

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 19, 2020
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE
215 WEST 10TH STREET, PUEBLO, COLORADO**

ROLL CALL AND DECLARATION OF QUORUM

Commissioners Present: Donald Bruestle, Beth Gladney, Epimenio Griego, Judy Leonard, Philip Mancha, Michael Schuster, Zachary Swearingen, and Stephen Varela.

Commissioners Absent: Kiera Hatton.

Staff Present: Carmen Howard, Director; Carli Hiben, Planner II; Gail L. Wallingford-Ingo, Deputy Director, and Sandra Smith, Office Support Services IV.

Others Present: Marci Day, Assistant Pueblo County Attorney; and Dominga Jimenez-Garcia, General Services Engineer, Pueblo County Engineering and Public Works Department.

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

APPROVAL OF FEBRUARY 19, 2020 AGENDA

Mr. Varela motioned to approve the agenda of the February 19, 2020 meeting as mailed. Mr. Schuster seconded the motion. Motion carried unanimously.

APPROVAL OF JANUARY 15, 2020 MINUTES

Mr. Mancha motioned to approve the minutes of the January 15, 2020 meeting as mailed. Mr. Swearingen seconded the motion. Motion carried unanimously.

CHAIRPERSON'S REPORT

Chair Griego had nothing to report.

DIRECTOR'S REPORT

The Director's Report was presented by Mrs. Carmen Howard. She requested the staff memorandums be made a part of the record of proceedings.

- (a) Acceptance of Map Amendments and Planned Unit Developments--None.
- (b) Correspondence--None.
- (c) Continuances--[Special Use Permit No. 2019-010](#), James L. and Sarah Ann Coleman, requesting a dog kennel for a maximum of seven dogs on a 27.89± acre parcel of land in an A-3 Zone District. The applicants are requesting a continuance to the April 15, 2020 Planning Commission meeting.
- (d) Withdrawals--None.
- (e) Board of County Commissioners' Action--Summary of actions taken on February 13, 2020 was distributed in the Commission's packet for informational purposes only. No formal action is required.
- (f) Administrative Reviews:
 - [Special Use Permit No. 2017-011](#), KOA Kampground, c/o Michael Stowe, expanding the KOA Kampground with 41 spaces on 20± acres in an R-6 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 Memorandum, dated February 6, 2020.

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- [Special Use Permit No. 2018-016](#), Linda Wright, allowing a Child Care Home (Large) 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 new Directive to Staff to present a report at the February 2021 Planning Commission hearing, as per Staff Memorandum, dated January 30, 2020.

Ms. Howard requested the Commission take action to accept the administrative reviews as presented.

Ms. Judy Leonard moved to accept the administrative reviews as read into the record and make the Commission's comments a part of the record of the proceedings. Mr. Mancha seconded the motion. The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Griego reported that the applicant and/or representative are called upon to speak, followed by any parties in favor and then those in opposition, with the applicant having the final say.

PUBLIC HEARING

Mrs. Howard explained there were two items on the Consent Agenda and one item on the Regular Agenda for this evening's meeting. She requested the staff memorandums presented this evening be made a part of the record of proceedings.

CONSENT ITEMS:

Mr. Schuster moved to approve the two Consent Items listed below with conditions. Mr. Bruestle seconded the motion. The motion carried unanimously.

- [Thompson Subdivision, Second Filing, Final Plat No. 2019-006](#), Troy N. and Mary Jo Thompson, requesting final plat approval to subdivide 15.98± acres into two lots consisting of 13.46± acres (Lot 1) and 2.52± acres (Lot 2) within an A-4 Zone District.

The Commission forwarded a recommendation of approval of Thompson Subdivision, Second Filing, Final Plat No. 2019-006 to the Board of County Commissioners with two comments per Staff Memorandum, dated February 6, 2020.

- [Road/Alley Vacation No. 2019-005](#), Greenhorn Valley Land, LLC, c/o Joseph Dingman, Manager, requesting a road/alley vacation to vacate all of Allen Avenue, an unplatted, County-maintained road lying between Lot 4, Subdivision Variance No. 348 and Blocks 52 and 61 in West Side Addition. This vacation, if approved, will allow the owner to incorporate the area of the platted roadway into Lot 4, Subdivision Variance No. 348. Allen Avenue is located south of West 10th Street and north of Nature Center Road.

The Commission forwarded a recommendation of approval of Road/Alley Vacation No. 2019-005 to the Board of County Commissioners with two comments per Staff Memorandum, dated February 7, 2020.

REGULAR ITEMS:

Statement of Conduct and Demeanor

Chair Griego 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.

- [Special Use Permit No. 2019-009](#), Pueblo West Metropolitan District, c/o Rusty Ethredge, Water Department, requesting a special use permit to allow a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary*

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Regulations, specifically Section 130C. (Special Utility Facility) of the Pueblo County Code for the installation and operation of a standalone water meter reading device with an overall height of fifty-five (55) feet on a 324-square foot fenced area of Lot 7, Block 3, Tract 317, Pueblo West. The device consists of a 11-foot-high wood pole with solar panels mounted to the bottom face and an approximate 4' high antenna mounted to the top of the pole.

Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code 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 Special Use Permit has been issued by the Planning Commission.*"

The owner/applicant has also requested approval of a waiver of the \$735 application fee. The fee waiver was considered by the Pueblo Board of County Commissioners at its February 13, 2020 public hearing at 9:00 a.m. The fee waiver request was granted by a vote of 3 to 0. Documentation was provided in the Commission's packet.

Ms. Gail Wallingford-Ingo, Deputy Director, Pueblo County Department of Planning and Development, 229 West 12th Street, Pueblo, Colorado 81003, summarized Staff Memorandum, dated February 11, 2020. She stated that staff was aware of opposition, noting that staff was recommending approval as outlined in Staff Memorandum dated February 11, 2020 with comments and conditions as outlined on Page 7. She stated that Mr. Randy Reeves was in attendance as the representative to present the proposal.

IN FAVOR

Mr. Randy Reeves, Cardinal Points Surveying, LLC, 4601 Eagleridge Place, Suite 110, Pueblo, Colorado 81008, represented the special use permit. He stated the special use permit being requested was located on property owned by the Pueblo West Metropolitan District, noting it was on the south side of Highway 50 in the northwest corner of Pueblo West. The meter reading device consists of a single wood pole with solar panels mounted to the bottom face and an approximate 4-foot-high antenna mounted to the top of the pole. The purpose would allow the Pueblo West Metropolitan District Water Department to read meters. The parcel of land is a little over an acre, 150 feet wide, and approximately 300 feet in depth. He stated the applicant has reviewed staff's comments and conditions, noting that one of the conditions addressed the overall height of the pole. The height of 55 feet, originally requested, would require a zoning variance. If the applicant chose not to submit a zoning variance, the applicant would have to reduce the overall height of the pole to 45 feet. He submitted Petitioner's Exhibit 1 (2 pages), a revised letter of request and revised plot plan from the applicant indicating the pole would not exceed an overall height of 45 feet. He stated the additional conditions of approval were acceptable to the applicant, i.e., the applicant will be operating as a special utility facility and, within 90 days of construction, a security fence shall be installed around the pole and the pole shall not be lighted.

Mr. Schuster questioned the photo of the pole in staff's memorandum. He wanted to know if the proposed pole would be placed next to the existing one. Mr. Reeves replied that the pole was installed prematurely and the pole in the photo was the pole in question. Mr. Schuster questioned if the Pueblo West Metropolitan District owned the lots on either side of the parcel in question. Mr. Reeves replied yes, noting the only lot the Pueblo West Metropolitan District did not own in the area was approximately 450 feet away. He stated that there was another residence about the same distance away. Mr. Schuster questioned if the pole shown would be shorter than what was pictured. Mr. Reeves replied the pole was currently at 51 feet. It will be reduced so that the overall height, including the antennas, would not exceed 45 feet.

Mr. Swearingen questioned Mr. Reeves' statement of 45 feet or less. He wanted to know if there was a minimum height or if the pole was going to be 45 feet. Mr. Reeves replied that the maximum allowable height was 45 feet, and the applicant would be building at that height. Mr. Swearingen questioned if the pole could be at a lower height. Mr. Reeves replied no. He stated the applicant chose 55 feet to allow for better area coverage. Rather than go through a zoning variance for the 55-foot pole, the Pueblo West Metropolitan District decided to reduce the overall height of the pole to 45 feet. Mr. Swearingen questioned what the minimum height required would be to achieve the coverage the applicant needs. Mr. Reeves replied he would allow the applicant to respond to that question.

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Mr. Bruestle questioned staff as to what the parcel in question was zoned. Ms. Wallingford-Ingo replied S-1, Public Use Zone District. Mr. Bruestle questioned if the property were sold, would it still have the S-1 zoning designation. Ms. Wallingford-Ingo replied yes, noting the zone district does not change when a property is conveyed. Mr. Bruestle questioned what would have to be done if the property were sold and the buyer wanted to establish a residence. Ms. Wallingford-Ingo replied every use within the S-1 Zone District required a special use permit, noting a residence would not be allowed. If a party wanted to build a house on the parcel in question, a map amendment would be required to rezone the parcel to a more suitable zone district that allows for a residential structure. Mr. Bruestle questioned what the maximum height would be for the hypothetical residence and accessory structures. Ms. Wallingford-Ingo replied the surrounding zone districts were zoned A-3 and, by the Pueblo County Code, it is required to compare any use within a S-1 Zone District to the closest, privately held property, which is the A-3 Zone District. The maximum height within the A-3 Zone District is 35 feet. Mr. Bruestle stated that in this hypothetical scenario, this 45-foot pole could be replaced by a 35-foot structure. Ms. Wallingford-Ingo replied that a structure no taller than 35 feet would be allowed within the A-3 Zone District.

Mr. Jim Blasing, Director of Utilities, Pueblo West Metropolitan District Water Department, 20 Palmer Lake, Pueblo West, Colorado 81007 (he testified his personal address was 5133 Almondcrest Drive, Pueblo, Colorado 81005), spoke in favor of the special use permit. He stated his department reviewed the span of the area to determine the number of meters the meter-reading device would accommodate. This would eliminate the need to manually read those meters. He stated there were approximately 12,000 meters currently in use. The proposed pole at 55 feet would have been able to read 80% of those meters. He stated the height of the pole was reduced to 45 feet to accommodate those in opposition. He stated he did not have a number of how many meters would be captured at 45 feet, noting they were willing to lose a few meters to accommodate those in opposition.

