The Board met in regular session on Thursday September 12, 2019 at 9:00 A.M.

Present were:

Garrison Ortiz, Chair
Terry Hart, County Commissioner
Chris Wiseman, County Commissioner
Sabina Genesio, County Manager
Marci Day, Assistant County Attorney
Gail Wallingford-Ingo, Planning Department
Debra Lacas, Clerk to the Board

Marci Day: Led the Pledge of Allegiance

Land Use minutes from June 13 and July 11, 2019 were approved.

Commissioner Hart: Moved to approve the Land Use minutes for June 13, and July 11, 2019.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE WISEMAN - AYE ORTIZ – AYE

The motion passed unanimously.

The Land Use Agenda for Thursday September 12, 2019 was approved.

Commissioner Hart: Moved to approve the Agenda for Thursday September 12, 2019.
Commissioner Wiseman: Seconded the motion
Commissioner Ortiz: All in favor say Aye.

HART – AYE WISEMAN - AYE ORTIZ - AYE

The motion passed unanimously.

PUBLIC COMMENTS

CITIZEN COMMENTS

Emily Price: Spoke briefly about the Sunshine Law. Suggested putting a notice in paper stating Commissioners will be at Brews Ale House every Friday for an informal work session, and the public is welcome.

Kathy Jensen-Fife: Wanted to make a public comment about Text Amendment 2019-002, Hemp Growing.

Marci Day: Explained that text Amendment 2019-002 is continued to the November 14, 2019 public hearing and that Ms. Fife can come to the hearing and be in support or opposition at that time.

Commissioner Ortiz: Explained to Ms. Fife that Text Amendment 2019-002 had been continued to November 14, 2019 for a hearing and that statements cannot be heard until that day to protect the integrity of the hearing. Requested that Ms. Jensen-Fife come back on November 14, 2019 for the hearing where she may then make her comment regarding Text Amendment 2019-002. If she is unable to make the hearing she can submit her comment to the Planning Department.

COMMISSIONER COMMENTS

Commissioner Wiseman: Received an email asking which Commissioner was going to sit on the RTA Project for the Aquatic Center.

Commissioner Hart: Suggested Commissioner Wiseman do it because he will be leaving in less than two years and does not want to leave with the project incomplete.

The Board briefly discussed the 1A projects happening in the area.

CONSENT AGENDA

CONTRACTS RESOLUTIONS

Marci Day: 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. I will present the eight items on the Consent Agenda in a summary format. If any member of the Board of County Commissioners or any member of the audience would like to have an item removed from the Consent Agenda to facilitate a full public hearing that item will be placed at the end of the regular Agenda.

1. MAP AMENDMENT NO. 2018-009	Justin and Sarah Hunter (Owners/Applicants) Altman, Keilbach, Lytle, Parlapiano, & Ware, P.C. c/o David Lytle, Attorney-at-Law (Representative) 7094 State Highway 165

The owners/applicants request a map amendment to rezone a 1.325± acre parcel of land (proposed Lot 1, JS Hunter Subdivision) from an A-3, Agricultural (minimum 1 acre) Zone District to a B-4, Community Business Zone District. The property is located at the southeast corner of the intersection of Colorado State Highway No. 165 and Cibola Drive in the Colorado City area.

Marci Day: Staff is requesting that the Board continue this Map Amendment to its November 14, 2019 Public Hearing.

2. JS HUNTER SUBDIVISION PRELIMINARY PLAN NO. 2018-003	Justin and Sarah Hunter (Owners/Applicants) Altman, Keilbach, Lytle, Parlapiano, & Ware, P.C. c/o David Lytle, Attorney-at-Law (Representative) 7094 State Highway 165

The owners/applicants request preliminary plan approval to subdivide a 25.51± acre parcel into two (2) lots as follows: Lot 1 will contain 1.325± acres and Lot 2 is proposed at 24.138± acres in size. The property is currently within an A-3, Agricultural (minimum 1 acre) Zone District and is located at the southeast corner of the intersection of Colorado State Highway No. 165 and Cibola Drive in the Colorado City area.

