



COUNCIL MEETING DATE: April 11, 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 APPROVING THE PIKES PEAK PARK, FILING NO. 1
SUBDIVISION

SUMMARY:

The applicant is requesting to resubdivide 79.01-acres into 114 single-family residential lots, four commercial/mixed use and multifamily residential lots, one lot for a possible future fire station site, and multiple parcels dedicated to easements, access, park amenities and future development sites.

PREVIOUS COUNCIL ACTION:

The applicant is concurrently requesting to rezone the property to Pikes Peak Park Planned Unit Development (PUD) zone district and is also requesting to vacate all the streets and easements in the Foothills subdivision.

BACKGROUND:

The proposed Pikes Peak Park, Filing No. 1 Subdivision is intended to create a walkable, mixed residential community with neighborhood serving retail and includes lots and parcels designed for single-family residential, multifamily residential, commercial/mixed use, public facilities, park amenities, and private access to residential units. This is a resubdivision of the Foothills Subdivision, A Special Area Plan, 2000, which was approved for manufactured home development and a commercial node along West 24th Street. The subdivision will create 114 single-family lots with varying sizes to accommodate the three types of single-family residential structures proposed within the Pikes Peak Park PUD, single-family attached, single-family detached rear-loaded, single-family detached front-loaded.

Pikes Peak Park PUD Development Guide establishes right-of-way standards for a “Public Alley” and a “Private Lane.” The Public Alley requires a 12-foot paved drive-lane and the Private Lane requires a 20-foot paved drive-lane, “where lane serves as fire access.” The Pueblo Fire Department issued a variance to allow “dead-end fire apparatus access roads in excess of 150-feet for Parcel E, blocks 7&8. Single-family detached residential, front-loaded lots have a minimum lot width of 45-feet, minimum lot area of 4,000 square feet, and maximum lot coverage of 50-percent. Commercial, multifamily residential, and commercial mixed-use lots are located along West 24th Street and Sun Mountain Boulevard Park, trail and open space amenities are provided within Parcel M. Drainage, detention, and utilities will be provided in Parcel L, Parcels Q and R are “Non-Buildable” and are reserved for future resubdivision prior to development. Lot 1, Block 11, located north of West 24th Street and adjacent to the western property line, may be developed as a City of Pueblo Fire station in the future.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their March 23, 2022 Public Hearing, voted 6 to 0 recommend approval. (Commission Aznar absent)

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.

ALTERNATIVES:

If City Council does not approve this Ordinance, the site will not be resubdivided which will impede development of the site.

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 Public Hearing dated March 23, 2022

Memorandum from the Department of Public Works Dated March 29, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE PIKES PEAK PARK,
FILING NO. 1 SUBDIVISION

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

SECTION 1.

The final plat of the Pikes Peak Park, Filing No. 1 being a subdivision of land legally described as:

Parcels of land located in the South one-half of Section 22, Township 20 South, Range 65 West of the 6th P.M. in the County of Pueblo and State of Colorado and being more particularly described as follows:

All of Blocks 1 and 2 of Foothills Subdivision, A Special Area Plan as filed for record at Reception No. 1349438 in the office of the Pueblo County Clerk and Recorder.

And

All of Blocks 10 and 11 of Irving Park Subdivision and adjacent vacated right-of-way.

Containing 79.01 acres, (3,441,687 sf) more or less.

attached hereto, is hereby approved. All dedicated streets, utility and drainage easements, rights-of-way and land set aside for public sites, parks and open spaces shown and dedicated on said plat are hereby accepted for public use.

SECTION 2.

The acceptance of such dedicated streets, rights-of-way, utility and drainage easements, public sites, parks and open spaces by the City does not obligate the City to maintain or repair same until such streets, rights-of-way, utility and drainage easements, public sites, parks and open spaces have been constructed and installed in compliance and in accordance with the requirements and provisions of Chapter 4, Title XII of the Pueblo Municipal Code, as amended and any agreement entered into pursuant thereto.

SECTION 3.

Neither the adoption of this Ordinance nor the requirements imposed hereby shall create any duty or obligation of any person, firm, corporation or other entity with regard to the enforcement or nonenforcement of this Ordinance or the City's Subdivision Ordinances and regulations. No person, firm, corporation or other entity shall have any private right of action, claim or demand against the City or its officers, employees or agents, for any injury, damage or liability arising out of or in any way connected with the adoption, enforcement, or nonenforcement of this Ordinance or the Subdivision Ordinance and Regulations of the City, or the engineering, surveying, drainage improvement or other work or improvements required thereby. Nothing in this Ordinance or in the City's subdivision Ordinances and regulations shall create or be construed to create any claim, demand or liability against the City or its officers, employees or agents, or to waive any of the immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity Act, Section 24-10-101, et seq. Colorado Revised Statutes, or to waive any immunities or limitations on liability otherwise available to the City or its officers, employees or agents.

SECTION 4.

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

SECTION 5.

This Ordinance shall be approved upon final passage but shall not become effective until: (a) all information, documents, drawings, profiles, and plat required by Chapter 4 of Title XII of the Pueblo Municipal Code meeting and complying with the subdivision requirements of the City with such modifications, if any, approved by City Council, have been filed with and approved by the Director of Public Works, and (b) the final subdivision plat is recorded in the office of the Pueblo County Clerk and Recorder. If any such filings and approvals have been deferred pursuant to Section 12-4-5(b)(2) of the Pueblo Municipal Code and are not for any reason filed and approved within one (1) year after final passage of this Ordinance, or within any extended period granted by Resolution of the City Council, this Ordinance shall automatically be rescinded and repealed thirty (30) days after written notice of such rescission and repeal is given to the Subdivider. No vested rights shall accrue to the subdivision or be acquired until this Ordinance becomes effective.

SECTION 6.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.

Final adoption of Ordinance by City Council on _____.

President of City Council

Action by the Mayor:

- Approved on _____.
- Disapproved on _____ based on the following objections:

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

City Clerk