

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative

PUEBLO

Planning & Zoning Commission

Weston Burrer

Jeff Falletta

Brian Lucas

Raymond Seybold

REGULAR MEETING
City of Pueblo, Colorado
Wednesday, April 10, 2013 – 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 Jean Latka presiding.

Commissioners Present: Weston Burrer, Brandice Eslinger, Chris Kaufman, Jean Latka, and Raymond Seybold.

Commissioners Absent: Jeff Falletta and 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, Kelly Grisham, Planner; and Wade Broadhead, Planner.

Other Staff Present: Dan Kogovsek, City Attorney appeared for the Pueblo Springs Ranch Lariat Disconnection.

APPROVAL OF AGENDA

Motion was made by Commissioner Eslinger to approve the agenda, seconded by Council Person Kaufman. **Motion passed 5-0.**

PUBLIC HEARINGS AND ACTION

1. **Z-13-01 – Rezoning:** East Side Library. Rezone approximately 0.5 acres from B-2 to S-1, Governmental Use District.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to rezone the proposed Lot 1, East Side Library Subdivision, containing approximately 0.55 acres (23,958 square feet) to an S-1, Governmental Use District. The subject property is located at the northwest corner of East 7th Street and Monument Avenue. The applicant proposes to rezone the subject property from B-2, Subregional Business District to S-1, Governmental Use District to facilitate the construction

of the East Side Library. The property was previously the location of three (3) single family residential homes. These homes were recently demolished to allow for redevelopment of the property. This neighborhood is a mix of commercial and governmental uses, with neighborhood residential in the immediate vicinity; therefore, the proposed S-1 Zone District is consistent with the neighborhood. The S-1 zone district encourages community scale commercial services to provide the necessary day-to-day needs of residents within walking distance. The S-1 Zone District requires review and approval of lot size, coverage, lot area, and setbacks by the Planning and Zoning Commission. The proposed lot has a lot area of 0.55 acres (23,958 square feet) with not less than 119' lot width; therefore, the lot area and width provided are adequate for the proposed lot. Staff has determined that the property has the ability to comply with the proposed zone district. The S-1 Zone District also requires review and approval of the site plan by the Planning and Zoning Commission. The Development Plan Review, which must be submitted for review and approval of the site plan, will include 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 zoning map amendment be **APPROVED** with the following conditions of approval:

1. Prior to the issuance of a building permit 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 Planning and Zoning Commission must review and approve the Development Plan Review prior to the property being developed.
3. A Special Use Permit from CDOT will be required for the installation of an Information (I-8) Library Sign.

Unless otherwise noted, all conditions of approval must be addressed prior to the rezoning being recorded.

HEARING

Edward Fisher, Edward James Surveying, 4732 Eagleridge Circle, Pueblo, CO appeared and testified in favor of the application.

Jon Walker, Executive Director, Pueblo City-County Library District, 4216 Muirfield Road, Pueblo, CO appeared and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion was made by Council Person Kaufman to recommend approval of the proposed rezoning, seconded by Commissioner Seybold, with the following conditions:

1. Prior to the issuance of a building permit 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 Planning and Zoning Commission must review and approve the Development Plan Review prior to the property being developed.
3. A Special Use Permit from CDOT will be required for the installation of an Information (I-8) Library Sign.

Unless otherwise noted, all conditions of approval must be addressed prior to the rezoning being recorded.

Motion passed 5-0.

2. **S-13-01 – Subdivision:** East Side Library. Subdividing approximately 0.5 acres into one lot.

BACKGROUND

Staff report given by Kelly Grisham.

The subject property is located at the northwest corner of East 7th Street and Monument Avenue. The applicant is proposing to resubdivide a .55-acre parcel of land into one (1) lot, to facilitate the construction of the East Side Library.

RECOMMENDED ACTION

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

Request for Waiver from Requirements: None requested.

Requests for Modification to Requirements: None requested.

Plat Deficiencies: None.

Conditions of Approval:

1. All overhead electric lines, under 30kV must be undergrounded. The cost of this shall be included in the Subdivision Improvement Agreement prior to recording of the subdivision.
2. Show the size and location of all existing sanitary sewer service lines on the Supplemental Plan.

