



city of
PUEBLO
colorado

**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: December 27, 2021

TO: President Lawrence W. Atencio and Members of City Council
CC: Nicholas A. Gradisar, Mayor
VIA: Marisa Stoller, City Clerk
FROM: Scott Hobson, Acting Director of Planning and Community Development
SUBJECT: AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE
2729 FARABAUGH LANE FROM B-3, HIGHWAY AND ARTERIAL
BUSINESS DISTRICT TO BP, BUSINESS PARK DISTRICT

SUMMARY:

The applicant is requesting to rezone the .7-acre parcel located at 2729 Farabaugh Lane from B-3, Highway and Arterial Business District to BP, Business Park to facilitate a change of use to a Retail Marijuana Cultivation Facility.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The property located at 2729 Farabaugh Lane has historically operated as Triple S Supply, Heating Equipment and Systems (1999-2005), Five Star Sanitary, Janitors Equipment and Supplies (2010), Waxie Sanitary Supply, Janitors Equipment and Supplier (2012), and Seven-One-Nine Medical Marijuana Dispensary (2016-Present). The applicant currently operates a Medical Marijuana Center with an accessory use of Medical Marijuana Optional Cultivation with a Limited Use Permit at this location. Mr. Duran would like to convert the use of the premise to a Retail Marijuana Cultivation Facility, which is not permitted in a B-3 Zone District. Because of this, Mr. Duran and the property owner, Don Pagano, are requesting this parcel be rezoned to a BP Zone District which allows for a Retail Marijuana Cultivation Facility with a Conditional Use Permit.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their December 8, 2021 Regular Meeting, voted 7-0 to recommend approval.

STAKEHOLDER PROCESS:

The Planning Department sent out Notice of the Planning and Zoning Commission Public Hearing to all property owners located within 300 feet of the subject property.

A Public Notice poster was placed on the subject property 15 days prior to the Public Hearing.

ALTERNATIVES:

If City Council does not approve this Ordinance the property would not be zoned in accordance with the Pueblo Municipal Code.

Upon request of City Council, the Ordinance could be returned to the Planning and Zoning Commission for consideration of proposed modifications.

RECOMMENDATION:

Approval of the Ordinance.

Attachments:

Proposed Ordinance

Minutes of the Planning and Zoning Commission December 8, 2021 Public Hearing

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. 10096

AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE 2729 FARABAUGH LANE FROM B-3, HIGHWAY AND ARTERIAL BUSINESS DISTRICT TO BP, BUSINESS PARK DISTRICT

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The zoning restrictions covering the following described property, and in addition half of all adjacent dedicated roadway and alley rights-of-way, together generally identified in the attached Rezone Exhibit, is hereby changed from B-3, Highway and Arterial Business Zone District to BP, Business Park District:

Lot 2, Block 4, South Prairie Subdivision, Filing No. 2

SECTION 2.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of the Ordinance to implement the policies and procedures described herein.

SECTION 3.

This Ordinance shall become effective immediately upon final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on December 27, 2021.

Final adoption of Ordinance by City Council on January 10, 2022.



President of City Council

Action by the Mayor:

- Approved on January 12, 2022.
- Disapproved on _____ based on the following objections:

Hilda Lewis
Mayor

Action by City Council After Disapproval by the Mayor:

- Council did not act to override the Mayor's veto.
- Ordinance re-adopted on a vote of _____, on _____
- Council action on _____ failed to override the Mayor's veto.

President of City Council

ATTEST

[Signature]
City Clerk