

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
TUESDAY, APRIL 23, 2013
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Betty Alt; Donald Bruestle; Richard Clark; Ron Greenwell; Epimenio Griego; Kiera Hatton; Ronald Leyba; Philip Mancha; and Arnold VanZandt.

Commissioners Absent: None.

Staff Present: Joan Armstrong, Director; Sandy Blanco; Kathy Burnsed; Dominga Jimenez-Garcia; and Gail Wallingford-Ingo.

Others Present: Gary Raso, Assistant County Attorney; and Pat Coffee and Dave Benbow, County Public Works Department.

Chair Clark called the Pueblo County Planning Commission meeting to order at 5:00 p.m.

APPROVAL OF MARCH 26, 2013 MINUTES

Ms. Alt moved to approve the minutes of the March 26, 2013 meeting as mailed. Mr. VanZandt seconded the motion. The motion carried unanimously.

CHAIRPERSON'S REPORT

Planning Commission member attendance is nearly 100%.

DIRECTOR'S REPORT

The Director's Report was presented by Joan Armstrong. She requested the staff reports be made a part of the record of this evening's proceedings. She noted there would be one motion to accept the Director's Report as presented after the administrative review summaries are done.

- (a) Introduction of New Member. Ms. Kiera Hatton was introduced as the new Pueblo County Planning Commission member.
- (b) Acceptance of Map Amendment--[Map Amendment No. 2013-001](#), on behalf of Luis R. Venzor Chavarria, to rezone a 0.60± acre parcel from an A-2 to an A-4 Zone District.
- (c) Correspondence--one piece of correspondence was distributed: A letter from the Colorado Department of Transportation, dated April 17, 2013, with comments for [Special Use Permit No. 2007-003 Amended](#).
- (d) Continuance--Special Use Permit No. 2013-006. The applicants are requesting continuance to the May 28, 2013 Planning Commission meeting.
- (e) Withdrawals--None.
- (f) Board of County Commissioners' Action--Summary of actions taken on April 10, 2013.
- (g) Administrative Reviews:

- [Special Use Permit No. 2001-001](#) allowing the extraction and processing of natural deposits on 45.72± acres in an A-1 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with 11 existing conditions of approval and a new Directive to Staff to present a report at the April, 2014 meeting.

- [Special Use Permit No. 2007-003](#) establishing at Greenhorn Meadow Park, a public park, recreational facility, and campground including all structures and facilities necessary and appurtenant to their operation and associated uses directly related to site facilities and activities in an S-1 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with three existing conditions of approval and a modified Directive to Staff to present a report at the April, 2016 meeting.

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- [Special Use Permit No. 2007-006](#) allowing natural deposits extraction and processing, a hot mix asphalt plant, stockpiling, crusher and screening plant, concrete batch plant, scale houses, and an office on a 1,030± acre parcel in an A-1 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with 13 existing conditions of approval and a modified Directive to Staff to present a report at the April, 2016 meeting.

- [Special Use Permit No. 2010-003](#) allowing a private school in an A-2 Zone District on a 6.17 acre parcel of land being a portion of Parcel A of Subdivision Variance No. 111, containing 18.96 acres and the Pueblo West Equestrian Arena.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with two existing conditions of approval and a new Directive to Staff to present a report at the August, 2013 meeting.

- [Special Use Permit No. 2012-005](#) allowing the establishment of a flea market in an I-2 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with two existing conditions of approval and a notation stating it's unnecessary to schedule this special use permit for further review unless the use and/or property do not maintain compliance with the Pueblo County Code and/or a complaint is received and verified that there is a violation of the conditions of approval as imposed, and/or if a review is specifically requested by the Planning Commission.

- [Special Use Permit No. 2012-006](#) allowing the establishment of a monopole-type telecommunications tower (with an overall height of 95 feet) and related accessory buildings and support facilities on a 3,600-square foot leased parcel of land in an I-3 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with five existing conditions of approval and a new Directive to Staff to present a report at the April, 2014 meeting.

- [Special Use Permit No. 2012-007](#) allowing a "Child Care Home (Large)" in an A-3 Zone District, and allows the applicant to have a maximum capacity of 12 children at any given time.

