

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative

PUEBLO

Planning & Zoning Commission

Weston Burrer

David Webb

Brian Lucas

Raymond Seybold

REGULAR MEETING
City of Pueblo, Colorado
Wednesday, August 14, 2013 – 3:30 p.m.
City Council Chambers – 301 West B Street

Minutes

MEETING CALLED TO ORDER

The meeting was called to order at 3:35 p.m. with Chairperson Jean Latka presiding.

Commissioners Present: Weston Burrer, Brandice Eslinger, Chris Kaufman, Jean Latka, Brian Lucas, Ray Seybold, and David Webb.

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; Wade Broadhead, Planner; and Katie Carleo, Planner.

APPROVAL OF AGENDA

Motion was made by Commissioner Lucas to amend the agenda to combine items Z-13-05 and S-13-08, and V-13-04 and S-13-09 for purposes of the public hearing. Motion seconded by Commissioner Eslinger. **Motion passed 7-0.**

PUBLIC HEARINGS AND ACTION

1. **Z-13-05 – Rezoning:** Gruma Subdivision. Rezoning 3.29 acres from I-2 and B-4 to B-4 and S-1. Generally located at Santa Fe Avenue and Gruma Drive.

BACKGROUND

Staff report given by Wade Broadhead.

The subject property is located in Downtown Pueblo, directly south of the Spring Hill Suites Hotel. The applicant proposes to rezone the subject property from B-4, Regional Business District and I-3, Heavy Industrial District to B-4 on Lot 1 and S-1 for Parcel C, Gruma Drive. The proposed action would eliminate heavy industrial zoned land near Downtown revitalization efforts and potential future extensions of Pueblo's Riverwalk. The rezoning and concurrent subdivision will clean up aging land arrangements for a more modern redeveloping Downtown by allowing Lot 1 to be developed and making Gruma Drive, which already acts as a City street (but not a *dedicated* Right-of-Way) to be zoned appropriately.

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** without conditions.

HEARING

Laurie Clark, Clark Engineering, 6821 Highway 78 West, Pueblo, CO appeared on behalf of the applicant and testified in favor of the proposed 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 approve the proposed rezoning, seconded by Commissioner Lucas. **Motion passed 7-0.**

2. **S-13-08 – Gruma Subdivision:** a one lot one parcel 3.29 acre subdivision generally located at Santa Fe Avenue and Gruma Drive.

BACKGROUND

Staff report given by Wade Broadhead.

The applicant is proposing to subdivide a 3.29 acre parcel of land into one lot and one parcel. The intent is to sell the lot for future development and provide a parcel for any planned development in the future while maintaining roadway access. The subdivision will not close or reduce access through Gruma Drive (Parcel C). Gruma Drive will be used for ingress, egress, and drainage purposes. Pueblo Urban Renewal Authority (PURA) has not dedicated the road as a right-of-way because it is identified in the long range plans as a Special Development Area that may change due to expansions of the Riverwalk or other developments. Finally, PURA will install landscaping near Santa Fe Drive after the completion of this subdivision.

RECOMMENDED ACTION

The Subdivision Review Committee, at their July 31, 2013 meeting, recommended that the requested Subdivision be **APPROVED** with the following noted:

Request for waiver from requirements: The applicant has requested a waiver from the requirement to underground the existing electric power lines that serve neighboring residences.

SRC recommended approval of the waiver to keep overhead power lines at the July 31, 2013 SRC meeting.

HEARING

Laurie Clark, Clark Engineering, 6821 Highway 78 West, Pueblo, CO appeared on behalf of the applicant and testified in favor of the proposed application.

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion by Council Person Kaufman to approve the proposed subdivision with the requested waiver from the requirement to underground existing electric power lines, seconded by Commissioner Lucas. **Motion passed 7-0.**

3. **V-13-04 – Vacation:** Street and Easement Vacation. Lomita Drive, Bandera Place, Delicias Place and Drainage and Public Utility Easements.

BACKGROUND

Staff report by Kelly Grisham.

The applicant is requesting to vacate the drainage and public utility easement located within a portion of Block 4 and all of Block 5, of the Pueblo Del Sol, Amended, except the 10' drainage and utility easements located along the rear of Block 4. The applicant is proposing to construct a church on the subject property. The proposed structure would be constructed over many of the existing lots, streets, and easements; therefore, necessitating a subdivision (S-13-09), and the vacation of the streets and easements. Pueblo Del Sol was platted in June 1998 and amended in November 2005. At the time, the subdivision included 153 single family residential lots. The applicant is now requesting to merge 47 of those lots into one (1) lot to facilitate the construction of the church. Because the lots are being combined into a single lot, the streets and easements are no longer necessary, and it impedes the ability for the applicant to construct the building. Currently, only Comcast has plant (facilities and/or lines) that are located in the utility easement. None of the drainage easements are being used for stormwater conveyance.

