sales (Christmas trees, farmers markets), building materials, convenience goods, groceries, restaurants, microbrewery/distillery, and liquor. Personal services such as, automobile service, automobile body work, filling stations, general and professional offices, medical offices, laundry/dry cleaning, fitness, repair of consumer items, funeral services, recreation including indoor and outdoor facilities, movie and live theaters, etc. are also allowed by right and review in PA-1 and PA-2. Uses are very limited in PA-3, restricting most activities to personal storage with a few provisions for personal service with a Special Use Permit.

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 condition of approval:

1. Prior to the issuance of any building permits for the property, PUD site plan must be submitted and approved by the Planning and Zoning Commission.
2. Amend the *Transportation* Section (p. 6), to clearly state that Ingress and Egress for commercial activity on Lots 1-5 is provided by the shared Highway 50 West Access and the 26-foot Ingress

and Egress Easement. The dedication should also make it clear that commercial traffic for Lots 1-5 must use the shared access at Highway 50 West, no through traffic will be allowed to access Newcastle Drive, only emergency services, and utilities. The use of an internal gate to control access must be coordinated with the Fire Department and Public Utilities.

3. Amend the Land Use Table (p. 10) to allow "Storage facility Self-Storage" as a Permitted Use
4. Amend the Land Use Table (p. 11) to correct the "SIP" to "SUP" for Preschool, nursery school, and child day-care facilities.
5. Amend the *Signage* Section (p. 13), to allow wall signs facing the ingress/egress easement, adjacent to the northern and eastern property lines to promote business identification for deliveries, internal circulation, etc. The allowed wall sign area along the north and east sides of each business will be limited to the allowed area for the B-3 "Wall sign on building frontage" regulations, Section 17-10-05, (f).
6. Amend the *Landscaping* section (p.13) to allow a minimum five-foot wide landscape buffer instead of the standard 10-foot wide landscape buffer. The buffer must include a six-foot decorative opaque fence, the contents of the landscape buffer may differ from the standards set forth in, Section 17-4-7, (b), (3), d.; however, the plantings must meet the intent of the code to provide an aesthetically pleasing buffer between the commercial and residential uses. The applicant may remove trees and living ground cover from the requirement due to the area not being highly visible from the commercial business and Highway 50 West.
7. The *Landscaping* requirements for the JBC PUD may also be amended to provide flexibility for the use of draught tolerant plantings and reduced irrigation. The intent of Section 17-4-7-Landscape Performance Standard must be met with any proposed amendments.
8. Either remove the golf course and driving range use or create a performance standard that requires adequate netting and/or fencing to contain golf balls in the operation of the golf course and/or driving range.

HEARING:

James Gilbertson, 5 Wentworth Place Pueblo, CO; appeared and testified in favor of the application.

Mr. Gilbertson states that the properties behind his property already have mature trees and the houses have fully fenced-in yards. He also stated he will be installing a fence that will surround the property. Mr. Gilbertson feels that the way that the storage units and the vehicle storage areas are laid out, that the surrounding residential property owners will not see the stored items. He believes the mature trees and both fences will assist with this, and that the proposed storage units might add a buffer from the noise coming from the railroad tracks. Mr. Gilbertson feels that the noise buffer may be considered a positive outcome for the property owners behind the storage units.

The commissioners were concerned about the change in elevation across the storage unit land. Mr. Gilbertson feels there is not a big elevation change between the storage sites and the properties behind and will be working with the Planning Department on that issue.

Commissioner Spinuzzi had a question about restricting access behind lot 5. Will there be a gate located behind lot 5 to stop traffic going into the storage from Newcastle Street?

Mr. Gilbertson replied there will be a fence with a gate behind lot five for the storage facility. We will only let utility, emergency and storage facility customers only go through that gate with a combination. All others will have to enter on HWY 50.

Mr. Gilbertson had some concerns about no east egress, for people leaving the area.

The Newcastle entrance cannot be an option for Commercial use. Commercial customers/deliveries will have to enter from the HWY 50 entrance. Will have to do a traffic study before Commercial Traffic can start.

