

Weston Burrer  
*Chair*

Brian Lucas  
*Vice Chair*

Jeff Falletta

**PUEBLO**   
Planning & Zoning Commission

Judy Weaver

Jean Latka

Vacant

Raymond Seybold

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***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, March 14, 2012 – 3:30 p.m.

City Council Chambers – 301 West B Street

**Minutes**

**MEETING CALLED TO ORDER**

The meeting was called to order at 3:31 p.m. with Acting Chairperson Brian Lucas presiding.

***Commissioners Present:*** Jeff Falletta, Jean Latka, Brian Lucas, and Raymond Seybold.

***Commissioners Absent:*** Weston Burrer 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; Pepper Whittlef, Transportation Engineer; and Kelly Grisham, Planner.

**APPROVAL OF AGENDA**

Motion was made by Commissioner Latka to approve the agenda, seconded by Commissioner Seybold. **Motion passed 4-0.**

**PUBLIC HEARINGS AND ACTION**

1. **ODP-12-01 – Overall Development Plan:** Midtown Shopping Center. Generally Located at 1000 W. 6<sup>th</sup> Street.

**BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting approval of the Overall Development Plan to facilitate future subdivision and development of four (4) phases of urban commercial development on property located at Midtown Shopping Center at 1000 West 6<sup>th</sup> Street. The Plan provides for a total of four phases of development, with one phase planned for development of a vacant portion of the site. The purpose of the Overall Development Plan is to allow the applicant to later subdivide off pieces of the property without subdividing the entire property.

## **RECOMMENDED ACTION**

It is the recommendation of the SRC that the Overall Development Plan be **APPROVED** with the following conditions:

1. New commercial developments must be evaluated as they occur to determine potential traffic impacts to the state highway corridor. (V. Sword, CDOT 1/12/12)
2. Water main extensions with fire hydrants will be required in Future West Pueblo Connector and Future Eighth Street prior to the roadway improvements being installed. (L. Huffstutter, BOWW 1/26/12)
3. At the time of subdivision, water main easements (30' wide minimum) will be required for all Board water mains and fire hydrants located within the Plan area. (L. Huffstutter, BOWW 1/26/12)
4. At time of subdivision, easements will be required for all private water service lines which cross a portion of the Plan in order to serve a subdivided lot within the Plan area. (L. Huffstutter, BOWW 1/26/12)
5. At the time of subdivision, provide calculations that indicate the volume of detention storage required based on the site impervious area. Compare that to the existing storage available. Any deficiencies must be addressed. (D. Wood, Stormwater Department 1/27/12)
6. Water quality can be addressed as building permits are issued at time of development. (D. Wood, Stormwater Department 1/27/12)

## **HEARING**

**John Chrisman, Chrisman Engineering, P.O. Box 8564, Pueblo, CO** appeared and testified in favor of the application.

**Louis Carleo, 503 N. Main Street, Pueblo, CO** appeared and testified in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Seybold, seconded by Commissioner Latka, with the following conditions:

1. New commercial developments must be evaluated as they occur to determine potential traffic impacts to the state highway corridor. (V. Sword, CDOT 1/12/12)

2. Water main extensions with fire hydrants will be required in Future West Pueblo Connector and Future Eighth Street prior to the roadway improvements being installed. (L. Huffstutter, BOWW 1/26/12)
3. At the time of subdivision, water main easements (30' wide minimum) will be required for all Board water mains and fire hydrants located within the Plan area. (L. Huffstutter, BOWW 1/26/12)
4. At time of subdivision, easements will be required for all private water service lines which cross a portion of the Plan in order to serve a subdivided lot within the Plan area. (L. Huffstutter, BOWW 1/26/12)
5. At the time of subdivision, provide calculations that indicate the volume of detention storage required based on the site impervious area. Compare that to the existing storage available. Any deficiencies must be addressed. (D. Wood, Stormwater Department 1/27/12)
6. Water quality can be addressed as building permits are issued at time of development. (D. Wood, Stormwater Department 1/27/12)

**Motion passed 4-0 (Burrer and Weaver absent).**

2. **MP-12-01:** 3-Mile Annexation Boundary Map Approval.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The City is requesting review and approval of the 2012 City of Pueblo 3-Mile Annexation Boundary Map as required by Colorado Revised Statutes §31-12-105. The proposed map fulfills the annual requirement to adopt a plan for the orderly development of the City. The map defines areas that may be annexed into the City in 2012 and references the Pueblo Regional Development Plan for information regarding municipal services. Approval of this plan will facilitate annexations proposed for 2012.