RECOMMENDED ACTION

Staff recommends that the Vacation be **APPROVED** with the following conditions:

1. The applicant must confer with Comcast utility to provide a letter of support of the vacation prior to the vacation being scheduled for City Council. Comcast has plant in the utility easements, which must be relocated prior to vacating.

2. The applicant must be granted a special use permit for a church in the R-1 Zone District from the Zoning Board of Appeals prior to being scheduled for City Council.
3. Prior to recording the vacation, show the length of the vacated easement between Lots 18 & 19, Block 4.

HEARING

Mike Cuppy, NorthStar Engineering, 111 East 5th Street, Pueblo, CO appeared on behalf of the applicant and testified in favor of the proposed application.

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion by Council Person Kaufman to approve the proposed vacation, seconded by Commissioner Eslinger, with the following conditions:

1. The applicant must confer with Comcast utility to provide a letter of support of the vacation prior to the vacation being scheduled for City Council. Comcast has plant in the utility easements, which must be relocated prior to vacating.
2. The applicant must be granted a special use permit for a church in the R-1 Zone District from the Zoning Board of Appeals prior to being scheduled for City Council.
3. Prior to recording the vacation, show the length of the vacated easement between Lots 18 & 19, Block 4.

Motion passed 7-0.

4. **S-13-09 – Subdivision:** Pueblo Del Sol Filing No. 2 Subdivision. A 12.91 acre, one lot subdivision of Block 5 and a Portion of Block 4 in Pueblo Del Sol, Amended, Generally Located North of Delicias Drive and west of Bandera Boulevard.

BACKGROUND

Staff report given by Kelly Grisham.

The applicant is requesting to resubdivide the 12.91-acre (562,359 square foot) property into one (1) lot. The subject property is located at the northwest corner of Bandera Boulevard and Delicias Drive, adjacent to the rear of the Imperial Memorial Gardens Cemetery. The applicant is proposing to resubdivide the 12.91-acre parcel of land into one (1) lot, to facilitate the development of a church campus. The applicant has also submitted a request for a special use permit to allow the use of a church and religious building in an R-1 Zone District.

Pueblo Del Sol was platted in June 1998 and amended in November 2005. At the time, the subdivision included 153 single family residential lots. The applicant is now requesting to merge 47 of those lots into one (1) lot to facilitate the construction of the church. The applicant is proposing to amend the original Subdivision Improvements Agreement (SIA) phasing plan, to allow the construction on the proposed lot prior to construction of the remainder of the residential lots. The requirements of the original SIA will still be in effect with this development. Also, as conditioned, the project will be required to construct the sidewalk and landscaping on the west side of Bandera Boulevard, from the southern edge of the subdivision to Northern Avenue. This sidewalk and landscaping will be an important access route connecting the project to the neighborhoods to the north and east.

RECOMMENDED ACTION

The Subdivision Review Committee, at their July 31, 2013 meeting, recommended 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. Provide statement of authority from Legacy Bank.
2. Address all liens on the property prior to application being scheduled for City Council. *This condition has been addressed; therefore, staff requested that it be removed.*
3. Construction of the sidewalk and landscaping on the west side of Bandera Boulevard from the subdivision to Northern Avenue must be included in the Subdivision Improvement Agreement.
4. Special Use Permit for a church in the R-1 Zone District must be approved by the Zoning Board of Appeals prior to application being scheduled for City Council.

HEARING

Mike Cuppy, NorthStar Engineering, 111 East 5th Street, Pueblo, CO appeared on behalf of the applicant and testified in favor of the proposed 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 approve the proposed subdivision, seconded by Commissioner Lucas, with the following modified conditions:

1. Provide statement of authority from Legacy Bank.

2. Construction of the sidewalk and landscaping on the west side of Bandera Boulevard from the subdivision to Northern Avenue must be included in the Subdivision Improvement Agreement.
3. Special Use Permit for a church in the R-1 Zone District must be approved by the Zoning Board of Appeals prior to application being scheduled for City Council.

Motion passed 7-0.

5. **S-13-05 – Subdivision:** Bowen Subdivision. A 2.61 acre, one lot resubdivision of a portion of Lot 2, Ormandale Subdivision, generally located at 2011 Acero Avenue, just south of Lakeview Avenue.

BACKGROUND

Staff report given by Katie Carleo.

The applicant is requesting to re-subdivide of a portion of Lot 2, Ormandale Subdivision. The subject property is located near the intersection of Lakeview Avenue and Acero Avenue. The applicant is proposing to resubdivide a single lot into two (2) lots, to facilitate potential construction and development of a storage facility. Specifics of the structure have not been submitted as part of the subdivision, but will be required to be submitted for review and approval by the Department of Planning and Community Development, prior to a building permit being issued.