The Commission accepted the Administrative Review, thereby approving the continuance of the permitted use with two existing conditions of approval. Due to the scheduled rescission of Special Use Permit No. 2012-007 it will not be necessary to schedule for further review.

Ms. Armstrong requested the Commission take action to accept the map amendment, late correspondence, request for continuance, and administrative reviews as presented.

Mr. Bruestle moved to accept the map amendment, late correspondence, request for continuance, and administrative reviews as read into the record and to make the Commission's comments a part of the record of the proceedings. Ms. Alt seconded the motion. The motion carried by a vote of 8-0-1, with Mr. Mancha abstaining on Special Use Permit No. 2007-003.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Clark reported that the applicant and/or representative are called upon to speak, followed by any opposition, with the applicant having the final say.

PUBLIC HEARING

Ms. Armstrong explained there were six items on the Consent Agenda for this evening's meeting. She requested the staff reports be made a part of the record of this evening's proceedings.

CONSENT ITEMS:

The consent item for Special Use Permit No. 2010-005 2nd Amendment was moved to the regular items.

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Mr. VanZandt moved to approve the remaining five Consent Items listed below with comments and/or conditions. Mr. Greenwell seconded the motion. The motion carried by a vote of 8-0-1, with Mr. Mancha abstaining on Special Use Permit No. 2007-003 Amended.

- [Special Use Permit No. 2004-008](#) Declaration of Abandonment for Jose A. Mercado, Armando Mercado, and Miguel Mercado. The Department of Planning and Development requests a Declaration of Abandonment due to the applicant's failure to continue the approved use and sale of manufactured homes, which had been established but thereafter discontinued for a period of five (5) or more years.

The Commission voted to issue a Declaration of Abandonment for Special Use Permit No. 2004-008. PCPC Resolution No. 13-010, dated April 23, 2013, was also approved.

- [Special Use Permit No. 2007-003 Amended](#) for the Colorado City Metropolitan District allowing to establish at Greenhorn Meadow Park, a public park, recreational facility, and campground including all structures and facilities necessary and appurtenant to their operation and associated uses directly related to site facilities and activities on a parcel containing 84.74± acres (found to contain 84.94± acres based upon survey of the parcel) in an S-1, Public Use Zone District. The total acreage for Greenhorn Meadow Park needs to be amended to remove the 4.10± acres known as Parcel A of Subdivision Exemption No. 2013-001 and to also reflect the current legal description of the park now being Parcel B of Subdivision Exemption No. 2013-001.

The Commission approved with three conditions and a Directive to Staff to present a report at the April, 2016 meeting. PCPC Resolution No. 13-011, dated April 23, 2013, was also approved.

- [Special Use Permit No. 2012-007 Rescission](#) for Steven and Theresa Waker allowing a "*Child Care Home (Large)*" in an A-3 Zone District. The applicants never established the daycare and have moved out of the State.

The Commission approved to rescind Special Use Permit No. 2012-007. PCPC Resolution No. 13-012, dated April 23, 2013, was also approved.

- [Map Amendment No. 2013-001](#) for Luis R. Venzor Chavarria rezoning a 0.60± acre parcel from an A-2 to an A-4 Zone District in order to recognize the existing lot dimensions and area.

The Commission voted to forward a recommendation of approval for Map Amendment No. 2013-001 to the Board of County Commissioners.

- [Alana Subdivision Preliminary Plan No. 2013-002](#) for the St. Charles Mesa Water District, proposing to subdivide 9.1± acres into three (3) lots consisting of 3.0± acres each as well as dedicate a ten (10) foot strip of land along Alana Lane for road right-of-way purposes in an A-3 Zone District.

The Commission voted to forward a recommendation of approval for Alana Subdivision Preliminary Plan No. 2013-002 to the Board of County Commissioners with two (2) comments and two (2) conditions.

REGULAR ITEMS:

- Special Use Permit No. 2009-007 Show Cause Hearing, Pamela J. Houston. 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 Zone District. The applicant requested the special use permit to allow the boarding of a maximum of forty dogs, and to own no more than ten dogs and commercially board no more than thirty dogs.

Ms. Armstrong reported six months ago the special use permit was continued to give the applicant time to gather the information that was requested. After speaking with staff, she submitted a letter for rescission.

