

Weston Burrer
Chair

Brian Lucas
Vice Chair

Jeff Falletta

PUEBLO 
Planning & Zoning Commission

Judy Weaver

Jean Latka

Vacant

Raymond Seybold

REGULAR MEETING

City of Pueblo, Colorado

Wednesday, February 8, 2012 – 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, Jeff Falletta, Jean Latka, Brian Lucas, Raymond Seybold, and Judy Weaver.

Staff Members Present: Jeff Bailey, P.E., Assistant City Manager for Development Services; Paul Willumstad, Attorney for the Planning and Zoning Commission; and Kelly Grisham, Planner.

APPROVAL OF AGENDA

Motion was made by Commissioner Lucas to approve the agenda, seconded by Commissioner Latka. **Motion passed 6-0.**

PUBLIC HEARINGS AND ACTION

1. **V-12-01 – Vacation:** Vacate sidewalk and utility easement generally located at the intersection of Grand Avenue and Main Street.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to vacate the sidewalk and utility easement located west of the Grand Avenue and Central Main Street intersection. When the Historic Arkansas Riverwalk Project, Filing No. One was platted in July 1999, the right-of-way was insufficient to provide the space necessary for appropriate handicap ramps and several utilities were located across this portion of the site. Due to the current construction of the addition to Memorial Hall, the utilities will be relocated out of the easement. In addition, the streetscape along Grand Avenue, as well as the Grand Avenue and Main Street intersection, will be reconstructed and will allow for the installation of the handicap ramps within the street right-of-way. Once these two reconstruction projects are complete, the easements are no longer necessary.

RECOMMENDED ACTION

Staff recommends that the Sidewalk and Utility Easement Vacation be APPROVED.

HEARING

No one spoke 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 Council Person Weaver, seconded by Commissioner Falletta. **Motion passed 6-0.**

2. **Z-12-01 – Rezoning:** Rezone .24 acres from I-2 and R-4 to B-4, Regional Business District. Generally located south of 8th Street between Elizabeth and West Streets.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to rezone Lots 1 through 7, Block 47, Amended Plat of the County Addition to the City of Pueblo, containing approximately 1.34 acres to a B-4, Regional Business Zone District. The current zoning of the property is mixed with R-4 and I-2 zones located throughout the property. The owner is planning to demolish the existing church, which is located at the corner of the property along Elizabeth and 8th Streets, to make way for construction of a larger church facility. The applicant is also completing a rearrangement of property boundaries to combine the underlying lot lines within this property. This action will allow the church to be constructed without building over lot lines, which is not permitted. Staff has reviewed the application based on several criteria. One such criteria is neighborhood compatibility wherein the zoning and uses in the surrounding neighborhood are reviewed to determine whether the proposed zoning and uses are compatible. Staff feels that the conditions of approval including streetscape design elements, parking, and landscaping will ensure the proposed use is compatible with the surrounding neighborhood. Staff has also determined that the proposed rezoning is in conformance with the Comprehensive Plan and the minimum lot size and area exceeds the requirements. Parking, landscaping, outdoor lighting, and signage will be addressed at the time Commercial Plan Review.

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. 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, Wastewater and Planning and Community Development complying with all conditions of approval and all applicable ordinances.
2. In order to mitigate the demolition of a non-registered historic structure, the applicant must reuse some of the brick from the structure to create a monument site wall at the corner of 8th and Elizabeth. This wall must integrate a plaque outlining the history and provide a photograph of the church. The wall may be used as a parking lot screen with site signage. The monument site wall shall be approved by the Planning Department prior to construction building permit.
3. In addition to the architectural design requirements of Section 17-4-46 through 17-4-48 of the PMC, the architecture of the new church should, but is not required, reuse some of the materials or incorporate design elements of the existing church. This could be through the use of red brick, arched windows, steep roof planes, etc. The architectural plans must be approved by the Planning Department prior to issuance of the building permit.
4. The owner is not required to install the buffer fence or landscaping along the western portion of the property.
5. All off-site landscaping, public improvements, and other requirements, per PMC, adjacent to Elizabeth and 8th Streets, shall be installed with the construction of the church, including the installation of a curb bump-out with landscaping on 8th Street at the corner of 8th and Elizabeth. The design of the bump out and landscaping must be approved by the Planning and Community Development Department, Public Works and Transportation Department prior to building permit approval.
6. If the church acquires and uses Lot 8, Block 47, Amended Plat of the County Addition to the City of Pueblo as an expansion of the church use, including other related church activities or an expansion of the parking lot, the owner shall rezone the lot to B-4, bring the lot into full compliance with the Pueblo Municipal Code, including landscaping, on and off site, and public improvements in the right-of-way, including the installation of curb bump-outs with landscaping at the corner of 8th and West Streets. The design of the bump out and landscaping must be approved by the Planning and Community Development Department, Public Works and Transportation Department prior to building permit approval.
7. If the applicant receives public funding for the curb bump-outs at 8th and West Streets prior to acquiring or developing Lot 8, the applicant must construct the improvements at that time.
8. Provide a deed restriction tying the rearranged parcel and remaining lots together prior to issuing a building permit. Parking must be for the use of the church and be bound for that purpose.

