

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, November 9, 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, England Porter, and Raymond Seybold.

***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 Commissioner Lucas to combine items V-11-05, Z-11-06, S-11-08 and DPR-11-04 for purposes of the public hearing and move item Z-11-05 to the end of the agenda, seconded by Commissioner Seybold. **Motion passed 5-0.**

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

1. **V-11-06 – Alley Vacation:** Portion of alley located adjacent to Block 9 Westview Resubdivision.

*Commissioner Lucas recused himself from this agenda item.*

#### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to vacate the south 10' of the alley located within Block 9, Westview Re-subdivision. Block 9 was platted as a commercial property, and has been used in that capacity since construction of the building, with a 20' alley separating the property from the rear of the adjacent residential properties. The residential properties front on Kenwood Drive. The access will be maintained to these properties with the reservation of 10 feet of the alley, as well as, the public access way on the vacated portion of the alley.

The purpose of the vacation is for the liquor store to construct an addition to the east of the building, necessitating the relocation of the drive-thru window. Locating the drive-thru along the alley allows for a greater amount of vehicle stacking along the alley, with the excess spilling out onto Airport Avenue (shown on maps as Kenwood Drive).

### **RECOMMENDED ACTION**

Staff recommends that the Alley Vacation be **APPROVED**.

### **HEARING**

**Rob Leverington, 517 West 5<sup>th</sup> Street, Suite 102, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the application.

**Kathy Lane, 838 S. Prairie Avenue, Pueblo, CO**, the applicant, 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 to approve the application by Commissioner Porter, seconded by Commissioner Falletta. **Motion passed 4-0-1 (Ortegon and Scaplo absent, Lucas abstained).**

2. **V-11-05 – Alley and Easement Vacation:** Alley and Easements located within Blocks 18 and 19, State Addition to Pueblo for the Pueblo County Judicial Facility.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The purpose of the vacation and subdivision is to consolidate the parcels and remaining alleys to facilitate the construction of the Pueblo County Judicial Building. The applicant is proposing to vacate all alleys and utility easements, as well as, eliminate all reservations within the subject property. With the subdivision and consolidation of the subject property, the alleys and utility easements are no longer necessary.

### **RECOMMENDED ACTION**

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

## **HEARING**

**Jimmie Hayson, 503 N. Main Street, Suite 225, Pueblo, CO** appeared and testified in favor of the application.

**Robert Schmitt, Pueblo County, Public Works Department** 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 to approve the application by Commissioner Seybold, seconded by Commissioner Porter. **Motion passed 5-0.**

3. **Z-11-06 – Rezoning:** Rezone from I-2 and B-4 to S-1, Governmental Use Zone District; 501 N. Elizabeth Street.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone Blocks 18 and 19, State Addition to Pueblo to S-1, Governmental Use Zone District. The applicant is proposing to resubdivide a 4.48-acre parcel of land into two (2) government use lots to facilitate the construction of the Pueblo County Judicial Building. Staff has determined that the proposed Development Plan will be compatible with the surrounding commercial uses and that it can be assumed that the proposed County Judicial Building will spur new development and redevelopment in the surrounding neighborhood. The project site has been designated by the Pueblo Comprehensive Plan as “Special Development Area.” The Special Development Areas are areas where there appear to be multiple possibilities for development, as well as, significant care to be taken with the development. The proposed Development Plan is in conformance with Comprehensive Plan designation. 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 S-1 Zone District also requires review and approval of the site plan by the Planning and Zoning Commission. The Development Plan Review, DPR-11-04, reviews and approves the site plan, including parking, landscaping, lighting and building architecture.