Marci Day: Staff is requesting that the Board continue this Preliminary Plan to its November 14, 2019 Public Hearing.

3. SUN HAVEN AT PUEBLO WEST PRELIMINARY PLAN NO. 2019-001	Jacques Machol, Sun Haven Construction, LLC (Applicant) Sun Haven Construction, LLC (Owner) Henry Design Group, c/o Karen Henry (Representative) 201 South McCulloch Boulevard

Applicant requests approval of Sun Haven at Pueblo West Preliminary Plan No. 2019-001 to subdivide Parcel A of Subdivision Exemption No. 86-3 containing 15.61± acres into five (5) Blocks and one (1) Tract as follows: Block 1 - 5.05± acres, Block 2 - 3.48± acres, Block 3 - 0.96± acre, Block 4 - 2.67± acres, Block 5 - 2.86± acres, and Tract A Existing Access – 0.59 acre. The applicant intends to develop the blocks in two (2) phases: Phase 1 - Blocks 1 and 2; Phase 2 - Blocks 3, 4, and 5. The property is developed with a restaurant on Block 1, and a hotel that has been renovated into apartment homes on Block 2. Blocks 3, 4, and 5 are vacant and are proposed to be sold or self-developed. The property is within the B-4, Community Business Zone District, is physically addressed as 201 South McCulloch Boulevard, and is located west of the intersection of McCulloch Boulevard and Abarr Drive in the Pueblo West Metropolitan District.

Marci Day: Staff is requesting that the Board continue this Preliminary Plan to its November 14, 2019 Public Hearing.

4. TEXT AMENDMENT NO. 2019-001	Brad Lisac (Applicant) Pueblo County Department Planning and Development (Applicant)

Text Amendment revisions to the Pueblo County Code Title 17 Land Use, Division I. Zoning. Applicant Brad Lisac requests a text amendment to the Pueblo County Code Section 17.120.190 Marijuana Establishments D. Distance measurement, Sections 17.120.220 and 17.120.230, D. Location.

Please Note: Applicant Pueblo County Department of Planning and Development, requesting a text amendment to the Pueblo County Code Section 17.120.190 Marijuana Establishments F. Performance Standards 4. Fencing was WITHDRAWN at the June 19, 2019 PCPC Meeting.

Marci Day: Staff is requesting that the Board continue this Text Amendment to its November 14, 2019 Public Hearing.

5. SHREE HARI - PRELIMINARY PLAN NO. 2019-005	Shree Hari, LLC (Owner) Bhaveshkumaf M. Patel (Applicant) Wachob and Wachob, Inc, c/o Daniel Wachob (Representative) 6670 State Highway 165

The applicant requests preliminary plan approval to subdivide 6.26± acres into two (2) lots consisting of 3.06± acres (Lot 1) and 3.20± acres (Lot 2). The property is within an R-6, Multiple-Residential and Commercial District and carries a physically address of 6670 State Highway 165. The property is located southeast of State Highway 165 and west of Interstate 25 in Colorado City. The applicant's letter of request and preliminary plan indicates proposed Lot 1 is currently improved with a motel, restaurant, and swimming pool while proposed Lot 2 is currently vacant and there are currently no plans to develop proposed Lot 2.

Marci Day: Staff is requesting that the Board continue this Preliminary Plan to its November 14, 2019 Public Hearing.

6. TEXT AMENDMENT NO. 2019-002	Cannomics, LLC (Applicant) c/o Matt Wheatley, PhD and Kathy Jensen Pfeiff, MS, RDN (Representatives)

The applicant requests a text amendment to Title 17, LAND USE, Division I. ZONING, Chapter 17.16, *Agricultural Three (A-3) and Four (A-4) Districts*, specifically Section 020 (*Uses by right*) and to Chapter 17.120, *Supplementary Regulations*, specifically Section 280 (*Hemp Establishments)*, Paragraphs G. and J. all as cited within the Pueblo County Code.

