

AGENDA
PUEBLO COUNTY PLANNING COMMISSION
Pueblo County Commissioners' Chambers
Pueblo County Courthouse
215 West 10th Street
October 23, 2012
5:00 P.M.

(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.)

1. Roll Call and Declaration of Quorum.
2. Approval of September 25, 2012 Minutes.
3. Chairperson's Report.
4. Director's Report:
 - (a) Acceptance of Map Amendments.
 - [Map Amendment No. 2012-004](#), Pueblo West Metropolitan District, Department of Public Works, c/o Rick Morgan, Director (Applicant), Pueblo West Metropolitan District (Owner), 191 Assembly Drive. The applicant is requesting withdrawal of the map amendment to rezone a 3.3 acre parcel of land from an S-4, Parking Zone District to an S-1, Public Use Zone District, which was to recognize the intended use and future development of the property. The property is located on the north side of Assembly Drive between Aspen Ski Way (if extended northerly) and McCulloch Boulevard in the Pueblo West area.
 - (b) Correspondence.
 - (c) Continuances:
 - [Special Use Permit No. 2012-011](#), Pueblo West Metropolitan District, Department of Parks and Recreation, c/o Carol Cosby, Director (Applicant), Pueblo West Metropolitan District (Owner), NE corner of McCulloch Boulevard and Assembly Drive. Applicant requests a special use permit to establish a public park and outdoor sports/recreation facility (Soaring Eagle Park) including all structures and facilities necessary and appurtenant to their operation and associated uses directly related to site facilities and activities. The entire parcel contains 64.71± acres in an S-1, Public Use Zone District and is located at the northeast corner of McCulloch Boulevard and Assembly Drive in the Pueblo West area.

The applicant is requesting continuance to the November 13, 2012 Planning Commission hearing.

- [Map Amendment No. 2012-002](#), Bobby L. Coble and Randy L. Coble (Owners/Applicants), 1804 South LaCrosse Avenue. Applicants request a map amendment to rezone a 2.2± acre parcel of land from an A-3, Agricultural Zone District to an I-2, Light Industrial Zone District. The property is located approximately 1,100 feet north of the northeast corner of the intersection of LaCrosse Avenue and Santa Fe Avenue.

The applicants are requesting continuance to the November 13, 2012 Planning Commission hearing. This map amendment was continued from the June 26, 2012, July 24, 2012, August 28, 2012, and September 25, 2012 Planning Commission meetings.

(d) Withdrawals:

- [Road/Alley Vacation No. 2012-001](#), West 29th Auto, Incorporated (Applicant), Glenn H. and Betty J. Kittinger, Allan H. and Henry A. Withers, Thomas Aguilar, and ELB Holdings, LLC (Landowners abutting the roadway), Andy W. Kittinger, Corporate Officer, West 29th Auto, Incorporated (Representative), A portion of Baker-Steamer Road lying north of the northerly right-of-way line of 29th Street. The applicant is requesting withdrawal of the road/alley vacation to vacate Baker-Steamer Road (originally a State highway platted as "Rainbow Route"), as it exists within a portion of the NE¼ of the NE¼ and a portion of the SE¼ of the NE¼ lying north of the existing 29th Street right-of-way in Section 22, Township 20 South, Range 65 West of the Sixth Principal Meridian, County of Pueblo, State of Colorado. The road was to be vacated in order to close the road to thru traffic to prevent further issues with illegal dumping and illegal activity in the area. The area of the proposed vacation is adjacent to that property which carries a physical address of 2900 West 29th Street.
- [Map Amendment No. 2012-004](#), Pueblo West Metropolitan District, Department of Public Works, c/o Rick Morgan, Director (Applicant), Pueblo West Metropolitan District (Owner), 191 Assembly Drive. The applicant is requesting withdrawal of the map amendment to rezone a 3.3 acre parcel of land from an S-4, Parking Zone District to an S-1, Public Use Zone District, which was to recognize the intended use and future development of the property. The property is located on the north side of Assembly Drive between Aspen Ski Way (if extended northerly) and McCulloch Boulevard in the Pueblo West area.

(e) Board of County Commissioners' Action.

(f) Administrative Reviews:

- [Special Use Permit No. 1999-002](#) Amended, State Land Board and GCC Rio Grande, Inc. (Owners), GCC Rio Grande, Inc. (Operator/Applicant), Adam DeVoe/Lori Baker of Brownstein, Hyatt, Farver, Schreck, LLP (Representative), 3372 Lime Road. This is an administrative review of an amended special use permit, which allows for "natural deposits, extraction, and processing" (mineral extraction and cement manufacturing) in an A-1, Agricultural (minimum 35 acre) Zone District. The property contains 6,000± acres, and is located approximately 8.7± miles south of Pueblo, east of Interstate 25. The amendments to three conditions of approval were as follows:

Condition 9. - deletion in its entirety or revise the language of Condition 9 pertaining to enforcement procedures.

Condition 15. - amendment to allow use of alternative fuel sources for primary and secondary fuel sources and to revise the language of Condition 15.

