

Weston Burrer
Chair

Brian Lucas
Vice Chair

Jeff Falletta



Planning & Zoning Commission

Chris Kaufman

Brandice Eslinger

Jean Latka

Raymond Seybold

REGULAR MEETING

City of Pueblo, Colorado

Wednesday, September 12, 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, Brandice Eslinger, Jeff Falletta, Chris Kaufman, Jean Latka, and Raymond Seybold.

Commissioners Absent: Brian Lucas.

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 Council Person Kaufman to modify the agenda to move item HARP-12-01 to second on the agenda, seconded by Commissioner Latka. **Motion passed 6-0.**

PUBLIC HEARINGS AND ACTION

1. **S-12-02 – Subdivision.** Mar-Ken Subdivision. A two lot subdivision generally located at 1000 West 6th Street.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is proposing to subdivide the 2.25-acre property located at 1000 West 6th Street into two (2) lots. The lots are a portion of the Midtown Overall Development Plan that was approved by the Planning & Zoning Commission on March 14, 2012, enabling the subdivision of this portion of the Midtown, RLLLP ownership.

The property is currently developed with a bank and parking associated with the shopping center. The properties are located within the planned Midtown Overall Development Plan and are part of the Midtown Shopping Center, which is all zoned B-4. All proposed uses will

comply with the B-4 Zone District and will; therefore, be compatible with the proposed subdivision. The project site has been designated by the Pueblo Comprehensive Plan as a "Special Development Area." The proposed Subdivision is in conformance with the Comprehensive Plan designation. The B-4 Zone District requires a minimum lot size of 50 feet lot frontage and area of 5,000 square feet (0.12 acres). The proposed lot frontages are approximately 99 feet and 450 feet and have lot areas of .6 (lot 1) and 1.6 acres (Lot 2). The subject properties exceed the minimum lot size and area.

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. At the time of building permit, applicant shall install a sidewalk along the east property line of Lot 2, per Section 17-4-44(g) of the Pueblo Municipal Code.
2. Staff has requested that this condition be deleted. ~~Prior to recording of the subdivision, provide a sidewalk plan for the entire Midtown development, with phasing. With every building permit request for this development, Staff shall approve a site plan indication the phase of sidewalk being installed, and the sidewalk must be installed prior to the Certificate of Occupancy.~~
3. Construct a trash enclosure for the existing dumpster on Lot 1, which complies with Section 17-4-7(b)(3)e. 1 through 3 of the Pueblo Municipal Code (PMC). Must be constructed prior with six (6) months of City Council approval of the subdivision.
4. Provide cross lot agreements for drainage and record prior to the subdivision being recorded.
5. The access and parking agreement provided must be recorded prior to recording of the subdivision.
6. The Lot 1 on the Plat must be amended to encompass the ABC Bank sign located in the landscape island to the south of Lot 1 prior to the subdivision being scheduled for City Council.
7. Minor adjustments to the easements, including the addition of necessary easements, may be done prior to scheduling the subdivision for City Council review and approval.

8. Prior to scheduling the subdivision for City Council, all required easements must show on the plat for reference.
9. Prior to recording the subdivision, all required easements and agreements must be recorded.
10. All typos on the Plat and Supplemental Map must be corrected prior to scheduling for City Council.
11. Amend the distance for the east property line of Lot 1 to be S40°23'37"E.
12. Lot 1 must be labeled as 27,141.8 sq. ft.
13. Designate if easement 3 is 20' wide or if the north leg is 20'.
14. Locate easement 3 by providing dimensions from property lines to the easement.
15. The water main easement being prepared by the Board of Water Works must be recorded prior to recording of the plat. Provide reception number for proposed 30' wide water main easement on the plat.
16. Locate the proposed water main easement by providing dimensions from property lines to the easement.
17. The proposed 10' water service easement must be its own easement. The 30' water main easement is being dedicated by separate deed and the 10' easement is being platted. Ensure the 10' platted easement goes to the center of the existing water main.

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.

Louie Carleo, 503 N. Main Street, Suite 5, 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 by Commissioner Latka to approve the subdivision, seconded by Commissioner Eslinger, with the following amended conditions:

Request for waiver from requirements: None.

Requests for Modifications to Requirements: None.