Marci Day: Staff is requesting that the Board continue this Text Amendment to its November 14, 2019 Public Hearing.

RESOLUTION NO. P&D 19-035

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING MIMI SUBDIVISION FINAL PLAT NO. 2019-003 RESUBDIVIDING PARCEL B, LOT LINE REARRANGEMENT NO. 2002-004 LOCATED WITHIN A PORTION OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 1, TOWNSHIP 21 SOUTH, RANGE 64 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO

WHEREAS, an application for final plat approval was filed by Mimi Morgan (Owner/Applicant) c/o James B. Prioreschi, Project Manager - NorthStar Engineering & Surveying, Inc. (Representative) with the Pueblo County Planning Director to subdivide 3.0± acres into two (2) lots in an A-3, Agricultural (minimum 1 acre) Zone District as follows:

Lot 1. . 1.0± acre Lot 2 .. 1.96± acres

WHEREAS, the proposal also includes a ten (10) foot road right-of-way dedication (consisting of 0.04± acre) and a ten (10) foot roadway easement adjoining Everett Road; and

WHEREAS, the property being subdivided is legally described within that Warranty Deed recorded on February 22, 2007 as Reception No. 1715035 being more particularly described as follows:

Parcel B, Lot Line Rearrangement No. 2002-004, Pueblo County, Colorado; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on August 21, 2019, at the conclusion of which the Planning Commission voted on the consent agenda to recommend approval of Mimi Subdivision Final Plat No. 2019-003 to the Board of County Commissioners with three (3) comments and a two (2) conditions as follows:

COMMENTS

A. The final plat of Mimi Subdivision does appear to conform in all major aspects to the Mimi Subdivision Preliminary Plan No. 2019-003; however, staff did notice there were two (2) notable differences in the area of the 25-foot flag stem section of proposed Lot 2.

B. Mimi Subdivision does generally comply with the development standards of the A-3, Agricultural Zone District regarding minimum required lot area, width, and depth.

C. The proposed lots appear to comply with the intent of and recommendations made by Pueblo Regional Development Plan.

CONDITIONS

1. **ON OR PRIOR TO August 28, 2019**, the owner/applicant will need to address the issues associated with the existence of an accessory structure (pole barn) depicted within the 25-foot flag stem section of Lot 2 and the depiction of that same area being designated as a private ingress-egress and public utility easement that were not included in the preliminary plan submittal and subsequent review in order to proceed to the Board of County Commissioners' hearing on September 12, 2019. Otherwise, a request for continuance to the October 10, 2019 Board of County Commissioners' hearing will be required to be submitted in order to allow the owner/applicant additional time to fully address those same items.

2. **PRIOR TO RECORDATION** of the plat of Mimi Subdivision Final Plat No. 2019-003, the following shall be required to be addressed and/or submitted to the Department of Planning and Development:

a) The accessory structure (pole barn) depicted within the 25-foot flag-stem section of Lot 2 will need to be removed from the property.

b) The owner applicant will need to clarify the intent of the 25-foot flag-stem section of Lot 2 as it relates to being depicted as an easement vs. a flag-stem lot.

c) Written documentation from Black Hills Energy that the power pole has been relocated as required by the Pueblo Rural Fire District.

d) A Quit Claim Deed from the current landowner for Lots 1 and 2, Mimi Subdivision will need to be prepared for review by the Department of Planning and Development.

e) The plat of Mimi Subdivision Final Plat No. 2019-003 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to: the depiction of any easements (public or private), correct plat notes (geological study, fire impact, etc.), and text wording modifications, etc.

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation, .dwg and/or .pdf for final processing) and all other associated documents (original downward modification letter, original fire impact fee letter, the final stamped drainage letter, quit claim deed, etc.) in recordation ready form.

f) All applicable recording fees for the resolution, plat(s), quit claim deeds, and other associated documents shall be submitted by the owner/applicant.