Commissioner Castelluci asked Mr. Gilbertson how many storage units they are planning on having and if the storage space will have both indoor storage and outdoor storage?

Mr. Gilbertson stated they are planning on it being a large storage facility with both indoor storage and outdoor storage. There will also be a large area for RV and Boat storage.

No one testified in opposition of the application.

Commissioner Castellucci closed the hearing and requested a motion.

COMMISSION ACTION:

A Motion to forward a recommendation to City Council that the rezone be **APPROVED WITH CONDITIONS**, (Storage access from the Newcastle entrance is on hold right now) was made by Shilling, seconded by Bailey:

Motion passed 7-0.

1b. S-19-06 JBC Subdivision Revision. The applicant is requesting to subdivide the 10.75-acre property into six (6) commercial lots.

STAFF REVIEW AND FINDINGS:

Staff report given by Principal Planner, Beritt Odom.

The subject property is located north of highway 50, east of the railroad track, west and south of the Crestview Hills, No 1, Subdivision. The property has frontage along Highway 50 and Newcastle Drive. The majority of the property was previously subdivided in the 1800's as Wiley Park Heights and was annexed into the City of Pueblo in 1973. The applicant is proposing to resubdivide the 10.75-acre property into six (6) lots, to facilitate the development of approximately seven commercial structures adjacent to Highway 50 West and personal storage that will include outdoor recreational vehicle storage, north of the commercial development and west of the residential structures along Crestview Drive.

Ingress and egress for the commercial activity on Lots 1-5 will be provided by the shared access at Highway 50 West and circulated through the subdivision utilizing the 26-foot Ingress/Egress easement provided along the western portion of Lots 1-4. Emergency vehicles and utilities may

utilize the 40-foot easement located along the eastern portion of Lots 5 and 6 connecting to Newcastle Drive; however, commercial traffic for Lots 1-5 will not be able to utilize Newcastle Drive; preserving the residential character of street and neighborhood. Ingress and egress to the storage uses on Lot 6 will be provided by Newcastle Drive, which is anticipated to have less traffic demand.

A Street and Alley Vacation for all public rights-of-way, within the subdivision area, was approved in 2007, the vacation plat will be recorded with the approved JBC Subdivision. In 2013, the property was rezoned to PUD; and a three-lot subdivision was approved by the Planning and Zoning Commission. The applicant requested a deferred filing in 2013 for the subdivision, which was never completed, and the subdivision was not presented to City Council for approval. Mr. Gilbertson purchased the property and is requesting to modify the subdivision presented in 2013 by adding three lots and amending the PUD to reflect the proposed changes in the subdivision.

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:	The applicant is requesting to allow the portion of the overhead electric line that is adjacent to the residences, to remain overhead. <i>The Subdivision Review Committee recommended that the overhead electric waiver approved. The consequence of requiring the line to be moved underground would be providing new service lines and equipment for each of the residential properties that take service from the line (approximately 22 properties). The applicant will be required to underground the overhead electric line that crosses the southern portion of the subdivision. This line will be required to be undergrounded to the south of Highway 50.</i>
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<p>Conditions of Approval: (Unless otherwise noted, all conditions of approval must be completed prior to the case being scheduled for City Council hearing.)</p>	<ol style="list-style-type: none"> 1. Provide an Overhead Electric Exhibit showing which lines will be placed underground (per the approved waiver request). 2. Include the undergrounding of the overhead electric lines in the Subdivision Improvement Agreement (SIA), Exhibit B prior to recording the subdivision. 3. Address the comments and conditions contained in the memorandum and redlined Hydrologic Report from John Sakariason, Stormwater Department, dated August 20, 2020. 4. Amend the fourth and fifth paragraphs of the Plat Dedication to clearly reflect that Ingress and Egress for commercial activity on Lots 1-5 is provided by the 26-foot Ingress and Egress Easement. The dedication should also make it clear that commercial traffic for Lots 1-5 must use the shared access at Highway 50 West, no through traffic will be allowed to access Newcastle Drive, only emergency services, and utilities.
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CHARACTER AND COMPATIBILITY:

❑ **Site Character:**

The property is currently vacant, undeveloped land. The site was previously a salvage yard for many years but has since been cleared.

