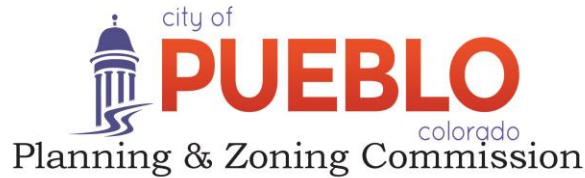


Mike Castellucci
Chair

Patrick Avalos
Vice Chair

Bob Schilling
City Council Representative



Christopher Pasternak

Alexandra Aznar

Elizabeth Bailey

Cheryl Spinuzzi

MINUTES OF REGULAR MEETING

City of Pueblo, Colorado

Wednesday, September 8, 2021 – 3:30 p.m.

City Council Chambers, 1 City Hall Place

Join Zoom Meeting online:

<https://pueblo.zoom.us/j/92717867722?pwd=WUdnaHVGbnlCdHRrUHNFZnpPWG1Ydz09>

Join Zoom Meeting by phone:

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

Online and phone Meeting ID and Password:

Meeting ID: 927 1786 7722

Passcode: 195462

MEETING CALLED TO ORDER

The meeting was called to order at 3:35 p.m. with Commissioner Castellucci presiding.

The meeting was held at City Council Chambers, 1 City Hall Place, commissioners, applicants, and the public participated in person and via Zoom.

Commissioners Present: Mike Castellucci, Patrick Avalos, Cheryl Spinuzzi, Bob Schilling, Alexandra Aznar, and Lisa Bailey.

Commissioners Absent: Christopher Pasternak

Staff Members Present: Dan Kogovsek, City Attorney; Scott Hobson, Acting Director for Department of Planning and Community Development; Beritt Odom, Principal Planner; Chelsea Stromberg, Senior Planner; and Joe Martellaro, Associate Engineer II

APPROVAL OF AGENDA

A Motion was made by Bailey to approve the agenda, Seconded by Schilling.

Motion passed 6-0.

PUBLIC MEETING ACTION

Regular Agenda

1. A-21-01: Annexation of approximately 18.2-acres into the city to facilitate the construction of multi-family residential development.

Staff report by Beritt Odom, Principal Planner

An annexation petition was filed by Emery Chukly to annex 18.2 acres located east of N. Pueblo Blvd. and south of W. 31st Street. The purpose of the annexation is to provide a location for future multifamily residential development. The applicant is proposing to zone the property as A-1, Agricultural One, as an interim zoning classification until the time of development. An application for rezoning to City A-1 was submitted and is scheduled to be reviewed by the Planning Commission on October 13, 2021. The A-1, interim zoning following annexation, is allowed by section 17-1-3, (e), of the Pueblo Municipal Code. According to the code, the annexation agreement may allow an A-1, Zone District for a specified period of time and no building permits may be issued while zoned A-1. The proposed annexation agreement allows for the A-1 zone district to continue for not more than 10 years and prohibits building permits from being issued until the property is rezoned to a zone district that is consistent with the Pueblo Comprehensive Plan.

Following annexation, Mr. Chukly proposes to rezone a portion of the annexation site to R-5, Mixed Residential and Office District. The annexation site will then be subdivided into two lots facilitating a two-phase, market rate multifamily residential development. It is anticipated that lot 1, the first phase of development, will be zoned R-5, leaving lot two zoned as A-1 until phase II development commences.

Comprehensive Plan Compliance:

The amended "**2001 Pueblo Regional Development Plan**" designates the proposed annexation property as Urban Residential.

Urban Residential neighborhoods are found predominately within the city limits of Pueblo and the urbanizing areas in the City's immediate periphery. Examples include Mesa Junction, Eastside, Bessemer, Northside, Aberdeen, State Park, and Hyde Park. They are generally located on a grid roadway network that interconnects a large portion of the urban area. Development in these Urban Neighborhoods is typically at densities of 4 to 7 units per acre and often reflects the traditional urban residential layout used in the early development of Pueblo. As the City of Pueblo expands to the north, south and southwest, a continuation of these Urban Residential Areas should be continued. Interconnected neighborhoods, sanitary sewer, and neighborhood parks should be an integral part of the development.

The proposed multifamily residential development is appropriate within the Urban Residential land use classification, which allows for high density residential development.