RESOLUTION NO. P&D 19-035 (CONT.)

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 12, 2019 and, at said hearing, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director's file; and

WHEREAS, the Board finds the proposed subdivision complies with the requirements of the Pueblo County Code, Title 16, SUBDIVISIONS and Title 17, LAND USE.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Mimi Subdivision Final Plat No. 2019-003 is hereby **APPROVED** with three (3) comments and a single six-part condition as follows:

COMMENTS

A. The final plat of Mimi Subdivision does appear to conform in all major aspects to the Mimi Subdivision Preliminary Plan No. 2019-003.

B. Mimi Subdivision does generally comply with the development standards of the A-3, Agricultural Zone District regarding minimum required lot area, width, and depth.

C. The proposed lots appear to comply with the intent of and recommendations made by Pueblo Regional Development Plan.

CONDITIONS

1. **PRIOR TO RECORDATION** of the plat of Mimi Subdivision Final Plat No. 2019-003, the following shall be required to be addressed and/or submitted to the Department of Planning and Development:

    a. The accessory structure (pole barn) depicted within the 25-foot flag-stem section of Lot 2 will need to be removed from the property.

    b. The owner applicant will need to clarify the intent of the 25-foot flag-stem section of Lot 2 as it relates to being depicted as an easement vs. a flag-stem lot.

    c. Written documentation from Black Hills Energy that the power pole has been relocated as required by the Pueblo Rural Fire District.

    d. A Quit Claim Deed from the current landowner for Lots 1 and 2, Mimi Subdivision will need to be prepared for review by the Department of Planning and Development.

RESOLUTION NO. P&D 19-035 (CONT.)

    e. The plat of Mimi Subdivision Final Plat No. 2019-003 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to: the depiction of any easements (public or private), correct plat notes (geological study, fire impact, etc.), and text wording modifications, etc.

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation, .dwg and/or .pdf for final processing) and all other associated documents (original downward modification letter, original fire impact fee letter, the final stamped drainage letter, quit claim deed, etc.) in recordation ready form.

    f. All applicable recording fees for the resolution, plat(s), quit claim deeds, and other associated documents shall be submitted by the owner/applicant.

PASSED AND ADOPTED this 12th day of September 2019, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:

By: _____
Garrison M. Ortiz, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

RESOLUTION NO. P&D 19-036

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING ZUPAN FARM SUBDIVISION FINAL PLAT NO. 2019-004 LOCATED WITHIN A PORTION OF THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 7, TOWNSHIP 21 SOUTH, RANGE 63 WEST OF THE 6TH P.M., PUEBLO COUNTY, COLORADO

WHEREAS, an application for final plat approval was filed by David and Elizabeth Zupan (Owners/Applicants) c/o Rocky Mangini, Mangini and Associates, Inc. (Representative) with the Pueblo County Planning Director to subdivide 19.92± acres into three (3) lots in an A-2, Agricultural (minimum 5 acre) Zone District as follows:

Lot 1 … 5.10± acres Lot 2 … 8.38± acres Lot 3 … 5.10± acres

WHEREAS, the proposal also includes a thirty (30) foot road right-of-way dedication along the west and south property lines adjoining Lane 33 (0.45± acre) and Jersey Road (0.88± acre); and

WHEREAS, the property being subdivided is legally described within that Special Warranty Deed recorded on August 21, 2004 as Reception No. 1571496 being more particularly described as follows:

South ½ of the Southeast ¼ of the Northeast ¼ of Section 7, Township 21 South, Range 63 West of the 6th P.M., Pueblo County, Colorado; and

WHEREAS, a public meeting was held by the Pueblo County Planning Commission on August 21, 2019, at the conclusion of which the Planning Commission voted on the consent agenda to recommend approval of Zupan Farm Subdivision Final Plat No. 2019-004 to the Board of County Commissioners with five (5) comments and a single four-part condition as follows:

COMMENTS

A. Zupan Farm Subdivision does comply with the development standards of the A-2, Agricultural (minimum 5 acre) Zone District which has been applied to the Vineland area since August 8, 1963.