HEARING

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

Steve Mack, 30 Briargate Terrace, 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 to approve the application by Council Person Weaver, seconded by Commissioner Latka, with the following conditions:

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, Wastewater and Planning and Community Development complying with all conditions of approval and all applicable ordinances.
2. In order to mitigate the demolition of a non-registered historic structure, the applicant must reuse some of the brick from the structure to create a monument site wall at the corner of 8th and Elizabeth. This wall must integrate a plaque outlining the history and provide a photograph of the church. The wall may be used as a parking lot screen with site signage. The monument site wall shall be approved by the Planning Department prior to construction building permit.
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4. The owner is not required to install the buffer fence or landscaping along the western portion of the property.
5. All off-site landscaping, public improvements, and other requirements, per PMC, adjacent to Elizabeth and 8th Streets, shall be installed with the construction of the church, including the installation of a curb bump-out with landscaping on 8th Street at the corner of 8th and Elizabeth. The design of the bump out and landscaping must be approved by the Planning and Community Development Department, Public Works and Transportation Department prior to building permit approval.
6. If the church acquires and uses Lot 8, Block 47, Amended Plat of the County Addition to the City of Pueblo as an expansion of the church use, including other related church activities or an expansion of the parking lot, the owner shall rezone the lot to B-4, bring

the lot into full compliance with the Pueblo Municipal Code, including landscaping, on and off site, and public improvements in the right-of-way, including the installation of curb bump-outs with landscaping at the corner of 8th and West Streets. The design of the bump out and landscaping must be approved by the Planning and Community Development Department, Public Works and Transportation Department prior to building permit approval.

7. If the applicant receives public funding for the curb bump-outs at 8th and West Streets prior to acquiring or developing Lot 8, the applicant must construct the improvements at that time.
8. Provide a deed restriction tying the rearranged parcel and remaining lots together prior to issuing a building permit. Parking must be for the use of the church and be bound for that purpose.

Motion passed 6-0.

3. **PUD-12-01 – PUD Site Plan:** Site Plan Review for Briargate PUD. Parcel A, Block 307, Belmont 34th Filing.

Commissioner Burrer recused himself from this agenda item.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting PUD Site Plan approval to remodel approximately 1,345 square feet of the northwest basement area of the existing “Bonforte Mansion” structure for a three (3) exam-room medical office and sleep lab. With the Site Plan approval, the applicant is proposing to construct a 14 space parking lot and landscape the site, in compliance with the requirements of the PUD Development Guide.

On November 9, 2011, the Planning and Zoning Commission reviewed Map Amendment No. Z-11-05 concerning this property and recommended that City Council rezone the property from R-4, Mixed Residential District to Briargate PUD. The rezoning was given final approval by City Council in December 2011 providing design standards for the property contained in the PUD Development Guide and Plan. These documents outline the requirements for the property, including use, landscaping, parking, etc. In addition, the Pueblo Municipal Code (PMC) provides additional requirements where the Development Guide does not specifically address a particular issue.

Throughout the PUD Development Guide, care was taken to ensure the proposed uses and development is compatible with the existing residential neighborhood. Therefore, it can be assumed that the proposed medical office use as provided for within the Guide is compatible with the surrounding residential uses.

The project site has been designated by the Pueblo Comprehensive Plan as “Suburban Residential,” which includes a mix of complimentary uses such as schools, parks, libraries,

and neighborhood commercial. The proposed PUD is in conformance with the Comprehensive Plan designation.

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 feet and has a lot area of 5.84 acres. The existing property far exceeds the minimum lot size and area.

The NPO Land 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.

The existing site access is provided from Briargate Terrace with a gated entrance driveway. This driveway leads in front of the house to a parking lot situated to the west of the building. An additional restricted access maintenance driveway will be created from Briargate Terrace at the eastern edge of the property.

The parking requirements are based on Section 17-4-43(b)(2) of the Pueblo Municipal Code (PMC) *Professional / Medical Office*. The proposed medical office use, approximately 1,345 square feet, requires six (6) parking spaces. The parking lot provided to the west of the main building provides 14 parking spaces; therefore, the proposed parking lot complies with the Pueblo Municipal Code and the PUD Development Guide.

The proposed landscape plan complies with the requirements of the PMC as well as the PUD Development Guide.

Outdoor lighting must comply with Section 17-4-52 of the PMC, except that the light trespass can not be more than 0.1 footcandles at the property line, rather than 0.1 footcandles at 20 feet beyond the property. In addition, the Guide limits fixtures to be not more than 150 watts. The applicant is proposing one (1) 4-watt, LED full cut off light located at the entrance to the medical office; therefore, the lighting complies with the PUD Development Guide as well as the PMC.

The PUD Development Guide states that all signage must be approved by the Planning & Zoning Commission. The applicant is requesting to install one (1) building mounted sign at the entrance to the medical office/sleep center that will be not more than 20 square feet in area. The applicant is also requesting approval to install a wall sign, a maximum of 20 square feet in area, attached to the front fence along Briargate Terrace adjacent to the entry drive. The location and size of the proposed signs comply with the requirements of the PUD Development Guide.