STATUTORY REQUIREMENTS WHICH EXIST FOR ANNEXING PURPOSES (Colorado Revised Statutes)

1. **Section 31-12-104** –That not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous to the existing City limits (contiguity may be established by the annexation of one or more parcels in a series, which may be completed simultaneously and considered together for the purposes of the public hearing). The municipality boundaries shall not be extended more than three miles in any direction from any point of such municipal boundary in any one year.

The proposed annexation totals 18.2 acres. The required one-sixth (1/6) contiguity of the area proposed to be annexed is established on the Annexation Plat and meets the requirement for annexation. All of the property is within three miles of the existing city limits.

2. Section 31-12-105[1]-[e] – The municipality shall have a three-mile annexation plan which is updated on an annual basis. The proposed development should be compatible with this plan.

The City of Pueblo adopted the updated “City of Pueblo 3-Mile Annexation Master Plan for the Year 2021” on March 8, 2021.

3. Section 31-12-108.5- An Annexation Impact Report is required for all annexations over ten acres. A report was submitted to the Planning and Community Development Department. The content of the report fulfills the statutory requirements; however, a map containing the items listed below must be submitted to the Department prior to City Council Review:
 - a. The present and proposed boundaries of the municipality in the vicinity of the proposed annexation;
 - b. The present streets, major trunk mains, sewer interceptors and outfalls, other utility lines and ditches, and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation;
 - c. The existing and proposed land use patterns in the areas to be annexed.

CITY OF PUEBLO ANNEXATION REQUIREMENTS:

- a) The proposed annexation must be a logical extension of the City’s boundary and municipal services.

The proposed annexation requires the extension of the City wastewater system, Board of Water Works domestic water, and the provision of police and fire services. Based on the comments received from City staff, the proposed annexation appears to be a logical extension of the City’s boundary and municipal services.

- b) The property shall be zoned and subdivided in conformity with the Code of Ordinances for the City of Pueblo.

The applicant has applied to zone the property as A-1, Agricultural One as an interim zoning classification. Prior to development, the applicant will rezone the development area to R-5 and subdivide accordingly.

- c) The petitioner shall dedicate land and rights of way for public uses and facilities required by the City.

The dedication of land and rights of way for roads and utility lines will be completed at the time of subdivision.

- d) The petitioner shall comply with all applicable requirements of the City of Pueblo’s Public Works Department and other City utility companies for the installation of mains, lines, stations, or other utility facilities.

The petitioner will be required to comply with the City’s Code of Ordinances for any subdivision of the property.

MOTION: Motion to recommend approval of the Pueblo Springs Apartments Annexation made by Bailey, second by Commissioner Schilling.

MOTION PASSED 6-0

PUBLIC HEARING AND ACTION:

2. **Z-21-09 Rezone: 200 Vision Lane Tom’s Auto Salvage: approximately 30,487 square feet from B-3 to I-2 Industrial Zone District.**

Staff report by Chelsea Stromberg, Senior Planner

ANALYSIS:

The applicant is seeking to rezone 200 Vision Lane to institute a salvage yard business. The rezoning site is located in the eastern portion of the city approximately one half-mile west of the Highway 47 and 50 Bypass interchange. The area was annexed into the city and subdivided in 1981. The property is currently undeveloped and zoned B-3, Highway and Arterial Business District. The Pueblo Comprehensive Plan designation of the property is Arterial Commercial Mixed Use and adjacent designations include Employment Center, Light Industry Mixed Use to the west and Urban Residential to the east. Despite the Comprehensive Plan designation, which focuses on retail and service enterprises, existing development along Vision Lane is primarily industrial consisting of salvage yards and aggregate suppliers. The Annual Average Daily Traffic (AADT) count is 7,700 on East 4th Street just to the west of Vision Lane, and the AADT is 7,000 on East 4th Street to the east of Vision Lane. This data indicates that the majority of traffic is through traffic. The adjacent parcel, to the north of the rezoning site, northern property line of 200 Vision Lane remains undeveloped and zoned B-3.

A Special Use Permit is required for the proposed salvage yard use. The applicant submitted an application for a Special Use Permit to the Zoning Board of Appeals for 200 Vision Lane and the Special Use Permit is scheduled to be heard on September 27, 2021. Planning Staff recommends that approval of the Special Use Permit be conditioned on the successful rezoning of Lot 4, Block 1, Trinity Subdivision to an I-2 Zone District.

