



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** February 28, 2022

TO: President Heather Graham 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 LOTS 4-8, BLOCK 1, COLLEGE ROAD SUBDIVISION, 4<sup>TH</sup> FILING, (COLLEGE ROAD SUBDIVISION 4<sup>TH</sup> FILING, REARRANGEMENT OF PROPERTY BOUNDARIES, RPB-21-12, PARCELS A, B, AND C) TOTALING 2.24-ACRES FROM B-4, CENTRAL BUSINESS DISTRICT TO B-P, BUSINESS PARK DISTRICT

**SUMMARY:**

The applicant is requesting to rezone lots 4-8, block 1, College Road Subdivision, 4<sup>th</sup> filing, (Parcels A, B, and C, College Road Subdivision 4<sup>th</sup> Filing, RPB-21-12), totaling 2.24-acres from B-4, Central Business District to B-P, Business Park District to accommodate future development of a tow yard.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

The subject property is generally located south of Fortino Boulevard, east of Club Manor Drive and north of Patty Lane in the College Road Subdivision, 4<sup>th</sup> Filing. The 2.24-acre site was originally comprised of five lots (Lots 4-8) and is currently undeveloped. To meet the lot size requirements for the Business Park (B-P) Zone District, the applicant applied for a Rearrangement of Property Boundaries to create three parcels A, B, and C, College Road Subdivision, 4<sup>th</sup> Filing Rearrangement of Property Boundaries, RPB-21-12. A preliminary site plan has been submitted for redevelopment and proposes a tow yard office on Parcel A and tow yard vehicle storage on Parcels B and C. A tow yard in a B-P zone district is a use by review and the Zoning Board of Appeals approved the Special Use Permit for this location on September 28, 2021, contingent upon the property being rezoned to a BP Zone District. The approved Special Use Permit requires an additional landscape buffer and opaque, decorative barrier for noise mitigation, and no storage of towed vehicles or industrial uses are allowed on Parcel A, to decrease noise trespass to the residential zone district located to the north of the property. Wayne's Towing has been a Pueblo business since 1970. They are being displaced from their current address at 2500 N Freeway Road due to the proposed CDOT changes to the Hwy 50 E and the I-25 interchange. The Colorado Department of Transportation plans to acquire the current Wayne's Towing site as additional right-of-way to complete the I-25

reconstruction project. The applicant has been searching for a new property since June 2020 when they learned of CDOT's intentions to purchase their land. Wayne's is required to stay within city limits to continue fulfilling their contract with the Pueblo Police Department, as they are responsible for the city's fleet vehicle pickup and removal. Also, if they are relocated outside city limits, they would no longer be allowed on the city's rotating tow list. The applicant states that it is imperative they continue to operate within city limits and have quick access to 1-25 and Hwy 50 to continue serving their customers.

**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, Wayne's Towing will not be able to operate at this location.

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. 10131

AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE LOTS 4-8, BLOCK 1, COLLEGE ROAD SUBDIVISION, 4<sup>TH</sup> FILING, (COLLEGE ROAD SUBDIVISION 4<sup>TH</sup> FILING, REARRANGEMENT OF PROPERTY BOUNDARIES, RPB-21-12, PARCELS A, B, AND C) TOTALING 2.24-ACRES FROM B-4, CENTRAL BUSINESS DISTRICT TO B-P, 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-4, Central Business District to B-P, Business Park District:

Lots 4 through 8, Block 1, College Road Subdivision 4<sup>th</sup> Filing, according to the recorded plat thereof, filed for record August 18, 2009 as Reception No. 1815686 in the records of the Pueblo County Clerk and Recorder (College Road Subdivision 4<sup>th</sup> Filing, Rearrangement of Property Boundaries, RPB-21-12, Parcels A, B, and C).

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 February 28, 2022.

Final adoption of Ordinance by City Council on March 14, 2022.

  
\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on March 16, 2022.

Disapproved on \_\_\_\_\_ based on the following objections:

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*Hilda Leal*  
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

*W. S. ...*  
City Clerk