The property is currently largely undeveloped with two (2) small single family residential homes existing. The property is zoned I-2 and is mainly surrounded by residential and business zone districts. The property was annexed into the City in 1972 along with a large agricultural area near the site. This neighborhood is a mix of commercial, residential, and light industrial uses, the proposed subdivision and use is consistent with the neighborhood. The integration of a storage facility in the area will meet existing regulations and is not inconsistent with the Comprehensive Plan designation of “High Density Residential. The lot area and width provided are adequate for the proposed lot. This property has the ability to comply with the current zone district.

RECOMMENDED ACTION

The Subdivision Review Committee, at their July 24, 2013 meeting, recommended that the requested Subdivision be **APPROVED** with the following noted:

Request for Waiver from Requirements: The applicant has requested a waiver from the requirement to underground existing electric power lines that serve a neighboring apartment residence.

SRC recommended approval that existing overhead service lines along the southern property boundary may remain overhead at the June 24, 2013 SRC meeting.

Requests for Modification to Requirements: None requested.

Plat Deficiencies: None.

Conditions of Approval:

1. The house reserved for the watchman or caretaker will require a Special use Permit from the Zoning Board of Appeals and the resident must be employed by the storage company. (Must be obtained prior to occupancy.)
2. A landscape buffer will be required along the southern property line adjacent to the apartments. (Prior to issuing building permit.)
3. The dimension of the easterly line of Lot 2 needs to be shown on final mylars. (Prior to scheduling for City Council agenda.)
4. Plat to show facilities for water quality and stormwater detention in drainage/detention easements. (Prior to scheduling for City Council agenda.)

HEARING

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

No one spoke in opposition to the application.

Chairperson Latka closed the hearing and requested a motion.

COMMISSION ACTION

Motion by Commissioner Webb to approve the proposed subdivision with the requested waiver from the requirement to underground existing electric power lines, seconded by Council Person Kaufman, with the following conditions:

1. The house reserved for the watchman or caretaker will require a Special use Permit from the Zoning Board of Appeals and the resident must be employed by the storage company. (Must be obtained prior to occupancy.)
2. A landscape buffer will be required along the southern property line adjacent to the apartments. (Prior to issuing building permit.)
3. The dimension of the easterly line of Lot 2 needs to be shown on final mylars. (Prior to scheduling for City Council agenda.)
4. Plat to show facilities for water quality and stormwater detention in drainage/detention easements. (Prior to scheduling for City Council agenda.)

Motion passed 7-0.

6. **TA-13-03 – Text Amendment:** An Ordinance Amending Chapter 4 of Title XVII of the Pueblo Municipal Code Relating to Front Yard Setbacks in the B-3 and O-1 Zone Districts when Adjacent to an Expressway.

BACKGROUND

Staff report given by Kelly Grisham.

The original 1968 Zoning Ordinance did not include the B-3 Zone District, just the B-1, B-2 and B-4 business zone districts. In 1974 the B-3, Highway and Arterial Zone District was added to provide areas along highways and arterial streets for the location of business and services. The B-3 required a 25' front yard setback, which gets increased to 75' if the parcel is adjacent to an "expressway." The intent of the 75' setback from expressways was to facilitate roadway widening should it become necessary to do so in the future. At the time, CDOT was utilizing frontage roads, which required 50' of right-of-way and the remainder 25' for the setback. Now that CDOT is no longer utilizing frontage roads along their highways, the need for the 75' setback to provide expansion room for the highways is no longer necessary. With the increased 75' setback along expressways removed, the standard 25' front yard setback will remain.

RECOMMENDED ACTION

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

HEARING

The City of Pueblo is the applicant. No one else spoke in favor of the proposed 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 approve the proposed text amendment, seconded by Commissioner Webb. **Motion passed 7-0.**

APPROVAL OF MINUTES

Motion was made to approve the Minutes of the July 10, 2013 Public Hearing by Council Person Kaufman, seconded by Commissioner Seybold. **Motion passed 7-0.**

OLD/NEW BUSINESS:

Council Person Kaufman requested that a presentation by Business Assistance be scheduled for a Work Session. Kelly Grisham will contact Kristi Alfonso to schedule a date and time.

SCHEDULE PUBLIC HEARING

The Public Hearing for September will convene on Wednesday, September 11, 2013 at 3:30 p.m. in the City Council Chambers.

SCHEDULE WORK SESSION

The Work Session for August will convene on Wednesday, August 28, 2013 at 3:30 p.m. in the Planning Conference Room, 211 East D Street.

ADJOURN

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

Respectfully submitted,

Attest:



Jean Latka
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.