

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 20, 2020**

ROLL CALL AND DECLARATION OF QUORUM

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

Commissioners Absent: None.

Staff Present: Carmen Howard, Director; Gail L. Wallingford-Ingo, Deputy Director, Carli Hiben, Planner II; Rachel Gaffney, Planner I, and Monica Grosso, Office Support Services IV.

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

Chair Griego called the Pueblo County Planning Commission meeting to order at 5:39 p.m.

Chair Griego asked the Planning Commission members to raise their hands to be invited to speak for all motions and discussions throughout the meetings and asked that they mute their audio so that any potential background noise that may cause interference with the evening's meeting be avoided.

The following roll call attendance was taken:

Mr. Varela--present.
Mr. Bruestle--(joined the meeting at 5:53 p.m.)
Mr. Mancha--(Mr. Mancha was present in the video feed but was having difficulty with his audio)
Ms. Gladney--present.
Ms. Hatton--present.
Mr. Schuster--present.
Ms. Leonard--(joined the meeting at 5:50 p.m.)
Mr. Swearingen--present.
Chair Griego--present.

Chair Griego announced there was a quorum. Ms. Day stated they did have a quorum, noting Mr. Mancha's name was called, and he did not respond. On the Zoom video feed, it appeared he was not able to hear the audio. She was not sure if there was anything that could be done about that issue. Ms. Wallingford-Ingo stated she would send a chat to him and watch him on the video feed. Ms. Day suggested Ms. Wallingford-Ingo try and call Mr. Mancha and put her phone to her speaker so that he may be able to hear through that medium. Ms. Wallingford-Ingo replied she would do that.

APPROVAL OF MAY 20, 2020 AGENDA

Mr. Schuster motioned to approve the agenda of the May 20, 2020 meeting as mailed. Mr. Swearingen seconded the motion. Motion carried unanimously.

APPROVAL OF FEBRUARY 19, 2020 MINUTES

Chair Griego noted that there were no minutes for the March 18, 2020 and April 15, 2020 meetings due to their cancellation associated with the COVID-19 pandemic.

Mr. Schuster motioned to approve the minutes of the February 19, 2020 meeting as mailed. Mr. Varela 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.

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

- [Map Amendment No. 2020-001](#), Jane Wolverton Chavez (Owner/Applicant), c/o Richard Miller (Representative). The owner/applicant requests a map amendment to rezone two lots, each with an area of approximately 1.35± acres from a S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District designation in order to recognize its private ownership, residential use, and size. The property is located on the south side of Park Road, immediately east of its intersection with Heller Lane in the Rye area.

(b) Correspondence--None.

(c) Continuances--None.

(d) Withdrawals--None.

(e) Board of County Commissioners' Action--Summary of actions taken on May 7, 2020 was distributed in the Commission's packet for informational purposes only. No formal action is required.

(f) Administrative Reviews:

- [Special Use Permit No. 2016-003](#), Volunteers for Community (Applicant). This is an administrative review of a special use permit allowing a community center within an existing facility located on a 1.7± acre parcel. The parcel is in a S-1 Zone District. The property is located south of Santa Fe Drive, approximately 1,000 feet southwest of the intersection of Santa Fe Drive and Cuerno Verde Boulevard in Colorado City.

There was a brief pause in the meeting at this time as Ms. Howards' feed was disrupted and she could not be heard. Once her connection was reestablished, she continued where she left off.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with three modified conditions of approval, notation, and new Directive to Staff to present a report at the May 2021 Planning Commission hearing, as per Staff Memorandum, dated May 13, 2020.

- [Special Use Permit No. 2016-007](#), Fremont Paving & Redi-Mix, Inc., c/o John P. Ary (Operator/Applicant), State of Colorado, Pritekel Brothers Farm, LLC and Danny J. and Cindy L. Henrichs (Owners within mine area), Fremont Paving & Redi Mix, Inc., Douglas Thacker, Pikes Peak Home Center, Inc., and State of Colorado (Owners within main and alternate haul road), A&S Construction, c/o Steve Chisholm (Representative). This is an administrative review of a special use permit allowing mineral and natural resource extraction and mining operation excepting therefrom any processing within the special use permit boundary within a 1,508± acre permit boundary area in the A-1, Agricultural (minimum 35 acre) Zone District.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the same 25 conditions of approval and new Directive to Staff to present a report at the March 2021 Planning Commission hearing, as per Staff Memorandum, dated May 13, 2020.