There was no opposition present.

Chair Clark entered staff comments into the record.

Mr. Greenwell moved to rescind Special Use Permit No. 2009-007. Ms. Alt seconded the motion. The motion carried unanimously.

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PCPC Resolution No. 13-013, dated April 23, 2013, was also approved.

- Special Use Permit No. 2013-005, Becky Idler, Green Acres Assisted Living, LLC, is requesting a special use permit to allow the operation of a *Home, Elderly* for ten clients in an A-3 Zone District. The property is located at 972 South Purcell Boulevard in Pueblo West.

Ms. Gail Wallingford-Ingo, Planner II, Pueblo County Department of Planning and Development, summarized her staff review. The property currently retains Special Use Permit No. 2008-027 for an elderly foster home. The previous owner and subsequent applicant didn't proceed with the establishment of the use. When staff requested an update, the new applicants, the Idlers, indicated their desire to expand the number of clients that were permitted, which required a new special use permit. They're proposing to add up to a total of ten clients and four staff persons, noting they're not currently licensed by the State of Colorado. They have an approved off-street parking plan for the property as well as a sign plan. Staff is recommending the special use permit be approved with two conditions relative to them obtaining the State licenses and limiting the facility to no more than ten clients at any given time. If the State doesn't grant the license, they would have to submit a request to rescind the special use permit. The various reviewing entities are in support of the application with no opposition.

Mr. Jeremy Idler and Mrs. Becky Idler, 972 South Purcell Boulevard, represented the special use permit. Mr. Idler reported Green Acres Assisted Living, LLC, was established in November, 2012, noting they're a family business and their funding comes primarily from equity in their homes. They're both nurses and work in Pueblo, noting they have a real passion to take care of elderly people and between his mother and him have twelve years of experience. One of the complaints they received was regarding the use of the building and operating an assisted living facility as a business. The property already has a special use permit to operate a similar facility for up to seven people. They have several ailing family members, one of which is Mr. Ed Cox, one of the property owners; a grandfather, who has advanced Parkinson's disease; and a great uncle that's in the beginning stages of Alzheimer's disease. They want to merge their careers while taking care of their own. They chose the property because of the large spacious single level home. The location is well suited for serving several communities including Pueblo, Pueblo West, and Canon City. The home will provide a place for elderly tenants to live while getting assistance with daily activities like medication, hygiene, cooking, and housekeeping. The home will be regularly inspected and regulated by the Colorado Department of Public Health and Environment. Improvements have been made to the property ensuring proper waste disposal, adequate water supply, adequate parking and handicapped parking, emergency vehicle access, and signage. The tenants will not maintain or operate vehicles on the property, noting transportation will be provided for them. He referenced a law depicted on the Colorado Department of Regulatory Agencies' website, called the Fair Housing Law, noting they were enacted to provide equal housing opportunities. It's illegal to discriminate in the sale, rental, or financing of housing, noting one of the specific classes are the handicapped or disabled as defined by Colorado. Their tenants will fall under this category as most will have lost the ability to safely live at home. Many of the complaints tonight will be discrimination against the group they're trying to serve.

Mr. Idler addressed some of the discriminatory concerns including ambulances, medical waste, smell, and noise. The tenants will be under the care of professional nurses, noting they have policies and procedures. They're not a nursing home or a medical facility and they don't produce medical waste. The tenants will be defecating and urinating in the restrooms, and can assure the community they won't be a rowdy bunch. He addressed some other non-discriminatory concerns including increased traffic, property values, and running a business in the home. The home is located on Purcell Boulevard, noting it's a very busy roadway but he doesn't see a potential for noticeable change to the traffic. They estimate two to four visitors a day for each of their clients, spread out over the length of the day. He talked to professionals and other owners of these types of businesses and decreasing property values are unfounded and unproven. They cleaned up the area and it's only the start to improve the aesthetics. The nature of their business is not retail but residential, noting their goal is to create an environment that makes their tenants feel like they're living in a home and not a facility. As nurses, they're excited to create a place that truly allows them to focus on each person in their home and to improve the quality of their lives.

