

AMENDED MEMORANDUM TO LAND USE AGENDA

PUEBLO BOARD OF COUNTY COMMISSIONERS

SEPTEMBER 13, 2017

9:00 A.M.

COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET

*(The Record: The Planning Department staff report and the application submitted by the applicant for each agenda item and any supplemental information distributed by staff at the meeting are automatically incorporated as part of the Record unless specific objections are raised and sustained at the public hearing. Any additional materials used by the applicant or others in support of or in opposition to a particular agenda item may, at the discretion of the person or entity using the materials, be submitted for inclusion in the Record. Such materials for which a request for inclusion in the Record is made shall, at the discretion of the administrative body, be made a part of the Record. Note: Any materials including documents and/or instruments submitted for inclusion in the Record and admitted by the administrative body must be left with the Clerk.)*

ZONING BOARD OF APPEALS' CONSENT ITEMS:

*The Consent Agenda contains items for which staff is recommending approval and as of the publication of the agenda, there was no known opposition and the applicant(s) are in agreement with staff's recommended conditions of approval. Staff will present the Consent Agenda in a summary format. If any member of the Board of County Commissioners or a member of the audience wants to remove an item from the Consent Agenda to facilitate an individual, full public hearing regarding that item, they must request the item be removed from the Consent Agenda following the summary presentation of the Consent items. The item will be removed from the Consent Agenda and placed on the Regular Agenda at a position being at the sole discretion of the Board. Upon completion of the summary of the Consent Agenda items and the removal of any items requested for individual, full public hearing, the Board will take action regarding the remaining items on the Consent Agenda in the form of a single vote.*

1. [ZONING VARIANCE NO. 2017-006](#) - Jay P. O'Niel and Edith J. Quinton-O'Niel  
(IF REMOVED, PUBLIC HEARING) (Owner/Applicants)  
715 North McCulloch Boulevard



Owners/applicants request approval of a zoning variance to allow a "solid fence/wall" to be located within the twenty-five (25) foot minimum front yard setback area, at a distance of fifteen (15) feet from the front property line, at a height of six (6) feet, on property located within an A-3, Agricultural Zone District. This exceeds the maximum height of two and one-half (2½) feet allowed by Pueblo County Code, Title 17 LAND USE, Division I. ZONING, Chapter 17.120, Supplementary Regulations, Section 17.120.160 Fences, Walls and Hedges. The proposed fence/wall would face McCulloch Boulevard. The property is located approximately 1,000 feet south of the southwest corner of the intersection of McCulloch Boulevard and Paradise Drive in Pueblo West.

**RECESS AS ZONING BOARD OF APPEALS AND CONVENE AS BOARD OF COUNTY COMMISSIONERS**

**BOARD OF COUNTY COMMISSIONERS' REGULAR ITEMS:**

**1. PUBLIC HEARING**

LOPEZ SUBDIVISION - Gilbert R. and Josie Maes (Owners)  
FINAL PLAT NO. 2010-001 Mark A. Lopez (Original Applicant)  
RESCISSION AND Pueblo County Department of Planning and  
LOPEZ SUBDIVISION Development  
PRELIMINARY PLAN NO. 2010-001 (Current Applicant for Rescission)  
RESCISSION 28282 Gale Road



The original applicant and owners requested preliminary plan and final plat approval to re-subdivide Parcel C of Subdivision Variance No. 459 containing three (3) acres into two (2) lots: Proposed Lot 1 would contain 2 acres with a residence (addressed as 28282 Gale Road) and Proposed Lot 2 would contain 1 acre, which is vacant. Access from Gale Road to Lot 2 would be via a 60-foot access easement (private road) called Happy Lane. The proposed 60-foot access easement would also be used by proposed Lot 1 and Parcel B of Subdivision Variance No. 459. The Department is requesting RESCISSION due to the original applicant's lack of pursuing the recording of Lopez Subdivision Final Plat with required conditions. The property is within an A-4, Agricultural (minimum 1/2 acre) Zone District and is located on the south side of Gale Road between 28<sup>th</sup> Lane and 29<sup>th</sup> Lane on the St. Charles Mesa.