The applicant is also the owner and operator of Tom’s Auto Salvage located north of the rezoning site at 300 Vision Lane. Tom’s Auto Salvage received a Special Use Permit in 2017. Tom’s Auto Salvage expanded south, to Lots 1 and 2, Block 1, Trinity Subdivision in 2018, which required the applicant to rezone the two lots from B-3 to I-2 and receive another Special Use Permit for a salvage yard use. The proposed rezoning to I-2 will facilitate another expansion of Tom’s Auto Salvage; however, the proposed expansion is disconnected from the established business by Lot 3, Block 1, Trinity Subdivision, which remains unimproved and zoned B-3.

Neighborhood Compatibility:

North	B-3, Arterial Commercial Mixed Use
East	S-3, Floodplain District and R-5, Mixed Residential and Office District
South	S-3, Floodplain District.
West	I-2, Pueblo County Industrial District.

The surrounding neighborhood is an eclectic mixture of zone districts, the land to the west is zoned County I-2 and is home to an aggregate supplier. East of the site is a substantial natural drainage arroyo that is zoned S-3 Floodplain District with unimproved R-5, Mixed Residential and Office

District east of the arroyo. Development of the property within an I-2 is subject to district performance standards to maintain neighborhood compatibility. Operating a salvage yard is subject to annual licensing and performance standards.

Comprehensive Plan Compliance:

The project site has been designated by the Comprehensive Plan as “Arterial Commercial Mixed Use.” While the Comprehensive Plan designation of Arterial Commercial Mixed Use area notes that the primary focus of these areas is retail sales and personal services and some office space, this land use category does not prohibit any compatible land use other than heavy industrial uses. A salvage yard as an intended use will not include industrial processes that emit significant smoke, noise or odors or handle hazardous materials. Though the Salvage Yard use is not consistent with the Comprehensive Plan, the intended use appears to be compatible with adjacent land uses such as Rockworx Aggregate Supplier, and C&E Used Auto Parts Salvage Yard.

Minimum lot size and area:

- I-2 Zone District requires a minimum of 10,000 square foot of lot area, with a minimum of 50-foot-wide street frontage.
- **The lot meets the minimum standards; Lot area is 30,487, frontage is 145 feet.**

Lot coverage:

- The I-2 Zone District allow a maximum lot coverage of 100%.
- **There are no proposed structures**

Maximum height:

- The I-2 Zone District allows unlimited maximum building height, provided there are additional setbacks for structures over 35 feet in height.
- **There are no proposed structures.**

Setbacks:

- The I-2 Zone District require the following setbacks:
 - Front – 0 feet
 - Side – 0 feet (5 if adjacent to residential or special zone)
 - Rear – 0 feet (15 if adjacent to residential or special zone)
- **There are no proposed structures**

RECOMMENDED MOTION:

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the request for rezoning be approved with the condition that the applicant receive approval from the Zoning Board of Appeals for a Special Use Permit to operate a Salvage Yard.

HEARING:

Austin Steir, 300 N. Vision Lane, Pueblo, CO appeared and testified in favor of the application.

No one spoke in opposition

COMMISSION ACTION:

Motion to recommend approval of the rezoning with staff condition recommended by staff made by Commissioner Bailey, second by Commissioner Schilling.

MOTION PASSED 6-0

3. Z-21-10 Rezone Parcels 0536428018, 0536428019, 0536450004, approximately 2.12 acres generally located south of the Union Avenue Bridge and south-west of East B. Street, From I-3 and HB to B-4, Central Business District

Staff report by Chelsea Stromberg, Senior Planner

The applicant is seeking to rezone the subject parcels to facilitate the development of Phase II of the Fuel and Iron project, Phase I of the project is the redevelopment of the Holmes Hardware Building. Phase II includes: the development of a new multifamily housing and child-care building on the eastern portion of the property, a community garden on the southern portion of the property, and two performance spaces, one in the building to the south of the Holmes Hardware building, and one under the Main Street bridge. A significant portion of the subject property will also be used for parking as part of the requirements for Phase I of the development.

STAFF REVIEW AND FINDINGS:

The subject property is generally located south of B street to the west of the Union Avenue bridge and to the east of the Main Street bridge. The site is bounded by the rail yard to the south which has various train activity daily. Several of the proposed uses; community garden, auditorium, parking, are allowed under the current zoning, however, multifamily residential and childcare centers are not allowed in the I-3 Zone District. Under the proposed B-4 Zone District, all proposed uses are allowed by right with the exception of the multifamily residential for which the applicant would seek a Special Use Permit through the Zoning Board of Appeals.