## **RECOMMENDED ACTION**

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

## **HEARING**

**Jimmie Hayson, 503 N. Main Street, Suite 225, Pueblo, CO** appeared and testified in favor of the application.

**Robert Schmitt, Pueblo County, Public Works Department** 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 to approve the application by Commissioner Porter, seconded by Commissioner Seybold. **Motion passed 5-0.**

4. **S-11-08 – Subdivision:** Pueblo County Judicial Plaza.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to resubdivide the 4.48-acre property into two (2) lots generally located between 4<sup>th</sup>, 6<sup>th</sup>, West and Elizabeth Streets. The applicant is proposing to resubdivide the parcel into two (2) government use lots to facilitate the construction of the Pueblo County Judicial Building. In October 2010 the Certificate of Designation, which designated the contaminated building ruin a solid waste disposal site, allowed the County to cap the site with dirt and pave it, in accordance with the Operating Plan and associated modifications. The proposed subdivision will create two (2) separate lots; however, only Lot 1 will be a buildable lot. Lot 2 is the Certificate of Designation area and is restricted on the Subdivision Plat for use as a surface parking lot, and associated site appurtenances, for use of Lot 1. Additional restrictions for Lot 2, prohibiting the breaching of the cap and limiting the potential exposure of waste, have been defined on the Plat.

## **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. Place a note on the plat that indicates the Lot 2 provides parking and access to Lot 1.

2. Because the site is being allowed to consider on-street parking in the supply of parking for the site the City is requiring the project to be financially responsible for improving the handicap accessibility for crossing roadways in the adjacent area. Specifically the Project is responsible for the reconstruction of all curb ramps and concrete crosswalks at the following locations: 4th & Elizabeth, 4th & West, 5th & Elizabeth, 6th & Elizabeth and 6th & West.

### **HEARING**

**Jimmie Hayson, 503 N. Main Street, Suite 225, Pueblo, CO** appeared and testified in favor of the application.

**Robert Schmitt, Pueblo County, Public Works Department** 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 to approve the application by Commissioner Lucas, seconded by Commissioner Falletta with the following conditions:

1. Place a note on the plat that indicates the Lot 2 provides parking and access to Lot 1.
2. Because the site is being allowed to consider on-street parking in the supply of parking for the site the City is requiring the project to be financially responsible for improving the handicap accessibility for crossing roadways in the adjacent area. Specifically the Project is responsible for the reconstruction of all curb ramps and concrete crosswalks at the following locations: 4th & Elizabeth, 4th & West, 5th & Elizabeth, 6th & Elizabeth and 6th & West.

**Motion passed 5-0.**

5. **DPR-11-04 – Development Plan Review:** Pueblo County Judicial Plaza.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting approval to construct a 176,842 square foot Pueblo County Judicial Building, with a building footprint of 43,135 square feet. The facility will be located on a 4.78-acre parcel, located on Lots 1 and 2, Block 1, Pueblo County Judicial Plaza Subdivision.

The proposed Development Plan will be compatible with the surrounding commercial uses. It can also be assumed that the proposed County Judicial Building will spur new

development and redevelopment in the surrounding neighborhood, having a potential positive impact on Downtown and the immediate neighborhood.

The applicants have provided a landscaping plan, prepared by a Colorado Licensed Landscape Architect, which generally conforms to the commercial landscaping requirements set forth in Section 17-4-7 of the Pueblo Municipal Code, except as noted in the waiver and modification from requirements requests. The site will be landscaped with a mix of trees, shrubs, grasses and vines, creating an attractive frame around the building. Along the streets, shade trees located in at-grade planters, will be provided at regular intervals.

Section 17-4-43 (b) (1) of the Municipal Code states that the Planning Commission will determine the required number of parking spaces for all governmentally owned facilities based on four criteria. Pepper Whittlef, Traffic Engineer, reviewed the proposed site plan to determine the number of parking spaces that would be required for the Judicial Building use. Her calculation indicates that 363 parking spaces would be required for the building. The City recognizes the importance of having this facility located in the Pueblo's Downtown; therefore, through various planning meetings with representatives from Pueblo County, City Administration has agreed to work with the applicant regarding the parking. City Administration has agreed to count approximately 150 on-street spaces in the near vicinity of the complex as part of the parking supply.

The site lighting plan contains a mix of fixtures to create an overall lighting scheme that provides enough lighting to mitigate safety concerns and illuminate site amenities and architectural features while remaining dark sky compliant. The trash receptacle, service area and loading zones are located at the rear of the building, off West Street. This area is also the location of the sally port egress and the Uninterrupted Power System (UPS) generator. Staff is recommending the dumpsters be contained with an additional screen wall or gates screening them from view of traffic on West Street.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission **APPROVE** the proposed Development Plan for the Pueblo County Judicial Building with the following noted:

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

1. Section 17-4-7(3)(b)(1) & (3) of the PMC requires parking lot islands at each end of each row of parking spaces. Requesting waiver from requirement to remove parking lot islands from the delivery, maintenance and sally port egress area.

