



BOARD OF COUNTY COMMISSIONERS

Epimenio Griego, District 1
Garrison M. Ortiz, District 2
Chris Wiseman, District 3

THURSDAY, JANUARY 13, 2022
9:00 A.M.

PUEBLO COMMUNITY COLLEGE
900 WEST ORMAN AVENUE
FORTINO BALLROOM

LAND USE AGENDA

NOTICE REGARDING COVID-19 (Novel Coronavirus): Pueblo Community College requires that masks be worn by the public while inside their buildings on campus. The Board of County Commissioners' meetings are streamed live on the County's Facebook Page <https://www.facebook.com/PuebloCounty/>, noting public comments will not be accepted from the Facebook page. The public may provide comments by 5:00 p.m., on Tuesday, January 11, 2022, to the Department of Planning and Development or via e-mail to planning@pueblocounty.us.

(Notice to Readers: This agenda is for informational purposes only and is subject to change. Please be advised that this meeting is streaming live over social media. Accommodations for individuals with sight or hearing impairment may be made by contacting Patsy Cresswell at 583-0500 or TDD at 583-6550.)

9:00 A.M. CALL TO ORDER

- Pledge of Allegiance
- Attendance/Excused
- Approve Land Use Minutes of December 9, 2021
- Approve Agenda of January 13, 2022

9:05 A.M. PUBLIC COMMENTS

1. Citizen Comments (**Limited to 3 minutes per speaker, total of 7 speakers**)
2. Commissioners' Comments

(The Record: The Planning Department staff report, and the application submitted by the applicant for each agenda item and any supplemental information distributed by staff at the meeting are automatically incorporated as part of the Record unless specific objections are raised and sustained at the public hearing. Any additional materials used by the applicant or others in support of or in opposition to a particular agenda item may, at the discretion of the person or entity using the materials, be submitted for inclusion in the Record. Such materials for which a request for inclusion in the Record is made shall, at the discretion of the administrative body, be made a part of the Record. Note: Any materials including documents and/or instruments submitted for inclusion in the Record and admitted by the administrative body must be left with the Clerk.)

9:15 A.M. BOARD OF COUNTY COMMISSIONERS' CONSENT ITEMS

The Consent Agenda contains items for which staff is recommending approval and as of the publication of the agenda, there was no known opposition and the applicant(s) are in agreement with staff's recommended conditions of approval. Staff will present the Consent Agenda in a summary format. If any member of the Board of County Commissioners or a member of the audience wants to remove an item from the Consent Agenda to facilitate an individual, full public hearing regarding that item, they must request the item be removed from the Consent Agenda following the summary presentation of the Consent items. The item will be removed from the Consent Agenda and placed on the Regular Agenda at a position being at the sole discretion of the Board. Upon completion of the summary of the Consent Agenda items and the removal of any items requested for individual, full public hearing, the Board will take action regarding the remaining items on the Consent Agenda in the form of a single vote.

1. [EASEMENT VACATION NO. 2021-001](#) - Doug Proal, Proal Homes, Inc. (Owner/Applicant)
(IF REMOVED, PUBLIC HEARING) Cardinal Points Surveying, Inc., c/o Randy Reeves
(Representative)
Lots 2, 3, 4, and 5, Block 1, Casa Del Mar
Subdivision along South Jibbsam Way



The applicant requests to vacate the East 5 feet of a platted 20-foot utility easement located in Lots 2 through 5, Block 1, Casa Del Mar Subdivision in order to create a more buildable area within the lots, noting most of the utility easement on Lot 2 was vacated with a previous application. The properties carry an R-5, Multiple-Residential and Office Zone District designation and are located on the west side of South Jibbsam Way, north of its intersection with West Glenrose Drive in the community of Pueblo West. **(1 minute)**

***(Continued by the Board at its November 4, 2021 and December 9, 2021 hearings. Applicant requests the easement vacation be continued by the Board to its February 10, 2022 public hearing.)**

2. [ROAD/ALLEY VACATION NO. 2021-003](#) - Sun Mountain Solar 1, LLC, c/o Heather Haneline
(IF REMOVED, PUBLIC HEARING) (Applicant)
Robert C. Barr (Owner) and Robert C. Barr and
Barbara S. Barr (Additional Owners)
Lamp Rynearson, c/o Laine Landau (Representative)
A portion of Sheep Springs County Road and "Old"
Craig Road