- [Special Use Permit No. 2016-012](#), Hudson Ranch, LLC (Owner/Applicant), c/o Dr. Marvin Hamann (Representative), 6675 Highway 78 West. This is an administrative review of a special use permit which allows several uses-by-review in an A-1, Agricultural (minimum 35 acre) Zone District. The property is on the north side of State Highway 78, approximately 2 miles west of the intersection of Highway 78 and Galbreth Road.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing 10 conditions of approval, notation, and new Directive to Staff to present a report at the May 2021 Planning Commission hearing, as per Staff Memorandum, dated May 13, 2020.

- [Special Use Permit No. 2018-001](#), Secure Stor, LLC, c/o David L. Gaskill and Stor All, LLC, c/o Brad Jones (Original Owners/Applicants), Freedom Self Storage, LLC (Current Owner/Applicant), Corsentino Construction, Inc., c/o Joseph Corsentino

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(Representative). This is an administrative review of a special use permit allowing “Residences” in the B-4, Community Business Zone District for the purpose of management quarters (residence) for a mini-warehouse storage facility and office. The property physically addressed as 469 East Spaulding Avenue is located west of Shooting Star Drive, between U.S. Highway 50 and Spaulding Avenue within the Pueblo West area.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the single modified condition of approval, notation, and new Directive to Staff to present a report at the March 2021 Planning Commission hearing, as per Staff Memorandum, dated May 12, 2020.

- [Special Use Permit No. 2018-002](#), Ryan Klaic (Original Owner), Running Wild Enterprises, Inc. (Current Owner), Rick Roberson (Applicant), Stefanie Roberson (Representative), 4868 West Graneros Road. This is an administrative review of a special use permit, which allows a motor vehicle retail sales use on property located in an I-2, Light Industrial Zone District. The property contains 1.01 acres, and is located south of West Graneros Road, west of Interstate 25 in the Colorado City area.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the five modified conditions of approval, notation, and new Directive to Staff to present a report at the April 2021 Planning Commission hearing, as per Staff Memorandum, dated May 13, 2020.

- [Special Use Permit No. 2018-006](#), NE Colorado Cellular, Inc. dba Viaero Wireless (Applicant /Tower Owner), c/o Kyle DeNardo, Site Acquisition Specialist (Current Representative), Linda L. Phelps (Owner). This is an administrative review of a special use permit allowing the establishment of a lattice type telecommunication tower with an overall height of 195 feet and related accessory buildings and support facilities on a five (5) acre leased parcel of land in an A-1 Zone District. The parcel is located on the west side of Interstate 25 South approximately 1.5 miles south/southwest of Exit 83 (Verde Road).

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the same seven conditions of approval, notation, and new Directive to Staff to present a report at the May 2021 Planning Commission hearing, as per Staff Memorandum, dated May 11, 2020.

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

Ms. Day stated she wanted to note for the record that Mr. Mancha was now able to hear the meeting’s audio and that Ms. Leonard and Mr. Bruestle had both joined the meeting.

Mr. Bruestle thanked her and asked if he could be heard through his audio. Ms. Day replied he could be heard and asked that he and Ms. Leonard mute their audio until they were ready to speak, so as to eliminate any potential background noise

Ms. 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. Schuster seconded the motion.

Ms. Hatton stated she had to recuse herself from Map Amendment No. 2020-001 as she is an adjacent property owner.

Ms. Day asked that Ms. Leonard and Mr. Schuster withdraw their motions so they could have a separate motion for the map amendment and re-motion to approve the Director’s report minus that item.

Ms. Wallingford-Ingo stated that this item was only accepting the map amendment and that Map Amendment No. 2020-001 was on the consent agenda for action. Ms. Day replied since that was the case, there would be no need for it to be heard as a separate item or to withdraw the current motions.

The following roll call vote was taken:

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Ms. Leonard--yes.
Mr. Schuster--yes.
Mr. Swearingen--yes.
Ms. Gladney--yes.
Mr. Bruestle--yes.
Ms. Hatton--yes. -She stated she would be recusing herself from the vote. Ms. Day explained what they were approving was the Director's Report which was the acceptance of the map amendment and the approval of the administrative reviews and advised because of this Ms. Hatton would not need to recuse herself.
Mr. Mancha--yes.
Mr. Varela--yes.
Chair Griego--yes.

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

Ms. Howard explained there were five items on the Consent Agenda and no items 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. Varela moved to approve Consent Items one through four listed below with the recommendations of staff. Mr. Schuster seconded the motion.