**2. PUBLIC HEARING**

RESCISSION OF BAISOL FARM SUBDIVISION - Frances M. Baity (Owner)  
FINAL PLAT NO. 2006-011 Stephen Baity (Original Applicant)  
RESCISSION OF BAISOL FARM Pueblo County Department of Planning and  
SUBDIVISION PRELIMINARY PLAN NO. 2006-011 Development (Current Applicant)  
RESCISSION OF MAP AMENDMENT NO. 2006-005 28390 Everett Road



The original applicant and owner requested preliminary plan and final plat approval to subdivide 18.28 acres into 20 lots containing approximately 0.8 acre each and to dedicate to Pueblo County a 50-foot public road with 10-foot public utility easements adjacent to the public right-of-way.

The original applicant and owner requested a map amendment to rezone proposed BaiSol Farm Subdivision from an A-3, Agricultural (minimum 1 acre) Zone District to an A-4, Agricultural (minimum 0.50 acre) Zone District to accommodate the proposed 0.8 acre lots. Inasmuch as the lots have not been created, the Map Amendment is no longer pertinent to the property. The property would revert back to the A-3 Zone District with all the uses-by-right, uses-by-review, and required zone district standards. The Department is requesting RESCISSION due to the original applicant's lack of pursuing the recording of BaiSol Subdivision Final Plat with required

conditions. The property is located on the south side of Everett Road between 28th Lane and 29th Lane on the St. Charles Mesa.

### 3. PUBLIC HEARING

RESCISSION OF VIA DON CARLOS  
PLANNED UNIT DEVELOPMENT NO.  
2003-003



- Posada, A Colorado Non-Profit Corporation (Owner)  
Kim Bowman, Posada Development Director  
(Representative)  
Pueblo County Department of Planning and  
Development (Applicant)

The Pueblo County Department of Planning and Development requests RESCISSION of the approval of Via Don Carlos Planned Unit Development (PUD) No. 2003-003 to rezone 30.97± acres from A-1, Agricultural (minimum 35 acre) to a Planned Unit Development known as “Via Don Carlos Planned Unit Development” to allow development of 30 single-family residences clustered in groups of two, three, and four units; Lot 1, the development site, contains 27.10± acres; Parcel A, located across 57<sup>th</sup> Lane, contains 2.15± acres and was designated for open space; right-of-way dedication for 58<sup>th</sup> Lane contains 0.22± acre; and right-of-way dedication for 57<sup>th</sup> Lane contains 1.49± acres. The property would revert back to the A-1 Zone District with all the uses-by-right, uses-by-review, and required zone district standards. The Department is requesting RESCISSION due to the applicant’s lack of pursuing the recording of Via Don Carlos PUD with required conditions. The site is located at the intersection of 57<sup>th</sup> Lane and U.S. Highway 50 East on the south side of U.S. Highway 50 East.

#### BOARD OF COUNTY COMMISSIONERS’ CONSENT ITEMS:

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1. EASEMENT VACATION NO. 2017-001 -  
(IF REMOVED, PUBLIC HEARING)




- Pueblo West Metropolitan District (Owner/Applicant)  
c/o Cardinal Points Surveying, Inc. (Representative)  
Parcel B, Lot Line Rearrangement No. 27 and  
Lots 10-15, Rangeview Subdivision, First Filing

The owners/applicants are requesting to vacate the 20-foot platted public utility and drainage easement located within Parcel B, Lot Line Rearrangement No. 27 and Lots 10-15, Rangeview Subdivision, First Filing. The easement was originally depicted along the property lines common to Lots 1 and 2, Block 2, Pueblo West Tract No. 367, as platted in 1973. When the common lot line was removed pursuant to the recordation of Rearrangement of Lot Lines on May 31, 1984, the


designated easement was not depicted upon the plat map as required. It is the land owner's intention to market the affected properties for commercial development; therefore, it is their desire to properly remove the original easement so that it does not cause an unnecessary burden. The application will be heard in conjunction with Plat Vacation No. 2017-001 and Map Amendment No. 2017-009. The affected properties are currently vacant and are located at the northwest corner of the intersection of West Calle De Camelia and West Spaulding Avenue in the Pueblo West area.