IN OPPOSITION

Mr. Gordon Carleton, 1172 West Desert Sage Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. He stated that he and Ms. Donna Karnes, 373 South Kewanna Drive, Pueblo West, Colorado 81007, have been working together, noting that both of their properties were adjacent to the proposed pole. He stated that she received a notice and he did not. He submitted a photo of the pole in question, which was entered into the record as Opposer's Exhibit A (1 page). He asked the Commission to imagine the pole in the photo with a chain-link fence around it, solar reflectors, additional equipment, and antennas, noting it makes a first-class eyesore in the middle of an open space. Their argument packet against the special use permit application was submitted as Opposer's Exhibit B (40 pages), noting it addressed the following key points: 1) Pueblo West Metropolitan District's notice to adjacent properties is fatally flawed. All the property owners around Tract 317 and all the citizens of Pueblo West should get a chance to decide whether or not they want to preserve the open space, instead of just the three adjacent property owners that were notified that this hearing was taking place; 2) Pueblo West Metropolitan District has created a precedent of preserving residential views in land use disputes, which also creates a double standard on their part by erecting the pole in violation of their own standard and precedent; 3) Use of the space for this purpose in this manner is inconsistent with Pueblo West Metropolitan District's own standards, goals, and characterization of the Pueblo West community and establishment or open space definitions; 4) Construction of the pole/eyesore is unnecessary by consideration of alternative technology, noting Pueblo West Metropolitan District has made no effort to mitigate the adverse impact of this project or explore any alternatives; 5) Pueblo West Metropolitan District's characterization of the property and its current value and use by the Pueblo West community is inaccurate; and 6) Approval of the special use permit would create a precedent, which would adversely affect the open space.

Mr. Swearingen questioned Mr. Carleton's statement that other technologies have not been exhausted. He questioned what those options were. Mr. Carleton replied when initial negotiations began, the applicant only mentioned something about a pole; nothing else was stated, and the pole just appeared one day. He mentioned a meeting that was held November 11 or 12, 2019, at which time, he circulated a petition of twenty plus people that were in opposition to the pole, noting he also gave the applicant the results of an Internet search that he quickly did. He followed up with the Pueblo West Metropolitan District Water Department over the phone and asked if the meter readings could be done using the Internet so the neighborhood would not have to look at the eyesore. He said the

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gentleman he spoke with responded with “oh yeah, sure”. He gave his packet of information to the Pueblo West Metropolitan District at the November 2019 meeting and again a couple of weeks ago. He felt as if they just blew it off. He met with Mr. Blasing and described the situation to him, noting that Mr. Blasing was now willing to make some changes. However, he was unwilling to put the special use permit project on hold until the results of those changes were reviewed. There is nothing to stop them from moving forward with their original plan once they have been granted the special use permit. He was not aware of Mr. Blasing’s willingness to look at the alternatives. He felt they were fundamentally asking the wrong question when they say they can support this technology. The question should not be what brand of equipment should be put on the pole, but what are the other technologies available that can accomplish what they want to do in a different way, so they don’t have to put up a pole. He stated that everyone has Internet accessibility, with a few exceptions, and could easily be accommodated in some way. He stated that the community needed to decide if they wanted the open space to go away. He stated there was a 180-degree unobstructed view of Pikes Peak, the Spanish Peaks, the Wet Mountains, the Sangre de Cristo Mountains, and everything in between. He stated the issues would become abundantly clear after reading his packet of information. He felt there was a burden of responsibility of the Pueblo West Metropolitan District to have notified the whole community and not just the three people, one of whom is Donna (Karnes) and the other one is Jose (Aguayo) who signed the petition, noting Jose was sick and the other party (Dennis Dumbleton) was on vacation in Mexico. He wanted the community to have a voice on the project.

Mr. Mancha questioned which laws were affected by the six points of interest that were discussed. Mr. Carleton replied that the Planning Commission required a special use permit before construction on the project could begin. The applicant did not do that. The pole was set in July 2019, at which time, he told the applicant what they were doing was illegal and provided them the petitions against the project and information on how reading the meters could be done over the Internet. He stated he used to be a contract manager and contract analyst. He volunteered his help on the proper process, noting he was ignored until he reminded them, at which time Mr. Blasing was interested in scheduling a meeting. He stated that he moved to Pueblo West three years ago, and he has been told by many Pueblo West residents that the Pueblo West Metropolitan District does whatever they want and that it was standard practice. He stated the first time he called the Pueblo West Metropolitan District, Ms. Cozzetto told him “That’s the Water District. They just do whatever they want. Nobody pays any attention.”

Ms. Donna Karnes, 373 South Kewanna Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. She stated she could see the pole from her house. She was opposing the special use permit because the applicant was not following the rules and regulations that she was made to follow when she chose to build her house in Pueblo West. She was denied a variance to build her house because of what neighbors said might obstruct their view of the mountains. She felt the applicant should follow the regulations just as she had to. She did not appreciate having a double-standard. She stated she disagreed with the project until they at least make the effort to see what other resources were available. She stated that her solar panels were managed via the Internet, and her electricity was done through a meter, noting she did not need to have a tower for that. She felt there were other options to review without disturbing the land she was told was an open space area. Even when the land was rezoned, she was told that she could not destroy somebody’s view. She questioned what the applicable code was, noting maybe she was made to abide to an old code, which was not right.

Mr. James Maggard, 1125 West Shenandoah Drive, Pueblo West, Colorado 81007, spoke in opposition to the special use permit. He stated there were many errors in this evening’s testimony. In 2002, the Pueblo West Metropolitan District changed the zoning of the Tract 317 to a S-1. Consequently, the plot plans went away. He looked at the Assessor’s map and some of them were still there. He stated there were no lots on Tract 317. Originally, Tract 317 was in the A-3/A-4 Zone District. He stated that he had a list of tracts from 2014, noting that Tract 317 was not on the list. He was not sure why it was not. He stated he had this information because he had spent ten years on the Pueblo West Committee of Architecture. The Committee of Architecture has the authority to allow or deny the types of structures on a property. He stated the height limitation in Pueblo West was only 30 feet, which differs from Pueblo County’s 35 feet. He has a problem understanding why the Pueblo West Metropolitan District wanted this pole in an area that was only a quarter mile from the boundary of Pueblo West, noting there were other places the pole could have been placed to get better reception. He stated this pole approval has never gone through

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the Pueblo West Committee of Architecture. Every structure has to be submitted and approved by the Committee of Architecture. He stated he had a copy of the Pueblo West Covenants. He did not know who signed the approval letter from Pueblo West, whether it was a staff member, but in speaking with the Committee of Architecture, he was informed that they were not aware of the proposed pole. He stated there was a lot of misunderstanding and errors involved with the operation, noting it needed to be tabled until things could get squared away. The Pueblo West Metropolitan District Water Department must understand they have to follow the same rules as all the Pueblo West citizens.

Ms. Day asked staff to clarify the zoning on the property. Mr. Maggard stated the property was currently zone S-1. Ms. Day stated that the S-1 Zone District was the zone district being considered for the special use permit. Ms. Wallingford-Ingo replied that Tract 317 was rezoned pursuant to a 1993 map amendment, which changed the parcels' zoning from an A-3 to a S-1 Zone District. Ms. Day stated that the property has been zoned S-1 since 1993. She also wanted to clarify for the Commission as well as the audience that the Pueblo West Committee of Architecture was a separate covenant enforcement agency. The Planning Commission does not enforce any of the regulations for the Committee of Architecture. The Planning Commission enforces the Pueblo County Code and zoning.

Mr. Carleton wanted to give a point of clarification. He stated there were parcels between his home at 1172 West Desert Sage and the previous border of Tract 317. The person he purchased his house from indicated that the parcels adjacent to his and up to the area in question were laid out as parcels that could be built on. It was found that the parcels could not pass the percolation test, which would allow them to put in sewage systems. This was one of the reasons the parcels were zoned S-1. There was some discussion on using the land as a park or graveyard. He stated that potential residents would not be feasible.

REBUTTAL

Mr. Jim Blasing, Director of Utilities, Pueblo West Metropolitan District Water Department, 20 Palmer Lake, Pueblo West, Colorado 81007 rebutted the testimony. He stated he failed to mention a cost analysis that was done regarding the change in technology. If they change the technology and the current meters, it will cost \$4.8 million. Mr. Swearingen questioned what the cost of the current project was. Mr. Blasing referred the question to Mr. Ethredge.

Mr. Rusty Ethredge, Pueblo West Metropolitan District Water Department, 20 Palmer Lake, Pueblo West, Colorado 81007, rebutted testimony. He stated the pole and installation was approximately \$20,000 including the solar panels, antennas, and fence.

Mr. Swearingen stated that there were plans to establish additional poles throughout Pueblo West. He questioned the number of poles proposed. Mr. Ethredge replied the location for the pole that was established was chosen based on "the cloud" communication with an existing main antenna located on their yard at 20 Palmer Lake, Pueblo West. He stated a study was done on where to place the poles to capture as many meters as possible. The study revealed 14 to 15 poles would be required. The location of the proposed pole and antenna along with the one currently located on their tank site, which is 180-feet tall, would capture a large portion of the meters. He felt with the antenna at the tank site, which is on the north end of Pueblo West and the new proposed antenna, that there may be no need for additional antenna poles. He stated the existing antennas and this new antenna would get the Water Department very close to reading 90% of the meters. At that level, there should be no need for additional towers. He stated it would not be worth the expense to establish another antenna pole. Mr. Swearingen questioned if the department had to spend the \$4.8 million to work with new technology, where the money would come from. Mr. Ethredge replied it would have to come from the customers.

Ms. Gladney questioned what the shelf life was on that type of technology. How long will it do what you need it to do? Mr. Ethredge replied the assigned software has a 20-plus year lifespan on the meters that were currently being installed. The older meters had about a 10-year lifespan for the battery. All of the newer meters being installed have a battery life of 20 years. He was not sure of the lifespan expectancy on the Gateway itself. He estimated 20 to 40 years.

Mr. Schuster questioned if this project was going to save money for the District. Mr. Blasing replied they currently employ three readers to capture the 12,000 plus customers. There would be a labor cost savings as well as the savings on maintenance expenses for three

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vehicles. He stated that personnel and equipment would be used to fulfill other needs that were not being met. Mr. Swearingen questioned what those needs were. Mr. Blasing replied they were trying to get their valve exercising and distribution programs up and running. They have 6,500 valves in their system that need to be exercised, which is a standard of the American Water Works Association (AWWA).

Mr. Carleton wanted to say something. Ms. Day stated the meeting process was to hear the proposal from the applicant, all those in favor, all those in opposition, with the applicant having the final say rebutting the testimony, and then the meeting would be closed. No further testimony would be taken. Mr. Carleton asked if he could refute what the applicants have said. Chair Griego replied no.

