

**RECORD OF PROCEEDINGS  
PUEBLO COUNTY PLANNING COMMISSION  
WEDNESDAY, SEPTEMBER 16, 2020  
COMMISSIONERS' CHAMBERS AT PUEBLO COUNTY COURTHOUSE  
215 WEST 10<sup>TH</sup> STREET, PUEBLO, COLORADO**

**ROLL CALL AND DECLARATION OF QUORUM**

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

Commissioners Absent: Beth Gladney and Zachary Swearingen.

Staff Present: Carmen Howard, Director; 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 5:31 p.m.

**APPROVAL OF SEPTEMBER 16, 2020 AGENDA**

Mr. Schuster motioned to approve the agenda of the September 16, 2020 meeting as mailed. Mr. Mancha seconded the motion. Motion carried unanimously.

**APPROVAL OF AUGUST 19, 2020 MINUTES**

Mr. Mancha motioned to approve the minutes of the August 19, 2020 meeting as mailed. Mr. Schuster 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 Ms. 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:

- [Map Amendment No. 2020-003](#), Parco Properties, Ltd. (Owner/Applicant), Jim Parco (Representative). The owner/applicant requests a map amendment to rezone a 0.58± acre parcel of land from an A-4 Zone District to a B-4 Zone District in the St. Charles Mesa area.

(b) Correspondence:

- E-mail correspondence dated September 14, 2020, from the applicant of Special Use Permit No. 2020-003, in response to comments received by the Pueblo Department of Public Health and Environment.

(c) Continuances:

- [Road/Alley Vacation No. 2020-001 -- Revised Submittal](#), Jacob Hawken (Applicant), Hawk Eye Enterprises, LLC (Owner), Cardinal Points Surveying, Inc., c/o Randy Reeves, (Representative). The applicant is requesting a road/alley vacation to vacate a portion of Mellon Court as depicted on the recorded plat map of Fountain Sand and Gravel Subdivision, First Filing.

*The applicant is requesting a continuance to the November 18, 2020 PCPC meeting.*

- [Special Use Permit No. 2020-004](#), Colorado Natural Gas (Applicant), Brandon Hubbs (Representative), Pueblo West Metropolitan District (Owner). The applicant is requesting a special use permit to allow a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code for the installation and operation of a natural gas regulator and meter station within a 30' x 30' fenced leased area in a S-1, Public Use Zone District.

*The applicant is requesting a continuance to the November 18, 2020 PCPC hearing.*

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- [Special Use Permit No. 2020-005](#), Colorado Natural Gas (Applicant) Brandon Hubbs (Representative), Pueblo West Metropolitan District (Owner). The applicant is requesting a special use permit to allow a *Public Utility* pursuant to Title 17, LAND USE, Division I. ZONING, Chapter 17.120, *Supplementary Regulations*, specifically Section 130C. (*Special Utility Facility*) of the Pueblo County Code for the installation and operation of a natural gas regulator and meter station within a 30' x 30' fenced leased area in a S-1 Public Use Zone District.

*The applicant is requesting a continuance to the November 18, 2020 PCPC hearing.*

(d) Withdrawals:

- [Special Use Permit No. 2020-001](#), Jason Winslow (Applicant), Emma Ruberson Bamber Revocable Trust (Owner). The owner is requesting withdrawal of a special use permit to allow a Boat and Recreation Vehicle Storage Facility on approximately 11.2± acres of a 93.51± acre parcel of land in an A-1 Zone District.
- [Special Use Permit No. 2020-002](#), Mathew Nobles (Owner/Applicant). The owner/applicant is requesting withdrawal of a special use permit to allow a Boat, Recreation Vehicle, and Trailer Storage Facility on a 1.0± acre parcel of land in an I-2 Zone District.

- (e) Board of County Commissioners' Action--Summary of actions taken on September 10, 2020, was distributed in the Commissioners' packet for informational purposes only. No formal action is required.

(f) Administrative Reviews:

- [Special Use Permit No. 2019-006](#), Ardena Darling McBean (Owner/Applicant). This is an administrative review of a special use permit, which allows "*Farming or ranching*", more specifically, it allows the keeping of a maximum of ten hens and eight goats, in an R-2 Zone District. The property contains 0.19± acre and is located west of James Street, south of its intersection with Second Lane in the Avondale area with a physical address of 322 James Street.

