

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 16, 2022
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET, PUEBLO, COLORADO**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Richard Arko, Tari Colletti, Elizabeth Gladney, Kiera Hatton, Judy Leonard, Brad Lisac, Michael Schuster, and John Wark.

Commissioners Absent: Stephen Varela.

Staff Present: Carmen Howard, Director; Gail L. Wallingford-Ingo, Deputy Director; Rachel Gaffney, Special Projects Planner; Emma Strong, Planner II; Meric Peters, Planner I; Terrence Birch, Assistant Planner; and Sandra Smith, Office Support Services IV.

Others Present: Marci Day, Assistant Pueblo County Attorney; and Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Engineering and Public Works Department.

Chair Leonard called the Pueblo County Planning Commission meeting to order at 5:30 p.m.

The following roll call attendance was taken:

Mr. Arko--present.
Ms. Colletti--present.
Ms. Gladney--present.
Ms. Hatton--present.
Mr. Lisac--present.
Mr. Schuster--present.
Mr. Varela--absent.
Mr. Wark--present.
Chair Leonard--present.

APPROVAL OF FEBRUARY 16, 2022 AGENDA

Ms. Howard stated that there was a correction to the agenda. The approval of the January 26, 2022 Special Meeting Minutes needed to be added to the agenda.

Mr. Schuster motioned to approve the agenda of the February 16, 2022 meeting as corrected. Mr. Wark seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

**APPROVAL OF JANUARY 19, 2022 REGULAR MEETING AND TWO WORK SESSIONS
AND JANUARY 26, 2022 SPECIAL MEETING MINUTES**

Chair Leonard stated there were some corrections to the January 19, 2022 regular meeting minutes as follows:

- On Page 7, under In Favor, Paragraph 1, last line, there is an extra comma.
- On Page 8, Paragraph 4, Line 15, "brining" should be "bringing".
- On Page 9, Paragraph 1, Line 6, remove "they" before the word help.

She stated the corrections to the January 26, 2022 special meeting minutes are as follows:

- On Page 3, Paragraph 2, Line 28, "City Pueblo" should be "City of Pueblo"

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Mr. Wark motioned to approve the minutes of the January 19, 2022 Regular Meeting Minutes as corrected, the January 19, 2022 Work Session Meeting minutes as mailed, and the January 26, 2022 Special Meeting Minutes as corrected. Mr. Arko seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--abstain.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Leonard had nothing to report.

DIRECTOR'S REPORT

The Director's Report was presented by Ms. Carmen Howard. She requested the staff memorandums be made a part of the record of proceedings.

(a) Acceptance of Map Amendments and Planned Unit Developments:

- [Map Amendment No. 2021-020](#) on behalf of Mateo A. Cordova, D's Enterprise, LLC, c/o Robert Allen Lay, II, and Jessica Painter and Derek C. Corsentino requesting a map amendment to rezone a portion of Parcels A, F, and H, Subdivision Exemption No. 94-05, from their current zone district designations of an A-3 for Parcels A and F and an A-2 for Parcel H.
- [Map Amendment No. 2022-001](#) on behalf of ARM, LLC, c/o Mike Kwesell requesting a map amendment to rezone an 80.38± acre portion of a 243.24± acre land from an I-2 Zone District to an A-1 Zone District. A 6.89± acre portion of the 243.24± acre parcel will be retained in the I-2 Zone District.

(b) Correspondence--Two opposition letters for [Special Use Permit No. 2022-001](#) dated February 14, 2022, from Sam Borcic and Anthony Borcic.

(c) Continuances--[Truxell Subdivision Preliminary Plan No. 2022-001](#) to April 20, 2022.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on February 10, 2022 was distributed in the Commissioners' packet for informational purposes only. No formal action was required.