(In order to allow the Planning Commission to make a recommendation at its September 20, 2017 meeting, staff requests the easement vacation be continued by the Board to its October 11, 2017 public hearing.)

2. [MAP AMENDMENT NO. 2017-009](#) - Pueblo West Metropolitan District (Owner/Applicant)  
(IF REMOVED, **PUBLIC HEARING**) c/o Cardinal Points Surveying, Inc. (Representative)  
 Lots 3, 4, and 5, Block 2, Tract 367, Pueblo West  
Parcel B, Lot Line Rearrangement No. 27 and  
Parcel A of Proposed Plat Vacation 2017-001  
(kna all of Rangeview Subdivision, First Filing)

The owner/applicant is proposing to rezone five (5) parcels of land from an R-5, Multiple-Residential and Office Zone District to a B-4, Community Business Zone District in order to market the properties for future commercial development. The application will be heard in conjunction with Plat Vacation No. 2017-001 and Easement Vacation No. 2017-001. The properties are currently vacant and are located at the northwest corner of the intersection of West Calle De Camelia and West Spaulding Avenue in the Pueblo West area.

(In order to allow the Planning Commission to make a recommendation at its September 20, 2017 meeting, staff requests the map amendment be continued by the Board to its October 11, 2017 public hearing.)

3. [PLAT VACATION NO. 2017-001](#) - Pueblo West Metropolitan District (Owner/Applicant)  
(IF REMOVED, **PUBLIC HEARING**) c/o Cardinal Points Surveying, Inc. (Representative)  
 Rangeview Subdivision, First Filing

The owner/applicant is requesting to vacate Rangeview Subdivision, First Filing as platted on May 31, 1984, in its entirety. It is the land owner's intention to market the property for commercial development as a single 2.6± acre parcel of land. The application will be heard in conjunction with Easement Vacation No. 2017-001 and Map Amendment No. 2017-009. The property is currently vacant and located at the northwest corner of the intersection of West Calle De Camelia and West Spaulding Avenue in the Pueblo West area.

(In order to allow the Planning Commission to make a recommendation at its September 20, 2017 meeting, staff requests the plat vacation be continued by the Board to its October 11, 2017 public hearing.)

4. AUTUMN SUBDIVISION - Robert Dennis (Owner/Applicant)  
FINAL PLAT NO. 2017-001 John Moser (Subdivider)  
(IF REMOVED, **PUBLIC HEARING**) c/o Boundaries Unlimited (Representative)  
27550 South Road



The owner/applicant is requesting final plat approval to subdivide 9.85± acres into six (6) lots ranging in size between 1.42± acres and 2.0± acres as well as dedicate a twenty (20) foot strip of land along the northerly portion of the property adjoining South Road for road right-of-way purposes. The property is within an A-4, Agricultural (minimum ½ acre) Zone District and is located on the south side of South Road approximately 350 feet west of its intersection with Lane 28 in the St. Charles Mesa area.

(Continued by the Board at its July 12, 2017 public hearing.)