Staff acknowledges during the preparation of this Administrative Review that the intended use of the property has not yet been fully established, and the conditions of approval cannot be completely complied with until the permitted use is established.

The Commission accepted the Administrative Review, thereby approving the continuance of this permitted use with the existing conditions of approval, new Directive to Staff to present a report at the September 2021 Planning Commission hearing, and notation as per staff memorandum, dated August 31, 2020.

Ms. Howard requested the Commission take action to accept the map amendment for processing; late correspondence; requests for continuance; acknowledge the requests for withdrawal; and administrative review as presented.

Mr. Schuster moved to accept the map amendment for processing; late correspondence; requests for continuance; acknowledge the requests for withdrawal; and administrative review 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**

Ms. Howard explained there was one item 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 Consent Item listed below with conditions. Ms. Leonard seconded the motion. The motion carried unanimously.

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- **Special Use Permit No. 2020-003**, Refilwe G. Marutle requests an aviary, specifically the keeping of 75-175 birds for breeding, raising, and selling, in an A-4 Zone District. Title 17, *Land Use*, Section 17.04.040, *Definitions* of the Pueblo County Code defines aviary as, “a place for keeping birds confined for the purpose of breeding, raising, or selling”. The property contains 0.53± acre and is physically addressed as 1133 Wago Drive. It is located on the southwest side of Wago Drive, approximately 420 feet south of its intersection with U.S. Highway 50 East in the St. Charles Mesa area.

The Commission approved Special Use Permit No. 2020-003 with four conditions of approval and Directive to Staff to present a report at the September 2021 Planning Commission hearing as per staff memorandum, dated September 4, 2020. PCPC Resolution No. 20-011, dated September 16, 2020, was also approved.

**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.

- **Map Amendment No. 2020-003**, Parco Properties, Ltd. (Owner/Applicant), Jim Parco (Representative). The owner/applicant requests a map amendment to rezone a 0.58± acre parcel of land from an A-4 Zone District to a B-4 Zone District. The property is located on the west side of Baxter Road at its intersection with Meadow Lane (if extended westerly) in the St. Charles Mesa area. The owner/applicant has indicated their desire to rezone the property to be consistent with the adjacent parcels under their ownership to the immediate south and west and combine the three (3) parcels into a single building site to be able to accommodate future expansion of the existing business.

**IN FAVOR**

**Mr. James E. Parco**, 30899 Highway 50 East, Pueblo, Colorado 81006, represented the map amendment. He stated that his wife, Pam, and he were the owners of Parco Properties, Ltd. He stated that the map amendment was submitted in conjunction with a boundary line vacation application. They purchased the initial parcel on which the business, Mesa Organics, was established, located on the corner of Baxter Road and Highway 50, in 2014. He stated it was zoned for cannabis and that is what they did. The 2.07-acre parcel is where the business has been for the past five years, noting it was originally owned by the Greenwood family. Mr. and Mrs. Greenwood had owned the property about 70 years and were neighbors of his grandparents who have been on their property for about 120 years. He stated his grandparents and the neighbors at 30965 Highway 50, previously owned by Troy and Vickie Morgan, were in support of the cannabis business. Last summer, he was approached by the Greenwoods to purchase their property. He said yes, noting the property contains 0.53 acre and is zoned A-4. It joins Baxter Road to the back of their current property that is zoned B-4 for Mesa Organics. A month later, the Morgans asked if he wanted to buy their property as well, noting it is just over an acre and also in the B-4 Zone District. He stated they currently have the 2.07-acre parcel, where the business currently sits at 30899 Highway 50 East and the old Morgan residence at 30965 Highway 50 East, noting he has petitioned to vacate the common lot lines. The reason he is requesting the map amendment is because he has been working with Mr. Arthur Gonzales from the Colorado Department of Transportation (CDOT) on access from Highway 50 East. Mesa Organics has two access points that were permitted by CDOT. The lot at 30965 Highway 50 East also has an access, but it is very close to Baxter Road. He feels that the current access into Mesa Organics on the corner of Baxter Road and Highway 50 is a safety risk, and he would like to move the access off Baxter Road, noting he has already filed the application with CDOT and the Department of Planning and Development has a copy. He stated he would also like to use the parcel for employee parking; however, he cannot put a parking lot on a parcel that is zoned A-4. He stated that the next phase of his business development would include vacating the common boundary lines, making the business site parcel a contiguous 3.61-acre parcel. He does not need to make a petition to rezone the other parcel to a B-4 unless he wants to establish parking, noting this is what he would like to do in pursuit of public safety. The access for 30965 Highway 50 East will be vacated with a curb. He stated if the access for the business is moved off Baxter Road, it would be 100-200 feet north of Meadow Lane, which is 400-500 feet north of the corner of Baxter Road. He stated traffic in the area is going 20 miles-per-hour when coming to a stop. He felt it would be much safer.

