

AGENDA
PUEBLO COUNTY PLANNING COMMISSION
Commissioners' Chambers, Pueblo County Courthouse
215 West 10th Street
April 15, 2015
5:30 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 March 18, 2015 Minutes.
3. Chairperson's Report.
4. Director's Report:

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

- [Map Amendment No. 2015-001](#), Kimberly A. and Randy K. Whitney (Owners/Applicants), c/o Department of Planning and Development (Representative), 4010 West 8th Street. The owners/applicants are requesting a map amendment to rezone a nonconforming 0.994± acre parcel from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District in order to recognize its private ownership, use, and size. The property is improved with a single-family residence and is located on the south side of said road, approximately 475 feet west of its intersection with Pueblo Boulevard frontage road (Pritz Road). Due to the housekeeping nature of the application, the owners/applicants have authorized the Department of Planning and Development to represent the map amendment request.



- [Map Amendment No. 2015-002](#), Ag Power of Colorado, LLC, c/o James Meade (Applicant), James Carter Family, LP and Edward N. Pearl (Owners), NorthStar Engineering & Surveying, Inc., c/o Jim Pioreschi (Representative), 31 North Electronic Drive. Applicant requests a map amendment to rezone Lot 2 of Carter-Pearl Subdivision containing 4.54± acres from a B-4, Community Business Zone District to an I-2, Light Industrial Zone District. The letter of request states, *“The re-zone is being requested to facilitate development of the property to an Industrial Commercial Center. The request also comes from the Pueblo West Committee of Architecture to eliminate the possibility of the retail sale of marijuana.”* The property carries a physical address of 31 North Electronic Drive and is located at the northwest corner of the intersection of Enterprise Drive and Electronic Drive in Pueblo West.



- [Cultiv8 Cannabis Planned Unit Development No. 2014-008](#), C^3 Colorado Springs, LLC (Applicant), R. W. Walker and Eve F. Walker (Owners), 2565 North Interstate 25. Applicant requests approval of a rezoning from I-2, Light Industrial to a Planned Unit Development (PUD). The Cultiv8 Cannabis PUD would allow the following uses: Medical Marijuana Center, Medical Marijuana Infused Products Manufacturer, Medical Marijuana Contiguous Optional Premises Cultivation Operation, Medical Marijuana Storage for On-Site Businesses, and Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation, Retail Marijuana Store, Retail Marijuana Infused Products Manufacturer, Retail Marijuana Contiguous Cultivation Facility Operations, Retail Marijuana Non-Contiguous Cultivation Facility, and Retail Marijuana Testing Facility. The PUD also proposes allowing other various light industrial type uses. The property is 2.98± acres in size, and is located at the northwest corner of the intersection of the Interstate 25 Frontage Road and Quartz Road, north of the City of Pueblo.



- [Midwest Ranch Planned Unit Development No. 2015-001](#), Jeff Ayotte, Midwest Wholesale Colorado, LLC (Applicant), Midwest Wholesale Colorado (Owner), Mangini & Associates, Inc., c/o Rocky Mangini (Representative), 50100 East State Highway 96. Applicant requests to rezone 5 acres of property out of a 443.94 acre parcel of land from an A-1, Agricultural Zone District to the Midwest Ranch Planned Unit Development to accommodate a Retail (recreation) Marijuana-Infused Product Manufacturer/Marijuana Oil Extraction Facility for the cultivation operation on 6 acres of the remaining property. The A-1 Zone District allows the cultivation but not the marijuana-infused product manufacturing. No sales of any product will be made from the PUD site. The property is located on the south side of State Highway No. 96 around Martin Lane and north of the Arkansas River in the eastern portion of Pueblo County.



(b) Correspondence.

(c) Continuance:

- [Road/Alley Vacation No. 2014-003](#), Big R Properties, LLC (Owner), Corsentino Construction, Inc. (Applicant). Applicant proposes vacating a portion of Reyes Street, an 80-foot right-of-way, located within the Pueblo Memorial Airport Industrial Park. The portion of Reyes Street to be vacated is located between Walt Bassett Avenue and Excellence Avenue.