3. Old, existing service lines and taps located in East 7th Street and in North Monument Avenue shall have the corporation stops shut off at the water main, prior to issuance of a building permit, as per the Board of Water Works.

4. Prior to issuance of a building permit, identify on the drainage plan, the stabilization material, culvert for the pedestrian crossing at the Rain Garden Pond, and flowfill of the outfall pipe in the right-of-way. Provide a digital copy of the Preliminary Drainage Plan as per the Stormwater Department.

Unless otherwise noted, all conditions of approval must be completed prior to the case being scheduled for City Council hearing.

HEARING

Edward Fisher, Edward James Surveying, 4732 Eagleridge Circle, Pueblo, CO appeared and testified in favor of the application.

Jon Walker, Executive Director, Pueblo City-County Library District, 4216 Muirfield Road, Pueblo, CO appeared and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion was made by Commissioner Eslinger to recommend approval of the proposed subdivision, seconded by Council Person Kaufman, with the following conditions:

1. All overhead electric lines, under 30kV must be undergrounded. The cost of this shall be included in the Subdivision Improvement Agreement prior to recording of the subdivision.

2. Show the size and location of all existing sanitary sewer service lines on the Supplemental Plan.

3. Old, existing service lines and taps located in East 7th Street and in North Monument Avenue shall have the corporation stops shut off at the water main, prior to issuance of a building permit, as per the Board of Water Works.

4. Prior to issuance of a building permit, identify on the drainage plan, the stabilization material, culvert for the pedestrian crossing at the Rain Garden Pond, and flowfill of the outfall pipe in the right-of-way. Provide a digital copy of the Preliminary Drainage Plan as per the Stormwater Department.

Unless otherwise noted, all conditions of approval must be completed prior to the case being scheduled for City Council hearing.

Motion passed 5-0.

3. **S-12-07 – Subdivision:** Minnequa Industrial Park, Filing No. 4. A resubdivision of Lot 3, Minnequa Industrial Park, Filing No. 3, located south of 150 Greenhorn Drive.

BACKGROUND

Staff report given by Wade Broadhead.

The applicant is proposing to resubdivide a 37.74-acre parcel of land into three (3) lots, each over five (5) acres in size, to facilitate the construction of the PEWAG manufacturing facility. The proposed subdivision, as conditioned, will be compatible with the surrounding industrial uses and is in conformance with Comprehensive Plan designation of Employment Center – Light Industry Mixed. The proposed lot frontages range between 50 feet for the flag portion of Lot 2 to 2321 feet for Lot 3 and have lot areas ranging between 5 acres and 26.68 acres; therefore, the subject properties meet or 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 requested.

Requests for Modification to Requirements: The applicant is requesting a waiver to allow the existing overhead electric to remain above ground.

The Subdivision Review Committee has no objection to the waiver request. The existing 13.2KV overhead primary electrical lines are built onto the same support poles as a 69KV transmission line so undergrounding the 13.2KV line will be unnecessary given the fact the power poles will have to remain for the transmission line.

Plat Deficiencies: None.

Conditions of Approval: Provide an updated title commitment before the Ordinance moves to City Council review.

Unless otherwise noted, all conditions of approval must be completed prior to recording of the Plat.

HEARING

Joe Gagliano, 1740 Eagleridge Boulevard, Pueblo, CO appeared and testified in favor of the application.

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

C OMMISSION ACTION

Motion was made by Council Person Kaufman to recommend approval of the proposed subdivision, seconded by Commissioner Eslinger, with the following condition:

Provide an updated title commitment before the Ordinance moves to City Council review.

Motion passed 5-0.

4. **TA-13-02 – Text Amendment:** Home Occupations in Agricultural Zone Districts.

BACKGROUND

Staff report given by Wade Broadhead.