Mr. Varela questioned Mr. Reeves about the height of the pole. Mr. Reeves replied that the height of the pole would be lowered to where the top of the antenna would not exceed the maximum height of 45 feet. Mr. Varela questioned if the pole could be lowered to not exceed 35 feet and, if it could, what the impact would be. Mr. Ethredge replied that the height of the pole determines the number of meters that can be read. They already have a 180-foot pole that was capturing quite a bit. The addition of the proposed pole would improve that coverage. He stated if it were lowered to 35 feet, the back portion of Pueblo West, near Swallows Road, would be lost as well as some homes around the General Store on McCulloch Boulevard. He stated he drove the route prior to choosing the current location. He stated the taller the pole the better. The goal was to get the most out of the expense for the pole, antennas, and other equipment, as well as accomplish the most coverage based on the height of the pole.

Ms. Day stated she wanted staff to clarify that 45 feet was permissible, noting that if the overall height of the pole was 55 feet it would require a zoning variance. Ms. Wallingford-Ingo replied that was correct.

Mr. Reeves stated that notices of the special use permit were sent to the adjacent property owners within 300 feet of the proposed location, noting it was a Pueblo County requirement. If people did not receive a notice, they did not live within 300 feet from the site, noting he was not sure how far away those people were. He stated that the property in question was zoned S-1 for Public Use, noting the proposed use was a public use. He stated the special use permit was requesting one power pole. He was not sure how much that would impede someone's view of the mountains. He stated that he lived in Pueblo West, and he used to be able to sit in his dining room and see Cheyenne Mountain, Pikes Peak, and the Spanish Peaks. There are now trees everywhere, and he does not see the mountains anymore. He stated the power pole was something the Pueblo West Metropolitan District needed, and he would appreciate the Commission's consideration for the special use permit.

Mr. Swearingen questioned where the figure for the \$4.8 million to transfer over to the new technologies came from. Mr. Ethredge replied from the same company they were going through to put in the Gateway. Mr. Swearingen questioned the name of the company. Mr. Ethredge replied Neptune, noting that they also supply meters and reading devices. He stated they would have to change and register the reading devices on every meter at \$400 apiece. Mr. Swearingen stated it would be the entire infrastructure that reads all the water meters in Pueblo West. Mr. Ethredge replied that it would be costly and time consuming to have that type of changeover.

Mr. Mancha stated that six different reasons for opposing the project were given. He was concerned about the statement that many laws were being broken or violated. He questioned if his thoughts were correct. Mr. Reeves replied that he did not see the six points submitted by the opposition. What he did know was that the requirement for giving notice to surrounding property owners was met. He felt Ms. Wallingford-Ingo could confirm. He was not aware of a requirement to notify every person in Pueblo West. He was also not aware of the property in question being set aside for open space, noting the Pueblo West Metropolitan District owned the land and surrounding properties. Mr. Mancha asked if there were laws being broken or not. Ms. Day replied that she was going to direct the question to staff that may help clarify. Ms. Day questioned staff if they were aware of any process or procedure of Pueblo County that has not been followed for any reason that would bar this application from moving forward based on Pueblo County's procedures, i.e., code violations, etc. She stated she was aware of the pole being established prematurely, which could, technically, be a zoning violation; however, she questioned staff if the process was to allow the applicant to correct this type of violation by submitting the proper permitting

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requests. Ms. Wallingford-Ingo replied that was correct. Since the pole was already established without a special use permit, staff's direction would be for the applicant to apply for and obtain a special use permit and then follow the proper permitting procedures, which is to obtain a zoning authorization. Ms. Day questioned if the applicant has followed the proper permitting procedures to the best of staff's knowledge. Ms. Wallingford-Ingo replied, yes, with the submittal of the special use permit application.

Mr. Varela questioned if the project was submitted to the Pueblo West Committee of Architecture, noting this was a question the opposition had. Mr. Ethredge replied yes. Mr. Blasing replied that a presentation was given to the Pueblo West Committee of Architecture sometime in November 2019. Mr. Swearingen questioned what the outcome of that meeting was. Mr. Blasing replied he did not think the Architectural Committee was aware that the pole had been established without obtaining the special use permit, but it was in support of the pole and its cost efficiency.

Ms. Leonard stated she was recusing herself from the vote.

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

MOTION

Mr. Bruestle moved to approve Special Use Permit No. 2019-009 with three conditions and a Directive to Staff as per Staff Memorandum, dated February 11, 2020. Mr. Schuster seconded the motion. Motion carried by a 7-0-1 vote with Ms. Leonard abstaining. PCPC Resolution No. P&D 20-004, dated February 19, 2020, was also approved.

Ms. Wallingford-Ingo stated that the vote needs to reflect the height of the pole being 45 feet. Mr. Bruestle stated that he made his motion based on the discussion of the pole being reduced to 45 feet. Mr. Schuster stated that was his understanding of his second.

Ms. Wallingford-Ingo stated that she would then change the conditions of approval by removing Condition No. 1 and renumbering the rest of the conditions as 1 through 3.

Ms. Day thanked staff for clarifying the vote. Although it was not stated specifically in the motion, she felt there was an appropriate record that covered the height of the pole throughout the hearing. If the Commission does not have any objection, the approval will be accepted with the amended conditions as discussed during the hearing. There were no objections.

RESOLUTIONS

- A Resolution Approving the Conditions of Approval for [Special Use Permit No. 2016-007](#) as approved by the Board of County Commissioners on March 22, 2019.

Ms. Day stated that Special Use Permit No. 2016-007 was approved by the Planning Commission, which was appealed to the Board of County Commissioners. The Board of County Commissioners affirmed the approval of the permit; however, it did change the conditions. Legal staff asked that the Board of County Commissioners prepare a resolution remanding the special use permit back to the Planning Commission so that the original permit could be vacated with the original conditions and adopt the conditions as approved by the appeal. This would be an administrative procedure adopting the new conditions of approval issued by the Board of County Commissioners for Special Use Permit No. 2016-007.

Mr. Bruestle stated that those cases that go from the Planning Commission to the Board of County Commissioners could be changed by the Board prior to its approval. Ms. Day replied he was correct. Mr. Bruestle stated that the fact the change was made by the Board of County Commissioners was not a change in procedure. Ms. Day replied he was correct. Mr. Bruestle stated it was a housekeeping matter. Ms. Day replied he was correct. She stated it would be an administrative function of the Planning Commission so that the special use permit that was initially issued by the Planning Commission gets vacated and everyone is clear on what the new conditions are. The resolution ensures that all the appropriate steps have been taken to show what permit is valid and the conditions attached to that permit.

Mr. Swearingen questioned if this was just taking one piece out and inserting what the Board, applicants, and everyone has agreed upon without opposition. Ms. Day replied that

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she did not want to state there was no opposition because it implies input by a party. She understood what Mr. Swearingen was asking but did not want to state it incorrectly by saying there was no opposition. The Board of County Commissioners prepared a resolution with the conditions of approval agreed upon during the appeal hearing. The Board of County Commissioners was now informing the Planning Commission of those conditions and was instructing the Planning Commission to accept the resolution for the special use permit.

Ms. Gladney questioned if this action was setting a precedence for this type of direction in the future. Ms. Day replied that this process was not changing anything that happened. The special use permit that the Planning Commission approved was appealed to the Board of County Commissioners. The Board of County Commissioners heard the case and made its decision, noting that the decision of the Board of County Commissioners supersedes the authority of the Planning Commission. The Board of County Commissioners agreed with the Planning Commission that the special use permit should have been approved; however, the Board changed the conditions of approval. The Planning Commission must now adopt the new conditions for the special use permit.

Mr. Mancha was concerned because he did not know what the new conditions were. Mr. Varela stated that what those conditions were did not matter because they were written by a higher board. The Planning Commission needs to approve them and move on. Ms. Day apologized for not providing a copy of those conditions in the Planning Commission's packet. Mr. Mancha stated the Planning Commission would essentially be approving something they have not seen. He stated he understood what the rules were, but he would have liked to have seen what he was saying yes to. Ms. Day replied that the conditions were approved during the appeal process, and they will be the conditions that will exist regardless of any action of the Planning Commission unless there is an amendment of those conditions. Part of the reason this procedure is being done is because if someone does want to amend those conditions, that party would have to submit their request to the Board of County Commissioners because it was the Board of County Commissioners that established the conditions. Essentially, the special use permit that is in place was approved by the Board of County Commissioners and not the Planning Commission. She reminded the Planning Commission that they were the deciding board for special use permits. In order to reestablish the Planning Commission's authority over Special Use Permit No. 2016-007, the Planning Commission must accept the Board of County Commissioners' resolution with the new set of conditions of approval. This would reestablish any amendments of the special use permit to be presented to the Planning Commission and not the Board of County Commissioners.

Mr. Swearingen stated he would have to recuse himself on this vote of acceptance because he worked on the special use permit prior to being a member of the Commission. He stated he did not see any conflicts of interest, but others might.

Mr. Varela questioned what type of motion needs to be made. Ms. Day replied it would be a motion to approve the Pueblo County Planning Commission resolution accepting the conditions that were assigned by the Board of County Commissioners. She questioned the number of the resolution. Ms. Wallingford-Ingo replied that it was procedure to number resolutions after acceptance.

Mr. Schuster questioned if the special use permit would be brought before the Planning Commission in the future. Ms. Day replied that Special Use Permit No. 2016-007 was scheduled for yearly administrative reviews. She stated that one of the reasons the new resolution needed to be accepted by the Planning Commission was so that when the special use permit was brought before the Planning Commission for its administrative review, the Planning Commission would have authority over the conditions of approval should they need to be amended in anyway. Mr. Schuster stated there would be no conflict with the original conditions. Ms. Day replied he was correct. She stated that the original approval and conditions of approval were no longer in force because the case was appealed to the Board of County Commissioner who, subsequently, amended the conditions of approval.

Chair Griego questioned how the motion should be stated. Ms. Day replied the motion should be to approve the Pueblo County Planning Commission resolution approving the conditions of approval for Special Use Permit No. 2016-007 as approved by the Board of County Commissioners on March 22, 2019.

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 19, 2020**

Mr. Bruestle motioned to approve the Pueblo County Planning Commission resolution approving the conditions of approval for Special Use Permit No. 2016-007 as approved by the Board of County Commissioners on March 22, 2019. Mr. Varela seconded the motion. The motion was approved by a 7-0-1 vote with Mr. Swearingen abstaining.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS OF COMMITTEES

None.

ADJOURNMENT

There being no further business, Chair Griego adjourned the meeting at 6:43 p.m.

