

Weston Burrer  
Chair

Brian Lucas  
Vice Chair

Jeff Falletta



## Planning & Zoning Commission

Chris Kaufman

Brandice Eslinger

Jean Latka

Raymond Seybold

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### ***REGULAR MEETING***

City of Pueblo, Colorado

Wednesday, July 11, 2012 – 3:30 p.m.

City Council Chambers – 301 West B Street

### **Minutes**

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

The meeting was called to order at 3:32 p.m. with Chairperson Weston Burrer presiding.

***Commissioners Present:*** Weston Burrer, Brandice Eslinger, Jeff Falletta, Jean Latka, Brian Lucas, and Raymond Seybold.

***Commissioners Absent:*** Chris Kaufman.

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

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

1. **S-12-03 – Subdivision** – Baca and Son Subdivision. A two lot subdivision generally located at 1639 Bragdon Avenue.

#### **BACKGROUND**

Staff report by Kelly Grisham.

The applicant is requesting to resubdivide the 0.29-acre (12,632 sf) property into two (2) single family residential lots. Currently there is a house located on the property at 1639 Bragdon Avenue. The resubdivision request will allow the construction of a second house on the property. The proposed subdivision complies with the Comprehensive Plan and will meet the minimum zone district regulations.

## **RECOMMENDED ACTION**

Move that the requested Subdivision be **APPROVED** with the following noted:

### Request for waiver from requirements:

Section 12-4-7(e) requires the subdivider to dedicate to the City for use as parks and recreational facilities eight percent (8%) of the land area of a subdivision to be developed for residential purposes. Section 12-4-7(e)(7) permits City Council, upon recommendation of the Planning and Zoning Commission, to exempt from the park dedication requirement for land located in a residential zone district of two (2) acres or less which is being resubdivided, provided that the City Council finds that there will neither be a substantial impact upon, nor a significant increase in usage for, existing neighborhood parks as a result of the subdivision.

*The Subdivision Review Committee has no objection to the waiver request. This property will not create a significant increase to the density of the neighborhood nor will it increase the impact upon existing parks. In addition, Minnequa Park, which is considered a regional park, is located within a half mile of the property, and is sufficient in size to accommodate the additional residence that will be created with this subdivision.*

Requests for Modifications to Requirements: None.

Plat Deficiencies: None

### Conditions of Approval:

1. The following plat statements need to be in our current language form:
  - a. The statement that begins “KNOW ALL MEN BY THESE PRESENTS:”
  - b. The statement that begins “HAS CAUSED”
  - c. The PLANNING AND ZONING CERTIFICATION statement.
  - d. The CITY ENGINEERING Statement.
  - e. The CITY APPROVAL Statement.
2. The dedication statement for public utilities is not required for this subdivision. This statement must be removed.
3. Jess Baca Jr.’s name is shown incorrectly in the dedication portion of the plat.
4. On the supplemental plan highlight, shade, or otherwise distinguish existing structures.
5. Regional Building – water and sewer connections cannot cross parcel lines; each lot must have its own taps.
6. Since the water service line to the existing structure will front future Lot 2, a new tap and service line will be required for future Lot 1. Lot 2 will be able to use the existing tap and service line.

All conditions of approval must be completed prior to placing the case on the City Council agenda.

### **HEARING**

**Gary Amella, Amella Surveying, 54 MacArthur Road, Pueblo, CO** appeared on behalf of the applicant and testified in favor of the application.

**Louis Todd, 1647 Bragdon Avenue, Pueblo, CO** appeared and testified 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 Latka, seconded by Commissioner Falletta, with the requested waiver and following conditions:

1. The following plat statements need to be in our current language form:
  - a. The statement that begins “KNOW ALL MEN BY THESE PRESENTS:”
  - b. The statement that begins “HAS CAUSED”
  - c. The PLANNING AND ZONING CERTIFICATION statement.
  - d. The CITY ENGINEERING Statement.
  - e. The CITY APPROVAL Statement.
2. The dedication statement for public utilities is not required for this subdivision. This statement must be removed.
3. Jess Baca Jr.’s name is shown incorrectly in the dedication portion of the plat.
4. On the supplemental plan highlight, shade, or otherwise distinguish existing structures.
5. Regional Building – water and sewer connections cannot cross parcel lines; each lot must have its own taps.
6. Since the water service line to the existing structure will front future Lot 2, a new tap and service line will be required for future Lot 1. Lot 2 will be able to use the existing tap and service line.

All conditions of approval must be completed prior to placing the case on the City Council agenda.

**Motion passed 6-0.**

2. **SAP-12-01 – Special Area Plan:** Candlewood Court, Minor Amendment generally located at 55Y Bonneymede.

## **COMMISSION ACTION**

Motion was made by Commissioner Latka to continue this agenda item to the August 8, 2012 Public Hearing, seconded by Commissioner Lucas. **Motion passed 6-0.**

3. **Z-12-05 – Rezoning:** Beer Barrel. Rezone from B-4 to CCN, property located at 2113 East Evans.