❑ **Neighborhood Compatibility:**

- North R-2, Single Family Residential, the area north of Lot 6 remains undeveloped. The area north of Lots 1-4 is developed with single-family residential.
- East Mixture of B-4, Central Business and R-2, Single Family Residential; single family homes have been developed to the east of the proposed Lot 6. Commercial automotive uses are located to the east of Lots 1-4.
- South S-1, Governmental Use District, Hwy 50
- West B-3, Highway Arterial Commercial, automobile retail
County A-1, Agricultural One, railroad tracks and unimproved land.

The property is adjacent to single family residential, Hwy 50 and the railroad tracks. The PUD Development Guide Amendment is conditioned to require a 10-foot landscape buffer that includes a six-foot tall opaque fence along the subdivision boundary that sits adjacent to residential zoned property and development. The proposed lots 1-4 have been designated by the comprehensive plan for commercial development since 2002. With the required buffer and the 26-foot ingress/egress easement commercial development will sit at least 26-feet from the residential uses. Vehicles will utilize the easement adjacent to the residential development; however, the 10-foot buffer is intended to mitigate the negative externalities that may stem from vehicle circulation throughout the subdivision.

❑ **Comprehensive Plan Compliance:**

The northern portion of the project site has been designated by the Pueblo Comprehensive Plan as “Urban Residential” and the southern portion, adjacent to Hwy 50, has been designated as “Arterial Commercial Mixed Use.” The Pueblo Comprehensive Plan designation of Urban Residential, reserves areas for a mixture of housing types that range from single-family detached to duplexes and multi-family housing. Urban Residential future land use also contains provisions for “community scale commercial services,” the proposed personal storage and recreational vehicle storage could provide a commercial service to the adjacent residents and residents of City. The five commercial lots will provide commercial services to the surrounding neighborhood and the City; and are appropriate within the Arterial Commercial Mixed-Use Designation.

The proposed subdivision and the allowed uses designated in the PUD Development Guide appear to be consistent with the Comprehensive Plan Designations.

ABILITY TO COMPLY WITH THE ZONE DISTRICT REGULATIONS:

- **Minimum lot size and area:**
 - All of the Planning Areas (PA-1 thru PA-3) in the PUD Development Guide require a minimum of 5,000 square foot lot area, with a minimum of 50’ wide street frontage.
 - The smallest of the proposed lots provides an area of 0.340 acres (14,826 square feet) and width of 97.94 feet.
 - *The proposed lots exceed the minimum lot size and area.*

HEARING:

James Gilbertson, 5 Wentworth Place Pueblo, CO; appeared and testified in favor of the application.

COMMISSION ACTION:

A Motion to forward a recommendation to City Council that the JBC Subdivision Revision, be **APPROVED**, (With conditions as amended) was made by Schilling, seconded by Avalos.

Motion passed 7-0.

2. Z-20-06 Rezoning St. Charles Industrial Park Phase 2. The City of Pueblo, property owner, requests to rezone the 454.27-acre St. Charles Industrial Park Phase 2 Annexation, from County A-1, Agricultural One to City I-3, Heavy Industrial District.

STAFF REVIEW AND FINDINGS:

Staff report given by Principal Planner, Beritt Odom.

In February 2020, the City purchased 454.27 acres of land located west of Lime Road and north of the Vossloh North America (formerly Rocla Inc). The property was purchased and annexed, by the City, in connection with the development of the St. Charles Industrial Park for industrial economic development projects, including rail-based industry and solar energy generation. The subject property was annexed into the City in July of 2020 with Ordinance 9752. Section 17-1-3, (e), of the Pueblo Municipal Code requires the City to zone the recently annexed 454 acres to the

“land use classification most nearly corresponding to the land use classification into which said land has been classified under the City’s Comprehensive Plan.”