B. The proposed configuration of the three (3) lots is similar in size to those lots in the immediate area (north and west) and is consistent with other subdivision approvals which were granted in the immediate area; however, those previous approvals were granted **prior to the adoption** of the Pueblo Regional Development Plan and the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners.

C. The proposed subdivision **does not follow** the guidelines of "*Production Agriculture*" classification as outlined in the Pueblo Regional Development Plan.

D. The density of the subdivision **is not consistent** with the maximum gross density as outlined in policy statement a). of the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners on October 15, 2002. This subdivision proposes a density of one (1) dwelling unit per 6.6 acres.

E. The Planning Commission acknowledges that both the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners and the Development Plan **are intended as advisory and evolving documents that provide guidance for a variety of growth-related issues**. Both are general in nature, offering broad development principles, policies, and strategies to guide land use decisions that could shape the pattern of physical development.

CONDITIONS

1. **PRIOR TO RECORDATION** of the plat of Zupan Farm Subdivision Final Plat No. 2019-004, the following shall be required:

g) The original letter from the Pueblo Rural Fire District granting the downward fire flow modification will need to be submitted for recordation with the Final Plat.

h) A Quit Claim Deed from the current landowner for Lots 1-3, Zupan Farm Subdivision will need to be prepared for review by the Department of Planning and Development.

i) The plat of Zupan Farm Subdivision Final Plat No. 2019-004 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to: correct plat notes and text wording modifications, etc.

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation, .dwg and/or .pdf for final processing) and all other associated documents (original downward modification letter, original fire impact fee letter, the final stamped drainage letter, quit claim deed, etc.) in recordation ready form.

j) All applicable recording fees for the resolution, plat(s), quit claim deeds and other associated documents shall be submitted by the owner/applicant.

RESOLUTION NO. P&D 19-036 (CONT.)

WHEREAS, a public hearing, preceded by proper public notice, was held by the Board of County Commissioners on September 12, 2019 and, at said hearing, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Board has reviewed and taken administrative notice of the recommendation of the Planning Commission and the testimony, application, evidence, documents submitted at the hearing, and the contents of the Planning Director's file; and

WHEREAS, the Board finds the proposed subdivision complies with the requirements of the Pueblo County Code, Title 16, SUBDIVISIONS and Title 17, LAND USE.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pueblo County, Colorado, that Zupan Farm Subdivision Final Plat No. 2019-004 is hereby **APPROVED** with five (5) comments and a single four-part condition as follows:

COMMENTS

A. Zupan Farm Subdivision does comply with the development standards of the A-2, Agricultural (minimum 5 acre) Zone District which has been applied to the Vineland area since August 8, 1963.

B. The proposed configuration of the three (3) lots is similar in size to those lots in the immediate area (north and west) and is consistent with other subdivision approvals which were granted in the immediate area; however, those previous approvals were granted **prior to the adoption** of the Pueblo Regional Development Plan and the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners.

C. The proposed subdivision **does not follow** the guidelines of "*Production Agriculture*" classification as outlined in the Pueblo Regional Development Plan.

D. The density of the subdivision **is not consistent** with the maximum gross density as outlined in policy statement a). of the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners on October 15, 2002. This subdivision proposes a density of one (1) dwelling unit per 6.6 acres.

E. The Planning Commission acknowledges that both the *"Development Policy in the County's Designated Production Agricultural Areas"* as adopted by the Board of County Commissioners and the Development Plan **are intended as advisory and evolving documents that provide guidance for a variety of growth-related issues**. Both are general in nature, offering broad development principles, policies, and strategies to guide land use decisions that could shape the pattern of physical development.

RESOLUTION NO. P&D 19-036 (CONT.)