Respectfully submitted,



Carmen Howard, Director
Department of Planning and Development

SMS



Pueblo West
C O L O R A D O

February 19, 2020

Pueblo County Department of Planning and Development
Gail L. Wallingford-Ingo
229 W. 12th Street
Pueblo, CO 81003

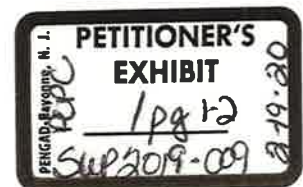
Subject: SUP-2019-009

To whom it may concern:

Please accept this letter as written confirmation that the District will not exceed the 45 foot height regarding the above Special Use Permit 2019-009

Sincerely,

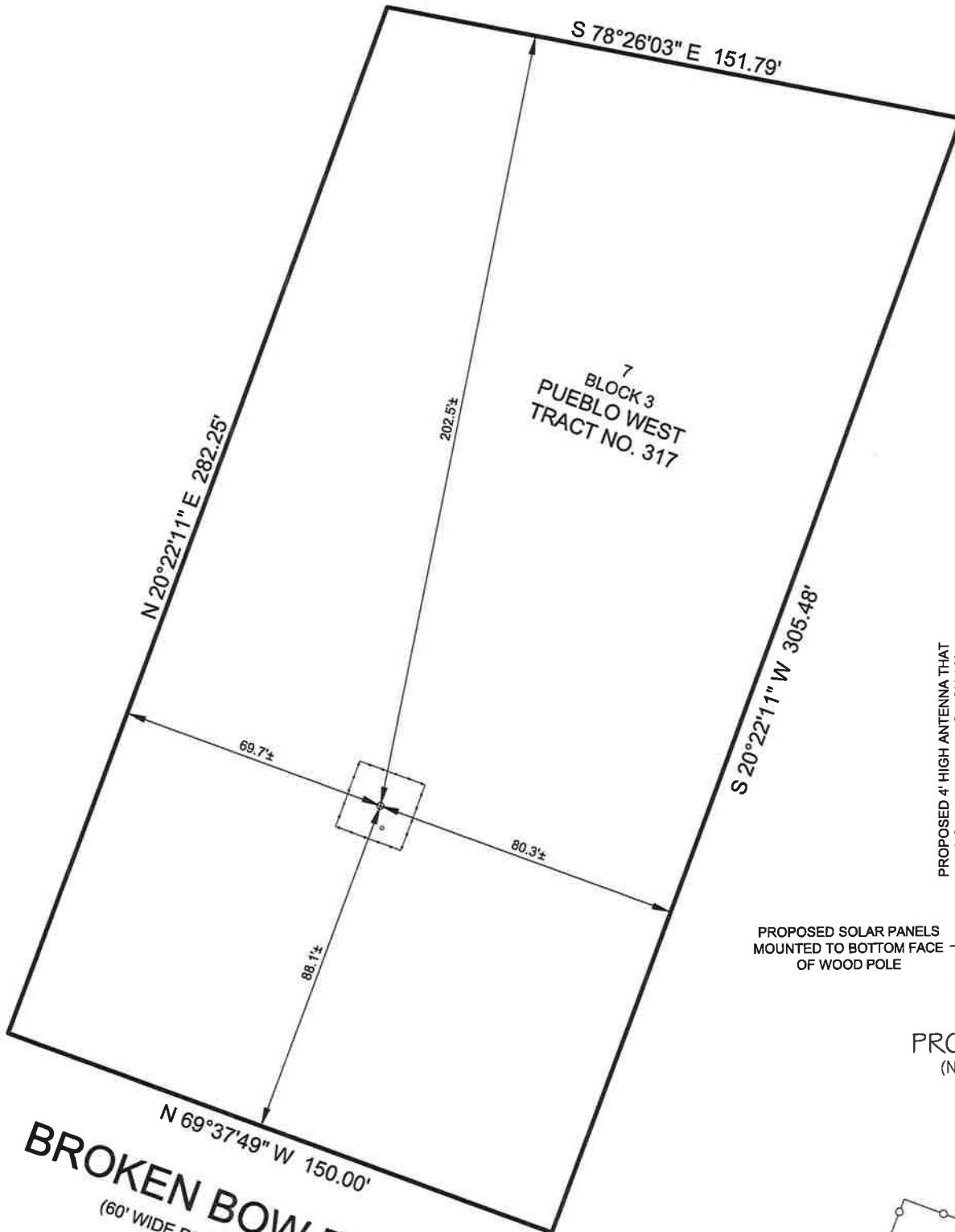
Nina Vetter
District Manager-Pueblo West



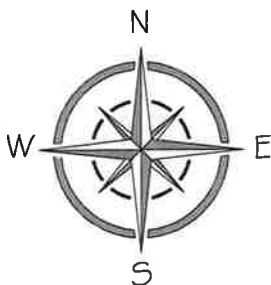
PLOT PLAN

LOT 7, BLOCK 3, PUEBLO WEST TRACT NO. 317, LOCATED WITHIN A PORTION OF THE
NE 1/4 OF SECTION 5, TOWNSHIP 20 SOUTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN.
PUEBLO COUNTY, COLORADO.

(SPECIAL USE PERMIT)

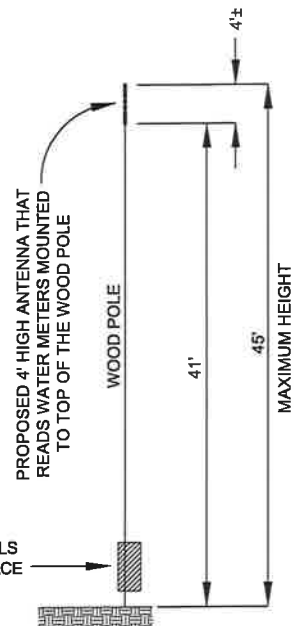


BROKEN BOW DRIVE
(60' WIDE RIGHT-OF-WAY)

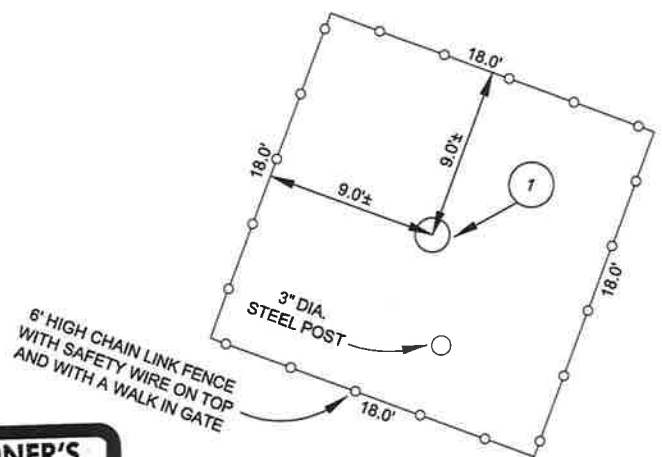


SCALE 1" = 40'

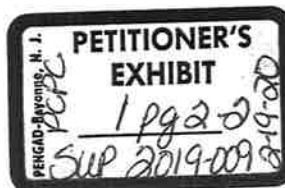
① = 51' TALL WOOD POLE WITH AN ANTENNA
ON TOP AND A SOLAR PANEL MOUNTED
AT THE BOTTOM



PROFILE DETAIL
(NOT TO SCALE)



IMPROVEMENT DETAIL
(NOT TO SCALE)



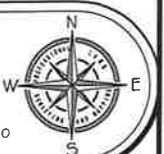
REVISION 1: 2-19-2020 (NOTE MAXIMUM HEIGHT)

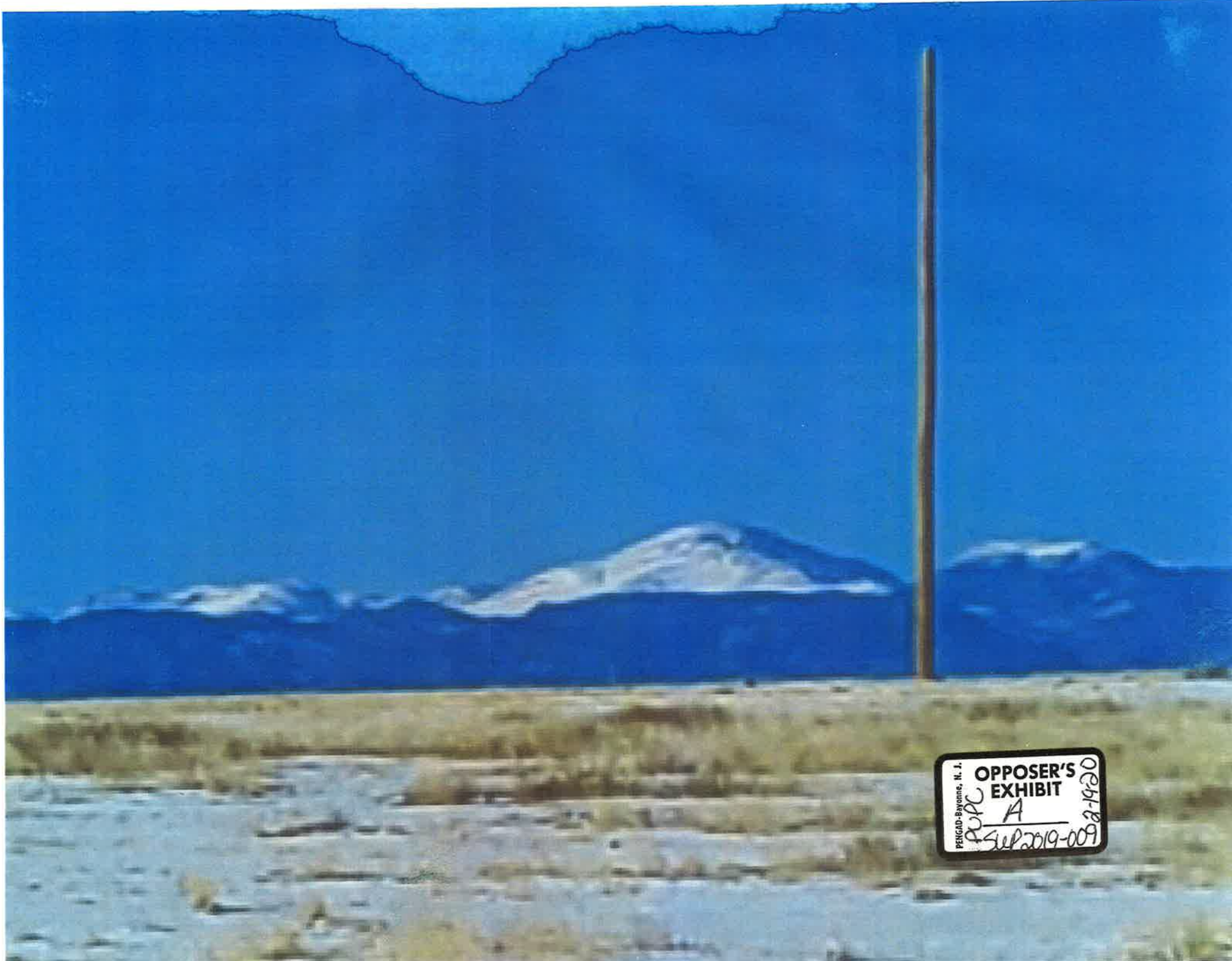
PROJECT: PUEBLO WEST METRO DIST. DESCRIPTION: SPECIAL USE PERMIT (BROKEN BOW DRIVE)	
SHEET: 1 OF 1	JOB NUMBER: 2019-542
DATE: 12-10-2019	FILE NAME: 2019-542 SUP
SCALE: 1" = 40'	REF. JOB NO.