*The Subdivision Review Committee has no objection to the waiver request. This particular area is screened from public view with an 8 ft tall opaque wall. In addition, this area only provides seven parking spaces. The island requirement would eliminate two parking spaces. Staff feels the installation of landscaping in this area would be unnecessary as this area will not be used by the general public or visible by the general public.*

2. Section 17-4-7(3)(b)(1) & (3) of the PMC requires parking lot islands at each end of each row of parking spaces. Requesting waiver from requirement to remove parking lot island at the northwest corner of the north parking lot.

*The Subdivision Review Committee has no objection to the waiver request. The installation of this particular parking lot island would require the removal of one parking space. In addition, the adjacent landscape setback provides shade for this portion of the parking lot.*

Requests for Modifications to Requirements:

1. Section 17-4-7 (3)(b)(3) of the Pueblo Municipal Code (PMC) requires 1 shade tree to be installed in each parking lot island. Requesting modification to requirements to allow ornamental trees in place of the required shade trees in the parking lot islands located in the contaminated area identified on the site.

*The Subdivision Review Committee has no objection to the modification request. The Contaminated area identified on the site plans have depth limits and penetration limits set by the Colorado Department of Public Health and Environment that prevents the installation of large shade trees.*

2. Section 17-4-7 (3)(a)(1) of the Pueblo Municipal Code (PMC) requires a 10 ft wide landscape setback area located on private property contiguous to a street right-of-way.

*The Subdivision Review Committee has no objection to the modification request. Section 17-4-7 (3)(a)(6) of the PMC allows the reduction of the landscape setback area when the placement of a building or structure, as permitted by the zone district regulations, prohibits the installation of the landscape setback, and if other landscape treatments, such as tree pits, tree-lawn, flower pots or brick pavers are provided in the public right-of-way. The 8 ft' tall security wall is located at approximately 5 ft from the property line, eliminating the ability to provide a full 10 ft of landscape setback. The site is providing bump-outs at all corners and all driveways, as well as integral colored concrete decorative bands along the sidewalk around the entire complex.*

3. Section 17-4-7 (3)(c)(1) of the Pueblo Municipal Code (PMC) requires a parking lot screen of ten (10) 3' tall shrubs per 30 linear feet of parking lot.

*The Subdivision Review Committee has no objection to the modification request. The screen shrubs are planted in a single row of hedge shrubs, such that they will create a full screen at maturity without overcrowding. In addition, a grid of ornamental grasses is provided as a visual relief that also ties into the colored concrete banding along the sidewalk. These grasses, because of their container size, are only counted as 1/5<sup>th</sup> of the requirement. In addition, the parking lot light bases are located at the edge of the parking lots and create additional screening; therefore, additional screen shrubs are not necessary to fully screen the parking lots.*

### Conditions of Approval:

1. Prior to the issuance of any building permits for the property final construction plans must be submitted and approved by the City of Pueblo Departments of Transportation, Public Works, Stormwater, Sanitary Sewer and Planning and Community Development complying with all conditions of approval.
2. Specify that at least one trunk of the multi-stem trees must be at least 1.5 in caliper to count as a tree for landscape requirements.
3. Show location and screening method for trash enclosure. Must be screened from public view of adjacent non-industrial property and public streets with a minimum of 5 ft tall walls and/or gates that are fully opaque.
4. Plants within sight distance triangles must be not more than 2 ft tall at maturity or below 8 ft. Please revise plans to substitute shrubs in this area that are over 2 ft tall at maturity to shrubs that are less than 2 ft tall at maturity and provide a note that trees located within sight distance triangles must be limbed to 8 ft from grade.
5. Because the site is being allowed to consider on-street parking in the supply of parking for the site the City is requiring the project to be financially responsible for improving the handicap accessibility for crossing roadways in the adjacent area. Specifically the Project is responsible for the reconstruction of all curb ramps and concrete crosswalks at the following locations: 4th & Elizabeth, 4th & West, 5th & Elizabeth, 6th & Elizabeth and 6th & West.