The Permitted Use Legend in the PUD Development Guide states that the *medical office* and *sleep lab* uses are conditionally permitted, which means they may be approved administratively if certain minimum conditions are met. When the conditional use regulations are not met, a Special Use Permit is required. The proposed uses, *medical office* and *sleep lab*, comply with the conditions set forth in the PUD Development Guide and are; therefore, uses by right.

The existing building will remain and only a 55 square foot vestibule addition will be provided at the west side of the structure, at the rear. The vestibule addition will be architecturally compatible with the existing building; therefore, the vestibule addition complies with the PUD Development Guide.

The Municipal Code specifies four (4) criteria to be evaluated in conjunction with a PUD Site Plan application. The Planning and Zoning Commission, before a PUD Site Plan may be approved, shall make the findings concerning the following:

1. The Site Plan conforms to the concepts of the approved PUD zone district and meets the Design Standards and Guidelines for PUDs adopted by City Council.

Staff Analysis of Finding #1

Staff has determined that the proposed Site Plan generally conforms to the concepts of the Briargate Planned Unit Development. Several conditions of approval have been recommended by staff in order to ensure that this criterion is satisfied.

2. Areas designated as recreation, parks and open space are accessible, available and usable for the purpose to which they are intended.

Staff Analysis of Finding #2

Not applicable. This PUD does not designate areas as recreation, parks or open space.

3. The continued use, maintenance, protection and development of all parks, recreation, open space and common areas are assured.

Staff Analysis of Finding #3

Not applicable.

4. Proper notification to adjacent property owners within three hundred (300) feet of the exterior boundary of the PUD Site Plan has been sent and the required public hearing has been held.

Staff Analysis of Finding #4

Proper notice has been sent by the Department of Planning & Community Development to surrounding property owners and the public hearing was held during a regularly scheduled Planning and Zoning Commission meeting.

As conditioned, the property complies with the Site Plan requirements of the Pueblo Municipal Code and the PUD Development Guide.

RECOMMENDED ACTION

Staff recommends that the proposed vacation 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. Prior to the issuance of any addition building permit or business license for the property, final construction plans must be submitted and approved by the City of Pueblo Departments of Transportation, Public Works, Stormwater, Wastewater and Planning and Community Development complying with the requirements of this approval.
2. Signs are limited to 20 square feet each and are permitted at the entrance wall and building at the medical office / sleep lab entrance. Final plans must be reviewed and approved by the Planning and Community Development Department prior to installation. The Planning Department shall verify that the proposed signage complies with the requirements of Section 2. J. 6. of the PUD Development Guide prior to the issuance of a sign permit.
3. The owner must provide an agreement that provides for City access to the storm sewer system across the property and keys (or lock combinations) to the locks on any security gate for access to same.

HEARING

John Chrisman, Chrisman Engineering, 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.

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 Council Person Weaver, seconded by Commissioner Seybold, with the following conditions:

1. Prior to the issuance of any addition building permit or business license for the property, final construction plans must be submitted and approved by the City of Pueblo Departments of Transportation, Public Works, Stormwater, Wastewater and Planning and Community Development complying with the requirements of this approval.
2. Signs are limited to 20 square feet each and are permitted at the entrance wall and building at the medical office / sleep lab entrance. Final plans must be reviewed and approved by the Planning and Community Development Department prior to installation. The Planning Department shall verify that the proposed signage complies with the requirements of Section 2. J. 6. of the PUD Development Guide prior to the issuance of a sign permit.
3. The owner must provide an agreement that provides for City access to the storm sewer system across the property and keys (or lock combinations) to the locks on any security gate for access to same.

Motion passed 5-0-1 (Burrer abstained).

APPROVAL OF MINUTES

Motion was made by Commissioner Falletta to approve the Minutes of the December 14, 2011 Public Hearing, seconded by Commissioner Seybold. **Motion passed 6-0.**

OLD/NEW BUSINESS

Chair of the Planning and Zoning Commission – Motion was made to appoint Weston Burrer as Chair of the Planning and Zoning Commission by Commissioner Falletta, seconded by Council Person Weaver. **Motion passed 6-0.**

Vice Chair of the Planning and Zoning Commission – Motion was made to appoint Brian Lucas as Vice Chair of the Planning and Zoning Commission by Commissioner Falletta, seconded by Council Person Weaver. **Motion passed 6-0.**

Second Representative to the Citizen’s Advisory Committee for PACOG – Motion was made to appoint Commissioner Seybold as Representative to the CAC for PACOG by Commissioner Lucas, seconded by Commissioner Falletta. **Motion passed 6-0.**

Representative to the Parks and Recreation Advisory Commission – Motion was made to appoint Commissioner Lucas as Representative to the Parks and Recreation Advisory Commission by Commissioner Burrer, seconded by Commissioner Latka. **Motion passed 6-0.**

SCHEDULE PUBLIC HEARING

The Public Hearing for March will convene on Wednesday, March 14, 2012 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for February will convene on Thursday, February 16, 2012 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 4:28 p.m.

Respectfully submitted,

Attest:

Weston Burrer
Chairperson

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.