Cardinal Points
Surveying Inc.

(719) 253-0874 - (719) 253-0878 fax

4601 Eaglends Place, Suite 110
Pueblo, Colorado 81008





PEIGAD-Bayonne, N. J.
OPPOSER'S
EXHIBIT
A
SEP 2019-009
22-1420

Gail L. Wallingford-Ingo
Deputy Director
Pueblo County Department of Planning and Development
Pueblo County Planning Commission
229 West 12th Street
Pueblo, CO 81003

Dear Ms. Wallingford-Ingo:

Ralph and Donna Karnes and I wish to contest the Pueblo West Metro District (PWMD) application (your number 2019-009) for a special use permit to construct a telecommunications tower on Tract 317 in Pueblo West, Co to transmit water meter data. The application should be rejected for the following reasons:

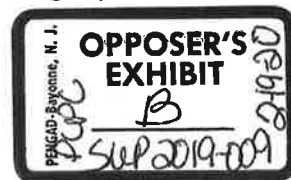
- 1) PWMD's notice to adjacent properties is fatally flawed. All the property owners around Tract 317 and all the citizens of Pueblo West should get a chance to decide whether or not we want to preserve the Open Space, instead of just the three adjacent property owners that were notified that this hearing was taking place.
- 2) PWMD has created a precedent of preserving resident views in land use disputes which also creates a double standard on their part by erecting the tower in violation of their own standard and precedent.
- 3) Use of the space for this purpose in this manner is inconsistent with PWMD's own stated goals and characterizations of the Pueblo West community and established Open Space definitions.
- 4) Construction of the telecommunication tower / eyesore is unnecessary by consideration of alternative technology yet PWMD has made no effort to mitigate the adverse impact of this project or explore any alternatives.
- 5) PWMD's characterization of the property and its current value and use by the Pueblo West community is inaccurate.
- 6) Approval of the Special Use Permit would create a precedent which would adversely affect the Open Space.

The rationale behind these arguments are delineated and explored below:

- 1) PWMD's notice to adjacent properties is fatally flawed. All the property owners around Tract 317 and all the citizens of Pueblo West should get a chance to decide whether or not we want to preserve the Open Space, instead of just the three adjacent property owners that were notified that this hearing was taking place.

PWMD's submittal refers to parcel number 605110007 as the site on which the tower has already been illegally constructed and uses that location / reference point as the basis for determining which properties are adjacent to that parcel number and therefore qualify as within the radius requiring notification.

All the parcels in Tract 317 were effectively abandoned when PWMD filed for a zoning change for all the parcels in Tract 317 with S-1 Utility zoning and are therefore no longer relevant for the purpose of determining the parties entitled to be notified and / or aware of the need to comment on the permit application. None of those parcels were ever used or developed for residences. The entire tract was laid out on paper years ago, but when they couldn't pass a percolation test to allow installation of the septic tanks and leech fields for sewage systems, the site lay vacant for quite some time.



At that time, PWMD indicated their intention to create a park including all the previous parcels within Tract 317. They also added the parcels immediately East of the boundary nearest West McCulloch and West of and adjacent to parcel # 06-054-02-001 (1172 West Desert Sage Dr.) and subsequently referred to the entire area as Tract 317.

In the interim, the aesthetics of the Open Space, where hikers, mountain bike riders, dog walkers, runners, and other outdoor enthusiasts and solitude seekers can enjoy the views and magnificent sunsets against the backdrop of its (previously uninterrupted) 180 degree plus panorama of Pikes Peak, Sangre de Cristo and Wet Mountains, and the Spanish Peaks on its many trails and open vistas remains in daily use to this day.

It is only by sheer coincidence that the site chosen by PWMD for the illegal tower, because it is the highest elevation, is near any adjacent homes. If the pole were to be subsequently relocated by PWMD to another location entirely within Tract 317, it could easily encompass the notification radius and require no notification or participation by any adjacent property owners.

PWMD will likely argue that referencing the obsolete residential parcels is consistent with established notice processes and protocol. However, the sheer size of Tract 317 means that any one individual parcel, regardless of its location within tract 317, being used as the point of reference would most assuredly exclude such a large number of adjacent property owners as to make any review, comment and hearing process unrealistic and unfair to all the parties concerned. The tower / eyesore visually impacts not just those neighbors in the closest proximity to that artificial reference point, but rather all the residents adjacent to Tract 317 and daily users of the Open Space.

Therefore, any subsequent notification of adjacent property owners ought to more accurately and fairly include all the properties adjacent to Tract 317 boundary rather than the effectively abandoned parcel number 605110007.

The PWMD filing does not constitute a good faith effort to notify all interested parties. When notified at a PWMD public meeting on November 12, 2019 that their having started construction on the telecommunications tower without a special use permit was a violation of Planning Commission regulations, PWMD was also provided petitions signed by twenty plus Pueblo West citizens and Tract 317 adjacent property owners, including one of the notified adjacent property owners (Jose Aguayo, Parcel # 605102005 73 S KEWANNA DR PUEBLO WEST, CO 81007-4060) protesting their illegal actions. Despite their public entity mandate to act in the best interest of all the citizens of Pueblo West, PWMD made no effort whatsoever to contact, consult, or even notify either myself or any of the protest petition signatories of their intent to proceed with the project except the subsequent fatally flawed notice of only three "adjacent" property owners referenced here.

PWMD has a history of acting in bad faith and ignoring Pueblo County Planning Commission zoning regulations. When they finally applied for rezoning of the previously individual lots in Tract 317 to S-1 zoning, it was only after their having used the area as a spoils pile / gravel pit in violation of the existing zoning regulations for those residential parcels. Again, in this special use permit application, it was not until they had already started construction and the illegal action was brought to the PWMD Boards attention in a November 12, 2019 public meeting that PWMD was even aware that the work had started but they just quietly submitted the application weeks later.

At the very least, this application hearing should be delayed or rescheduled until such time as notice is given to all the residents sharing a common boundary with Tract 317 to comment on this project.

- 2) PWMD has a created a precedent of preserving resident views in land use disputes which also creates a double standard on their part by erecting the tower in violation of their own standard and precedent.

In 2001, by Ralph O. and Donna J. Karnes submitted a request to PWMD's Committee on Architecture for a variance on a building permit for construction of their home on Tract 308, Block 5, Lot S-2, parcel # 605102004 at 37 S KEWANNA DR. PUEBLO WEST, CO 81007-4060

Adjacent neighbors at the time protested and the variance request was denied by PWMD's Committee on Architecture.

Of the 22 statements received by PWMD's Committee on Architecture (copies attached), 3 had no opinion or objection, and 3 were only concerned about any variance setting a precedent. This left only 16 statements. Of those 16 statements, 4 were concerned about the perceived degradation or loss of aesthetics in the area, and 7 specifically expressed their concern that the proposed variance would obscure their VIEW of the mountains. Cumulatively, 11 out of 16 statements were concerned about the adverse visual impact on their homes and their ability to enjoy the AESTHETICS and their VIEW.

These statements, together with PWMD's having given credence and assigned relevance and honoring or valuing their importance to the 12 adjacent neighbor's statements of concern and using those statement as the criteria by which they determined that the denial reflected the interests of the neighbor as the standards of the community to deny the variance, constitute PWMD having established a precedent of maintaining neighborhood aesthetics and residents views, and prohibiting others from degrading or ruining community AESTHETICS or obscuring or degrading residents VIEWS.

Now PWMD seeks to enforce a double standard by selectively ignoring their having set a precedent by denying the Karnes' variance, based on that AESTHETICS and VIEW criteria, while subsequently starting construction of the telecommunications tower and creating an eyesore that has consequently obscured and degraded the views of other adjacent property owners. PWMD now seeks retroactive approval of the offending eyesore blocking other adjacent property owners' views with Pueblo County Planning Commission approval of the Special Use Permit.

PWMD will likely contend that the difference between the residential zoning and the S-1 Utility zoning negates the applicability of the precedent. But they can't have it both ways. Since PWMD's Committee on Architecture reports to PWMD, and PWMD overseen by the Pueblo Board of County Commissioners, logic would dictate that the Committee on Architecture is effectively acting as an agent for the Pueblo Board of County Commissioners and as such they are also effectively setting a precedent for Pueblo County and the Pueblo County Planning Commission.

- 3) Use of the space for this purpose in this manner is inconsistent with PWMD's own stated goals and characterizations of the Pueblo West community and established Open Space definitions.

Public information records requests reveal that PWMD made no attempt to mitigate the adverse impact of their illegal construction of the telecommunications tower on adjacent property owners, the nearly undisturbed Open Space aesthetics of the area, daily users of the open space, or the wildlife in the area. Residents are observed daily walking their pets and enjoying the Open Space. Eagles and Red-Tailed Hawks have been seen hunting and capturing prey in the area on many occasions. I watched a Golden Eagle land on my neighbor's roof with a rabbit in its talons! Red Tailed hawks are common often perching in the trees adjacent to the roadway entrance to Tract 317. PWMD's blatant disregard for the Open Space area is contrary to the stated goals and official characterization of Pueblo West by PWMD and as such their action constitutes creation of an unnecessary eyesore.

PWMD's website homepage, directly below the image of the "Pueblo West, Where Eagles Soar" sign, which greets motorists Westbound on Highway 50, touts Pueblo West's "Vistas of the Great Rocky Mountains The vistas of the great Rocky Mountains, from the luscious Spanish Peaks to white-capped Pikes Peak, offer 300 days of sunshine and breathtaking and awe-inspiring sunrises and sunsets. Magnificent star gazing at the night sky is "light pollution" free and relaxing."

Yet when given the opportunity to preserve the rare aesthetics of, previously unobstructed 180 degree plus "Vistas of the great Rocky Mountains, from the luscious Spanish Peaks to white-capped Pikes Peak" from a variety of locations in Tract 317, PWMD decided that their eyesore was more important.