## **BACKGROUND**

Staff report by Kelly Grisham.

The applicant is requesting to rezone Lots 37 and 38, Block 37, Lake Minnequa Addition, containing approximately 5,400 square feet, from a B-2, Subregional Business District to a CCN, Commercial Charter Neighborhood Zone District to facilitate the expansion of the existing restaurant. The standards of the CCN Zone District are designed to retain and conserve suitable areas for commercial, office, and mixed-use development that primarily serve the residents of the surrounding charter neighborhood. This property is located within one of the original “Charter Neighborhoods.” In addition to the rezoning, the applicant has also applied for a parking and landscape variance through the Zoning Board of Appeals, which staff supports. With the exception of the landscape and parking requirements, the proposed rezoning complies with the Comprehensive Plan and will meet the minimum zone district regulations.

## **RECOMMENDED ACTION**

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

### Request for Waiver from Requirements:

The CCN Zone District requires that the mechanical equipment on the roof of building shall be architecturally screened or enclosed to blend with the roof surface as seen from public rights-of-way.

*Staff supports the waiver request for the alley side only. The width of the alley and the height of the structure make it unlikely that the roof mounted equipment will be highly visible and any screening materials that could be added to screen the equipment would be more visually obtrusive than the equipment will be.*

### 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, Wastewater, and Planning and Community Development complying with all conditions of approval and all applicable Ordinances.

2. The property shall be landscaped per Section 17-4-7 of the Pueblo Municipal Code, or in compliance with the Zoning Board of Appeals if a variance is granted, within one (1) year of City Council approval of the rezoning.
3. The property must be brought into compliance with the requirements of the CCN Zone District. Provide a site and landscaping plan complying with the requirements of the Pueblo Municipal Code, CCN Zone District, Planning and Community Development comments listed below and as conditioned through the Zoning Board of Appeals variance. The site plan must be reviewed and approved by Staff prior to City Council review of the rezoning.
4. The applicant must either be granted the requested parking variance through the Zoning Board of Appeals or provide the required number of off-street parking spaces.
5. Remove all of the beer signs on the doors and windows fronting the street.
6. The projecting sign must be no larger than 20 square feet, with a 5 foot projection. The sign must be lowered to be no higher than the roofline or be removed.
7. Provide a statement of the proposed time schedule for beginning and completion of the project.
8. Provide a statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which the Zoning Amendment is requested.
9. The owner must either complete the lot line rearrangement process to combine the parking lot parcel with the building parcel or provide a copy of a deed restriction tying both parcels together.

Unless otherwise noted, all conditions of approval must be addressed prior to when the application is scheduled for City Council.

### **HEARING**

**Gary Trujillo, 210 W. Orman Avenue, Pueblo, CO** appeared and testified in favor of the application.

**Tom Printz, 69 N. Mission Drive, Pueblo West, CO** appeared and testified in favor of the application.

**Joe Polito, 2113 E. Evans Avenue, 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 Commissioner Latka, seconded by Commissioner Seybold, with the requested waiver and 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. The property shall be landscaped per Section 17-4-7 of the Pueblo Municipal Code, or in compliance with the Zoning Board of Appeals if a variance is granted, within one (1) year of City Council approval of the rezoning.
3. The property must be brought into compliance with the requirements of the CCN Zone District. Provide a site and landscaping plan complying with the requirements of the Pueblo Municipal Code, CCN Zone District, Planning and Community Development comments listed below and as conditioned through Zoning Board of Appeals variance. The site plan must be reviewed and approved by Staff prior to City Council review of the rezoning.
4. The applicant must either be granted the requested parking variance through Zoning Board of Appeals or provide the required number of off-street parking spaces.
5. Remove all of the beer signs on the doors and windows fronting the street.
6. The projecting sign must be no larger than 20 square feet, with a 5 foot projection. The sign must be lowered to be no higher than the roofline or be removed.
7. Provide a statement of the proposed time schedule for beginning and completion of the project.
8. Provide a statement reasonably indicating the applicant's economic responsibility and capability of accomplishing the development for which the Zoning Amendment is requested.
9. The owner must either complete the lot line rearrangement process to combine the parking lot parcel with the building parcel or provide a copy of a deed restriction tying both parcels together.

Unless otherwise noted, all conditions of approval must be addressed prior to when the application is scheduled for City Council.

**Motion passed 6-0.**

**APPROVAL OF MINUTES**

Motion was made by Commissioner Latka to approve the Minutes of the May 9, 2012 Public Hearing, seconded by Commissioner Lucas. **Motion passed 6-0.**

**SCHEDULE PUBLIC HEARING**

The Public Hearing for August will convene on Wednesday, August 8, 2012 at 3:30 p.m. in the City Council Chambers.

**SCHEDULE WORK SESSION**

The Work Session for July will convene on Thursday, July 19, 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 4:11 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.