### HEARING

**Jimmie Hayson, 503 N. Main Street, Suite 225, Pueblo, CO** appeared and testified in favor of the application.

**Robert Schmitt, Pueblo County, Public Works Department** 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 to approve the application by Commissioner Porter, seconded by Commissioner Seybold with the following conditions:



Request for waiver from requirements:

1. Section 17-4-7(3)(b)(1) & (3) of the PMC requires parking lot islands at each end of each row of parking spaces. Requesting waiver from requirement to remove parking lot islands from the delivery, maintenance and sally port egress area.
2. Section 17-4-7(3)(b)(1) & (3) of the PMC requires parking lot islands at each end of each row of parking spaces. Requesting waiver from requirement to remove parking lot island at the northwest corner of the north parking lot.

Requests for Modifications to Requirements:

1. Section 17-4-7 (3)(b)(3) of the Pueblo Municipal Code (PMC) requires 1 shade tree to be installed in each parking lot island. Requesting modification to requirements to allow ornamental trees in place of the required shade trees in the parking lot islands located in the contaminated area identified on the site.
2. Section 17-4-7 (3)(a)(1) of the Pueblo Municipal Code (PMC) requires a 10 ft wide landscape setback area located on private property contiguous to a street right-of-way.
3. Section 17-4-7 (3)(c)(1) of the Pueblo Municipal Code (PMC) requires a parking lot screen of ten (10) 3' tall shrubs per 30 linear feet of parking lot.

Condition of Approval:

1. Prior to the issuance of any building permits for the property final construction plans must be submitted and approved by the City of Pueblo Departments of Transportation, Public Works, Stormwater, Sanitary Sewer and Planning and Community Development complying with all conditions of approval.
2. Specify that at least one trunk of the multi-stem trees must be at least 1.5 in caliper to count as a tree for landscape requirements.
3. Show location and screening method for trash enclosure. Must be screened from public view of adjacent non-industrial property and public streets with a minimum of 5 ft tall walls and/or gates that are fully opaque.
4. Plants within sight distance triangles must be not more than 2 ft tall at maturity or below 8 ft. Please revise plans to substitute shrubs in this area that are over 2 ft tall at maturity to shrubs that are less than 2 ft tall at maturity and provide a note that trees located within sight distance triangles must be limbed to 8 ft from grade.
5. Because the site is being allowed to consider on-street parking in the supply of parking for the site the City is requiring the project to be financially responsible for improving the handicap accessibility for crossing roadways in the adjacent area. Specifically the Project is responsible for the reconstruction of all curb ramps and concrete crosswalks at the

following locations: 4th & Elizabeth, 4th & West, 5th & Elizabeth, 6th & Elizabeth and 6th & West.

**Motion passed 5-0.**

6. **TA-11-08 – Text Amendment:** An Ordinance amending Chapter 4 of Title XVII of the Pueblo Municipal Code relating to accessory structures in the agricultural zone districts

**BACKGROUND**

Staff report given by Kelly Grisham.

The proposed text amendment will extend exemptions to the requirements of the maximum accessory structure size and number for limited agricultural use in the A-4 Zone District and provide reasonable maximum square footage (3,000 sq. ft.) for any future accessory structures in the A-4 Zone District. The text amendment will also allow A-1, A-2, A-3, and A-4 properties to apply for variances to increase the maximum square footage, if a reasonable need can be demonstrated.

The proposed changes are being requested to bring the A-4 Zone District into the same requirements as the A-1, A-2, and A-3 Zone Districts which currently allow larger accessory structures. This text amendment would primarily assist those few large lot landowners who have country residential style residences.

**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 approve the proposed application, seconded by Commissioner Seybold. **Motion passed 5-0 (Ortegon and Scaplo absent).**

7. **Z-11-05 – Zoning Map Amendment:** Rezone property located at 44 Briargate Terrace from R-4 to PUD.