The proposed text amendment will amend the City's Municipal Code by allowing the Zoning Board of Appeals (ZBA) to authorize Special Use Permits for home occupations in the A-3 and A-4 Zone Districts. Currently all of the properties in residential zone districts allow citizens to apply to the ZBA for home occupations, but properties zoned agriculture cannot. Home occupations that do not have customers coming to the residence are categorized as Home Businesses and are approved administratively by Staff. Those businesses that have customers visiting the home are classified as Home Occupations and must apply to the ZBA for approval to guarantee neighborhood capability, parking, and other impacts. Numerous A-3 and A-4 properties in the City have characteristics of country residential/estate style lots with large acreage, but do not engage in farming or ranching. These areas tend to be adjacent to and function like regular single family residential lots in R-1 and R-2 Zone districts which are allowed to apply for Home Occupations. This text amendment would allow low level home businesses such as internet services to be conducted in the A-3 and A-4, or allow hair salons or massage therapists to open after review from the ZBA. The alternative to the text amendment could force residents to rezone, which would trigger compliance with numerous other development codes. Allowing the land to stay A-3 and A-4 would reserve the right to engage in limited farming or ranching activities and the ability to keep horses whereas rezoning to a residential district would not.

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.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion was made by Council Person Kaufman to recommend approval of the proposed text amendment, seconded by Commissioner Eslinger. **Motion passed 5-0.**

APPROVAL OF MINUTES

Motion was made to approve the Minutes of the February 13, 2013 Public Hearing by Commissioner Burrer, seconded by Commissioner Eslinger. **Motion passed 5-0.**

OLD/NEW BUSINESS:

A-13-01 – Pueblo Springs Ranch: Disconnect Lariat.

BACKGROUND

Staff report given by Kelly Grisham.

On October 22, 2007, the City of Pueblo entered into a “Warranty Deed and Right of Reversion” contract with Pueblo Springs Ranch LLC, a Nevada Limited Liability Company. Within Section 3. Right of Reversion it states that if the Pueblo Springs Ranch property (internal to the Lariat) is not annexed into the City of Pueblo by December 31, 2008, a “triggering event” will occur causing the City of Pueblo to disconnect the Lariat from the City. Since 2007, this contract has been modified five (5) separate times, changing the date of the “Triggering Event,” which essentially extended the deadline for annexation to January 31, 2013. The most recent modification approved by City Council, “Modification Agreement No. 5”, would have extended the deadline to January 31, 2014; however, Pueblo Springs Ranch, LLC, a Nevada Limited Liability Company, being one of the three current separate ownerships, did not sign the modification agreement, thus causing the “triggering event” to occur. Because “Modification Agreement No. 5,” which would have changed the date of the “Triggering Event” from January 31, 2013 to January 13, 2014, was not fully executed, the City of Pueblo is contractually required by the “Warranty Deed and Right of Reversion” to disconnect the “Lariat” from the City of Pueblo.

RECOMMENDED MOTION

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

In accordance with Section 1-3-1 of the Pueblo Municipal Code, the Official City Map and Journal shall be updated to remove the portion that was disconnected.

HEARING

The City of Pueblo is the applicant.

Frank Lauer, Attorney at Law, Pueblo, CO appeared and spoke in opposition to the disconnection of the Lariat.

Michael Cuppy, NorthStar Engineering, 111 East 5th Street, Pueblo, CO appeared and spoke in opposition to the disconnection of the Lariat.

Kent Kleiner, ARCUS Private Capital Solutions, LLC, 4915 E. Baseline Road, Suite 105, Gilbert, AZ appeared and spoke in opposition to the disconnection of the Lariat.

COMMISSION ACTION

Motion by Commissioner Eslinger to recommend extending the disconnection process for six months, thus delaying the triggering event from occurring. If the annexation does not occur within six months, then the disconnection of the Lariat shall occur per the Warranty Deed and Right of Reversion. The Motion was seconded by Commissioner Burrer. **Motion passed 5-0.**

SCHEDULE PUBLIC HEARING

The Public Hearing for May will convene on Wednesday, May 8, 2013 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for April will convene on Thursday, April 18, 2013 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 4:42 p.m.

Respectfully submitted,

Attest:



Jean Latka
Chairperson
Brandice Eslinger
Co-Chair



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.