(f) Administrative Reviews:

- [Special Use Permit No. 596](#) (also known as SUP No. 1986-020 for filing purposes only), on behalf Colorado Water Protective and Development Association, c/o Kent Ricken, General Manager; TXI Operations, c/o Phillip Courtney; Land Manager; Aggregate Industries WCD, Inc., c/o Steve Montoya; and Continental Materials Corporation, c/o Noah Mineo. This is an administrative review for a special use permit which allows sand and gravel extraction with associated processing operations.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use for six months with the same four conditions related to sand/gravel extractions, four conditions related to the concrete batch plat area, one other requirement as previously imposed, and new Directive to Staff as outlined in Staff's Memorandum dated February 4, 2022.

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- [Special Use Permit No. 2018-016](#) on behalf of Linda Wright. This is an administrative review of a special use permit which allows a Child Care Home (Large) in an A-3 Zone District.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with the same two conditions, Directive to Staff, and notation as outlined in Staff's Memorandum dated February 10, 2022.

[Special Use Permit No. 2020-005](#) on behalf of Colorado Natural Gas. This is an administrative review for a special use permit which allows a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code for the installation and operation of a natural gas regulator and meter station.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with two modified conditions and a notation acknowledging that it is unnecessary to schedule this special use permit for further review unless the use and/or property does not maintain compliance as outlined in Staff's Memorandum dated February 10, 2022.

- [Special Use Permit No. 2020-010](#) on behalf of Lawrence D. and Michelle D. Indgjer. This is an administrative review for a special use permit which allows an airport (private airstrip) in an A-1 Zone District.

Staff recommends the Pueblo County Planning Commission accept this Administrative Review, thereby approving the continuance of this permitted use with four modified conditions and a notation acknowledging that it is unnecessary to schedule this special use permit for further review unless the use and/or property does not maintain compliance as outlined in Staff's Memorandum dated February 7, 2022.

Ms. Howard requested the Commission take action to accept the map amendments for processing; late correspondence; request for continuance; and administrative reviews as presented.

Mr. Wark moved to accept the map amendments for processing; late correspondence; request for continuance; and administrative reviews as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Schuster seconded the motion.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Leonard reported that the applicant and/or representative are called upon to speak, followed by any parties in favor and then those in opposition, with the applicant having the final say.

PUBLIC HEARING

Ms. Howard explained there were two items on the Consent Agenda and one item on the Regular Agenda for this evening's meeting. She requested the staff memorandums presented this evening be made a part of the record of proceedings.

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CONSENT ITEMS:

Mr. Arko moved to approve the two Consent Items listed below with findings as outlined in staff's reviews. Mr. Lisac seconded the motion.

- **MAP AMENDMENT NO. 2021-020** on behalf of Mateo A. Cordova, D's Enterprise, LLC, c/o Robert Allen Lay II, and Jessica Painter and Derek C. Corsentino requesting a map amendment to rezone a portion of Parcels A, F, and H, Subdivision Exemption No. 94-05, from their current zone district designations of A-3 for Parcels A and F and an A-2 for Parcel H. The parcels are located on the east side of 28th Lane, approximately 1,100 feet north of Everett Road in the St. Charles Mesa area.

Staff is recommending the Planning Commission forward a recommendation of approval to the Board of County Commissioners for the map amendment with three (3) findings as outlined in Staff's Memorandum dated February 9, 2022.

MAP AMENDMENT NO. 2022-001 on behalf of ARM, LLC, c/o Mike Kwesell requesting a map amendment to rezone an 80.38± acre portion of a 243.24± acre land from an I-2 Zone District to an A-1 Zone District. A 6.89± acre portion of the 243.24± acre parcel will be retained in the I-2 Zone District. The parcel is located on the east side of South Interstate 25 frontage road, north of the Colorado City Exit.

Staff is recommending the Planning Commission forward a recommendation of approval to the Board of County Commissioners for the map amendment with three (3) findings as outlined in Staff's Memorandum dated February 9, 2022.

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously.

REGULAR ITEMS:

Statement of Conduct and Demeanor

Chair Leonard stated in order for the business of the Commission to be conducted in the most effective and expeditious manner, it is necessary that all persons maintain a demeanor of civility toward each other. Uncivil conduct will not be tolerated. Such behavior shall constitute the forfeiture of a person's right to remain in attendance and may result in them being asked to leave the meeting by the chairperson or, upon their refusal, being escorted out of the meeting by the proper authority.