The following roll call vote was taken:

Mr. Bruestle--yes.
Ms. Gladney--yes.
Ms. Hatton--yes.
Ms. Leonard--yes.
Mr. Mancha--yes.
Mr. Schuster--yes.
Mr. Varela--yes.
Mr. Swearingen--yes.
Chair Griego--yes.

The motion carried unanimously.

- **Special Use Permit No. 67 - RESCISSION** (aka Special Use Permit No. 1967-014 for filing purposes only) on behalf of W.C. Robinson (Original Applicant/Owner) Traci Long (Current Owner) The current owner, at the direction of the Department of Planning and Development, is requesting **RESCISSION** of a special use permit that was originally approved on June 27, 1967. The special use permit allowed a "motel" in a B-4, Community Business Zone District. The records of the Department of Planning and Development do not have a specific legal description for the property or reference a corresponding map amendment which created the B-4 Zone District designation; therefore, in order to eliminate any possible conflict, a rescission request has been submitted. The property is located on the east side of I-25 South Frontage Road, south of the Colorado City interchange.

Staff recommended the Pueblo County Planning Commission acknowledge the current owner's request to rescind Special Use Permit No. 67 - **RESCISSION** (aka Special Use Permit No. 1967-014 for filing purposes only) as per the Staff Memorandum, dated May 13, 2020.

- **Special Use Permit No. 2017-010 - AMENDED** on behalf of Store All, LLC (Original Owner/Applicant) c/o Brad Jones, President (Original Representative), Freedom Storage, LLC (Current Owner/Applicant). The applicant requests an amendment to remove Condition No. 3, which prohibits outdoor storage, as imposed upon the January

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15, 2020 special use permit approval. The owner/applicant has indicated their desire to include such in conjunction with the use of the property as a mini-warehouse storage facility in a B-4, Community Business Zone District. The property is physically addressed as 469 East Spaulding Avenue and is located west of Shooting Star Drive, between U.S. Highway 50 and Spaulding Avenue.

Staff recommended the Pueblo County Planning Commission approve Special Use Permit No. 2017-010 – **AMENDED** with three conditions of approval, and Directive to Staff as per the Staff Memorandum, dated May 12, 2020.

- [Special Use Permit No. 2018-007](#) - **RESCISSION** on behalf of Traci Long (Applicant/Owner). The applicant/owner, at the direction of the Department of Planning and Development, is requesting **RESCISSION** of a special use permit that was originally approved on June 20, 2018. The special use permit allowed a “restaurant” in an R-6, Multiple-Residential and Commercial Zone District. The request is being submitted due to the approval of Map Amendment No. 2019-005 which permitted a zoning change from an R-6, Multiple-Residential and Commercial Zone District to a B-4, Community Business Zone District where a “restaurant” is a permitted use-by-right. The property is located on the east side of I-25 South Frontage Road, south of the Colorado City interchange.

Staff recommended the Pueblo County Planning Commission acknowledge the current owners request to rescind Special Use Permit No. 2018-007 - **RESCISSION** as per the Staff Memorandum, dated May 13, 2020.

- [Special Use Permit No. 2019-010](#) - **REVISED SUBMITTAL** on behalf of James L. and Sarah Ann Coleman (Owners/Applicants). The owners/applicants are requesting a special use permit for a dog kennel for a maximum of seven (7) dogs on a 27.89± acre parcel of land in an A-3, Agricultural (minimum 1 acre) Zone District. The proposed use is not intended as a commercial kennel business; the request is being submitted to allow the owners/applicants to breed dogs and to own up to seven (7) adult dogs as livestock guardians and pets. The property is located on the east side of Pine Drive at its intersection with Oldham Road in the Beulah area.

Staff recommended the Pueblo County Planning Commission approve Special Use Permit No. 2019-010 – **REVISED SUBMITTAL** with four conditions of approval, and Directive to Staff as per the Staff Memorandum, dated May 11, 2020.

- [Map Amendment No. 2020-001](#) on behalf of Jane Wolverton Chavez (Owner/Applicant), c/o Richard Miller (Representative). The owner/applicant is requesting a map amendment to rezone two lots, each with an area of approximately 1.35± acres from a S-1, Public Use Zone District to an A-3, Agricultural (minimum 1 acre) Zone District designation in order to recognize its private ownership, residential use, and size. The property is located on the south side of Park Road, immediately east of its intersection with Heller Lane in the Rye area.

Ms. Hatton stated she would like Map Amendment No. 2020-010 to be continued to the next meeting as she did not receive public notice and had concerns that other adjacent owners had also not received public notice.