5. EASEMENT VACATION NO. 2008-001 - Zachry Enterprise, LLC (Owner/Applicant)  
(IF REMOVED, **PUBLIC HEARING**) Rocky Mangini, Mangini & Associates, Inc.  
(Representative)



Applicant proposes eliminating a condition of approval for Easement Vacation No. 2008-001. This Easement Vacation was approved by the Board of County Commissioners in October 2008, to vacate a 100-foot right-of-way easement within Lots 1 and 2, and to reconfigure a detention easement within Lot 2, of Eden Industrial Park Subdivision. A condition of approval at that time required drainage improvements to either be installed, or an Improvements Agreement entered into and approved by Pueblo County for the drainage improvements. The applicant proposes eliminating this condition of approval, as the recorded plat of Eden Industrial Park Subdivision contains a note which addresses drainage and drainage facilities. The site is located on the east side of Interstate 25, approximately 1/3-mile north of the intersection of I-25 and Dillon Drive. The properties are within an I-2, Light Industrial Zone District.

6. MAP AMENDMENT NO. 2017-007 - Janet K. Marlow Walkup and Clayton A. McClendon  
(IF REMOVED, **PUBLIC HEARING**) (Owners/Applicants)  
Lots 158 and 192, Unit 10, Colorado City



Applicants request approval of a map amendment to rezone two lots in Colorado City from a B-4, Community Business, to an R-5, Multiple-Residential and Office Zone District. The lots are .32 acre (Lot 158), and .29 acre in size (Lot 192). They are located approximately 200 feet west of the intersection of Mercantile Street and Valverde Drive in Colorado City.

7. [MAP AMENDMENT NO. 2017-008](#) - W. David and Lois A. Pritchard (Applicants/Owners)  
(IF REMOVED, **PUBLIC HEARING**) Pueblo County Department of Planning and  
Development (Representative)  
8338 Zorn Road, Rye, Colorado



Applicants request a map amendment to rezone Lots 85, 86, and 87, Forest Hills Subdivision from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District in order to recognize its private ownership, use, and size. The property is located south of Zorn Road, east of Forest Hill Road, and west of Blue Bell Drive and carries a physical address of 8338 Zorn Road in the Rye area. Due to the housekeeping nature of the application, the owners/applicants have authorized the Department of Planning and Development to represent the map amendment request.

8. [WAIVER OF OUTDOOR LIGHTING PLAN APPLICATION FEE](#) - Pueblo West Metropolitan District  
(IF REMOVED, **PUBLIC MEETING**)

The Pueblo West Metropolitan District requests waiver of the Outdoor Lighting Plan application fee of \$210 for upgrades to its outdoor lighting system at the Pueblo West Civic Center Park. The application will be for a proposed new security light located at the skate park and for six existing lights that were installed with the original construction of the park that had not been included in the lighting plan by the contractor.

9. [SUBDIVISION VARIANCE NO. 6](#) - Dale A. and Sandra R. Dilulo  
(AKA [SUBDIVISION VARIANCE NO.1973-006 FOR FILING PURPOSES ONLY](#)) (Current Owners - Parcel "A")  
[RECORDATION OF PLAT-LIKE](#) 27324 County Farm Road  
(IF REMOVED, **PUBLIC MEETING**) Cardinal Points Surveying, Inc. (Representative)



The applicant and current owner of Parcel "A", at the direction of the Pueblo County Department of Planning and Development, is requesting authorization to record a plat-like drawing reflecting the intent of a two-lot subdivision variance, which was approved by the Board of County Commissioners on May 10, 1973. Parcel "A" is 2± acres, and Parcel "B" was 6.8± acres in size. Parcel "A" is configured as originally approved in 1973. Parcel "B" was subsequently subdivided into Pueblo Mesa Subdivision in 1978. The properties are located on the south side of County Farm Road, approximately 700 feet east of the intersection of County Farm Road and 27<sup>th</sup> Lane on the St. Charles Mesa. An existing residence on Parcel "A" is addressed as 27324 County Farm Road. The Subdivision Variance property was legally described as the East 8.8 acres of Lot 2, Block 47, St. Charles Mesa, located within a portion of the SW¼ of Section 11, Township 21 South, Range 64 West of the 6<sup>th</sup> P.M., Pueblo County, Colorado.

**DISCUSSION ITEM**

BMC West Corp. and TGHD, LLC Proposed Subdivision Exemption at 4<sup>th</sup> Street.

LRS