Chair Leonard opened the hearing.

- **SPECIAL USE PERMIT NO. 2022-001** on behalf of Halo Construction, LLC, c/o James Dale requesting a special use permit to allow a mini-warehouse with an administrative office and outdoor recreational vehicle storage in an R-6 Zone District. The facility will contain six (6) self-storage buildings and designated outdoor storage areas for recreational vehicles. The property contains 4.48± acres and is located on the south side of East Spaulding Avenue between South Stardust Drive and South Shooting Star Drive in Pueblo West.

Ms. Rachel Gaffney, Special Projects Planner, Pueblo County Department of Planning and Development, summarized Staff Memorandum, dated February 9, 2022. She stated there are four findings that are required in order for a special use permit to be approved, i.e., (1) "Mini-warehouse" is listed as a Use-by-Review within the R-6 Zone District and the proposed project is consistent with the definition of a "Mini-warehouse"; (2) the granting of the special use permit will not substantially modify the Land Use Plan or the intent, purpose, or spirit of Title 17, Land Use of the Pueblo County Code; (3) the special use permit proposal incorporates reasonable means to create an environment harmonious with that of the

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surrounding properties, noting that Special Use Permit No. 2017-010 was previously approved for a mini-warehouse located approximately 850 feet east of the subject property on Spaulding Avenue in the B-4 Zone District. Staff has not received any complaints or concerns from that establishment in the same neighborhood of the proposed project; and (4) the special use permit will not adversely affect the public health, safety, or welfare. The subject property is depicted in the Pueblo Regional Development Plan as “*Arterial Commercial Mixed Use*”. Additionally, the stated intent and purpose of the R-6 Zone District is “*to retain and provide areas of mixed residence, commercial establishments, and accommodations for transients*”, as such, staff finds that the proposed development is consistent with the commercial use as recommended by the Plan and permitted by the R-6 Zone District. She stated that the site plan submitted with the special use permit application was preliminary and, prior to construction, parking and outdoor lighting plans must be submitted and approved by the Pueblo County Department of Planning and Development. The road access and drainage plan will be reviewed by the Pueblo West Metropolitan District Public Works Department. The proposed project was reviewed by the Pueblo West Metropolitan District’s commercial review process, and the applicant was provided with the submittal requirements for the District. Staff received opposition letters from two property owners from the neighborhood behind the proposed development after the finalization of the staff report and, therefore, were not included in staff’s analysis. She stated that there is an easement owned by the Pueblo West Metropolitan District that separates the proposed project from the neighborhood to the south and, per the recorded plat, the easement appears to be 100 feet wide. Staff has not found any evidence that the proposed special use would adversely affect the public health, safety, or welfare; therefore, staff recommends the Pueblo County Planning Commission approve Special Use Permit No. 2022-001 with the conditions of approval as outline in Staff’s Memorandum dated February 9, 2022.

IN FAVOR

Mr. James Dale, 727 East Rugby Drive, Pueblo West, Colorado, represented the special use permit. He was able to review the letters of opposition. One of the concerns was the hours of operation. The business will close at 9:00 p.m. There should not be any reason for anyone to be in the storage facility at night. Due to the Dark Sky requirements, the lighting will be limited and require approval by the Pueblo West Metropolitan District and the Department of Planning and Development. Another concern was traffic. Traffic would be limited, noting storage facilities do not have a lot of traffic. The storefront will be consistent with other buildings in the area.

Mr. Arko questioned the type of fence that would be between the proposed project and the residences. Mr. Dale replied a chain-link fence. Mr. Schuster questioned if there was any discussion about the type of fencing that would be used on the side of the existing duplexes. Mr. Dale replied that there has not been, but he would not be opposed to some type of screening on the southeast section. He stated the structures would be metal and there would be no visibility to the recreational vehicle storage. The southwest corner is where the water retention would be located.