The proposed zone change to I-3, Heavy Industrial Zone District, conforms with the subject site’s Comprehensive Plan designation of “Employment Center-Industry,” the parcel size meets the I-3 Zone District area requirements and it is compatible with the neighboring industrial uses.

RECOMMENDED ACTION:

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

HEARING:

The City of Pueblo have no questions requiring sworn testimony.

Acting Planning Director Scott Hobson states the main purpose that the City of Pueblo purchased the land is for new economic development for rail-based industry. The Second reason is that Bighorn Solar is looking to lease 150 acres or about 15% of the land from the City of Pueblo for a solar project.

COMMISSION ACTION:

A Motion to forward a recommendation to City Council that the Rezoning St. Charles Industrial Park Phase 2, be **APPROVED**, was made by Schilling, seconded by Bailey.

Motion passed 7-0.

APPROVAL OF MINUTES

A Motion was made by Commissioner Bailey to **APPROVE** the Minutes of the August 12, 2020 Public Hearing, seconded by Commissioner Schilling:

Motion passed 7-0.

OLD/NEW BUSINESS

1. 2021-2025 Proposed Capital Improvement.

The City of Pueblo maintains a five-year Capital Improvement Plan that is updated annually. The slide show provides details of the projects contained in the Capital Improvement Plan. The program represents the intent of the Council and City staff to plan prudently for necessary capital improvements.

Capital improvements can impact the budget by increasing or decreasing revenues and expenditures. Revenues can be increased if the improvement attracts new business (i.e. building permits, sales tax, and property tax). Expenditures can be increased if the improvement results in increased operating and maintenance costs, or increased utility costs. Capital projects can also result in a decrease in expenditures. New technology can potentially make our operations more efficient, resulting in a reduction in power costs, or personnel costs, such as salary or overtime.

The five-year budget planning process provides a framework for allocating resources based on policy goals, economic trends, and legislative requirements.

The Capital Improvement expenditures are costs other than those covered in the regular operating budgets. They are categorized as either Capital Outlay or Capital Projects and include the following major categories:

Land / Land Improvements Building / Building Improvements Infrastructure (roads, wastewater, Stormwater, traffic signal system) Machinery and Equipment over \$2,500 Software over \$25,000 Artworks and Historical Treasures

Capital Outlay expenditures are typically a one-time purchase of:
Machinery and Equipment over \$2,500 Software over \$25,000 Artworks and Historical Treasures

Capital Projects are typically major capital improvement expenditures that require multiple purchases over an extended period of time to complete. It may include one or several of:
Land / Land Improvements Building / Building Improvements Infrastructure (road, wastewater, Stormwater, traffic signal system) Computer Systems

Questions or Comments:

The Budget needs to be approved by November 30th, 2020.

Commissioner Spinuzzi asks what the difference between HUTF and the 1a funds?

City Attorney Dan. Kogovsek answers with the HUTF (highway user tax fund) is a state fund that first goes to the state and then distributed to the counties. HUTF Faster funds are for bridges only. 1a funds are approved by county voters' for specific projects. Like Lake Minnequa and streetscape on union and main street.

Commissioner Castellucci was asking about the 12 million dollars under the Enterprise column. Seeing if other columns could use that 12 million dollars for those other projects.

Chief of Staff, Laura Solano stated that the 12 million dollars can only go to Enterprise projects. The 12 million can not be allocated to any other projects only can be used for Enterprise projects. The other categories do not have final numbers yet to show on the table. The mayor wanted us to be compliant with the Charter, so the CIP Plan and associated tables have been presented without final numbers. Once we have final numbers Mrs. Solano can present again once the budget is complete or Mr. Schilling can report to council and report back to Planning and Zoning. Budget must be approved by November 30th, 2020.

Commissioner. Castellucci was asking when will Prairie Avenue be resurfaced and why was Prairie Avenue is not on the budget for 2020 because it is as bad as the roads on the Northside.