Ms. Alt asked Mr. Idler if his mother and he would be residing in the home, and Mr. Idler replied no. Ms. Alt asked if they would have hired people taking care of the clients. Mr. Idler replied they would be working there Monday through Friday during business hours and on call 24/7. Mr. VanZandt asked Mr. Idler how many units or individual rooms they had

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planned. Mr. Idler replied they have five bedrooms with double occupancy with the appropriate square footage as regulated by the Colorado Department of Public Health and Environment. Mr. Leyba asked Mr. Idler how many residents they currently had. Mr. Idler replied they're just starting and don't have any. Mr. Raso questioned the zoning of the property across the street on Purcell Boulevard. Ms. Wallingford-Ingo replied it's zoned R-5, multi-family, noting the same use is allowed without a special use permit. Chair Clark asked Mr. Idler what the ratio of family members was to other residents. Mr. Idler replied they have three family members that may become residents, so about 30%. Chair Clark asked Mr. Idler if he was agreeable to staff's conditions. Mr. Idler replied yes, noting with approval, they will be up and running in a month or two.

Mr. Brian White, 1090 South Glenbrook Avenue, Pueblo West, spoke in opposition to the special use permit. He stated they live in the neighborhood and have a vested interest. He understands the need for the elderly but the facility should be located in a business zone district, noting they don't want a 24-hour facility in the neighborhood. There are other concerns including the septic system, noting they went from a single-family residence to a multi-dwelling unit. There will be hazardous medical waste to dispose of, and physician directed care and medication administration performed at the facility. They indicated the facility is for assisted living, but when they get into physician directed care run by RNs, it sounds like a nursing home. He cares about people, noting his wife and he are both registered nurses. They're not being discriminatory, noting they purchased their home in a neighborhood with single-family homes and not multi-dwelling units. There will be ten residents that require bathing and sheet changing, noting there would be a need for service trucks.

Mr. Mancha asked Mr. White if anything could be done to mitigate his feelings. Mr. White replied the applicants could live on site and not go home at night. They're also concerned about their property values. Mr. Bruestle questioned if there were any rental properties in the area, noting they're income properties and businesses. Mr. White replied he wasn't aware of any in their neighborhood. Mr. Bruestle stated he's familiar with quite a few rental properties in Pueblo West. Mr. White stated there's a difference between renting out a single-family residence and running a business. Ms. Armstrong stated the A-3 Zone District has uses-by-review and uses-by-right that can be done without a special use permit. They can have a home, elderly, on the property if approved by the Planning Commission, noting they have to make certain findings so it's recognized as an allowable use with a special use permit. Mr. Griego asked Mr. White if there were a lot of group homes in Pueblo West. Mr. White replied not to his knowledge, noting they don't have big signs and are low profile. Mr. Leyba asked Mr. White what his largest nuisance was. Mr. White replied property values, the new sign, more traffic, laundry delivery trucks, medical waste removal, the septic tank, and lighting. They talked about people who may be going through chemotherapy treatments, noting that stuff goes into the ground. Mr. Leyba asked Mr. White if he was there in opposition for other neighbors. Mr. White replied yes, another registered nurse who lives down the street. Ms. Wallingford-Ingo asked Mr. White if his lot was depicted on the map, and he pointed it out on the map as well as the property for the other nurse in opposition. Mr. VanZandt asked Mr. White if their septic tank leaches into the ground. Mr. White replied he doesn't know. Chair Clark stated their correspondence depicts a memorandum, dated March 22, 2013, from the Pueblo City-County Health Department, noting they were inspected and are in full compliance and need legitimate permits to proceed any further. Mr. White stated that puts his mind at ease. Ms. Wallingford-Ingo stated they also have a letter from the Pueblo City-County Health Department indicating the septic system was increased in February, 2013 to accommodate five bedrooms or ten occupants. It's specific to the proposed use and is in compliance with the Health Department regulations. Mr. White stated that takes care of one of his concerns, and questioned if that would take care of the medical waste disposal. Chair Clark replied the applicant will have the opportunity to address his concerns.