The Federal Government (EPA) defines OPEN SPACE as

“What is Open Space/Green Space?”

Open space is any open piece of land that is undeveloped (has no buildings or other built structures) and is accessible to the public. Open space can include:

- Green space (land that is partly or completely covered with grass, trees, shrubs, or other vegetation). Green space includes parks, community gardens, and cemeteries.
- Schoolyards
- Playgrounds
- Public seating areas
- Public plazas
- Vacant lots

Open space provides recreational areas for residents and helps to enhance the beauty and environmental quality of neighborhoods. But with this broad range of recreational sites comes an equally broad range of environmental issues. Just as in any other land uses, the way parks are managed can have good or bad environmental impacts, from pesticide runoff, siltation from overused hiking and logging trails, and destruction of habitat.

Lack of community and public access to safe open and green space is a critical area of concern for urban residents . . .”

When the park proposal was abandoned, PWMD chose to effectively give up on any official public use of the area and subsequently relegated it to de facto industrial park status conveniently choosing to leave Open Space officially undefined despite its daily use as such by the community. Nonetheless, the Open Space designation is used throughout the community including property descriptions touting abbreviated descriptions of the “**Vistas of the Great Rocky Mountains** The vistas of the great Rocky Mountains, from the luscious Spanish Peaks to white-capped Pikes Peak, offer 300 days of sunshine and breathtaking and awe-inspiring sunrises and sunsets. Magnificent star gazing at the night sky is “light pollution” free and relaxing.” to justify, increase, and maintain property values and derive higher values for real estate transactions.

- 4) Construction of the telecommunication tower / eyesore is unnecessary by consideration of alternative technology yet PWMD make no effort to mitigate the adverse impact of this project or explore any alternatives.

PWMD made no attempt to mitigate the adverse impact on the adjacent neighbors, investigate, explore, or seek any alternatives to their illegal construction project. At the same previously referenced November 12, 2019 public meeting, PWMD was provided with the results of an informal internet search, subsequent telephone calls, and an e-mail message from a prospective bidder which indicated that alternative internet based technologies existed and were comparably priced which would make their telecommunications tower unnecessary. PWMD was also given petitions at that same November 12, 2019 public meeting, signed by Pueblo West Citizens and Tract 317 adjacent property owners protesting the project.

The Public Contract Code requires three competitive bids for public purchases, leases, contracts, etc. Requests for public information about how PWMD advertised or solicited bids to obtain the equipment which they propose to use on the tower yielded a diagram and technical description, but no indication of any competitive bidding process having been conducted. A second request for public information about any subsequent changes made by PWMD yielded an invoice for installation of the telecommunication tower, equipment brand name and product item lists, installation details and directions, and a reference to purchase order number 1901701, but no indication of any attempt to obtain competitive pricing. A third request for public information for the purchase order and all documents etcetera used by PWMD to select the specific "Neptune" brand equipment without competitive bidding revealed the purchase order but no indication of any record of any review or selection or objective scrutiny in choosing that particular brand of equipment. The existence of the purchase order confirms that the only other means of their having proceeded with the project without competitive bidding might have been either carte blanche delegation of purchasing authority or some internal PWMD waiver process. Regardless of how the purchase order was created or approved, it is abundantly clear that the citizens of Pueblo West were denied the opportunity to benefit from PWMD conducting a proper competitive bid solicitation for water meter data collection and / or transmission. PWMD's arbitrary decision and subsequent action effectively precluded any bid participation by internet based technology suppliers.

The pause in construction, due to the lack of the required special use permit, provided an ideal opportunity to rectify the lack of competitive bidding by investigating and incorporating internet based technology alternatives in bid / purchasing solicitation documents. The short interval between the November public meeting and PWMD's application on December 12, 2019 is insufficient to modify the bid specs, solicit bidder comments, revise bid specs as necessary, publish, advertise, receive bids, and compare bidder / supplier pricing confirms that no change or advertisement or response could have been conducted in such a short period of time. PWMD stated no urgency in their application. Therefore, it is reasonable to conclude that no expedited review or approval is necessary and no adverse consequence exists from taking the time to conduct a proper competitive bidding process. PWMD ignored the opportunity and the interests of the adjacent property owners, the citizen protest petition signatories, and the best interest of the citizens of Pueblo West by choosing to continue constructing the tower / eyesore instead.

Following the PWMD Board being confronted on this matter in a February 11th public meeting, at which time the contents of a petition was read aloud which demanded that PWMD withdraw the special use permit application UNTIL they:

- 1) Comply with the Public Contracts Code and conduct competitive bids.
- 2) Change the bid specs to allow internet technologies to compete.
- 3) Schedule a public meeting to open the bids and show the results to the citizens of Pueblo West.

Circulating those petitions among the citizens of Pueblo West yielded 20 plus signatures in less than two hours time. The ease with which those signatures were gathered demonstrates the skepticism and fundamental distrust that PWMD will follow through and do what they commit to in any significant way.

On February 12th, PWMD suddenly became interested, wanted to meet, and indicated their interest and willingness to consider internet based alternatives. But not interested or willing enough to put their application for a special use permit on hold pending the outcome of any subsequent research into the technology, conducting competitive bidding, etc. Once in possession of the special use permit, there would no longer be any motivation or compulsion for PWMD Management or The Board to take any further action in pursuing those alternative technologies.

PWMD's Utilities Manager believes that no means of connectivity or interface with their existing metering valves exists. This is akin to perceiving that Apple and Microsoft software are incompatible and therefore no Apple based software exists that can connect to or interface with Microsoft based software or files. While once accurate years ago, such a perception is no longer accurate. Isn't it similarly unreasonable to decide that electronically controlled fuel injected vehicles should not be considered to replace an aging fleet of carburetor equipped vehicles?

All these PWMD actions illustrate a fundamental reluctance to objectively investigate unfamiliar alternatives. No one knows, what they don't know, if they don't ask.

5) PWMD's characterization of the property and its current value and use by the Pueblo West community is inaccurate.

PWMD characterizes the space as merely "vacant land". Yet this is the same land that PWMD previously attempted to use to create a park and / or graveyard.

Long time Pueblo West resident, Jim Maggard, (1225 Shenandoah Dr. Pueblo West) who has been living in the area since 2004 and continues to reside in Pueblo West, recalls being part of a community group that toured this and other areas providing comments to PWMD on the planned development. Mr. Maggard also recalls that a Boy Scout was given permission by PWMD, as part of an Eagle Scout project, to map out all the trails in Tract 317 for the park design. Mr. Maggard's statement to that effect is attached.

These and other demonstrations of community involvement and support for utilizing Tract 317, if not as a park with grass and picnic tables and other features, illustrate the communities support for at least keeping it as an undeveloped Open Space area without any development of any kind. The communities desire to retain and use the area are illustrated by the petitions demanding that PWMD and the Board explore other alternatives to the tower / eyesore provided to the Board in their November 12th, 2019 public meeting.

When funding could not be obtained and the project stalled, PWMD effectively / essentially gave up on any official public use of the area and has subsequently relegated it to de facto industrial park status without public comment or consultation as evidenced by their having illegally erected the telecommunications tower / eyesore likely either never considering any community interests or expecting that no one cared.

Despite PWMD's having effectively abandoned and ignored this area after the park proposal failed, this tract has always been considered a public use area and characterized by the community as OPEN SPACE due to the lack of development, topography, and location due to versatility it offers.

PWMD is now willing and eager to abandon any use of the Open Space with its unique and nearly undisturbed form providing a (previously unobstructed) 180 degree plus panorama of Pikes Peak, Sangre de Cristo, Wet Mountains and the Spanish Peaks by constructing the telecommunication tower / eyesore.

6) Approval of the Special Use Permit would create a precedent which would adversely affect the Open Space.

PW already has plans for building a water storage tank on nearby sites in the area as part of their larger future plans. Once a Special Use Permit is approved, there is nothing to prevent PWMD from selling off other open space land in Tract 317 for future cell towers or other commercial uses characterized as similar S-1 Utility applications, with those same future project proponents citing the telecommunications tower / eyesore's Special Use Permit approval as precedent for approval of their projects.

Throughout this entire episode, PWMD has demonstrated an arrogant disregard for the interests of adjacent property owners and the citizens of Pueblo West, chosen secrecy over open government, chosen not to divulge their plans or proposed actions with those who question their tactics, while insisting that they, and only they, despite information to the contrary, know best and only reluctantly agree to listen to opposing views or consider alternatives in a timely manner.

For all these reasons, we request that the Special Use Permit application be denied and PWMD be ordered to remove the illegally constructed tower. Failing this solution, at the very least, the Special Use Permit should be denied until PWMD is compelled to:

- 1) Conduct public meetings with dates and times published in the local newspapers and e-mails sent to ALL the property owners within 300 yards of Tract 317's exterior boundary to solicit community involvement in the decision of whether or not to preserve the open space or proceed with this or any future project.
- 2) Conduct a voter referendum to obtain voter approval of any future use of Tract 317 other than Open Space.
- 3) Notify ALL the property owners within 300 yards of Tract 317's exterior boundary with e-mails and written notices mailed to their residences of any public hearing to consider any future use of Tract 317.

Similarly, any future request by PWMD for special use permits or other similar actions in this space and surrounding Tract 317 should be severely constrained so as to minimize the frequency of such PWMD actions and the inordinate expenditure of time and expense and stress borne by Tract 317 neighbors to contest such actions time and again at PWMD's whim.

Ralph Karnes
37 S Kewanna Dr. Pueblo West, Co 81007


 Date 2-17-2020
Donna Karnes
37 S Kewanna Dr. Pueblo West, Co 81007

 Date 02-17-2020

Gordon Carleton
1172 West Desert Sage Dr. Pueblo West, Co 81007

 Date 2/17/20

Deirdre Carleton
1172 West Desert Sage Dr. Pueblo West, Co 81007

 Date 2/17/20

AESTHETICS

Pueblo West Committee of Architecture

PO Box 7005 ~ 109 East Industrial Boulevard
Pueblo West ~ Colorado ~ 81007
Phone 719-547-9661 ~ Fax 719-547-1048

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

See enclosed letter

Signed:

Ed & Mary Beck

Dated:

20 June 2001

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

ED BECK
1168 Meadowmoor Dr
Pueblo West
Co 81007

FILE COPY

JUN 24 2001

20-Jun-01

Pueblo West Committee
of Architecture

Friends,

Once again we are against any changes or granting a variance for a change in setback in Tract 308, Block 5, and in this case lot #2.

Mr. Karnes, in his request for a variance for setback, is mistaken in stating that the property is on the outer perimeter of Pueblo West. There are homes beyond the property to the west, and Track 317 is immediately abutting Track 308. Tract 317 (owned by Pueblo West Metro District) is zoned S-1 and as such could be used for many purposes in the future.

