

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 17, 2016
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Betty Alt; Donald Bruestle; Epimenio Griego; Judy Leonard; Ronald Leyba; Roger Lowe; and Philip Mancha.

Commissioner Absent: Kiera Hatton.

Staff Present: Joan Armstrong, Director; Sandy Blanco; Dominga Jimenez-Garcia; and Jeffrey Woeber.

Others Present: Marci Day, Assistant County Attorney.

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

APPROVAL OF JANUARY 20, 2016 MINUTES

Ms. Alt moved to approve the minutes of the January 20, 2016 meeting as mailed. Mr. Lowe seconded the motion. The motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Bruestle had nothing to report.

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 the proceedings.

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

- [Colorado Distributing Planned Unit Development No. 2015-009](#), Mentezo Partners, LLC, requests rezoning 8.05 acres from B-4 and I-2 to the Colorado Distributing Planned Unit Development.

(b) Correspondence--None.

(c) Continuances--None.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on February 10, 2016.

(f) Administrative Reviews:

- [Special Use Permit No. 577 Amended](#) (also known as Special Use Permit No. 1985-043 Amended) allows a solid waste disposal facility in an A-1 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval and new Directive to Staff to present a report at the February, 2021 Planning Commission hearing, as per staff's review dated February 11, 2016.

- [Special Use Permit No. 2004-004 Amended](#) allows the extraction and processing of sand and gravel on 364± acres of a parcel containing 467 acres, located within an A-1 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval and modified Directive to Staff to present a report at the February, 2021 Planning Commission hearing, as per staff's review dated February 1, 2016.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 17, 2016**

- [Special Use Permit No. 2012-003](#) allows “Motor Vehicle, Retail” use on a property within an I-2 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval and Directive to Staff to present a report at the February, 2017 Planning Commission hearing, as per staff’s review dated February 3, 2016.

Ms. Armstrong requested the Commission take action to accept the planned unit development for processing, Board of County Commissioners’ actions, and administrative reviews as presented.

Mr. Lowe moved to accept the planned unit development for processing, Board of County Commissioners’ actions, and administrative reviews as read into the record and make the Commission’s comments a part of the record of the proceedings. Mr. Griego seconded the motion. The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Bruestle 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 two items on the Consent Agenda and one item on the Regular Agenda for this evening’s meeting.

CONSENT ITEMS:

Ms. Alt moved to approve the two Consent Items listed below with conditions. Mr. Lowe seconded the motion. The motion carried unanimously.

- [Special Use Permit No. 2014-011 Rescission](#), Steve Merveldt, Colorado Propane Marketing, requests rescission of a special use permit that allows “Gas, Medical and Industrial, Wholesale”, specifically Propane Storage and Distribution Depot in an I-2 Zone District.

The Commission voted to rescind. Resolution No. PCPC 16-004, dated February 17, 2016, was also approved.

- [Easement Vacation No. 2015-004](#), Town & Country Land Company I, LLC requests to vacate all that portion of the existing 10-foot public utility easement lying on the property line common to Lot 18 and Lot 19 in Colorado City, Unit No. 38, Pueblo County, Colorado, being five (5) feet on each side of said common line.

The Commission voted to recommend approval to the Board of County Commissioners with one condition of approval.

REGULAR ITEM:

Statement of Conduct and Demeanor

Chair Bruestle 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.

- [Colorado Distributing Planned Unit Development No. 2015-009](#), Mentezo Partners, LLC (Applicant/Owner), Colorado Distributing, LLC, c/o Tim Ionno (Representative), 893 East Enterprise Drive. Applicant requests a planned unit development to rezone 8.05 acres of land of which 2.21± acres (Parcel A, Lot Line Vacation No. 2014-014) is in the B-4, Community Business Zone District and 5.85± acres (Lots 21-24,

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 17, 2016**

inclusive, Block 4, Tract 249, Pueblo West, Colorado) is in the I-2, Light Industrial Zone District to the Colorado Distributing Planned Unit Development to allow:

PERMITTED USES

- ALL RETAIL AND PERSONAL SERVICE USES; ADVERTISING DEVICE, OFF PREMISES; EXISTING EASEMENT FOR FIBER OPTIC LINE AND SUPPORTING STRUCTURES RECORDED AT RECEPTION NO. 1800950 IN THE OFFICE OF THE PUEBLO COUNTY CLERK/RECORDER
- MEDICAL MARIJUANA USES; MEDICAL MARIJUANA STORAGE; MEDICAL MARIJUANA CENTER; MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER; MEDICAL MARIJUANA INDOOR, GREENHOUSE, AND OUTDOOR GROW; MEDICAL MARIJUANA CONTIGUOUS OPTIONAL PREMISES CULTIVATION OPERATION AS DEFINED IN SECTION 17.04.040, DEFINITION AND SUBJECT TO CHAPTER 17.120 SUPPLEMENTARY REGULATIONS OF THE PUEBLO COUNTY CODE
- RETAIL MARIJUANA USES; RETAIL MARIJUANA STORAGE; RETAIL MARIJUANA STORE; RETAIL MARIJUANA-INFUSED PRODUCTS MANUFACTURER; RETAIL MARIJUANA INDOOR, GREENHOUSE, AND OUTDOOR GROW; RETAIL MARIJUANA CONTIGUOUS OPTIONAL PREMISES CULTIVATION OPERATION; RETAIL MARIJUANA TESTING FACILITY, AS DEFINED IN SECTION 17.04.040, DEFINITION AND SUBJECT TO CHAPTER 17.120 SUPPLEMENTARY REGULATIONS OF THE PUEBLO COUNTY CODE