Site Character:

Parcel B is currently developed with a 4,896 square foot building and extends under the Union Avenue bridge. Parcel C is currently developed with a 2,479 square foot building and extends under the Main Street bridge. Parcel D is undeveloped.

Neighborhood Compatibility:

North	I-2, Industrial District
East	I-2, Industrial District
South	I-2, Industrial District
West	HB, Historic Business District

The surrounding neighborhood is mostly zoned I-2, except that an R-5 Mixed Residential and Office District is buffered by an S-3 Floodplain District and is mostly undeveloped with some industrial storage uses. Development of the property within an I-2 is subject to district performance standards to maintain neighborhood compatibility. Operating a salvage yard is subject to licensing performance standard. This location is within the Pueblo Urban Service Area that is within 1,000 feet on each side of the City's corporate limits; this application will be referred to the Pueblo County Department of Planning and Development in accordance with an intergovernmental agreement.

Comprehensive Plan Compliance:

The project site has been designated by the Comprehensive Plan as "Urban Mixed Use" which consists of offices, retail, higher-density residential and public uses. Retail uses are emphasized on

the first floor of all buildings to maintain a high pedestrian activity level. Office and residential apartments are encouraged on the upper floors in multi-story buildings. The proposed development appears to be consistent with the Comprehensive Plan while simultaneously reducing the amount of industrial zoned land, which, while historically compatible with the adjacent train uses, is incompatible with the Comprehensive Plan.

Staff has determined that the intended use is compatible with the Comprehensive Plan.

Minimum lot size and area:

- B-4 Zone District requires a minimum of 5,000 square foot of lot area, with a minimum of 50-foot-wide street frontage.
- **Parcel B meets the minimum standards; Lot area is 40,075, frontage is 70 feet.**
- **Parcel C meets the minimum standards; Lot area is 30,056, frontage is 160 feet.**
- **Parcel D meets the minimum standards; Lot area is 16,988, frontage is 197 feet.**

Lot coverage:

- The B-4 Zone District allow a maximum lot coverage of 100%.
- **There are no proposed structures**

Maximum height:

- The B-4 Zone District allows unlimited maximum building height, provided there are additional setbacks for structures over 35 feet in height.
- **There are no proposed structures.**

Setbacks:

- The B-4 Zone District require the following setbacks:
 - Front – 0 feet
 - Side – 0 feet (5 if adjacent to residential or special zone)
 - Rear – 0 feet (15 if adjacent to residential or special zone)
- **There are no proposed structures**

RECOMMENDED ACTION:

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the request for rezoning be approved.

HEARING:

Nathan Stern, 400 S. Union (applicant) and Mike Cuppy, NorthStar Engineering, 111 E. 5th Street appeared and testified in favor of the application.

No one spoke in opposition

DISCUSSION:

Commissioner Spinuzzi asked about how the developer would guarantee that the planned amenities and childcare would be secured from the rail yard? Nathan Stern replied that it is in his best interest to make sure that the development would be fenced and secured from the rail yard.

Commissioner Aznar asked if the development would provide pedestrian access to the Union Avenue Bridge? Mr. Stern stated that there is a staircase that connects the planned community garden and event space to the Union Avenue Bridge.

Motion to recommend approval of the rezoning made by Commissioner Schilling, second by Commissioner Bailey.

MOTION PASSED 6-0

- 4. Z-21-11 Rezoning North Vista PUD: Amendment to the North Vista Master Plan, Planned Unit Development, Pueblo Colorado, relating to the 1,186.48-acre property located north of Vision Hills Parkway and east of Overton Road.**

Staff report by Beritt Odom, Principal Planner

BACKGROUND AND REVIEW:

The applicant is requesting approval of the North Vista Master Plan, Planned Unit Development Guide, Addendum #1, relating to the 1,186-acre property located north of Vision Hills Parkway and east of Overton Road. The proposed addendum, modifies two sections of the North Vista Master Plan, Planned Unit Development, First Amendment to allow the North Vista Highlands Metropolitan Districts 1-5 to enforce the Declaration of Covenants, Conditions, and Restrictions; reduces the required amount of living ground cover within tree lawns; and allows utility cabinets to be screened with “appropriate materials.”

A North Vista Highlands Community Association (property owners association) was created prior to the first subdivision within the North Vista PUD Zone District, as required by the PUD Development Guide and Municipal Code to provide for continued maintenance and protection of all community spaces. The association was formed according to the recorded Declaration of Covenants, Conditions and Restrictions and was responsible for the enforcement and management of the recorded covenants.