Condition 21. - be modified to require review of the SUP by Pueblo County once every five (5) years instead of the current one (1) year review.

- [Special Use Permit No. 2008-021](#), Lee Schermerhorn, Arrowrock, LLC (Applicant/Owner), Jeff Lawson, ASI Constructors, Inc. (Representative). This is an administrative review of a special use permit, which allows a contractor's yard and office building in an A-1, Agricultural (minimum 35 acre) Zone District. The property contains 42.34± acres, and is located west of Interstate 25, on the south side of Platteville Boulevard and directly east of the railroad tracks.

5. Statement of Hearing Procedures by Chairperson.

6. Hearing of Cases.

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 applicants 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 Commission 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 at the end of the **Regular Agenda**. Upon completion of the summary of the **Consent Agenda** items and the removal of any items requested for individual, full public hearing, the Commission will take action regarding the remaining items on the **Consent Agenda** in the form of a single vote.

- a) [SPECIAL USE PERMIT NO. 2011-008](#) - Canyon Maple Solar, LLC (Applicant)
RESCISSION State of Colorado (Owner)

Applicant requests rescission of a previously-approved Special Use Permit, which allowed a scientific installation (a meteorological station to measure solar energy) in an A-1, Agricultural Zone District. The applicant has informed Planning staff that the project will not move forward. The site is located approximately 2½ miles northwest of the Town of Boone, east of the Pueblo Chemical Depot.

- b) [SPECIAL USE PERMIT NO. 2012-010](#) - Pueblo West Metropolitan District (Applicant/Owner)
Rusty Ethredge, Utilities Manager, Pueblo West
Metropolitan District (Representative)
153 West Baldwin Drive

Applicant requests a special use permit to allow construction of storage buildings, a contractor's storage yard including outdoor storage of water and wastewater construction materials, and other accessory uses in support of the existing water treatment plant and utility offices in an R-5, Multiple Residential and Office Zone District. A Special Use Permit is required for the proposed use as noted in Section 17.120.130, Public Utilities, specifically Paragraph C of the Pueblo County Code, which states: *Special utility facilities, such as water reservoirs, sewage lagoons, switching yards, pumping stations, and other component equipment installations on land owned or leased and where the equipment is fenced or placed in a building shall not be constructed until the Special Use Permit has been issued by the Planning Commission.* The property contains 7.04 acres, and is located north of Baldwin Drive, south of Palmer Lake Drive, east of Angus Avenue, and west of Del Norte Avenue in the Pueblo West area.

REGULAR ITEMS:

- 1) [NATURES REMEDY
PLANNED UNIT DEVELOPMENT
NO. 2012-002](#) - John Moser, Natures Remedy (Applicant)
Legacy Bank (Owner)
38 North Silicon Drive, Pueblo West

Applicant requests approval of Natures Remedy Planned Unit Development (PUD) rezoning the property from an I-2, Light Industrial Zone District to the PUD Zone District. Natures Remedy PUD is to accommodate a medical marijuana center, medical marijuana-infused products manufacturer, and a medical marijuana contiguous optional premises cultivation operation. The I-2 Zone District allows the infused products manufacturer and cultivation operation, but does not allow the center. Therefore, the applicant is requesting a PUD Zone District with specific land use standards to allow all three (3) medical marijuana uses on the same property.

- 2) [SPECIAL USE PERMIT NO. 2009-007 -
SHOW CAUSE HEARING](#) - Pamela J. Houston (Owner/Applicant)
1446 Martin Lane

This is a Show Cause Hearing initiated by Pueblo County to consider **rescission** of a special use permit that allowed a dog boarding kennel facility on a 2.0± acre parcel in an A-1, Agricultural (minimum 35 acre) Zone District. The applicant requested the special use permit to allow the boarding of a maximum of forty (40) dogs. The applicant will own no more than ten (10) dogs and commercially board no more than thirty (30) dogs. The special use permit was originally approved April 28, 2009 with ten (10) conditions of approval, staff directive, and other requirements. Section 17.140.010, Special Use Permits, Paragraph E of the Pueblo County Code states: *The County Planning Commission is authorized to attach such requirements, conditions, and/or reviews to actions on applications for Special Use Permits presented to it as it, in its discretion, feels necessary to carry out the intent and purpose of this Title.*

Section 17.140.070, Establishment of Special Uses: Administrative Reviews, Paragraph C of the Pueblo County Code states: *A Special Use Permit may, after a public hearing conducted pursuant to notice, be revoked if:*

1. *In the judgment of the Planning Commission the applicant has failed to establish the use or has failed to proceed with due diligence in establishing the use, in accordance with the conditions placed on the approval.*

Special Use Permit No. 2009-007 shall be considered for rescission due to the applicant not providing the required update to the Department of Planning and Development by the August 27, 2012 deadline and failure to show that progress has been made to obtain the necessary permits to establish the use.

7. Unfinished Business.
8. New Business.
9. Reports of Committees.
10. Adjournment.