This road/alley vacation was continued from the September 23, 2014, October 28, 2014, November 18, 2014, December 16, 2014, February 18, 2015, and March 18, 2015 Planning Commission meetings. The applicant is requesting continuance to the June 17, 2015 Planning Commission meeting.



(d) Withdrawals.

(e) Board of County Commissioners' Action.

(f) Administrative Reviews:

- [Special Use Permit No. 2012-006](#), Atlas Tower Holdings, LLC (Applicant), c/o Cayla Crisp (Representative), SSE Enterprises, LLC (Owner), 1051 Aspen Place. This is an administrative review of a special use permit, which allows 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, Heavy Industrial Zone District. The leased parcel is encompassed within an 11.98± acre parcel of land, which is located on the west side of Aspen Place (Street) approximately 700 feet north of its intersection with Santa Fe Drive (Highway 50 East) in the Blende area.



- [Special Use Permit No. 2014-001](#), Kimberly Shawcroft (Applicant), Ricky L. and Kimberly R. Shawcroft (Owners), 29612 County Farm Road. This is an administrative review of a special use permit, which allows the establishment of a "Child Care Home (Large)" in an A-3, Agricultural (minimum 1 acre) Zone District. The property is located between 29th Lane and 30th Lane, south of East U.S. Highway 50.



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.

1. [MAP AMENDMENT NO. 2015-001](#) - Kimberly A. and Randy K. Whitney (Owners/Applicants)
c/o Department of Planning and Development
(Representative)
4010 West 8th Street



The owners/applicants are requesting a map amendment to rezone a nonconforming 0.994± acre parcel from an S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District in order to recognize its private ownership, use, and size. The property is improved with a single-family residence and is located on the south side of said road, approximately 475 feet west of its intersection with Pueblo Boulevard frontage road (Pritz Road). Due to the housekeeping nature of the application, the owners/applicants have authorized the Department of Planning and Development to represent the map amendment request.

2. [MAP AMENDMENT NO. 2015-002](#) - Ag Power of Colorado, LLC, c/o James Meade (Applicant)
James Carter Family, LP and Edward N. Pearl (Owners)
NorthStar Engineering & Surveying, Inc.,
c/o Jim Pioreschi (Representative)
31 North Electronic Drive



Applicant requests a map amendment to rezone Lot 2 of Carter-Pearl Subdivision containing 4.54± acres from a B-4, Community Business Zone District to an I-2, Light Industrial Zone District. The letter of request states, *"The re-zone is being requested to facilitate development of the property to an Industrial Commercial Center. The request also comes from the Pueblo West Committee of Architecture to eliminate the possibility of the retail sale of marijuana."* The property carries a physical address of 31 North Electronic Drive and is located at the northwest corner of the intersection of Enterprise Drive and Electronic Drive in Pueblo West.

3. [THE CURTIS ROAD SUBDIVISION, FILING NO. 2 PRELIMINARY PLAN NO. 2015-001](#) - Gayle M. and Linda K. Marlowe (Owners/Applicants)
Amella Surveying, Inc., c/o Gary Amella
(Representative)
8889 Curtis Road



Owners/applicants request preliminary plan approval to re-subdivide Lot 2, The Curtis Road Subdivision containing 4.85± acres into two (2) lots: Lot 1 contains 3.42± acres and Lot 2 contains 1.43± acres. Lot 1 encompasses the existing residence and Lot 2 is vacant. The owners/applicants request waiver of submittal of a new Geologic Report for the current Subdivision and to use the Geologic Report that was submitted with The Curtis Road Subdivision that was submitted in 2010 and recorded in 2011. The property is within the A-3, Agricultural (minimum 1 acre) Zone District, physically addressed as 8889 Curtis Road, and is located on Curtis Road, east of Pennsylvania Avenue in the Beulah area.

The Curtis Road Subdivision, Filing No. 2 Preliminary Plan No. 2015-001 will be heard concurrently with The Curtis Road Subdivision, Filing No. 2 Final Plat No. 2015-001.