### **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the City of Pueblo 3-Mile Annexation Boundary Map be **APPROVED**.

### **HEARING**

The City of Pueblo is the applicant. No others spoke in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Latka, seconded by Commissioner Falletta. **Motion passed 4-0 (Burrer and Weaver absent).**

3. **Development Plan Review:** World Trade Center Memorial. HARP Plaza Area North of 101 S. Main Street.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting Development Plan Review approval to install the World Trade Center Commemorative Display. The display will be located on the Riverwalk north of 101 S. Main Street which is north of the Center for American Values. The display will include two granite towers with the steel beam that was donated to the Center on top of the towers. The steel beam was donated by the New York City Fire Department and is a piece of steel that was part of the original Twin Towers prior to September 11, 2001. Because the steel beam is owned by the Center for American Values and will be located on HARP property, the Center will be required to amend the Patio Lease Agreement with the HARP Authority to include this new area. The HARP Authority has approved the location and the display, but has not finalized the amended Lease Agreement.

## **RECOMMENDED ACTION**

Staff recommends Planning and Zoning Commission **APPROVE** DPR-12-01 with the following conditions:

1. The plans and structure concepts submitted are the approved plans. Any alteration to the Planning and Zoning Commission approved plans shall be at the discretion of the Director of Planning and Community Development, who reserves the right to require said changes to be reviewed and approved by the Planning and Zoning Commission at a public meeting.
2. The owner of the WTC display must amend their Patio Lease Agreement with the HARP Authority to include the display or the display must be owned by the City of Pueblo.

## **HEARING**

**Scott Jones, Center for American Values, 101 S. Main Street, Pueblo, CO** appeared and testified in favor of the application.

**Jim Munch, Executive Director, HARP Authority, 200 West 1<sup>st</sup> Street, Pueblo, CO** appeared and testified in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

## **COMMISSION ACTION**

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

1. The plans and structure concepts submitted are the approved plans. Any alteration to the Planning and Zoning Commission approved plans shall be at the discretion of the Director of Planning and Community Development, who reserves the right to require said changes to be reviewed and approved by the Planning and Zoning Commission at a public meeting.
2. The owner of the WTC display must amend their Patio Lease Agreement with the HARP Authority to include the display or the display must be owned by the City of Pueblo.

**Motion passed 4-0 (Burrer and Weaver absent).**

4. **A-12-01 – Annexation:** St. Charles Industrial Park Phase 1. Generally Located North of Lime Road, East of 100 Towers Road.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting approval to annex the property located east of Vestas Towers and north of Lime Road and to also rezone the area to I-3, Heavy Industrial Zone District, to facilitate construction of a concrete railroad product manufacturing facility. Staff has completed the annexation and rezoning reviews which indicates that the proposed annexation request conforms with the Pueblo Comprehensive Plan Designation as well as applicable Municipal Codes. The proposed annexation meets the statutory requirements which exist for annexing purposes.

## **RECOMMENDED ACTION**

Staff recommends the Planning and Zoning Commission forward a recommendation to City Council that the annexation be **APPROVED** with the following condition:

Applicant must sign an Annexation Agreement, including the provisions of Section XIV. Special Improvements, Dedications and Impact Fees, contained within the Annexation Agreement, which requires compliance with Exhibit C.

## **HEARING**

**Kim Kock, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared and testified in favor of the application.

**Richard Werner, PEDCO, 301 N. Main Street, Pueblo, CO** appeared and testified in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

### **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Latka, seconded by Commissioner Falletta, with the following condition:

Applicant must sign an Annexation Agreement, including the provisions of Section XIV. Special Improvements, Dedications and Impact Fees, contained within the Annexation Agreement, which requires compliance with Exhibit C.

**Motion passed 4-0 (Burrer and Weaver absent).**

5. **Z-12-02 – Zoning Map Amendment:** St. Charles Industrial Park. Generally Located North of Lime Road, East of 100 Towers Road.

### **BACKGROUND**

Staff report given by Kelly Grisham.

The applicant is requesting to rezone the subject property, containing approximately 71 acres to an I-3, Heavy Industrial Zone District. The proposed rezoning request conforms with the Pueblo Comprehensive Plan designation and meets the minimum zone district requirements.

### **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, Sanitary Sewer, and Planning and Community Development complying with all conditions of approval.
2. The proposed site plan shows access off Lime Road. The annexation, as currently presented, does not annex the Lime Road right-of-way; therefore, the applicant will need to apply for an access permit from Pueblo County if Lime Road is not annexed.