We cannot see how a building elevated on this lot could be less prominent than one built within the present format for the lot. The home on Moccasin drive referred to has been built to the present format without a variance, it just happens to be facing Moccasin Dr.

The natural landscaping of this lot is contained throughout the whole lot, not just the back of the lot. A building high upon the property would be an eyesore with no aesthetic value for the rest of the Tract and surrounding properties. There is as much "natural landscaping" in front of this lot as there is to the rear.

As we stated in our letter to the committee on 12th of February of this year, these properties in block 5 sit on the high side of the Kewanna Drive road and needs no further elevation to enhance the area.

Thank you for your considerations

Ed & Mary Beck

Ed & Mary Beck
1168 Meadowmoor Dr.
Pueblo West, CO 81007
719.547.3440

FILE COPY

Pueblo West Committee of Architecture

PO Box 7005 ~ 109 East Industrial Boulevard
Pueblo West ~ Colorado ~ 81007
Phone 719-547-9661 ~ Fax 719-547-1048

10

Response to Variance Notification Letter

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As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

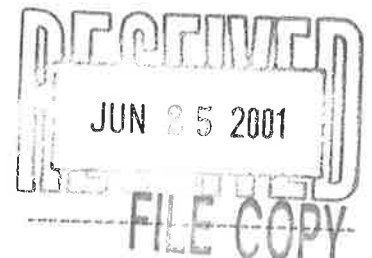
I think its improper to allow one person a large variance of code when the rest of us abide by rules. A house on top of the hill mentioned will interfere with the aesthetics of this area.

Signed: Amore Putean

Dated: 2-14-01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

65 ROLL PRAIRIE



13

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.

☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

Why have covenants if they are not taken seriously? The covenants for Pueblo West were written so that these properties would be developed in a way that landscapes and the natural lay of the land would not be compromised to lose the feeling of country living and space. Therefore, any variances made to the covenants should not be made except under unusual circumstances such as the placement of the structure being built on the property without a small variance would cause structural damage.

Signed:

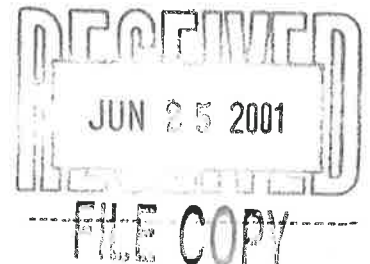
Evelyn Mayo

Dated:

6/19/01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1165 W Broken Bow Dr



12

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.

☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

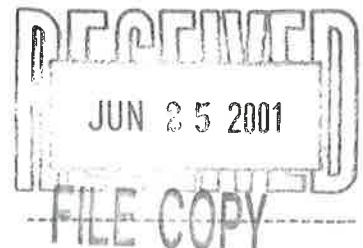
the set back on moccasin has nothing to do with Kewanna Drive. We'll be looking at a 200' driveway of cement or gravel. That does not look aesthetically good for the neighborhood. Please keep the variance at 150' from the back of property like everyone else. As you all know this has a domino effect
Thank You

Signed: _____

Dated: _____

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1163 BROKEN Bow



VIEW

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

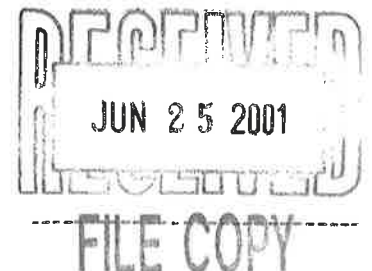
- ☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

Regardless of stated reasons, moving the house to the rear of the lot will give petitioners a good view at the cost of surrounding property owner's views. Stated that it "will be less invasive to the existing house" - on a moccasin. That homeowner has also submitted an objection to this request. The house will not blend into the natural landscape of the lot or rear from any other surrounding property owner. Request petition for variance be denied.

Signed: L. L. Bandy 1170 Broken Bow

Dated: 6-24-01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:



17

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

☒ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.

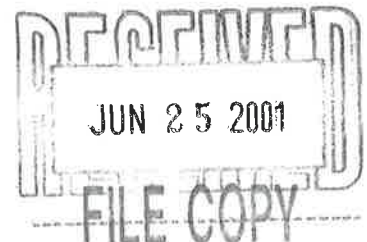
☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

I feel a home located atop or near the top of the lot in question is inappropriate to the other homes in the area. It would block the view of many homeowners

Signed: Beth Schurr
Dated: 6/14/01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1165 MOCCASIN



Pueblo West Committee of Architecture

PO Box 7005 ~ 109 East Industrial Boulevard
Pueblo West ~ Colorado ~ 81007
Phone 719-547-9661 ~ Fax 719-547-1048

14

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.

☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

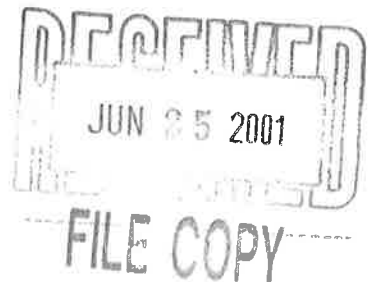
I understand the request for this variance, it is to get a better view. In allowing this variance it on the other hand would take away my view when looking to the north. Why should I lose my view to give it to someone else. We built here for the view of the mountains. We just went through this with John Halusha for his request of a variance several lots south of this lot. The house on Moroccan dr. is not moved back for a variance. When people buy lots, they should be made aware of problems when they want to go against the established rules of building on their lots.

Signed: Jim Woodworth

Dated: 6-25-01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1206 Broken Bow.



7

Response to Variance Notification Letter

RE: Application for Variance on real property located at:

Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.

☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

After careful consideration my wife and I have decided that home of said lot would partially block our view and could even drop the current value of our property - we have now problem of the mid house being built as long as it has the 150 variance, stated in the covenants.

Signed:

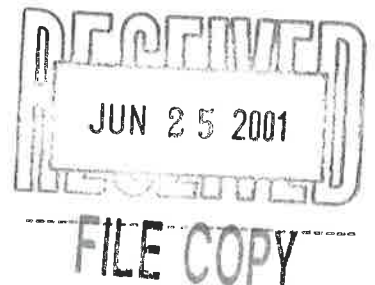
Robert E. Volch / Jackie L. Holcher

Dated:

June 15, 2001

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

*1212 Macasin Drive
Pueblo West, CO 81007*



2

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

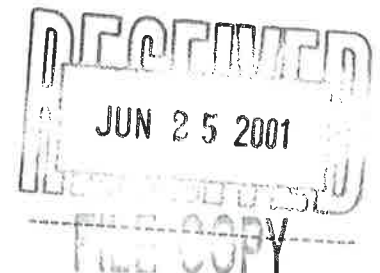
☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.

☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

We feel that this would obstruct our view and therefore lower our property value as well as our neighbors. If this is allowed for one then others will be allowed taking away from the atmosphere of Pueblo West.

Signed: David & Kristin Sanchez T.308 Bl.3 Lot 2
Dated: 6-19-01 1182 W Broken Bow Dr.

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:



15

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

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☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

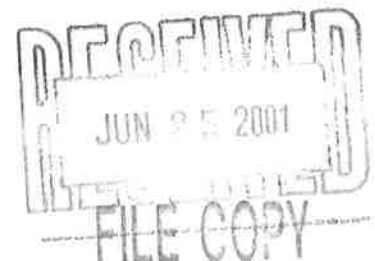
I think that a house on top of of the hill would ruin the views and decrease the value of the property in the entire neighborhood.

Signed: _____

Dated: _____

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

39 MOCCASINI



Pueblo West Committee of Architecture

PO Box 7005 ~ 109 East Industrial Boulevard
Pueblo West ~ Colorado ~ 81007
Phone 719-547-9661 ~ Fax 719-547-1048

5

Response to Variance Notification Letter

RE: Application for Variance on real property located at:

Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

(Beautiful house plan) ☺

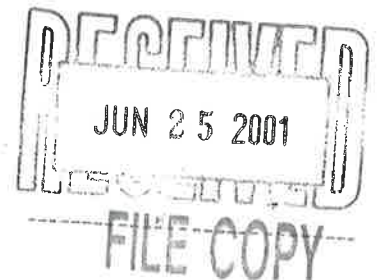
However, prefer to keep 150 foot rear-set back variance to preserve aesthetic view for entire neighborhood. ~ Keeping the beauty of the area for present and future residents.

Signed: S. Bernal

Dated: June 14, 2001

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1153 MEADOW MOOR



MISCELLANEOUS

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☒ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☐ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

Signed:

Donald E. Morrow

Dated:

JUNE 21 - 2001

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

DONALD E. MORROW
389 Ridge Rd
WILLARD - OHIO N
44890



Pueblo West Committee of Architecture

PO Box 7005 ~ 109 East Industrial Boulevard
Pueblo West ~ Colorado ~ 81007
Phone 719-547-9661 ~ Fax 719-547-1048

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

JUN 22 2001

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☒ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☐ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

Signed: _____

Charles L. Shrock

Dated: _____

6-19-01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

Charles L. Shrock
5728 Elliston Rd.
MARTIN Ohio
43445

FILE COPY

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

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☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

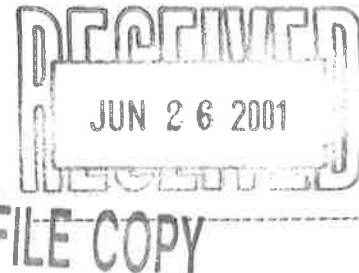
We do not have any objections to the proposal submitted so long as it follows the plot plan. Please forward the Committee's decision to us.

Signed: Scott D Koskie & Peggy J Koskie

Dated: June 23, 2001

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

Scott D. & Peggy J. Koskie
14570 NORTH COUNTY ROAD 7
WELLINGTON, CO 80549



8

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

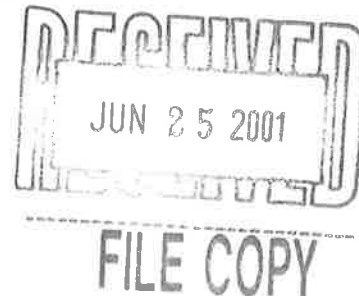
To allow a variance to this lot
would allow a variance to all
other lots in this area.