Plat Deficiencies: None

Conditions of Approval:

1. At the time of building permit, applicant shall install a sidewalk along the east property line of Lot 2, per Section 17-4-44(g) of the Pueblo Municipal Code.
2. Construct a trash enclosure for the existing dumpster on Lot 1, which complies with Section 17-4-7(b)(3)e. 1 through 3 of the Pueblo Municipal Code (PMC). Must be constructed prior with six (6) months of City Council approval of the subdivision.
3. Provide cross lot agreements for drainage and record prior to the subdivision being recorded.
4. The access and parking agreement provided must be recorded prior to recording of the subdivision.
5. The Lot 1 on the Plat must be amended to encompass the ABC Bank sign located in the landscape island to the south of Lot 1 prior to the subdivision being scheduled for City Council.
6. Minor adjustments to the easements, including the addition of necessary easements, may be done prior to scheduling the subdivision for City Council review and approval.
7. Prior to scheduling the subdivision for City Council, all required easements must show on the plat for reference.
8. Prior to recording the subdivision, all required easements and agreements must be recorded.
9. All typos on the Plat and Supplemental Map must be corrected prior to scheduling for City Council.
10. Amend the distance for the east property line of Lot 1 to be S40°23'37"E.
11. Lot 1 must be labeled as 27,141.8 sq. ft.

12. Designate if easement 3 is 20' wide or if the north leg is 20'.
13. Locate easement 3 by providing dimensions from property lines to the easement.
14. The water main easement being prepared by the Board of Water Works must be recorded prior to recording of the plat. Provide reception number for proposed 30' wide water main easement on the plat.
15. Locate the proposed water main easement by providing dimensions from property lines to the easement.
16. The proposed 10' water service easement must be its own easement. The 30' water main easement is being dedicated by separate deed and the 10' easement is being platted. Ensure the 10' platted easement goes to the center of the existing water main.

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

Motion passed 6-0 (Lucas absent).

2. **HARP-12-01 – HARP Minor Modification.** Eco-walk Building Planned Sign Review. 115 East Riverwalk.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting sign plan approval for wall signs located on the building at 115 E. Riverwalk, also known as the Eco Walk Building. The Eco Walk Building contains multiple businesses with some of the businesses not adjacent to the South Main Street level; therefore, some of the businesses are not permitted signage at the street level. In addition, the signage for the HARP-1 Zone District is significantly lower than what is permitted in similar business zones.

Based on the reduced amount of allowable signage on each face of the building, as well as the number of tenants that exist at this property, the applicant is requesting to designate several locations on the building as allowable sign panels, and allow for each floor of the building to be permitted a certain amount of signage on each face of the building. The applicant is requesting to be allowed 30 square feet of signage per floor on the Northeast and Southwest Facades (Parking lot and Riverwalk), and 15 square feet of signage per floor on the Southeast and Northwest Facades (Main Street and Grand Staircase), which equals just over one (1) square foot of signage per linear foot of building frontage, to be shared by the tenants located within the building.

In addition, several notes, have been added to the plan providing additional restrictions to the allowable signage on this property:

- Illuminated signs shall be reverse pan channel with recessed lighting.
- Non illuminated signs shall be individual letter with option of illumination by approved gooseneck light fixtures (dark sky spec).
- Corporate logos may be in illuminated backlit channels. Corporate logos cannot be box signs, the cabinet must contour around the logo.
- Banners, illuminated pan channel signs, pan channel signs on raceways, illuminated sign cabinets (except corporate logos) are *not* permitted.
- Window signs may have no more than 25% coverage, signs in glass doors may be no more than 15% coverage, of each window or door.

RECOMMENDED ACTION

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

1. The Planning and Community Development Department will not designate which tenant is permitted to use a particular sign.
2. The applicant must submit a letter of approval from the Eco Walk Business Owner's Association (Eco Walk BOA) for all proposed signs, prior to sign permit approval by the Planning and Community Development Department.
3. All signs must comply with the approved Sign Plan, including all notes contained on the Plan.

HEARING

Charlie Montera, Ralph's Neon & Electric Inc., 133 Baylor, 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 by Council Person Kaufman to approve the application, seconded by Commissioner Seybold, with the following amended conditions:

1. The Planning and Community Development Department will not designate which tenant is permitted to use a particular sign.
2. The applicant must submit a letter of approval from the Eco Walk Business Owner's Association (Eco Walk BOA) for all proposed signs, prior to sign permit approval by the Planning and Community Development Department.