The Applicant, with the landowners' concurrence, is requesting a road/alley vacation to vacate a portion of Sheep Springs County Road and "Old" Craig Road located south of Doyle Road. Sheep Springs County Road was platted as a 60-foot public right-of-way in County Road Book 3, recorded in 1891. The roadway was developed but it is not currently maintained by Pueblo County. It is fenced off at the limits of the Barr properties and does not have established access to Doyle Road. "Old" Craig Road is not developed or maintained. It was also platted in County Road Book 3, recorded in 1891, but the width of the roadway was not indicated. Both rights-of-way are located south of Doyle Road, approximately 5.5 miles northwest of its intersection with 36th Lane. **(1 minute)**

3. **RESCISSION OF MAP AMENDMENT** -
NO. 2006-005
(IF REMOVED, **PUBLIC HEARING**)



Frances M. Baity (Original Owner)
Stephen Baity (Original Applicant)
Baity Family Trust (Current Owner)
c/o Stephen J. Baity (Trustee)
Mangini & Associates, Inc.
c/o Rocky Mangini (Representative)
28390 Everett Road

The current owner is requesting **RESCISSION** of a map amendment originally approved on July 25, 2006 pursuant to Resolution No. P&D 06-89. The map amendment rezoned the property subject to BaiSol Farm Subdivision Preliminary Plan No. 2006-011 and Final Plat No. 2006-011 from an A-3, Agricultural (minimum 1 acre) Zone District to an A-4, Agricultural (minimum ½ acre) Zone District to accommodate the proposed 0.8 acre lot sizes of the proposed twenty (20) lots. Due to the proposed rescission of the subdivision approval, the map amendment is no longer pertinent to the property. Upon rescission, the property would revert back to the A-3 Zone District. The property is located on the south side of Everett Road between Lanes 28 and 29 in the St. Charles Mesa area. **(1 minute)**

4. **RESCISSION OF BAISOL FARM SUBDIVISION** -
PRELIMINARY PLAN NO. 2006-011
(IF REMOVED, **PUBLIC HEARING**)



Frances M. Baity (Original Owner)
Stephen Baity (Original Applicant)
Baity Family Trust (Current Owner)
c/o Stephen J. Baity (Trustee)
Mangini & Associates, Inc.
c/o Rocky Mangini (Representative)
28390 Everett Road

The current owner is requesting **RESCISSION** of BaiSol Farm Subdivision Preliminary Plan No. 2006-011. The preliminary plan was originally approved on July 25, 2006 pursuant to Resolution No. P&D 06-90 and was intended to accommodate the subdivision of 18.28 acres into twenty (20) lots (containing approximately 0.8 acre each) and road right-of-way dedications to Pueblo County consisting of a 10-foot road right-of-way for Everett Road and a 50-foot public road (proposed BaiSol Drive and Baity Lane) with 10-foot public utility easements adjacent to the proposed public road. The property is located on the south side of Everett Road between Lanes 28 and 29 in the St. Charles Mesa area. **(1 minute)**

5. **RESCISSION OF BAISOL FARM SUBDIVISION** -
FINAL PLAT NO. 2006-011
(IF REMOVED, **PUBLIC HEARING**)



Frances M. Baity (Original Owner)
Stephen Baity (Original Applicant)
Baity Family Trust (Current Owner)
c/o Stephen J. Baity (Trustee)
Mangini & Associates, Inc.
c/o Rocky Mangini (Representative)
28390 Everett Road

The current owner is requesting **RESCISSION** of BaiSol Farm Subdivision Final Plat No. 2006-011 (unrecorded). The final plat was originally approved on October 24, 2006 pursuant to Resolution No. P&D 06-134 and was intended to accommodate the subdivision of 18.28 acres into twenty (20) lots (containing approximately 0.8 acre each) and road right-of-way dedications to Pueblo County consisting of a 10-foot road right-of-way for Everett Road and a 50-foot public road (proposed BaiSol Drive and Baity Lane) with 10-foot public utility easements adjacent to the

proposed public road. The property is located on the south side of Everett Road between Lanes 28 and 29 in the St. Charles Mesa area. **(1 minute)**

6. [PLANNED UNIT DEVELOPMENT NO. 2021-001](#) - Pueblo West Metropolitan District (Applicant/Owner)
Essenza Architecture, c/o Melissa Lanning (Representative)
756 and 770 East Spaulding Avenue
WAIVER REQUESTS
(IF REMOVED, **PUBLIC MEETING**)