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**Ms. Mary Schmaltz**, 58 Portero Drive, Pueblo, Colorado 81005-2937, spoke in favor of the map amendment. She stated her property abuts Mr. Parco's property the full length on the west side. The Parcos purchased the property about six years ago after it laid vacant for several years with no maintenance whatsoever. There were dilapidated structures, i.e., a barn that barely withstood the wind, an old condemned restaurant laden with graffiti on all sides with a collapsed roof, tall weeds surrounding the building, noting it was a haven for dealers in the darkness, and an old Quonset hut with an open front filled with unsightly objects, just to name a few of the eyesores. To date, Mr. Parco has removed the old barn and replaced it with a beautiful manufacturing facility and has renovated the old restaurant and Quonset with landscaping throughout the property making it picture perfect. Anyone that has lived in the neighborhood for the last 10 to 40 years has seen a dramatic transformation of the property with beautiful structures and landscape. Mr. Parco deserves much credit and a pat on the back for what he has contributed to this community. Mr. Parco has her full support for the proposed rezoning request to expand his business.

**Mr. James R. Parco, Sr.**, 30727 Highway 50 East, Pueblo, Colorado 81006, spoke in favor of the map amendment. He has lived on the family property for 73 years. Prior to 2016, the corner lot that Mesa Organics now occupies was a disgrace to the St. Charles Mesa community. Rodent infested and dilapidated buildings drew gang graffiti and vagrants. Overgrown weeds and dead trees, some standing and some falling, were never removed. Removal or cleanup was never thought of by previous owners. The Parcos made the decision to purchase the property in 2015 and the rest is history. Their vision and hard work of endless hours and financial risk has taken the property to what it is today. It is a well-respected business that now sits on a pristine lot and bears no resemblance of the past decades. He likes the Parcos as neighbors and has no reservations with the proposed rezoning. The Parcos have proven themselves to be exemplary neighbors and have the best interest of the community as a frontmost concern. He stated that he was in favor of the map amendment.

**IN OPPOSITION**

There were no parties in opposition to the map amendment.

**REBUTTAL**

There was no testimony to rebut.

Mr. Bruestle stated he was confused as to the configuration of the property once the parcels are assembled. He questioned if there was a visual available. Ms. Wallingford-Ingo replied Exhibit No. 3 in the staff memorandum. Chair Griego stated he had driven by the properties in question and noted that the applicant has done a great job on the cleanup. He could understand why the applicant would want to have access off Baxter Road rather than Highway 50 East. Mr. Bruestle questioned the total acreage of the assembled property. Mr. Parco replied the assembled property would have 3.61 acres. Mr. Schuster questioned the number of parcels being assembled. Mr. Parco explained it would be the parcels east of Baxter Road and north of Highway 50 East as depicted on Exhibit No. 3 of the staff memorandum.

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

**MOTION**

Mr. Bruestle moved to forward a recommendation of approval of Map Amendment No. 2020-003 with three findings as per Staff Memorandum, dated September 9, 2020. Mr. Schuster seconded the motion.

Chair Griego called for a roll call vote. The following roll call vote was taken:

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

The motion carried unanimously.

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**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**REPORTS OF COMMITTEES**

None.

**ADJOURNMENT**

Mr. Schuster motioned to adjourn the meeting. Mr. Mancha seconded the motion. Motion carried unanimously. The meeting was adjourned at 6:03 p.m.

Respectfully submitted,



Carmen Howard, Director  
Department of Planning and Development

SMS

DRAFT