### **HEARING**

**Kim Kock, NorthStar Engineering, 111 East 5<sup>th</sup> Street, Pueblo, CO** appeared and testified in favor of the application.

**Richard Werner, PEDCO, 301 N. Main Street, Pueblo, CO** appeared and testified in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Latka, seconded by Commissioner Falletta, 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, Sanitary Sewer and Planning and Community Development complying with all conditions of approval.
2. The proposed site plan shows access off Lime Road. The annexation, as currently presented, does not annex the Lime Road right-of-way; therefore, the applicant will need to apply for an access permit from Pueblo County if Lime Road is not annexed.

**Motion passed 4-0 (Burrer and Weaver absent).**

6. **TA-12-01 – Text Amendment:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to the R-8 Zone District and Mobile Homes.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The proposed Ordinance will allow for single-wide mobile homes to replace existing single-wide mobile homes in the R-8, Manufactured Home Residential District upon issuance of a Special Use Permit through the Zoning Board of Appeals. There are three areas within the City that are zoned R-8. When written, the R-8 Zone District did not differentiate between a single-wide and a double-wide mobile home. As the Zoning Code evolved, amendments to the R-8 Zone District were made to define the differences between single-wide and double-wide homes and, eventually, the Code was amended to disallow single-wide homes in the R-8 Zone District. The proposed amendment will allow the replacement of the existing single-wide mobile homes with single-wide homes that comply with current zoning requirements. There will not be any additional single-wide homes added to these areas, but rather will allow older homes to be replaced.

## **RECOMMENDED ACTION**

Staff recommends that the Planning and Zoning Commission forward a recommendation of **APPROVAL** of this text amendment to City Council.

## **HEARING**

The City of Pueblo is the applicant. No others spoke in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion

## **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Latka, seconded by Commissioner Falletta. **Motion passed 4-0 (Burrer and Weaver absent).**

7. **TA-12-02 – Text Amendment:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code relating to the R-2, R-3, and R-4 Zone Districts and Bed and Breakfast Inns.

## **BACKGROUND**

Staff report given by Kelly Grisham.

The proposed Ordinance will allow for *Bed and Breakfast Inns* to be allowed in the R-2, R-3, and R-4 Residential Zone Districts upon issuance of a Special Use Permit through the Zoning Board of Appeals. Currently, *Bed and Breakfast Inns* are allowed as a Use by Review in R-5 and R-6 Zone Districts. *Bed and Breakfast Homes* are allowed as a Use by Review in R-1, R-2, R-2U, R-3, R-4, R-5 and R-6 Zone Districts. Both bed and breakfast uses are allowed as a Use by Right in all B-3 and B-4 Zone Districts. The differences between Bed and Breakfast Inns and Bed and Breakfast Homes include the owner being allowed to provide more than three guest rooms, provide meeting facilities, and provide meals to the general public. Bed and Breakfast Homes are allowed to provide less than three guest rooms and meals are provided for guests only. The text amendment allows the Zoning Board of Appeals to determine if the expanded services are applicable for a particular site. If approved, the amendment alleviates applicants from being required to rezone their properties to an R-5 Zone.

## **RECOMMENDED ACTION**

Staff recommends that the Planning and Zoning Commission forward a recommendation of **APPROVAL** of this text amendment to City Council.

## **HEARING**

The City of Pueblo is the applicant. No others spoke in favor of the application.

No one spoke in opposition to the application.

Acting Chairperson Lucas closed the hearing and requested a motion.

## **COMMISSION ACTION**

Motion was made to approve the application by Commissioner Latka, seconded by Commissioner Falletta. **Motion passed 4-0 (Burrer and Weaver absent).**

## **APPROVAL OF MINUTES**

Motion was made by Commissioner Latka to approve the Minutes of the February 8, 2012 Public Hearing, seconded by Commissioner Falletta. **Motion passed 4-0.**



## **SCHEDULE PUBLIC HEARING**

The Public Hearing for April will convene on Wednesday, April 11, 2012 at 3:30 p.m. in the City Council Chambers.

## **SCHEDULE WORK SESSION**

The Work Session for March will convene on Thursday, March 22, 2012 at 5:00 p.m. in the Planning Conference Room, 211 East D Street. Currently there are no agenda items for discussion at the Work Session. If no agenda items are received, the Work Session will be cancelled.

## **ADJOURN**

There being no further business the Regular Meeting was adjourned at 4:22 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.