3. All signs must comply with the approved Sign Plan, including all notes contained on the Plan.
4. Color for signs should be selected to harmonize with the overall building color scheme and historical character. Florescent or neon colors are not traditional and are inappropriate. Illuminated signs with internal lighting are prohibited.

Motion passed 6-0 (Lucas absent).

3. **SAP-12-01 – Special Area Plan.** Candlewood Court. Minor Amendment generally located at 55Y Bonnymede.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting approval for a minor amendment to the approved Candlewood Court Special Area Plan side yard setback. The Candlewood Court, Special Area Plan minor amendment meets the requirements of Section 17-4-29 of the Pueblo Municipal Code. The existing Special Area Plan allows for a five (5) foot side yard setback on all sides of the lot that are adjacent to the internal, private street, except for the southern portion, which requires a 5 foot setback from the guest parking spaces. A small portion of the proposed garage will be encroaching into the setback, which was offset from the proposed parking area, rather than from the property line.

The applicant is requesting to construct, on his property, a two (2) car garage and two (2) off-street parking spaces. Staff, as well as ZBA, has historically determined that it is reasonable for every property to be able to have at least as much covered parking on their property as what is typical of the neighborhood (considered appropriate development). In the Candlewood Court neighborhood, every unit is provided with two (2) car garages, which all are closer to the property line than the house, and most also have enough driveway to provide an additional two (2) off street parking spaces on their property. In addition, given the fact that this property is the only one in the neighborhood that has street frontage on three (3) sides, the property suffers a unique hardship, not common to other properties in the district, which is one of the conditions that ZBA examines when determining the validity of a variance request. Staff has also examined the property for the possibility of moving the garage to another location on the property and has determined that to construct an attached garage, the proposed garage is in the most suitable location on the property.

Staff has been working with the applicant to develop acceptable architectural plans that are complimentary to the surrounding neighborhood. Previous to the August 8, 2012 public hearing, Staff received complaints from a few of the neighbors regarding the architecture and the short driveway. Upon hearing the complaints, the applicant requested to continue the case to the September 12, 2012 public hearing to give himself an opportunity to meet with the two (2) Home Owners Associations within the Candlewood Court neighborhood. On August 26, 2012, the Candlewood Villas Homeowners Association unanimously voted to

approve the plans as presented. The proposed elevations are the result of the Association meetings, as well as compliance with Staff concerns. The applicant has added Spanish style roofing, vertical wood slats, and notches and angles to the parapet, to match the neighborhood scheme, and windows to break up the blank walls.

The subject property is located completely within the Candlewood Court Special Area Plan and not adjacent to any lower density developments; therefore, the proposed special area plan is in conformance with Comprehensive Plan designation. The property has the ability to comply with the existing zone district.

RECOMMENDED ACTION

Staff recommends the Special Area Plan minor amendment be **APPROVED** with the following conditions:

1. Provide drainage improvements per the approved drainage plan dated 4/10/12.
2. Comcast currently has plant feeding from the ped that services the club house and then running in east to west in front of 55 Bonnymede and then along the west side of the building. If they are to dig, we need to ensure that they call in locates to not hit the line that feeds this building.
3. Assure that “No Parking” signs are posted street side for fire access.

HEARING

Chris Gredig, 3921 Outlook Boulevard, Pueblo, CO appeared and testified in favor of the application.

Steve Wright, 4415 Porta Fina Drive, Pueblo, CO appeared and testified in favor of the application.

Bob Carter, 55S Bonnymede Road, Pueblo, CO appeared and testified in opposition to the application.

Jacob Neef, 55T Bonnymede Road, Pueblo, CO appeared and testified in opposition to the application.

Chairperson Burrer closed the hearing and requested a motion.

COMMISSION ACTION

Motion to approve the special area plan was made by Commissioner Latka, seconded by Council Person Kaufman, with the following conditions:

1. Provide drainage improvements per the approved drainage plan dated 4/10/12.

2. Comcast currently has plant feeding from the ped that services the club house and then running in east to west in front of 55 Bonnymede and then along the west side of the building. If they are to dig, we need to ensure that they call in locates to not hit the line that feeds this building.