Chief of Staff, Laura Solano asked if Acting Planning Director Scott Hobson could answer this question. Mr. Hobson stated we are applying for Grants to enhance Prairie Avenue and surrounding areas. We have all the costs for overlay, ADA improvements, cost of curb and gutter, we are asking black hills to give us a cost to put the overhead lines underground. We were waiting

to see if we were going to receive a grant so we could do all the improvements at one time. Trying to get Prairie Avenue on the list for 2021.

Commissioner Castellucci would be in favor of allowing council to make decision as they were elected to represent us. Planning and Zoning only make comments on the Budget.

Commissioner Bailey agreed.

Review the Capital Improvement Plan in November when we have more finalized numbers.

2. Colorado Smelter Revitalization Plan (CSRP).

Mr. Rick Romero retired from Colorado Springs Utility's as a gas inspector. Mr. Romero has grown up in the "Bojon" area Pueblo, CO and still lives in the neighborhood today. He has been asked to represent the neighborhood. His group (other property owners of the neighborhood) have gathered 160 signatures to tie the three neighborhoods together. They believe this plan represents what we want for our future and believe this will help economic development along Northern Ave. Mr. Romero sees potential in the neighborhood and this plan.

Planner, Bartholomew Mikitowicz states that the EPA did a review of the three neighborhoods. The EPA came up with three themes connectivity and cultural heritage, thriving neighborhoods and vibrant commercial. If we wanted the city to buy in, we need the city and residents' input to complete the plan.

Commissioner San Filippo-Rosser asks is this an unfunded plan? Planner Bartholomew Mikitowicz answers by saying this is a vision plan that if we get support can be added to the Capital Improvement Plan.

Acting Planning Director, Scott Hobson added that some of the projects could be eligible from a grant community development block grant.

Eric Clark, president of Clark Spring Water Company, opposed to the pedestrian corridor down Clark Street. Planner Bartholomew Mikitowicz answered by stating that we have corrected the plan by widening the sidewalks and not stopping traffic down the street. Mr. Clark also added the beauty of the grove is that it is isolated. He does not want to entice new people into the Grove. Mr. Clark also believes that the Colorado Smelter Revitalization Plan (CSRP) will not improve the quality of life for property owners in the Grove. Mr. Clark thanked the Board for reviewing pleadings.

Commissioner Castellucci stated that we want to hear all input.

Commissioner Spinuzzi, we need to start with pride in ownership. Maybe landlords are not maintaining the yards or maybe making HOA's that can help them maintain the yards. Mr. Mikitowicz stated that has come up and we wanted to create an easy-to-understand citizen guide related to property maintained, sidewalk and road repairs, including rights and responsibilities of property owners. Mr. Romero stated that with the EPA coming to help, the property owners have started to see an improvement of yards around these neighborhoods.

Commissioner San Filippo-Rosser agrees that there are connectivity issues in the three neighborhoods.

Senior planner Alan Lamberg asks the Commissioners to recommend the plan to the City Council for resolution.

COMMISSION ACTION:

A Motion to forward a recommendation to City Council that the Resolution of Colorado Smelter Revitalization Plan (CSRП), be **APPROVED**, was made by San Filippo-Rosser, seconded by Bailey.

Motion Passed 7-0.

APPROVAL OF MINUTES

A Motion was made by Commissioner Bailey to **APPROVE** the Minutes of the August 12, 2020 Public Hearing, seconded by Commissioner Schilling:

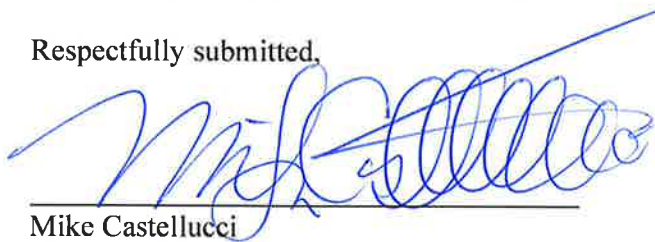
Motion passed 7-0.

ADJOURN

There being no further business the Regular Meeting was adjourned at 5:40 p.m.

Respectfully submitted,

Attest:



Mike Castellucci
Chairperson



Scott Hobson
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.