Signed: _____

Dated: _____

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1165 MEADOWMOOR



16

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

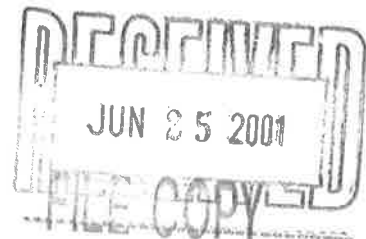
As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

*By setting his property up ~ back) to-
wards the back of his property against
the set covenants will force the Committee
to allow further departure from the standards,
should they allow this. This is not
acceptable to this resident.*

Signed: Mary J Budd 49 S Oswego, PW, CO
Dated: 6/16/01 81007

**You will not automatically be advised of the Committee's decision
in this matter. If you wish to obtain formal notification of the
Committee's decision, please type or print your name and current
mailing address below:**



18
Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

I feel the variance should not be granted.
If changed for one person, then it should be allowed for
all. This will certainly detract from my house.

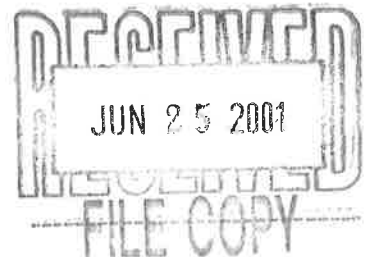
Signed: Melvin L. Barto

Lot 4 + 5 Broken Bow

Dated: 6-15-01

Melvin L. Barto

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:



4

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

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- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

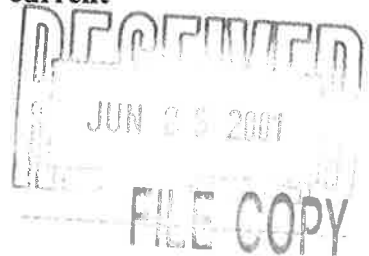
*Believe a variance would
lower my property value.*

Signed: *Malin E. Flay*

Dated: *6/16/01*

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

1036 MEADOWMOOR



9

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I **DO NOT** have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

I have allowed to be placed on top of this hill would take away from the value of our property. All who build on these and the existing lots should adhere to the established guidelines and not add any variance.

Signed: _____

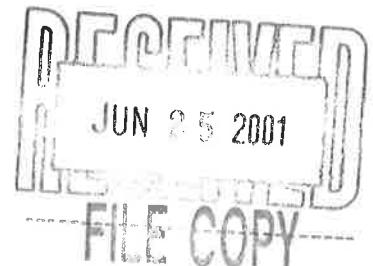
Dated: _____

Lisa A. Hook

6/15/01

*1108^{W.} Meadowmoor Dr.
Pueblo West, CO 81007*

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:



6

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

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- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

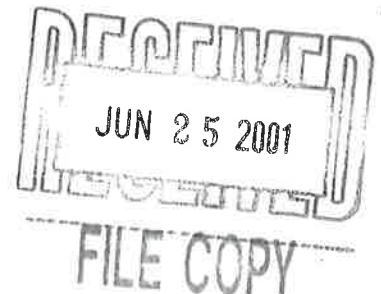
I believe a house on top of the hill would take away the value of our property they should stay 1st of from back of property like everyone else

Signed: Mrs. Fred Muelto

Dated: 6.14.01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

39 OSWEGO



3

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

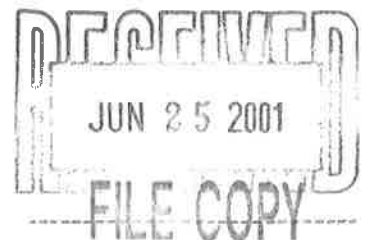
As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

- ☐ I DO NOT have any evidence and/or statements to present relevant to the Committee's deliberations.
- ☒ I HAVE evidence and/or statements to present relevant to the Committee's deliberations as follows:

My husband & I voted against the last person
buying this. Just stay within the 150'
set back

Signed: Aileen & Roger Lucchesi 1139 W
Dated: 6-18-01 BROKEN
Baw

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:



//

Response to Variance Notification Letter

RE: Application for Variance on real property located at:
Tract 308, Block 5, Lot 2
37 S Kewanna Dr
Pueblo West, CO 81007

As owner/purchaser of certain real property located within nine hundred (900) feet of the above referenced property I submit the following:

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☒ I **HAVE** evidence and/or statements to present relevant to the Committee's deliberations as follows:

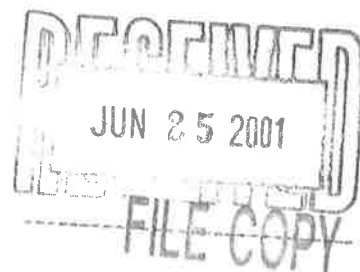
We do not believe it is necessary to allow a 50 foot rear
set-back variance. This house could still be built
abiding by the required 150 foot setback. Building at
the top of the hill would be more intrusive and prominent
than building within the required 150 foot variance.
We object to this request.

Signed: Dean & Cheri Dehudder

Dated: 6-13-01

You will not automatically be advised of the Committee's decision in this matter. If you wish to obtain formal notification of the Committee's decision, please type or print your name and current mailing address below:

Dean & Cheri Dehudder
1189 W. Meadowmoor Dr.
Pueblo West, CO 81007



PETTITION

We, the undersigned citizens of Pueblo West, DEMAND that Pueblo West Metro District withdraw their special use permit application #2019-009 for their telecommunications tower / eyesore in the Tract 317 OPEN SPACE off West McCulloch UNTIL they:

1. Comply with the Public Contracts Code requirements for three separate bids by soliciting and advertising for competitive bids for the water meter data collection equipment.
2. Change the bidding and equipment specification for water meter data collection to include internet based technologies, show them to the citizens of Pueblo West in a public meeting, and provide an opportunity for the public to review and approve the bid specs BEFORE they are sent out to prospective bidders.
3. Schedule a public meeting to open the bids and show the results to the citizens of Pueblo West.

Name (printed) Michael S. Wilson Signature Michael S. Wilson

Address 719 South Woodstock Drive Date 2/10/20

Name (printed) Pat White Signature Patrick R White Date 2/10/2020

Address 1860 W Costilla Plz Date

Name (printed) Nicholas Trejo Signature Nicholas Trejo Date 2/10/2020

Address 452 S. 11th Ave Pueblo West CO Date

Name (printed) Ron Walters Signature Ron Walters Date 2-15-2020

Address 1122 W. Sunset Lane Dr. Date

Name (printed) Janet Moffitt Signature Janet Moffitt Date 2-15-2020

Address Pueblo West 1661 W. Siesta Dr. Date

Name (printed) Jesse Hajar Signature Jesse Hajar

Address 446 S. Mathray Dr Date 2/15/20

We, the undersigned citizens of Pueblo West, DEMAND that Pueblo West Metro District withdraw their special use permit application #2019-009 for their telecommunications tower / eyesore in the Tract 317 OPEN SPACE off West McCulloch UNTIL they:

1. Comply with the Public Contracts Code requirements for three separate bids by soliciting and advertising for competitive bids for the water meter data collection equipment.
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3. Schedule a public meeting to open the bids and show the results to the citizens of Pueblo West.

Name (printed) CHARLIE HALL Signature [Signature] Date 2/10/2020

Address 1440 E INDIAN PRINT Date

Name (printed) Archie Martinez Signature [Signature] Date 2-10-2020

Address 306 E. Countryside dr 81007 Date

Name (printed) James A Maggard Signature [Signature]

Address Date

Name (printed) Suey Wilson Signature [Signature] Date 2-10-2020

Address Date

Name (printed) Laura J. McAllister Signature [Signature]

Address 912 So Harmony Pl Date 2-15-2020

Name (printed) Robert King Signature [Signature] Date 2-15-2020

Address 912 South Harmony Pl Date 2-15-2020

We, the undersigned citizens of Pueblo West, DEMAND that Pueblo West Metro District withdraw their special use permit application #2019-009 for their telecommunications tower / eyesore in the Tract 317 OPEN SPACE off West McCulloch UNTIL they:

1. Comply with the Public Contracts Code requirements for three separate bids by soliciting and advertising for competitive bids for the water meter data collection equipment.
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3. Schedule a public meeting to open the bids and show the results to the citizens of Pueblo West.

Name (printed) Wesley Signature [Signature]

Address 811 W. CALE AUBREY Dr Date 2/15/2020

Name (printed) Larry Withman Signature [Signature] Date 2-16-20

Address 1179 W. Desert Sage Date

Name (printed) Lois Jeanne Stalcar Signature [Signature] Date 2/17/2020

Address 142 S Rolling Prairie Dr. P.W. CO 81007 Date

Name (printed) Donna J. Karnes Signature [Signature] Date 02-17-2020

Address 37 S. Kewanna Dr., Pueblo West, CO 81007 Date 02-17-2020

Name (printed) GORDON CARLTON Signature [Signature] Date

Address 1172 WEST DESERT SAGE, PUEBLO WEST, CO Date 2/17/20

Name (printed) RALPH KARNES Signature [Signature] Date 02-17-2020

Address 37 S KEWANNA DR. Pueblo West CO, 81007 Date

We, the undersigned citizens of Pueblo West, DEMAND that Pueblo West Metro District withdraw their special use permit application #2019-009 for their telecommunications tower / eyesore in the Tract 317 OPEN SPACE off West McCulloch UNTIL they:

1. Comply with the Public Contracts Code requirements for three separate bids by soliciting and advertising for competitive bids for the water meter data collection equipment.
2. Change the bidding and equipment specification for water meter data collection to include internet based technologies, show them to the citizens of Pueblo West in a public meeting, and provide an opportunity for the public to review and approve the bid specs BEFORE they are sent out to prospective bidders.
3. Schedule a public meeting to open the bids and show the results to the citizens of Pueblo West.

Name (printed) GARY WILSON Signature [Signature] Date 2/1/2020
Address _____

Name (printed) JOHN HINE Signature [Signature] Date 2/13/2020
Address 314 N LONGMONT

Name (printed) SOL CORONA Signature [Signature] Date 2-15-20
Address _____

Name (printed) JAMES MADONNA Signature [Signature] Date 2-15-2020
Address _____

Name (printed) 156 E Kipling Dr Pueblo, Co 81007 Signature [Signature] Date _____
Address _____

Name (printed) 377 E Stanley Dr Pueblo, Co 81007 Signature [Signature] Date 2-15-2020
Address _____

Name (printed) Abigail Fowler Signature [Signature] Date _____
Address _____

Name (printed) ED SMITH Signature [Signature] Date _____
Address _____

Name (printed) POB 8665 Signature [Signature] Date 8 1 2020 15 FEB 20
Address PUEBLO CO

PARK

Jim Maggard
1125 Shenandoah Dr.
Pueblo West, Co
81007

February 16, 2020

To whom it may concern:

I have been residing in Pueblo West since 2004.

I was part of a community groups which toured Tract 317 and other areas to provide comments to PWMD on the proposed park project. I also remember a Boy Scout was given permission to map out all the trails in Tract 317 for the park design as part of an Eagle Scout project. The PWMD Board was very supportive of the park project at the time.

Jim Maggard