Mrs. Selina Mascarenas, 983 South Glenbrook Drive, Pueblo West, spoke in opposition to the special use permit. She stated they live behind the property and are directly affected. They had no objection to the initial permit for the elderly foster care home in 2008 for four people, noting at that time the people who owned the property lived there. She's also a nurse and understands what it's like to take care of people. They like to have barbeques and their children make noise. When they increase the population by 150%, they're increasing everything else by 150%. They're also concerned about their property values and the increased traffic, noting there are certain hours of the day when it's busy. She understands there will be ambulances and other things that come with running an assisted living facility. There are group homes in Pueblo West, noting as a nurse she knows where they are.

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Mr. Ernest Mascarenas, 983 South Glenbrook Drive, Pueblo West, spoke in opposition to the special use permit. He stated they're not trying to play hard ball and asked the Planning Commission to do their job and make the right decision. He's worried about his home value if he decides to sell in twenty years. He's a plumber and waste does leach into the dirt. They have outdoor events with kids and noise and it will be a direct change of life if one person complains, noting it would be a hardship for a long time. He questioned if ten was the maximum number of people allowed. Chair Clark replied ten is what is before them in the current application. Ms. Armstrong stated the definition of home, elderly is for more than four people. Mr. Mascarenas asked Ms. Armstrong if they could go up to 20 people. Ms. Armstrong replied the special use permit is for ten people and they can't go over. Mrs. Mascarenas stated if they allow them ten now they will eventually want to increase it to twenty and have to expand the building. Ms. Armstrong stated in order to increase the number of clients they would have to amend the special use permit. Mr. Bruestle stated the State has certain square footage requirements for two-person sleeping rooms. The current building has a footprint of a finite size and to add more rooms they would have to build a larger footprint. Chair Clark stated the process this evening is not to evaluate future expansion outside the scope of what's before them in their current application. Ms. Armstrong stated any amendment would be by public notice and public hearing. Ms. Alt questioned where they live, and Mrs. Mascarenas indicated they're the contiguous lot next door.

Mr. Idler rebutted the testimony given. He stated there would be no chemotherapy and no trucks for laundry or waste, just the normal trucks that everybody has. Mr. Bruestle asked Mr. Idler if the laundry would be done on site, and Mr. Idler replied yes. He questioned if the facility would be a use-by-right if it was located across the street, and Ms. Armstrong replied yes. Mr. Idler stated the only lights that would be on outside the building would shut off after the doors are locked for the safety of the residents. Mrs. Idler stated they would be converting everything for energy effectiveness through Xcel Energy. Ms. Armstrong stated they have outdoor lighting standards for residential homes if they exceed 150 watts per fixture. Mr. Idler stated the lights would be inside the house and nothing pointed at the sky. He questioned if any of the neighbors had wells, and Chair Clark replied he didn't think so. Mr. Idler stated the only medications that will be going into the leach lines are from the patients' bodies and the same medications that any other person takes. Chair Clark asked Mr. Idler how the medical waste would be handled. Mr. Idler replied there are pharmacy regulations and regulations from the State on how to dispose of medication. They mix it with water and cat litter and put it in the trash and it goes to the landfill. Chair Clark asked Mr. Idler for a clarification on the definition of nursing home versus assisted living. Mr. Idler replied they don't provide skilled nursing care like chemotherapy. Their residents will receive nursing assessment skills which prevents them from getting serious illnesses. Mr. VanZandt asked Mr. Idler if they need to have the sign. Mr. Idler replied the sign was approved by the Committee of Architecture in Pueblo West and is a requirement by their State licensing agency. Mr. VanZandt asked Mr. Idler if they plan on expanding. Mr. Idler replied it was a thought, but the neighbors have a problem with it and would just be happy to get their initial business up and running. Mrs. Idler stated elderly homes like this are becoming more common and they would see more of them as opposed to people putting their family members in a nursing home. They were required by the County and State to do the parking, which makes it look more commercialized. Mr. Leyba asked Mr. Idler to explain the stipulation in reference to the noise. Mr. Idler replied they've been working on the property for six months and haven't seen any noise problems that would pose a problem for their residents. Mr. Leyba questioned if the neighbors had a big party with a band if it would bother anybody, and Mr. Idler replied no. Ms. Alt asked if the residents would be locked inside the home. Mr. Idler replied no, they would have the ability to go outside. Ms. Armstrong clarified the installation of a small sign, 18 square feet in size, on the front of the building has been approved through Sign Permit No. 2013-005. Ms. Wallingford-Ingo stated in 2004 the home was constructed as a model home and a sign was put up for advertising. It was limited to the model home and still exists, noting it would be removed.