Mr. Bruestle questioned if Ms. Hatton’s request required a second. Ms. Day replied that it did.

Ms. Day questioned if Ms. Wallingford-Ingo had the staff report for the case to determine if Ms. Hatton’s address was listed. Ms. Wallingford-Ingo stated she would pull up that document.

Mr. Varela seconded Ms. Hatton’s request.

Ms. Hatton stated her correct address was listed in the staff report for the case, so she should have received the notice.

Mr. Bruestle questioned if the case needed to be reposted and re-mailed to the adjacent property owners. Ms. Wallingford-Ingo replied, typically, if a motion is made and seconded and an item is officially continued, it was not reposted. Ms. Day stated that because the purpose of the proposed continuance was due to Ms. Hatton’s concern about the notice not being received, staff will look into whether there was an issue with the notices on this particular case and what would need to be done to correct it. Mr. Bruestle thanked Ms. Day and Ms. Wallingford-Ingo for their explanations.

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Ms. Jane Wolverton Chavez, property owner for Map Amendment No. 2020-001, questioned if Ms. Hatton was an adjacent landowner to her property. She wanted to know why Ms. Hatton did not get a notice if she was an adjacent landowner. Ms. Hatton replied she was an adjacent landowner at 10061 Heller Lane and her mailing address is kitty-corner from the property at 8279 Park Road. Ms. Wolverton Chavez questioned if Ms. Hatton was at the Baker's property. Ms. Hatton replied she was not. She is one house further up from the Baker's. Ms. Wolverton-Chavez questioned if she was adjacent to her or just near her. Ms. Hatton replied she owned a property at 100 Heller Lane as well and was on both sides of the Baker's. Ms. Wolverton Chavez stated those properties were not adjacent to hers. Ms. Hatton replied that it did require public notice. Ms. Wolverton Chavez stated she thought she was only required to give public notice to the adjacent landowners. Ms. Day stated public notice needed to be given to property owners within a 300 feet radius for a map amendment. Ms. Hatton's properties are within that area and there is documentation that the Department sent notice to those addresses. Ms. Hatton did not receive that notice, so she had concerns with the fact that she did not receive that notice. She wanted to make sure that the other landowners in that area received the required notice. That was the reason for the continuance request. Ms. Day stated she would support Ms. Hatton's request so staff can investigate the issue of why there is a landowner who was documented as receiving notice but did not receive that notice, noting it may have been a mail issue.

Ms. Gaffney, as the planner assigned to the case, stated that she did receive phone calls from several other adjacent owners that did receive the notice. She was not sure why Ms. Hatton did not receive notice but wanted it noted that she did have confirmation that there were adjacent landowners that did receive the notice.

Ms. Wolverton Chavez questioned how they could ensure that this issue would not happen again. Ms. Day replied there was a motion and a second to continue the case on the table to address the issue and suggested they call for the vote for the continuance. Once the continuance was granted staff would work with Ms. Wolverton Chavez as the applicant and with Ms. Hatton who brought the concern not as a member of the Planning Commission, but as a property owner within the notification boundary. Ms. Day advised Ms. Wolverton Chavez that she was welcome to state any opposition she may have to the continuance if she was opposed to it. If she was not opposed to the continuance, they could call for the vote.

Mr. Valera requested that Chair Griego recall the question. Chair Griego recalled the question and asked for a vote.

The following roll call vote was taken:

Mr. Schuster--yes.
Ms. Leonard--yes.
Mr. Varela--yes.
Mr. Swearingen--yes.
Ms. Hatton—yes.
Ms. Gladney--yes.
Mr. Bruestle--yes.
Mr. Mancha--yes.
Chair Griego--yes.

Ms. Day questioned if Ms. Hatton was recusing herself from this item. Ms. Hatton replied she would likely long term recuse herself from this item, but she would not recuse herself from asking for a continuance so that the adjacent landowners could be notified. Ms. Day stated for her to request a continuance she would have to ask as public testimony from a citizen not as a Planning Commission member. Ms. Hatton agreed and recused herself from the vote. Ms. Day called for the motion to be withdrawn as Ms. Hatton had recused herself and, therefore, could not make the motion. Mr. Varela withdrew his second on the motion.

Mr. Valera moved to approve the continuance of Map Amendment No. 2020-001 until the next meeting. Mr. Schuster seconded the motion.

The following roll call vote was taken:

Mr. Bruestle--yes.
Ms. Gladney--yes.
Ms. Leonard--yes.
Mr. Mancha--yes.
Mr. Schuster--yes.