Mr. Lisac questioned the access permit and drainage application. Mr. Dale replied that the approval of the special use permit had to happen first. He did have a meeting with the Pueblo West Commercial Review Committee and Mr. Shawn Winters, Engineering Manager, Pueblo West Metropolitan District will be involved with the approval. He was provided with a list of requirements to obtain approval of the water retention. The access was already processed in 2004, noting the road was already widened for the apartments located across the street.

Mr. Wark questioned the access on Spaulding and if the only traffic the homeowners would see would be those inside the facility. Mr. Dale replied yes, that would be correct.

There were no additional parties in favor of the special use permit.

IN OPPOSITION

There were no parties in opposition to the special use permit

REBUTTAL

There was no testimony to rebut.

Chair Leonard closed the hearing and entered staff’s comments into the record.

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MOTION

Mr. Wark moved to approve Special Use Permit No. 2022-001 with conditions, Other Requirements, and Directive to Staff, as outlined in Staff's Memorandum, dated February 9, 2022. Mr. Schuster seconded the motion.

Discussion occurred. Mr. Schuster questioned if the use of some type of screening and buffering could be addressed. Ms. Day replied that screening and buffering was not a requirement of the Pueblo County Code. The Planning and Development staff does not like to write conditions during a hearing. If it was going to be a condition of approval, noting it was not a requirement of the Code, staff would recommend the item be continued so that staff could draft conditions consistent with the request. She stated that she would like Mr. Wark to clarify that his motion was to approve the special use permit as presented by staff with staff's recommended conditions of approval. Mr. Wark concurred, and Mr. Schuster replied that his second was based on staff's recommendations as well but wanted to ask the question. Mr. Schuster questioned if the special use permit would be before the Commission for review in the future. Ms. Howard replied the special use permit would be before the Commission as an annual review. Ms. Day replied that special use permits are usually presented to the Commission as an annual review, noting it is stated in Staff's Memorandum as a Directive to Staff. The proposed project has a Directive to Staff, which is part of the motion, that states "The Department of Planning and Development is directed to conduct an administrative review of the property during the month of January/February 2023 and to present a report to the Pueblo County Planning Commission at its February 2023 meeting." This would include any input that has been received on the use during that time.

Mr. Lisac questioned if any type of notice is mailed to adjacent property owners for administrative reviews. Ms. Howard replied that administrative reviews are provided to the Commission for review and to be discussed at the Commission's scheduled meeting. The Commission has the right to pull an item for a full hearing. Notices to adjacent property owners are not mailed for administrative reviews. If an adjacent property owner has a complaint, it can be filed with the Department of Planning and Development for action.

Mr. Arko stated the applicant indicated that he would be open to screening and buffering but, at the same time, if the item is continued, it could put undue hardship on the applicant. Ms. Day stated that as long as the screening and buffering was compliant with the Pueblo County Code and the requirements of the Pueblo West Metropolitan District, the applicant was free to proceed on his own. If the neighbors make a request, this would be something the applicant could do on his own if it was permissible under the Code. It did not necessarily need to be a requirement of the special use permit. Chair Leonard stated it fell under the description of being a "good neighbor".

The following roll call vote was taken:

Mr. Arko--aye.
Ms. Colletti--aye.
Ms. Gladney--aye.
Ms. Hatton--aye.
Mr. Lisac--aye.
Mr. Schuster--aye.
Mr. Wark--aye.
Chair Leonard--aye.

The motion carried unanimously. PCPC Resolution No. 22-006, dated February 16, 2022, was also approved.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS OF COMMITTEES

None.

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ADJOURNMENT

There being no further business, Chair Leonard called for a motion to adjourn the February 16, 2022 Planning Commission meeting.

Mr. Lisac motioned to adjourn the meeting. Mr. Arko seconded the motion. The motion carried unanimously. Chair Leonard adjourned the meeting at 6:03 p.m.

Respectfully submitted,

Carmen Howard, Director
Department of Planning and Development

SMS