Chair Clark entered staff comments into the record.

Mr. Bruestle moved to approve Special Use Permit No. 2013-005 with two conditions of approval, and a Directive to Staff to present a report at the April, 2014 meeting. Mr. VanZandt seconded the motion.

Chair Clark asked Mr. Bruestle to justify his motion. Mr. Bruestle replied the applicants have met all of the requirements. The motion carried by a vote of 8 to 1, with Mr. Leyba denying the motion.

PCPC Resolution No. 13-014, dated April 23, 2013, was also approved.

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Mr. Leyba stated there could be expansion that impacts other people's homes and property values. The cause is worthy and is essentially needed in their society. There are some concerned citizens, noting it's their homes that they work hard for every day and to have their property values and environment potentially impacted in a negative way should be considered. Mr. Raso stated he has served as counsel at over 600 hearings and can count on two fingers the number of times he has seen evidence about property values. Mr. Leyba stated it's not so much the property values as the essence of life in the environment in which they choose to live and doesn't know if they can put a dollar amount on that.

- [Special Use Permit No. 2010-005 2nd Amendment](#) for Alta Fuels, LLC allowing "bulk storage of gasoline and diesel" in an I-2 Zone District. The 2nd Amendment request is to change the current 55' x 36' containment area to a 52' x 52' containment area in order to accommodate three (3) additional tanks.

Mr. Mancha questioned if the Commission approved this would they be held responsible or liable if something were to happen at the tank farm. Mr. Raso replied no, noting they would be protected by the provisions of the Colorado Governmental Immunity Act. They approved this in an area which is designated for industrial uses and made a requirement that they comply with Federal, State, and local environmental and safety regulations.

Ms. Joan Armstrong, Director, Pueblo County Department of Planning and Development, summarized her staff review. She reported the 2nd Amendment request is restricted to a five-acre parcel out of a 30-acre piece of ground, noting the tank sizes will be 30,000 gallons each. The location is limited to the site and any additional area will require another amendment. Alta Fuels, LLC shall be in compliance with the EPA as a Tier II Hazardous Materials Storage Facility and must submit a current contract with the licensed hazardous materials contractor that addresses spilled products. At the time of the zoning authorization for the new containment area, the contractor shall provide the Department a plan or a drawing identifying the placement of the two-inch drain valve to adequately drain the presence of storm waters from the area. An as-built verification of the installation of the drain valve from the concrete contractor shall also be submitted to the Department, noting several of the conditions were taken from the recommendations from the City-County Health Department and are the same conditions that were imposed for the previous amended special use permit.

Mr. Jim Sammons, President and General Manager, Alta Fuels, LLC, 1739 East Platteville Boulevard, Pueblo West, represented the special use permit. He reported they want to add three additional tanks. The amendment will allow them to store diesel fuel and to have lubricating oils. They sell gasoline and diesel fuel to residents in Pueblo and other retail locations in Southern Colorado. They have been in business for over 30 years and operate a facility in Alamosa.

Chair Clark asked Mr. Sammons how big of an expansion they're doing based on the current use. Mr. Sammons replied they currently have 23 tanks and this will give them an additional three. Chair Clark asked if this was an expansion of a current use or a different use. Mr. Sammons replied it's an expansion of a current use. They don't store diesel fuel and this will allow them to have diesel fuel to service their customers, noting they have to bring it in from another location. Mr. Bruestle asked Mr. Sammons if the diesel fuel would be more volatile than other things they currently have. Mr. Sammons replied it's less volatile, noting it's not regulated the same way as gasoline so it's less volatile than gas. Mr. Leyba asked Mr. Sammons how many employees they had. Mr. Sammons replied company-wide they have 100 and in Pueblo over 30.