3. Assure that “No Parking” signs are posted street side for fire access.

Motion passed 5-1 (Lucas absent and Seybold dissenting).

Chairperson Burrer excused himself to attend a previously scheduled engagement and appointed Commissioner Latka as Acting Chairperson for the remainder of the meeting.

4. **PZV-12-01 – Planning and Zoning Variance.** Fed Ex facility. Generally located south of 130 Greenhorn Drive.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting several variances to the Large Scale Development Standards contained in Section 17-4-46 of the Pueblo Municipal Code (PMC). The subject property is located at the southern end of the Minnequa Industrial Park. The property is the future site of the Fed Ex warehouse and distribution facility and is adjacent to Standard Sales (Budweiser) to the north, the Evarez Steel Mill to the east, vacant prairie to the south and Greenhorn Drive and I-25 to the west.

The proposed Fed Ex Facility is a 54,199 square foot, single story, warehouse, with attached office. The underlying structure is a prefabricated metal building structure, with the facades visible from the front clad in a textured metal panel, giving the look of stucco. The warehouse portion of the building will be a single-slope roof, which will slope and drain to the east and be hidden by a parapet that spans all sides, except the east façade. The office portion is also a single-slope roof, which will be completely hidden by a parapet wall. The office portion of the building is highlighted by the use of two (2) textures of concrete masonry units (smooth and split face), and windows with dark colored mullions.

RECOMMENDED ACTION

Due to a previously scheduled engagement, Pepper Whittlef requested that items concerning the Transportation Department be reviewed first. Ms. Grisham began by reviewing items 8 through 11 of the Requests for Variance from Requirements.

For readability, items are listed as written in the Staff Report.

Requests for Variance from Requirements:

1. Section 17-4-46(e)(2) and (3) of the PMC prohibits the use of a prefabricated metal building facades and discourages the use of corrugated, metal, unfinished smooth face concrete block, tilt-up concrete panels, prefabricated steel panels and vinyl siding. It also requires that the predominant exterior building materials shall be high quality materials such as: wood, brick, sandstone, other native stone or tinted, textured concrete masonry units, or stucco.

As designed, the facility is using a prefabricated metal building as the structural frame. The façade materials on the north, west and south facades, the metal panels will be textured to give the appearance of stucco and standard metal panels are proposed for the east elevation. Staff is recommending permitting the materials as proposed.

2. Section 17-4-46(e)(6) of the PMC requires facades that are greater than one hundred (100) feet in linear length be articulated with recesses or projections, which total at least twenty-five percent (25%) of that façade. Recesses or projections must be a minimum of ten (10) feet in depth.

As proposed, all facades of the building are over 100 feet in length; however, none of the facades comply with this requirement (see table below).

| <i>Façade:</i> | <i>North</i> | <i>East</i> | <i>South</i> | <i>West</i> |
|--|----------------------|--------------------|----------------------|--------------------|
| <i>Required recess or projection:</i> | <i>30.75'</i> | <i>101'</i> | <i>30.75'</i> | <i>101'</i> |
| <i>Projections provided:</i> | <i>0'</i> | <i>0'</i> | <i>0'</i> | <i>70'</i> |

Staff is recommending approval for the variance to the west and east facades, if the applicant complies with projecting the office by ten (10) feet to the north or with providing a wingwall (screen) that is constructed of materials that match the color of the building and is at least as tall as the office, and provides landscaping adjacent to the west of the wingwall. Staff is recommending approval for the variance to the south façade, as proposed, by giving the illusion of projections with the use of contrasting color vertical bands spaced not more than 35' apart, subject to the applicant providing additional landscaping to the south of the warehouse, either adjacent to the property line, or adjacent to the building, at a rate of one (1) tree and five (5) ground cover shrubs, for every thirty (30) linear feet (approximately 90 feet).

3. Section 17-4-46(e)(7) of the PMC requires facades that face public streets or public ways shall have arcades, display windows, entry areas, awnings or other such design feature along no less than sixty percent (60%) of that façade.