*Commissioner Burrer recused himself from this agenda item.*

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant proposes to rezone the subject 5.84-acre property from R-4, Mixed Residential District to Briargate PUD. The proposed rezoning will preserve and convert the mansion property into a mixed-use residential and neighborhood professional office development. The PUD zone will allow limited commercial uses that are compatible with the surrounding neighborhood. The PUD provides a new land use area listing specific permitted uses, standards, and performance standards.

Throughout the Development Guide, care has been taken to ensure the proposed uses and development is compatible with the existing residential neighborhood. Limits on building size, number of lots in a future subdivision, increased setbacks as well as limits on intensity of uses have been specifically outlined in the Guide. Therefore, it can be assumed that the proposed Planned Unit Development will be compatible with the surrounding residential uses.

The project site has been designated by the Pueblo Comprehensive Plan as “Suburban Residential.” The *Suburban Residential* land use designation identifies residential subdivisions with densities from 1 to 3 units an acre spread along curvilinear and cul-de-sac streets. Included is a mix of complimentary uses such as schools, parks, libraries, and neighborhood commercial. The proposed PUD is in conformance with Comprehensive Plan designation.

### **Minimum lot size and area.**

The Briargate PUD Development Guide Neighborhood Professional Office (NPO) Land Use Area outlines minimum lot size of 100 ft lot frontage and area of 20,000 square feet. The current lot frontage is approximately 218 ft and has a lot area of 5.84 acres. The existing property far exceeds the minimum lot size and area. If the property is subdivided in the future, the lots created must comply with the minimum lot size and area at the time of subdivision.

### **Lot coverage.**

The NPO Lane Use Area outlines maximum lot coverage of 30% and a floor area ratio of 0.5. The existing structures are at approximately at 3.5% lot coverage and a floor area ratio of 0.05.

### **Parking Standards.**

The parking standards require parking based on the requirements from Section 17-4-43(b)(2) of the Pueblo Municipal Code (PMC) *Professional/Medical Office*. The Guide permits shared parking and outlines specific requirements for using the shared parking allowance. The Guide also requires that at the time of development or change of use, the development shall provide parking calculated on the use proposed. The current parking code only requires parking to be brought into compliance with a building addition. Residential development shall provide parking per Section 17-4-42 of the PMC.

**Landscape Standards.**

The Development Guide requires landscaping to comply with Section 17-4-7 of the PMC except where it specifically allows for a reduction in the requirements. The Guide permits eliminating the landscaping along State Hwy 47, the buffer landscaping on interior lot lines if subdivided in the future, the requirement for a 6 ft tall opaque fence along all residential property lines, and the requirement to screen trash dumpsters for residential style containers. The Guide permits the reduction of trees located in the residential buffer. The Guide requires additional landscaping for any residential development by requiring front yard landscaping.

**Outdoor Lighting Standards.**

Outdoor lighting shall comply with Section 17-4-52 of the PMC, except that the light trespass can be not more than 0.1 footcandles at the property line, rather than 0.1 footcandles at 20 ft beyond the property. In addition, the Guide limits fixtures to be not more than 150 watts.

**Signage Standards.**

All signage must be approved by the Planning & Zoning Commission. Signage is limited by the Guide to building and externally lit, architecturally compatible monument signs 6 ft or less only, and no pole mounted signs permitted.

**Intensity of Commercial Uses.**

In the NPO Land Use Area, the development is limited to not more than three (3) principal structures on the entire PUD development, allowing only one (1) additional principal structure from what currently exists. It also permits a total of two (2) accessory structures per principal structure to be constructed, but does not allow the accessory structures to be used for additional commercial uses. The Permitted Use Legend outlines whether the use is permitted by right, conditionally permitted, use by review or not permitted. Specific conditions have been noted, adding additional limitations to the uses that are allowed conditionally, such as medical offices. All medical type offices, including chiropractor, optometrist, etc, are limited in size to be not more than two (2) providers treating patients at any time as well as not more than two (2) exam rooms per provider.