Mr. Bill Doering, 586 North Limon Drive, Pueblo West, spoke in opposition to the special use permit. He reported as a retired firefighter he's concerned about the hazardous materials stored at this location. Three additional 30,000 gallon tanks are a potential disaster waiting to happen, noting they're too close to the proximity of residences. The West Fertilizer Plant in West, Texas was too close and doesn't think it's an appropriate action to make the change. Mr. VanZandt asked Mr. Doering what the closest residence was to the site. Mr. Doering replied his home is $\frac{1}{2}$ to $\frac{3}{4}$ of a mile away and the other homes are 500 to 1,000 feet away, noting an explosion would devastate them. Mr. Mancha asked Mr. Doering if there are regulations that govern that. Mr. Doering replied they probably met all of the required regulations, but accidents do happen and one person can cause a serious problem. Mr. Mancha questioned if there was something in writing stating a home couldn't be built within a certain distance of volatile fuels. Mr. Doering replied it's probably based on the zoning of the particular area. Mr. Mancha stated if there was some proof or evidence of what the limits were would be worth talking about, but without it he doesn't know what they can do. Chair Clark asked Mr. Doering how long he has lived there, and Mr. Doering replied

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14 months. Chair Clark asked if he was aware of the business use when he moved to the area. Mr. Doering replied yes, but not the expansion of 90,000 gallons.

Mr. Gary Wyberg, Sr., 608 North Limon Drive, Pueblo West, spoke in opposition to the special use permit. He reported he has lived out there for almost 33 years. His concern is the expansion of the tanks, noting they get three tanks this year, five tanks next year, and ten tanks the year after that. The \$250,000 house they just built is 1/10th of a mile from the industrial park. The truck traffic has also affected Platteville Boulevard and it's a disaster. A mobile home park was put in at the top of the hill and he would hate to see something happen. He knows that diesel fuel isn't as volatile as gasoline but when it gets burning it burns. Mr. Mancha asked Mr. Wyberg how much of the area would be damaged if an accident were to happen. Mr. Wyberg replied what they have there now, noting it would take the windows out of his house and Mr. Doering's house. They also have Interstate Chemical, noting when the wind blows the chemical smell is bad. Mr. Bruestle questioned the smell from the chemicals and if they had ever been reported as a complaint to the City-County Health Department or anybody else. Mr. Wyberg replied he complained to Pueblo West and they didn't tell him what to do or who to complain to. Mr. Bruestle stated he doesn't know if that's their jurisdiction. Ms. Alt asked Mr. Wyberg if he built his home or bought it, and Mr. Wyberg replied he built his home. Ms. Alt asked if he was aware of the industrial area, and Mr. Wyberg replied yes.

Mr. Sammons rebutted the testimony given. He stated the horrible accident that happened in Texas was from pressurized vessels that cause a greater explosion. They're highly regulated in the fuel industry and the Colorado Oil and Public Safety does annual inspections at their facility. They do weekly, daily, and monthly inspections and are highly regulated by the Environmental Protection Agency (EPA), noting they've never had a failed inspection at this facility or the Alamosa facility.

Mr. Mike Kunz, Geological Services, 1522 Dusty Drive, Colorado Springs, spoke in favor of the special use permit. He stated they do a variety of things for Alta Fuels, LLC, but one of the things is creating a spill prevention plan. It's a response and pro-active plan that ensures they engineer and certify that if there's a spill it's contained by a system. He also helps with their permitting and can assure they have met all of the setback requirements. They also did Tier II reporting, which is a database system of servers that requires companies that store chemicals to notify people in the neighborhood of what they're storing there, and what the quantities are. The Pueblo West Fire Protection District has been notified as well as the City-County Health Department and the State. They're a first grade operation, noting he's impressed by the facility and so are the oil inspectors. The West, Texas fire was a different situation, noting when a tank is full it's a fairly safe tank, but when it's empty that's when vapors develop and a spark can set it off and create an explosion. Mr. Leyba questioned how many gallons were currently stored. Mr. Sammons replied on a day-to-day basis they have between 60,000 to 70,000 gallons, noting they don't keep the tanks full. Mr. Leyba asked if they had any future expansion plans. Mr. Sammons replied at this time they don't unless a new motor fuel or something like that is invented. Mr. Leyba asked if they had any violations or accidents that may cause concern, and Mr. Sammons replied no. Ms. Hatton asked Mr. Sammons how many more trucks they would see per day with the increased number of tanks. Mr. Sammons replied they may see a 5% to 10% increase in the number of trucks. Ms. Alt asked Mr. Sammons how long they've been in business in Alamosa. Mr. Sammons replied the business has been there for 15 years under Alta Fuels, LLC and prior to that for 40 years. Mr. VanZandt asked Mr. Sammons how much more property he has to expand on. Mr. Sammons replied they own 30 acres, but would have to request another special use permit because they're on a five-acre parcel right now and are pretty well used up. Mr. VanZandt asked Mr. Sammons if there was room for expansion or additional property available. Mr. Sammons replied there's a little bit of room to the north but not very much.