The west façade is the only façade that faces a public street. Staff is recommending approval of the variance to the warehouse portion of the west façade, but as a condition of the

variance to the warehouse portion of the building, staff is recommending the applicant provide design features according to the table below:

| Façade: | North | South | West |
|--|----------------------|------------------------|------------------------|
| <i>Required design features per PMC:</i> | 617 sq ft (53.8%) | 340 sq ft (32.3%) | 662.1 sq ft (60%) |
| <i>Design features proposed:</i> | 617 sq ft (53.8%) | 313.2 sq ft (29.7%) | 424.7 sq ft (38.5%) |

As proposed, the north facade provides an acceptable amount of windows and CMU wainscoting to comply with the recommended requirement. As proposed, the south façade is short of meeting the recommended requirement. Staff is recommending the applicant provide vertical bands of a contrasting color, to match the south façade of the warehouse. As proposed, the west façade is short of meeting the requirement. Staff is recommending the applicant meet the requirement by providing pitched roof canopies above both entrance doors and providing some type of design feature in the blank space between the windows and the warehouse entrance door.

4. Section 17-4-46(f) of the PMC requires all facades must utilize at least five (5) of the design features listed below (*compliance noted in parenthesis*):

- 1) Have more than two (2) exterior contrasting colors (not including trim material) and have more than three (3) material or texture changes. (*As proposed, the applicant is proposing two colors and four material/texture changes.*)
- 2) Have building face offsets that are parallel to the front lot line. (*As proposed, fulfilled this requirement.*)
- 3) Have covered pedestrian walkway across the entire front façade of the structure. (*As proposed, the applicant is not proposing to comply with this requirement.*)
- 4) Have clear glass window display area with colored mullions that covers at least twenty-five percent (25%) or one (1) façade, or thirty percent (30%) of two (2) facades. (*As proposed, the north and west facades provide 20% in windows.*)
- 5) Public Art - Building. (*The applicant is not proposing any public art on the building.*)
- 6) Public Art - Site. (*The applicant is not proposing any public art on the site.*)
- 7) Integral planters or walls constructed parallel to the face of the building and incorporate living landscaped areas and/or places for sitting. Such areas must be a minimum of five (5) feet wide for a planter and cover at least fifty percent (50%) of that facade. (*As proposed, the planter covers approximately twenty-six percent (26%).*)

Staff is proposing the following recommendations: 1) Allow the colors to remain as proposed; 4) Allow the windows as proposed; 6) Add art (minimum of 1% of the overall project cost, excluding the interior equipment) to the site at the entrance to the site (can incorporate with freestanding signage); 7) extend the planter to the north by sixteen feet, six inches (16'-6"), providing fifty percent (50%) of the façade length. Upon compliance with

these conditions of approval, the applicant will have met five (5) of the required design features.

5. Section 17-4-46(g)(1) of the PMC requires flat roof designs to be constructed with parapets with a three-dimensional cornice treatment.

The facades are proposed to be constructed with parapet walls on all sides except the east façade. Staff is recommending the variance to allow the east façade to remain open, due to drainage and lack of visibility of that façade; however, staff is recommending the applicant provide a three-dimensional cornice treatment, of at least one (1) foot in height, to the warehouse and office along the north, south and west facades to comply with this requirement.

6. Section 17-4-46(g)(3) of the PMC requires roof designs use at least one (1) of the following design features:

- 1) Three (3) or more roof slope planes; and/or
- 2) Overhanging eaves, which extend no fewer than three (3) feet past the supporting walls.

With the use of the parapet walls, this requirement cannot be complied with. Staff is recommending approval of the variance to this requirement.

7. Section 17-4-46(i)(2) of the PMC prohibits more than sixty percent (60%) of the overall proposed parking be located between the front façade and the abutting street.

Staff is recommending approval of this variance request.

8. Section 17-4-46(i)(3) of the PMC requires the installation of internal continuous sidewalks of at least five (5) feet wide (clear) from the public street to the entrance and must feature adjoining landscaped areas to provide a separated and pedestrian-friendly access route for no less than fifty percent (50%) of their overall length. In addition, Section 17-4-44(q), and (1) through (3), and Section 4.1.2 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) requires at least one (1) ADA accessible route be provided within the boundary of the site to the accessible building entrance from public sidewalks. It also requires the accessible route be no fewer than five (5) feet in width, and be vertically separated from the vehicular drive by a minimum of six (6) inches.