CONDITIONS

1. **PRIOR TO RECORDATION** of the plat of Zupan Farm Subdivision Final Plat No. 2019-004, the following shall be required:

   a) The original letter from the Pueblo Rural Fire District granting the downward fire flow modification will need to be submitted for recordation with the Final Plat.

   b) A Quit Claim Deed from the current landowner for Lots 1-3, Zupan Farm Subdivision will need to be prepared for review by the Department of Planning and Development.

c) The plat of Zupan Farm Subdivision Final Plat No. 2019-004 shall be modified to include all technical wording and corrections as requested by the Department of Planning and Development and/or the Department of Engineering and Public Works including, but not limited to: correct plat notes and text wording modifications, etc.

Upon final approval, the owner/applicant's representative shall submit to the Department of Planning and Development the final version of the final plat in the appropriate formats (i.e., mylar for recordation, .dwg and/or .pdf for final processing) and all other associated documents (original downward modification letter, original fire impact fee letter, the final stamped drainage letter, quit claim deed, etc.) in recordation ready form.

d) All applicable recording fees for the resolution, plat(s), quit claim deeds and other associated documents shall be submitted by the owner/applicant.

PASSED AND ADOPTED this 12th day of September 2019, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:

By: _____
Garrison M. Ortiz, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Marci Day: Staff requests that all of the Staff Reports, and Case Summaries for these items be made part of the record.

Commissioner Ortiz: We will enter all Staff Reports and Case Summaries into the record of proceedings.

Marci Day: If no member of the Commission or no member of the audience would like to have any of these items removed, it is before you for action.

Commissioner Ortiz: As stated here on the Agenda There is a request to table items I through 6 until the November 14, BOCC meeting to allow the Lower Planning Commission to be able to decide upon these items. Also note, there is a Land Use meeting on October 10, 2019, at 9:00 AM. For clarification these items are being pushed to the November 14 meeting.

Commissioner Hart: Moved to table items 1 through 6 to the November 14, 2019 meeting.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE WISEMAN - AYE ORTIZ – AYE

The motion passed unanimously.

Commissioner Ortiz: Asked if there was anyone from the Board or the Public that would like to remove the two remaining items on the Consent Agenda.

There were none.

Commissioner Hart: Moved to approve items 7 and 8 on the Consent Agenda.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE WISEMAN - AYE ORTIZ – AYE

The motion passed unanimously.

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

ZONING BOARD OF APPEALS' CONSENT ITEMS

Marci Day: This is the Consent Agenda for the Zoning Board of Appeals. It operates as the other Consent Agenda. There was no known opposition and if anyone would like to have this item removed to facilitate a full Public Hearing, they must request that the item be removed from the Consent Agenda and placed on the Regular Agenda.

RESOLUTION NO. P&D 19-037

THE BOARD OF COUNTY COMMISSIONERS, SITTING AS THE
ZONING BOARD OF APPEALS, OF PUEBLO COUNTY, COLORADO

A RESOLUTION APPROVING ZONING VARIANCE NO. 2019-005 TO RECOGNIZE DEFICIENT SETBACK OF AN EXISTING FRONT PORCH ATTACHED TO AN EXISTING PRINCIPAL STRUCTURE (SINGLE-

FAMILY RESIDENCE) ON A PARCEL OF LAND WITH A PHYSICAL ADDRESS OF 5460 COTTONTAIL LANE IN AN
R-1, SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT LOCATED UPON LOT 28, UNIT 33, COLORADO CITY, PUEBLO COUNTY, COLORADO

WHEREAS, Tracey Young (owner/applicant) has requested a variance from Title 17, LAND USE, Division I. ZONING, Chapters 17.24, *Single-Family Residential (R-1) Zone District*, specifically Section 090 (*Front yard* setback) of the Pueblo County Code to recognize the deficient setback for a front porch attached to an existing principal structure (single-family residence) with a front yard setback (south side) of 14.83 feet in lieu of the minimum required 25 feet; and

