

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, OCTOBER 18, 2017
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Betty Alt; Donald Bruestle; Epimenio Griego; Kiera Hatton; Judy Leonard; Roger Lowe; Philip Mancha; John Musso; and Zachary Swearingen.

Commissioners Absent: None.

Staff Present: Sandy Blanco and Dominga Jimenez-Garcia.

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 SEPTEMBER 20, 2017 MINUTES

Ms. Alt moved to approve the minutes of the September 20, 2017 meeting as mailed. Mr. Lowe seconded the motion. Ms. Hatton abstained, noting she wasn't at the September 20, 2017 meeting. Mr. Lowe also abstained due to not being at the September 20, 2017 meeting. Ms. Day stated they need a different second to the motion due to Mr. Lowe abstaining. Ms. Leonard seconded the motion. The motion carried by a vote of 7-0-2, with Ms. Hatton and Mr. Lowe abstaining.

APPROVE AGENDA OF OCTOBER 18, 2017

Ms. Leonard moved to approve the agenda of the October 18, 2017 meeting as mailed. Ms. Hatton seconded the motion. The motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Bruestle stated he had nothing to report.

DIRECTOR'S REPORT

The Director's Report was presented by Marci Day. She requested the staff reports be made a part of the record of proceedings.

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

- [Map Amendment No. 2017-010](#), Wayne T. and Elva A. Graybeal request to rezone Lots 13 through 16, Block E and 5 feet of vacated Kemble Lane adjoining Lot 16, Green Towers Subdivision from an S-1 to an A-4 Zone District.
- [Map Amendment No. 2017-011](#), Carl E. Atchison, Sr. Trust, c/o Carl E. Atchison, Jr., Trustee request to rezone Lots 19 and 20, Block G and Lots 11 and 12, Block H of Green Towers Subdivision from an S-1 to an A-3 Zone District.

(b) Correspondence--Letter, dated October 10, 2017, from Mark Lusardi, reporting on the status of Special Use Permit No. 2016-009.

(c) Continuances--[Special Use Permit No. 2017-008](#), the applicant requested continuance to the December 20, 2017 Planning Commission meeting; [Special Use Permit No. 2017-009](#), the applicant requested continuance to the December 20, 2017 Planning Commission meeting.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on October 11, 2017.

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(f) Administrative Reviews:

- [Special Use Permit No. 1999-002 Amended](#) allows “natural deposits, extraction, and processing” (mineral extraction and cement manufacturing) 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 to present a report at the October, 2018 Planning Commission hearing, as per staff’s review dated October 10, 2017.

- [Special Use Permit No. 2016-009](#) allows the establishment and operation of a “Home, Elderly” in an A-3 Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval and to present a report at the October, 2018 Planning Commission hearing, as per staff’s review dated October 10, 2017.

Ms. Day requested the Commission take action to accept the map amendments for processing, requests for continuance, Board of County Commissioners’ action, and the administrative reviews as presented.

Mr. Swearingen moved to accept the map amendments for processing, requests for continuance, Board of County Commissioners’ action, and the 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. Day 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 forward a recommendation of approval to the Board of County Commissioners for the two Consent Items listed below with findings. Mr. Lowe seconded the motion. The motion carried unanimously.

- [Map Amendment No. 2017-010](#), Wayne T. and Elva A. Graybeal request to rezone Lots 13 through 16, Block E and 5 feet of vacated Kemble Lane adjoining Lot 16, Green Towers Subdivision from an S-1 to an A-4 Zone District.

The Commission moved to forward a recommendation of approval of Map Amendment No. 2017-010 to the Board of County Commissioners with three findings.

- [Map Amendment No. 2017-011](#), Carl E. Atchison, Sr. Trust, c/o Carl E. Atchison, Jr., Trustee request to rezone Lots 19 and 20, Block G and Lots 11 and 12, Block H of Green Towers Subdivision from an S-1 to an A-3 Zone District.

The Commission moved to forward a recommendation of approval of Map Amendment No. 2017-011 to the Board of County Commissioners with three findings.

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

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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.

- Special Use Permit No. 2009-013 Declaration of Abandonment, Doreen S. Rovegno (Owner), 216 East U.S. Highway 50. The Department of Planning and Development is requesting the Pueblo County Planning Commission pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.140.070 D. of the Pueblo County Code issue a Declaration of Abandonment of Special Use Permit No. 2009-013 that allowed up to two (2) horses under the land use category of "*Farming or ranching*" in an R-2, Single-Family Residential Zone District due to the use being established but thereafter discontinued for a period of five (5) years or more.

Ms. Dominga Jimenez-Garcia, Planner II, Pueblo County Department of Planning and Development, summarized staff's review dated October 4, 2017. She stated Special Use Permit No. 2009-013 was originally approved by the Pueblo County Planning Commission on August 25, 2009. Based upon an on-site review of the property for the August 2017 Administrative Review, it was discovered the applicant was keeping farm animals on the site, but there didn't appear to be any horses. Staff had recommended at the August 16, 2017 meeting that the Pueblo County Planning Commission continue Special Use Permit No. 2009-013 to its September 20, 2017 meeting in order to allow the applicant time to review her options. At the September 20, 2017 Planning Commission meeting, staff was directed to submit the keeping of farm animals as a zoning violation and proceed with a Declaration of Abandonment of Special Use Permit No. 2009-013. On September 25, 2017, the applicant contacted staff and stated there hadn't been any horses on the site for the past five (5) years and didn't intend to have any horses in the future. Staff asked the applicant to submit a letter stating she was in agreement with the abandonment because the use had been discontinued. As of the date of this report and this meeting, the applicant hasn't submitted the requested letter. Therefore, staff recommends the Pueblo County Planning Commission issue a Declaration of Abandonment of Special Use Permit No. 2009-013 due to the use being abandoned for a period of five (5) years.

IN FAVOR

There was nobody present to speak in favor of the special use permit.

IN OPPOSITION

There was nobody present to speak in opposition to the special use permit.

REBUTTAL

There was no rebuttal to the special use permit.

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

MOTION

Ms. Leonard moved to issue a Declaration of Abandonment of Special Use Permit No. 2009-013. Mr. Lowe seconded the motion. The motion carried unanimously. PCPC Resolution No. 17-024, dated October 18, 2017, was also approved.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS OF COMMITTEES

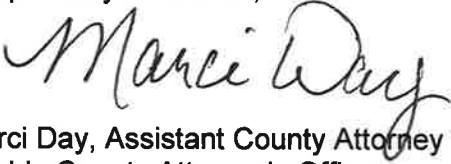
None.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 5:53 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marci Day". The signature is written in dark ink and is positioned above the printed name and title.

Marci Day, Assistant County Attorney
Pueblo County Attorney's Office

SJB