The applicant has stated the installation of the sidewalk connection from the public sidewalk to the entrance is cost-prohibitive; however, because this is an ADAAG requirement, the Commission does not have the authority to vary this requirement.

9. Section 17-4-46(i)(4) of the PMC requires all internal pedestrian walkways be physically separated from the drive lanes, and be visually distinct from the driving surface by the use of pavers, bricks or scored concrete.

Staff does not support the variance to this requirement due to the high potential for semi-truck and delivery van conflict with pedestrians. Staff is recommending approval to vary the requirement that the crossings be physically separated from the drive lanes, but recommend that the applicant be required install scored concrete walkways at every location they cross a drive lane, if adjacent to asphalt, to alert motorists they are crossing a pedestrian way.

10. Section 17-4-46(i)(5) of the PMC requires sidewalks, at least eight (8) feet wide, separated from the façade by six (6) feet along all facades that abut public parking areas.

Staff is recommending the variance to waive this requirement.

11. Section 17-4-46(i)(8) of the PMC requires bike racks be provided adjacent to entrances.

Staff is recommending to modify this requirement to permit the bike racks to be placed near the employee parking lot, just outside of the gates/turnstile entrance to the secured portion of the site.

12. Section 17-4-46(j)(3) of the PMC requires loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash dumpsters, trash compaction and other such service functions to be incorporated into the design of the structure and landscaping so that the visual and acoustic impacts are fully contained and out of the view from general passerby.

As proposed, the HVAC equipment, trash dumpsters and compaction are located behind a screen wall, which fully screens them from view. Staff is recommending additional landscaping, at a rate of one (1) tree and five (5) ground cover shrubs for every thirty (30) linear foot in the following locations to provide screening of the loading docks, truck parking and other outdoor storage:

- 1) Along the west property line (689 feet);*
- 2) Along the east of the employee parking lot, where the proposed landscape area is adjacent to the parking lot (350 feet);*
- 3) Along the wingwall (approximately 50 feet); and*
- 4) Along the west of the tractor parking spaces (40 feet).*

The trees must be a mixture of fifty percent (50%) evergreen, twenty-five percent (25%) each of shade and large ornamental trees.

Staff recommends the Planning and Zoning Commission **APPROVE** the Planning and Zoning Variance with the following noted:

Conditions of Approval:

1. The concept plans 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. 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.
3. If outdoor employee smoking, lunch and break areas are provided, they must be screened from view and incorporated into the building and site design.
4. The property must comply with Sections 17-4-7 and 17-4-46(e)(4)a. through e. of the PMC. A final landscape plan must be reviewed and approved by the City Planning Department prior to issuance of a building permit.
5. All landscaping must be watered with an automatic irrigation system per Section 17-4-7 of the PMC.
6. The office must be projected to the north by 10 feet or provide a wingwall (screen) that is constructed of materials that match the building and is at least as tall as the office, and provides landscaping adjacent to the west of the wingwall.
7. The applicant must provide vertical bands of a contrasting color on the south façade of the office, space not more than fifteen (15) feet, similar to the south façade of the warehouse.
8. Provide landscaping along the south of the building, either adjacent to the building or the south property line, at a rate of one (1) tree and five (5) ground cover shrubs for every thirty (30) linear feet (approximately 90 feet).
9. The applicant provide pitched roof canopies above both entrance doors and provide some type of design feature in the blank space between the windows and the warehouse entrance door on the west façade.
10. Add art to the site at the entrance to the site (can incorporate with freestanding signage) and/or at a location on the site visible to the employees during their normal course of work. Provide the overall construction cost of the project, excluding the interior equipment.
11. Extend the planter to the north by sixteen feet, six inches (16'-6") for an overall minimum length of thirty-five (35) feet.
12. Provide a three-dimensional cornice treatment to the north, south and west facades of the warehouse and office, at a minimum of one (1) foot in height.
13. A five (5) foot wide, vertically-separated, sidewalk must be provided from the public sidewalk to the building entrance, and must provide landscape adjacent to at least fifty percent (50%) of the sidewalk. Landscaping must be provided at a rate of one (1) tree and five (5) ground cover shrubs for every thirty (30) linear feet of sidewalk.