Mr. Leyba moved to approve Special Use Permit No. 2010-005 2nd Amendment with six conditions and a Directive to Staff to present a report at the April, 2014 meeting. It's a reputable company with a good record and employees. Mr. Griego seconded the motion. Chair Clark stated he drives by there on a regular basis and they appear to be a professional and clean operation. They have complied with the rules and regulations and have been established for many years. The motion carried unanimously.

PCPC Resolution No. 13-015, dated April 23, 2013, was also approved.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
APRIL 23, 2013**

UNFINISHED BUSINESS

Ms. Armstrong reported the joint City-County meeting to talk about the Comprehensive Plan was postponed and doesn't know when it will take place. Due to the budgets this year between the City and County it's not going to happen. They're going to take a step back and evaluate the areas and try to get a plan of action for next year. All of the meetings that were scheduled have been cancelled. Chair Clark asked Ms. Armstrong what would be the next step in moving forward. Ms. Armstrong replied their next step is to coordinate with the City and look at the different areas and try to pinpoint or identify items they want to pursue. Mr. Bruestle stated the money to hire a consultant has yet to be authorized, noting a consultant can't be hired. Ms. Armstrong stated it's in the Department's budget, noting \$15,000 was allocated for the Comprehensive Plan, but they're not going to spend the Department's money for the consultant. Mr. Mancha stated he's disappointed, noting he heard they wanted an extension or completion of the Plan that was started ten years ago. Ms. Armstrong stated it was finished ten years ago, noting it needs to be redone every ten years and is why it was initiated. Chair Clark stated he attended the first City Council meeting with a prepared statement and they didn't let him present it due to being out of time. Mr. Mancha stated they should talk to the County Commissioners to see if they want to take any initiatives in terms of planning for the County. Chair Clark stated the planning requires a partnership. Mr. Mancha stated ideally it should be done that way, but they can't move ahead unless the City does something. Chair Clark stated the County includes the City so they have an interest but they don't have authority over the zoning or land use issues. Ms. Armstrong stated the initial Plan was a joint venture, noting they can still continue to look at the County. Chair Clark stated if they were to identify an area of the County it should be Pueblo West. Ms. Armstrong stated in 2004 the Department of Planning and Development and the Pueblo West Metropolitan District did a major rezoning of Pueblo West.

Chair Clark stated there's enthusiasm, interest, and the energy to do something. He asked Ms. Armstrong if she could report back next month on what they can do. Mr. Bruestle asked Ms. Armstrong if an aging Comprehensive Plan is a benign document or a liability to new businesses. Ms. Armstrong replied she doesn't know if it's a liability but it might be a hindrance, noting it's a guide and can be a little detrimental if it's old. Mr. Mancha stated he would like to get the opinion of the County Commissioners, noting they have a vision for the County and would like to know what they think about using the same Plan they did ten years ago and whether they might have some ideas about Pueblo West or other parts of the County.

NEW BUSINESS

(A) PCPC Members' Bios.

Chair Clark stated the previous Planning Director asked for their bios to post on the website, noting they have a new member and asked if this was something they wanted to pursue. After discussion, it was determined they would continue to submit their bios to post on the website.

Ms. Armstrong reported the Planning Commission agenda is sent out to the members electronically, noting it has hyperlinks to staff's reviews that can be viewed prior to receiving their packets.

REPORTS OF COMMITTEES

ADJOURNMENT

Mr. Leyba moved to adjourn the meeting. Ms. Alt seconded the motion. The motion carried unanimously. The meeting was adjourned at 7:56 p.m.

Respectfully submitted,



Joan Armstrong, Director
Department of Planning and Development

SJB