4. [THE CURTIS ROAD SUBDIVISION, FILING NO. 2 FINAL PLAT NO. 2015-001](#) - Gayle M. and Linda K. Marlowe (Owners/Applicants)
Amella Surveying, Inc., c/o Gary Amella
(Representative)
8889 Curtis Road



Applicants request final plat approval to re-subdivide Lot 2, The Curtis Road Subdivision containing 4.85± acres into two (2) lots: Lot 1 contains 3.42± acres and Lot 2 contains 1.43± acres. Lot 1 encompasses the existing residence and Lot 2 is vacant. The property is within the A-3, Agricultural (minimum 1 acre) Zone District, physically addressed as 8889 Curtis Road, and is located on Curtis Road, east of Pennsylvania Avenue in the Beulah area.

The Curtis Road Subdivision, Filing No. 2 Final Plat No. 2015-001 will be heard concurrently with The Curtis Road Subdivision, Filing No. 2 Preliminary Plan No. 2015-001.

5. [CULTIV8 CANNABIS PLANNED UNIT DEVELOPMENT NO. 2014-008](#) - C^3 Colorado Springs, LLC (Applicant)
R. W. Walker and Eve F. Walker (Owners)
2565 North Interstate 25



Applicant requests approval of a rezoning from I-2, Light Industrial to a Planned Unit Development (PUD). The Cultiv8 Cannabis PUD would allow the following uses: Medical Marijuana Center, Medical Marijuana Infused Products Manufacturer, Medical Marijuana Contiguous Optional Premises Cultivation Operation, Medical Marijuana Storage for On-Site

Businesses, and Medical Marijuana Non-Contiguous Optional Premises Cultivation Operation, Retail Marijuana Store, Retail Marijuana Infused Products Manufacturer, Retail Marijuana Contiguous Cultivation Facility Operations, Retail Marijuana Non-Contiguous Cultivation Facility, and Retail Marijuana Testing Facility. The PUD also proposes allowing other various light industrial type uses. The property is 2.98± acres in size, and is located at the northwest corner of the intersection of the Interstate 25 Frontage Road and Quartz Road, north of the City of Pueblo.

REGULAR ITEMS:

- a) [TEXT AMENDMENT NO. 2014-003](#) - Pueblo County Department of Planning and Development (Applicant/Representative)



The Pueblo County Department of Planning and Development is proposing a Text Amendment to the Pueblo County Code, Title 17 Land Use, Division I. Zoning to add a chapter containing regulations for Extraction of Mineral and Natural Resources. The Text Amendment would add Chapter 17.105 MINERAL RESOURCE EXTRACTION REGULATIONS to the Pueblo County Code, Title 17 Land Use. This would also include changes, deletions, and additions to the Pueblo County Code, Title 17 Land Use, Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS, Section 17.04.040, Definitions and uses as listed under Uses by right and/or Uses by review in Chapters 17.12, 17.16, 17.20, 17.24, 17.28, 17.32, 17.36, 17.40, 17.44, 17.68, and 17.72.

****This text amendment previously included a chapter for Oil and Gas Regulations. The Oil and Gas Regulations will be through a new text amendment and will be heard at a later date by the Pueblo County Planning Commission and Board of County Commissioners. This chapter has been separated from the Mineral Resource Extraction Regulations in order to allow staff more time to research and obtain comments from various property owners and agencies.*

This text amendment was continued from the September 23, 2014, October 28, 2014, January 21, 2015, and February 18, 2015 Planning Commission meetings.

- b) [MIDWEST RANCH PLANNED UNIT DEVELOPMENT NO. 2015-001](#) - Jeff Ayotte, Midwest Wholesale Colorado, LLC (Applicant)
Midwest Wholesale Colorado (Owner)
Mangini & Associates, Inc., c/o Rocky Mangini (Representative)
50100 East State Highway 96



Applicant requests to rezone 5 acres of property out of a 443.94 acre parcel of land from an A-1, Agricultural Zone District to the Midwest Ranch Planned Unit Development to accommodate a Retail (recreation) Marijuana-Infused Product Manufacturer/Marijuana Oil Extraction Facility for the cultivation operation on 6 acres of the remaining property. The A-1 Zone District allows the cultivation but not the marijuana-infused product manufacturing. No sales of any product will be made from the PUD site. The property is located on the south side of State Highway No. 96 around Martin Lane and north of the Arkansas River in the eastern portion of Pueblo County.

7. Unfinished Business.
8. New Business:
 - a) Land Use Case Continuances
9. Reports of Committees.
10. Adjournment.