**Landscaping.**

The landscaping requirements will be reviewed and approved at the time of PUD Site Plan Review. As conditioned and as outlined in the Development Guide, the property must be brought into compliance with the landscape performance standards outlined in Section 17-4-7 of the PMC and the Development Guide at the time of the zoning.

**RECOMMENDED ACTION**

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

1. A fire hose must be able to reach from a stationary fire apparatus to within 150 feet of any point of the building, to where it would meet within 150 feet from the opposite reach. To be reviewed and approved by Pueblo Fire Department prior to issuing a building permit.
2. Any existing commercial structure with a basement greater than 1,500 square feet (regardless of use) shall meet IBC/IFC requirements for egress, or shall have an approved fire sprinkler system in the basement.
3. For compliance with stormwater requirements the project must either:
  - a. Have the existing water quality pond on the 44 Briargate Terrace property be re-evaluated by a registered professional engineer to ensure adequate storage volume and detention with an engineered outlet weir that ties directly to the downstream inlet (via a new outfall pipe run) just off the property and releases at a rate that the downstream system can handle without excessive ponding, or
  - b. The pond needs to be eliminated and the existing inlet and outlet of the pond be “hard-piped” and this pipe run tied into the existing inlet just downstream of the 44 Briargate Terrace Property.
4. The owner must provide an agreement that provides for City maintenance access (stabilized) for the storm sewer system across the property, and an access gate in the fence at the aforementioned inlet.
5. Planning & Zoning Commission must review and approve the PUD Site Plan prior to the establishment of any commercial uses.
6. The property must be brought into compliance with the requirements of the PUD Development Guide and applicable ordinances within one year of development or establishment of any commercial uses.

### **HEARING**

**John Chrisman, 3216 Shalimar Terrace, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the application.

**Brad Smith, 44 Briargate Terrace, Pueblo, CO**, the applicant, appeared and testified in favor of the application.

**John Eickholt, 25 Newpark Lane, Pueblo, CO** appeared and testified in favor of the application.

**Matthew Trujillo, 14 Hadley Rill, Pueblo, CO** appeared and testified in opposition to the application.

**Geraldine Allen, 6 Hadley Rill, Pueblo, CO** appeared and testified in opposition to the application.

**Al Gurule, 41 Briargate Terrace, Pueblo, CO** appeared and testified in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion made to approve the application by Commissioner Falletta, seconded by Commissioner Porter, with the following conditions:

1. A fire hose must be able to reach from a stationary fire apparatus to within 150 feet of any point of the building, to where it would meet within 150 feet from the opposite reach. To be reviewed and approved by Pueblo Fire Department prior to issuing a building permit.
2. Any existing commercial structure with a basement greater than 1,500 square feet (regardless of use) shall meet IBC/IFC requirements for egress, or shall have an approved fire sprinkler system in the basement.
3. For compliance with stormwater requirements the project must either:
  - a. Have the existing water quality pond on the 44 Briargate Terrace property be re-evaluated by a registered professional engineer to ensure adequate storage volume and detention with an engineered outlet weir that ties directly to the downstream inlet (via a new outfall pipe run) just off the property and releases at a rate that the downstream system can handle without excessive ponding, or
  - b. The pond needs to be eliminated and the existing inlet and outlet of the pond be “hard-piped” and this pipe run tied into the existing inlet just downstream of the 44 Briargate Terrace Property.
4. The owner must provide an agreement that provides for City maintenance access (stabilized) for the storm sewer system across the property, and an access gate in the fence at the aforementioned inlet.
5. Planning & Zoning Commission must review and approve the PUD Site Plan prior to the establishment of any commercial uses.
6. The property must be brought into compliance with the requirements of the PUD Development Guide and applicable ordinances within one year of development or establishment of any commercial uses.

**Motion passed 4-0-1 (Ortegon and Scaplo absent, Burrer abstained).**

**APPROVAL OF MINUTES**

Motion was made by Commissioner Seybold to approve the Minutes of the October 12, 2011 Public Hearing, seconded by Commissioner Lucas. **Motion passed 5-0.**

**SCHEDULE PUBLIC HEARING**

The Public Hearing for December will convene on Wednesday, December 14, 2011 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for November will convene on Thursday, November 17, 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 5:10 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.