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Mr. Varela--yes.
Mr. Swearingen--yes.
Chair Griego--yes.
Ms. Hatton--abstained.

After the roll call vote, the motion passed, by an 8-0-1 vote, with Ms. Hatton abstaining.

Mr. Schuster stated he had a concern with Special Use Permit No. 2017-010 (Item number two on the consent agenda). He was concerned about the type of fencing that would be used to mask the boats and other things that would be stored at that location. He questioned if he needed to pull it off the consent agenda to discuss his concerns. Ms., Wallingford-Ingo stated the property was already fenced and she would let Ms. Hiben address the question as the planner assigned to the case. Mr. Schuster stated he was aware that there was currently a chain link fence. His concern was that the property abuts Highway 50 and was inquiring whether or not the open area where they would park vehicles would be screened so that it could not be seen from the highway. Ms. Hiben replied at this time they do not have any plans for privacy fencing and that a chain link fence was all that was on record. Ms. Hiben questioned the representative for the case, Ms. Kyleen Hancock, if she knew of any future plans for a privacy fence.

Ms. Hancock replied as far as she knew there would just be the chain link fence that surrounds the entire property. There is one set of buildings that goes the same direction as Highway 50 so that would block some of the view. She did not think they would be adding privacy fencing.

Mr. Schuster stated that he was aware that part of the property did block the view but between Spaulding Avenue and Highway 50 the open area can be seen where they would plan to store things and there is no privacy fence to block the view. Some of the other storage facilities in the area did have privacy fencing blocking the view from the highway so the lack of privacy fencing at this location was a concern for him.

Chair Griego stated he was aware of storage facilities on Industrial Boulevard that did not have privacy fencing. Mr. Schuster replied that some of the other storage facilities would park things in the back, but at this location, unless there was a privacy fence, they would not be able to hide anything.

Ms. Day asked the Planning Department staff if the property currently met the fencing requirements. Ms. Hiben replied that it did currently met the fencing requirements. Ms. Day questioned if the current fencing was up to Code and if the County would not require any additional fencing. Ms. Hiben replied that it was up to Code and that no additional fencing was required.

Ms. Day questioned if Mr. Schuster wanted to pull the item off of the Consent Agenda so that it could be heard for a full public hearing noting they wanted to make sure that at a public hearing anyone who wanted to be able to participate had the opportunity to participate which was difficult given the current situation so anything that was taken off the agenda would be continued. Mr. Schuster questioned if this issue could or would be revisited or reviewed next year. Ms. Day replied if the case was approved tonight that it would be under administrative review in one year's time. Mr. Schuster said that he would like to keep it on the Consent Agenda.

Ms. Day questioned if there was anyone else, Commission member, anyone logged onto the call, or on Facebook Live who would like to have any of the other items pulled off the Consent Agenda. Ms. Wallingford-Ingo stated there were no Facebook Live comments requesting such.

Ms. Day stated for clarification that on the Consent Agenda, for items one through four, the Planning Commission would take one action to approve all four items if no one requested to have any of those items pulled off to facilitate a full public hearing.

Ms. Hatton stated she was seeing that Special Use Permit No. 2016-007 was being requested by Wendy Kern to be moved off the Consent Agenda on the Facebook feed. Ms. Day replied that item was not on the Consent Agenda and was an administrative review. The Commission had already approved the administrative review for that item. Ms. Day thanked Ms. Hatton for putting the comment from the Facebook feed on the record. That item could not be pulled as administrative reviews are administrative; public comment was not asked for those items, and they were already past that point in the meeting.

REGULAR ITEMS:

None.

RESOLUTIONS

None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

REPORTS OF COMMITTEES

Mr. Bruestle questioned when the Planning Commission would get an update on the status of the work on the Comprehensive Plan. Ms. Howard replied she would provide an update as soon as they have something to report. They had applied for grant funding and would be hearing from the Department of Local Affairs (DOLA) in June and would be hiring a consultant shortly thereafter. Things were happening but she did not have a lot to report yet. Mr. Bruestle thanked Ms. Howard for her response.

ADJOURNMENT

There being no further business, Chair Griego called for a motion to adjourn the May 20, 2020 Planning Commission meeting.

Mr. Varela motioned to adjourn the May 20, 2020 Planning Commission meeting. Ms. Leonard seconded the motion. Motion carried unanimously.

Chair Griego adjourned the meeting at 6:43 p.m.

Respectfully submitted,



Carmen Howard, Director
Department of Planning and Development

MMG