Applicant requests approval of a waiver of the application fee of \$1,000 for the planned unit development, as well as a fee waiver on the proposed lot line vacation of \$105. The applicant requests to rezone two lots, totaling 8.08 acres, from a B-4, Community Business Zone District to Pueblo West Aquatics Planned Unit Development to accommodate the use of a community aquatics center and associated recreational and community uses. Other proposed uses-by-right and uses-by-review are very similar to those listed in the existing B-4, Community Business Zone District designation. The property is located on the south side of East Spaulding Avenue between South Empress Drive and South Burlington Drive. **(1 minute)**

7. [SUBDIVISION EXEMPTION NO. 2021-005](#) - Adolph Michael and Diana Mae Vigil (Owners)
(IF REMOVED, **PUBLIC MEETING**) Patrick Marcus Vigil (Applicant)
Amella Surveying, Inc., c/o Gary Amella
(Representative)
1200 Lane 32



The applicant, with the owners' consent, is requesting approval of a subdivision exemption to create two parcels within an A-2, Agricultural (minimum 5 acre) Zone District as follows: Parcel A will contain 5.11± acres and Parcel B will contain 13.96± acres. The property is located on the north side of Lane 32 between Hillside Road and Iris Road (if both were extended easterly) and north of South Road. **(1 minute)**

***(Continued by the Board at is December 9, 2021 hearing.)**

RECESS AS BOARD OF COUNTY COMMISSIONERS AND CONVENE AS ZONING BOARD OF APPEALS

9:22 A.M. ZONING BOARD OF APPEALS' CONSENT ITEMS

1. [ZONING VARIANCE NO. 2021-005](#) - Adolph Michael and Diana Mae Vigil (Owners)
(IF REMOVED, **PUBLIC HEARING**) Patrick Marcus Vigil (Applicant)
Amella Surveying, Inc., c/o Gary Amella
(Representative)
1200 Lane 32



The applicant, with the owners' consent, is requesting a zoning variance from Title 17 - LAND USE, Division I. ZONING, Chapter 17.12, *Agricultural One (A-1) and Two (A-2) Districts*, specifically Section 050 (*Lot dimensions*) of the Pueblo County Code to allow two (2) parcels of land (proposed Parcels A and B, Subdivision Exemption No. 2021-005) to have a lot width of 181 feet and 188.92 feet, respectively, in lieu of the minimum required 300 feet for each in an A-2, Agricultural (minimum

5 acre) Zone District. The property is located on the north side of Lane 32 between Hillside Road and Iris Road (if both were extended easterly) and north of South Road. **(1 minute)**

***(Continued by the Zoning Board of Appeals at its December 9, 2021 hearing.)**

RECESS AS ZONING BOARD OF APPEALS AND CONVENE AS BOARD OF COUNTY COMMISSIONERS

9:23 A.M. BOARD OF COUNTY COMMISSIONERS' REGULAR ITEMS

1. PUBLIC HEARING

[TEXT AMENDMENT NO. 2021-004](#) - Pueblo County Planning and Development (Applicant)
(IF REMOVED, **PUBLIC HEARING**)



The applicant proposes a Text Amendment to amend specific Chapters and/or Sections in Title 17 Land Use, Division I. Zoning of the Pueblo County Code. The purpose of this text amendment is to bring greater clarity and specificity for how the County reviews, provides guidance for siting facilities and potentially authorizes solar energy facilities. The amendments add definitions and performance standards to the Pueblo County Code. The applicable Chapters and/or Sections are as follows:

“17.04.040 Definitions, 17.90.010 Definitions, 17.120.130 Public utilities, 17.168.020 Definitions, Add new section “17.168.050. Solar Facilities” specifically addressing medium-scale and utility-scale solar facilities and ancillary battery facilities to Pueblo County Code, Title 17, Division II.”. (30 minutes)

***(Continued by the Board at its October 14, 2021, November 4, 2021, and December 9, 2021 hearings.)**

9:53 A.M. ADJOURN

The next BOCC Land Use Meeting will be held on **February 10, 2022 at 9:00 A.M.**

*Any items that cannot be addressed within the allotted time will be heard at the next BOCC Land Use meeting on **February 10, 2022.**