WHEREAS, the property, physically addressed as 5460 Cottontail Lane is located on the north side of Cottontail Lane, approximately 420 feet northwest of its intersection with Kaneache Boulevard and is legally described as follows:

Lot 28, Unit 33, Colorado City, Pueblo County, Colorado; and

WHEREAS, Section 17.140.160 of the Pueblo County Code provides for a variance for parcels that suffer a unique or singular disadvantage not shared by other parcels in the neighborhood, that will not have an injurious effect upon the existing or future use of adjacent parcels, and will not adversely alter the general character of the neighborhood; and

WHEREAS, a public hearing, preceded by proper public notice, was heard by the Board of County Commissioners, sitting as the Zoning Board of Appeals, on September 12, 2019 and, at which time, all those present at the hearing who desired to be heard were heard and their testimony recorded; and

WHEREAS, the Zoning Board of Appeals has reviewed and taken administrative notice of the application, documents, evidence presented at the hearing, and the contents of the Planning Director's file and finds as follows:

A. The Variance application does not include a request for, nor would the granting of approval allow, a use other than currently permitted in the R-1 Zone District.

B. The Variance is necessary to recognize the structural setback encroachment for the existing structure.

C. Other zoning variances for setback encroachments have been issued in the R-1 Zone District. The current landowner purchased the property in 2013 and has stated that they are unsure when the front porch was constructed. The records of the Pueblo County Assessor's Office indicate the residence was constructed in 1972. At some point between 1972 and 2013, the front porch was constructed; therefore, the request to recognize the existing structures setback deficiencies has been submitted.

D. Some of the surrounding properties are residentially developed and those vacant parcels will need to conform to the development standards of the R-1 Zone District as well. The parcel subject to the zoning variance request is adequate in terms of lot area, width, and depth; it's the existing structure that does not meet the standards; however, existence of the single-family residence with its attached front porch have not had an injurious effect on the use of adjacent parcels since its date of construction. The granting of this variance will have no adverse impacts on development upon adjoining parcels. It is the current landowner's desire to remedy the zoning violation associated with and existing upon the subject property.

E. Staff does not believe that the granting of this Variance will injure or adversely alter the general character of the neighborhood.

F.

G. Staff finds the requested Variance to be consistent with the intent, purpose, and spirit of the Pueblo County Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, sitting as the Zoning Board of Appeals, of Pueblo County, Colorado, that Zoning Variance No. 2019-005 be and is hereby **APPROVED** with the following conditions:

1. The approval of Zoning Variance No. 2019-005 shall be limited to the following:

    a) A front yard setback (south side) of 14.83 feet in lieu of the minimum required 25 feet for the front porch addition to the existing single-family residence.

2. All future development on the parcel must comply with the development standards of the R-1, Single-Family Residential Zone District.

PASSED AND ADOPTED this 12th day of September 2019, in Pueblo County, Colorado.

THE BOARD OF COUNTY COMMISSIONERS
OF PUEBLO COUNTY, COLORADO:

By: _____
Garrison M. Ortiz, Chairman

ATTEST:

By: _____
Gilbert Ortiz, County Clerk

Marci Day: Staff requests that all of the Staff Report and Case Summary for this item be made part of the record.

Commissioner Ortiz: We will enter all Staff Report and Case Summary into the record of proceedings.

Marci Day: If no member of the Board or any member of the audience would like to have this item removed it is before you for action.

Commissioner Hart: Moved to approve the Resolution.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN - AYE* *ORTIZ – AYE*

The motion passed unanimously.

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

The next BOCC Land Use Meeting will be held on Thursday October 10, 2019 at 9:00 AM

Commissioner Hart: Moved to Adjourn.
Commissioner Wiseman: Seconded the motion.
Commissioner Ortiz: All in favor say Aye.

HART – AYE *WISEMAN - AYE* *ORTIZ – AYE*

The motion passed unanimously.

Attest: _____
Pueblo County Clerk and Recorder

By: _____