14. All pedestrian crossings shall be constructed of scored concrete, if adjacent to asphalt; otherwise, they must also be integral colored, scored concrete.
15. In addition to the requirement landscaping, provide additional landscaping, at a rate of one (1) tree and five (5) ground cover shrubs for every thirty (30) linear foot in the following locations to provide screening of the loading docks, truck parking and other outdoor storage:
 - 1) Along the west property line (689 feet);
 - 2) Along the east of the employee parking lot, where the proposed landscape area is adjacent to the parking lot (350 feet);
 - 3) Along the wingwall (approximately 50 feet); and
 - 4) Along the west of the tractor parking spaces (40 feet).
16. The trees required by condition 14. must be a mixture of fifty percent (50%) evergreen, twenty-five percent (25%) each of shade and large ornamental trees.
17. All signs shall require a separate permit, and must comply with the Sign Code in the PMC as well as Section 17-4-46(l), (1) through (7).

Unless otherwise varied by this approval, other requirements of Section 17-4-46 of the PMC, shall still be required to be complied with, even if not specifically mentioned in this variance approval.

HEARING

Tim Elam, 4555 Trillion Drive North, Medina, MN appeared on behalf of the applicant and testified in favor of the application.

Jill Marcotte, 800 E. 96th Street, Suite 175, Indianapolis, IN appeared on behalf of the applicant and testified in favor of the application.

No one testified in opposition to the application.

COMMISSION ACTION

Requests for Variance from Requirements:

Request 1. – Motion to approve as written by Commissioner Falletta, seconded by Council Person Kaufman. **Motion passed 5-0.**

Request 2. – Motion to approve as written by Council Person Kaufman, seconded by Commissioner Eslinger. **Motion passed 5-0.**

Request 3. – Motion to approve as proposed by applicant by Commissioner Eslinger, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 4. – Motion to accept design features 1, 2, 4, 6 with the caveat that if a sign is constructed at Greenhorn Drive it must be a monument sign constructed with upgraded materials including brick or stone, and 7 as proposed by applicant. Motion made by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 5. – Motion to approve as proposed by applicant by Commissioner Seybold, seconded by Council Person Kaufman. **Motion passed 5-0.**

Request 6. – Motion to approve as written by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 7. – Motion to approve as written by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 8. – Motion to table this Request until the Work Session to be held on September 20, 2012 by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 9. – Motion to approve as proposed by staff by Commissioner Eslinger, seconded by Council Person Kaufman. **Motion passed 5-0.**

Request 10. – Motion to approve as written by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 11. – Motion to approve as proposed by staff by Council Person Kaufman, seconded by Commissioner Falletta. **Motion passed 5-0.**

Request 12. – Motion to approve as proposed by staff plus three additional trees to be located at the southwest corner and three at the wingwall by Council Person Kaufman, seconded by Commissioner Eslinger. **Motion passed 4-1 (Latka dissenting).**

Conditions of Approval:

Motion to approve the conditions of approval as written unless previously modified above and with the exception of Condition 13, which is continued until the Work Session. Motion made by Commissioner Eslinger, seconded by Commissioner Falletta. **Motion passed 5-0.**

Acting Chairperson Latka steps out of the meeting, Commissioner Eslinger temporarily assumes the gavel.

APPROVAL OF MINUTES

Motion was made to approve the Minutes of the August 8, 2012 Public Hearing by Commissioner Falletta, seconded by Council Person Kaufman. **Motion passed 4-0 (Lucas and Burrer absent, Latka temporarily unavailable).**

Acting Chairperson Latka returns and reassumes the gavel.

OLD/NEW BUSINESS

2013 – 2017 Proposed Capital Improvement Plan Review and Approval. Report given by Sam Azad, Director of Finance. Mr. Azad explained that the proposed CIP is prepared as a part of the annual budget process. He further explained that the major concern is funding the projects in the current economic climate. He gave a brief overview of the Plan and answered questions. Motion was made to approve the Proposed Capital Improvement Plan by Commissioner Falletta, seconded by Commissioner Seybold. **Motion passed 5-0.**

SCHEDULE PUBLIC HEARING

The Public Hearing for September will convene on Wednesday, October 10, 2012 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for September will convene on Thursday, September 20, 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 7:05 p.m.

Respectfully submitted,

Attest:

Weston Burrer
Chairperson

Jeff M. Bailey, P.E.
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.