The North Vista Highlands Metropolitan Districts 1-5 were created in 2018 for the purpose of developing and maintaining public improvements within the North Vista Highlands community. According to Founder, David Resnick, having metro districts and a Community Company created unnecessary costs for the residents of the North Vista Community. Because of this, the property owners voted to terminate the Community Company and transfer the management and enforcement of the Declaration of Covenants, Conditions and Restrictions to the North Vista Highlands Metro Districts on July 9, 2021.

The amended North Vista PUD includes provisions for the continued maintenance and protection of community spaces to be provided by either a property owners association or the metro district, except for Section 4.4, which specifically states that the Master Property Owners Association is responsible for the “ongoing upkeep and maintenance of any privately owned common grounds, structures, signs, etc.” The proposed addendum modifies this section to transfer management authority of community spaces to the metro districts. The Declaration of Covenants, Conditions and Restrictions were modified to reflect this change and were recorded with the Pueblo County

Clerk and Recorder on July 13, 2021. A copy of the restated covenants is on file in the City of Pueblo Planning and Community Development Department.

The proposed Addendum #1 also modifies Section 6.4.4, b., and c. of the amended North Vista PUD Development Guide to promote conservation of water resources by allowing flexibility in landscape design that encourages less water intensive landscape plantings. Modified Section 6.4.4, b., reduces the required amount of living ground cover in tree lawns by 50-percent, resulting in a 25-percent minimum living ground cover requirement. Section 6.4.4, c., is modified to allow service areas and utility cabinets to be screened from view by “appropriate materials” as opposed to previously required “appropriate plant materials.” According to the Founder, both changes will promote landscape design that allows for low water use.

RECOMMENDED MOTION:

Staff recommends the Planning and Zoning Commission make the necessary findings of fact to forward a recommendation to City Council that the request for rezoning be Approved.

HEARING:

David Resnick, Founder, and applicant, 3819 Broadview Place, Castle Rock, CO appeared testified in favor of the application.

Opposition:

John Millea, 5 Kalanchoe Ct., Pueblo, CO, stated that he did not wish to testify in direct opposition, however, he had questions regarding the development and Master Plan. Mr. Millea asked where he could locate a copy of the approved North Vista Planned Unit Development Master Plan?

Principal Planner, Beritt Odom, stated that we have a recorded copy of the Master Plan that can be reviewed at the Planning office, or that she could email the master plan to Mr. Millea.

Mr. Millea stated that he has concerns about the covenants that would ensure the upkeep and maintenance of community areas and yards of residential properties. Mr. Millea asked who the property owners are that voted to discontinue the property owner’s association? Mr. Millea then asked what a metropolitan district is? Scott Hobson, Acting Director, Planning and Community Development explained metropolitan districts.

Jack Jargowsky, 4810 Pollo Ct., Pueblo, CO, asked about the proposed reduction in impervious area proposed with the addendum. Mr. Jargowsky stated that he is experiencing a lot of stormwater run off this year from the North Vista development to the north. Beritt Odom, stated that the addendum reduces the amount of living ground cover that is required in the tree lawns, but does not reduce impervious area. Trees and living ground cover are still required in the tree lawns therefore, impervious surface is not reduced.

Remaining questions from Mr. Jargowsky were related to the previously approved subdivisions in the North Vista development.

Elizabeth Skewes, 4807 Jasmine Cr., Pueblo, CO, stated that she has concerns about reducing the amount of impervious surface. Beritt Odom cited the North Vista PUD requirements for tree lawns that state that the tree lawn will not be pervious.

COMMISSION ACTION:

Motion to approve by Bailey, second by Schilling.

MOTION PASSED 5-1 (Avalos dissenting)

APPROVAL OF MINUTES

Approval of the minutes for the Planning and Zoning Commission Public Hearing held on August 11, 2021. Motion by Bailey, second by Schilling.

MOTION PASSED 6-0

OLD/NEW BUSINESS

- i. SD-21-01 Pastora Ranch Metropolitan Districts 1-3
- ii. SD-21-02 Pikes Peak Park Metropolitan Districts 1-5
- iii. SD-21-03 Villa Bella Metro District

Scott Hobson, Acting Director of Planning and Community Development gave an overview of the proposed metropolitan districts that will be reviewed by City Council.

ADJOURN

There being no further business the Regular Meeting was adjourned at 5:13 p.m.

Respectfully submitted,

Attest:

Mike Castellucci
Chairperson

Scott Hobson
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.