Ms. Joan Armstrong, Director, Department of Planning and Development, summarized her staff review dated February 11, 2016. She reported part of the property is in the B-4 Zone District and the other part is in the I-2 Zone District, noting the applicant took uses from both zone districts and put them into the planned unit development. The property is the old San Isabel Electric office building, which is zoned B-4, and the contractor's yard zoned I-2. The adjacent properties to the north are vacant, improved, and zoned I-2; to the east is vacant and zoned B-4; to the south is unimproved, commercial open space, and zoned B-4 and S-1; and to the west is improved and zoned B-4 and I-2. The B-4 portion of the property allows for the Medical Marijuana Center, Medical Marijuana-Infused Products Manufacturer, Medical Marijuana Contiguous Optional Premises Cultivation, Retail Marijuana Store, Retail Marijuana-Infused Products Manufacturer, and Retail Marijuana Contiguous Optional Premises Cultivation. The I-2 portion allows for the Medical Marijuana-Infused Products Manufacturer, Medical Marijuana Optional Premises Cultivation, both Contiguous and Non-Contiguous, Retail Marijuana-Infused Products Manufacturer, Retail Contiguous and Non-Contiguous Cultivation, and Retail Marijuana Testing. The Marijuana Storage Warehouse is considered an accessory use in the I-2 Zone District. The B-4 and I-2 Zone Districts don't permit Medical Marijuana Outdoor Cultivation or Retail Marijuana Outdoor Cultivation, which is only allowed as a use-by-right in the A-1 and A-2 Zone Districts, and the intent for this planned unit development.

Ms. Armstrong stated the Pueblo Regional Comprehensive Development Plan identifies this area as arterial commercial mixed use, which is in compliance with the Development Plan. The water and wastewater is serviced by the Pueblo West Metropolitan District, as well as the fire protection. The existing access to the property is from East Enterprise Drive to the north of Aerospace Drive. Staff has recommended approval with two conditions of approval. Prior to recordation of the planned unit development, the plat would be modified with any revisions requested by the Department of Planning and Development, Department of Public Works, Pueblo West Metropolitan District, and the owner/applicant. The second condition states the owner/applicant is responsible for the payment of all fees.

Mr. William Chavis, 9625 Blue Bonnet Court, Colorado Springs, represented the planned unit development. He thanked the Commission for its review of the application. They received a request from the Pueblo West Metropolitan District for substantial roadway improvements and obligations in order to approve their planned unit development. They are working with them on a schedule and the financial obligation behind completing such a task. They aren't sure if they're in a position to move forward financially until they know what the obligation is. He has been unable

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 17, 2016**

to contact the engineer dealing with the roadway revisions to iron out more of the details.

Ms. Alt asked Mr. Chavis if Mentezo Partners was located in Florida. Mr. Chavez replied yes, noting they're the landlords for the building.

IN FAVOR

There was nobody present to speak in favor of the planned unit development.

IN OPPOSITION

There was no opposition to the planned unit development.

REBUTTAL

Chair Bruestle closed the hearing and entered staff's comments into the record.

MOTION

Ms. Alt moved to recommend approval of Colorado Distributing Planned Unit Development No. 2015-009 to the Board of County Commissioners with three comments and two conditions of approval. Mr. Lowe seconded the motion. The motion carried by a 6-0-1 vote, with Ms. Leonard opposing.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Chair Bruestle reported he talked to Pam DiFatta, the Administrative Assistant to the Chair of the Board of County Commissioners, about the appropriateness of requesting publicity to self promote the County and the Pueblo County Planning Commission. Public agencies don't do a very good job of telling people they're doing good things, and it starts with helping the public understand. There are people who serve on boards and commissions who are anonymous and go unrecognized. There are a lot of industries coming into the community that would give them a new identity, more job diversity, and more economic strength, noting he would like the Planning Commission to get some recognition. He contacted the Public Information Officer for the County, Paris Carmichael, noting she thought it was a great opportunity and no reason why the Planning Commission couldn't take the lead. She would be inviting a reporter with the Pueblo Chieftain to attend the Planning Commission meetings beginning next month and, hopefully, with some regularity. She would ask the reporter if a story could be done about all the good things the Commission is doing and how it connects to the County's economy and culture. Ms. Carmichael indicated his concern was shared by the County officials, noting it's one of the reasons why they hired a Public Information Officer.

Ms. Alt asked Chair Bruestle if he knew when they were getting a new Commission member. Chair Bruestle replied the Board of County Commissioners chose to fill the vacancy by reposting the need for an applicant. It could take several months for them to make a decision.

REPORTS OF COMMITTEES

None.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 17, 2016**

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:08 p.m.

Respectfully submitted,



Joan Armstrong, Director
Department of Planning and Development

SJB