



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: May 23, 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 1-8, BLOCK 1; LOTS 1-4, BLOCK 2 AND LOTS 1-2, BLOCK 3 RIVER'S RUN SUBDIVISION FROM B-P, BUSINESS PARK AND B-2, SUBREGIONAL BUSINESS DISTRICT TO R-5, MULTIPLE RESIDENTIAL AND OFFICE DISTRICT

SUMMARY:

The applicant is requesting to rezone 23.61-acres located north of and east of South Joplin Avenue and north of South Portland Avenue from B-P, Business Park and B-2, Subregional Business District to R-5, Multiple Residential and Office District.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The Planning and Zoning Commission approved the River's Run Master Development Plan, Case No. MP-04-01 in 2004. The Master Plan called for rezoning the entire 67.93-acre site from I-3, Heavy Industrial to a mixture of B-P, B-2, R-4, and R-2 to facilitate the development of a mixed-use neighborhood on the historic Walter's Brewery site and within the City's lower Eastside Neighborhood. New owners of the River's Run Subdivision are requesting to deviate from the approved master plan and rezone the southwestern portion of the project area from light industrial/commercial to a multifamily residential/office use to better compliment the single-family development planned for the northern portion of the project site. Currently, the B-P and B-2 zone districts sit directly south of the R-2 zoned single-family residential lots. Municipal Code B-P Performance Standards restrict structures from being constructed within 100-feet of a residential zone district, making future development in the BP Zone District challenging (§17-4-5, (4)). Furthermore, light-industrial uses located adjacent to residential uses are not harmonious and have the potential to create negative externalities for the residents. Uses within the B-2, Subregional Business District are limited to service and offices uses, such uses are generally included within the R-5 Zone District. The applicant indicates in his rezoning request that he intends to develop an apartment complex adjacent to Joplin Avenue and either office or multifamily uses north of South Portland Avenue, which would better compliment the adjacent single-family uses to the north. The existing lots being rezoned exceed the 5,000 square foot minimum and as resubdivided will continue to exceed the minimum area requirement. To

accomplish the proposed development, the applicant is also requesting to vacate a portion of Fir Street, drainage/utility easements, and resubdivide Lots 1-8, Block 1. Planning staff concurs with the applicant and supports the rezoning, vacation, and resubdivision to introduce more compatible development within the southern portion of the River's Run community.

The property is designated as a Special Development Area in the Pueblo Regional Comprehensive Plan, 2002. These areas call for the careful planning of undeveloped lands due to significant development and/or open space potential in strategic locations. The Comprehensive Plan indicates that a Master Plan must be prepared prior to development in Special Development Areas. The River's Run Master Development Plan was approved by the Planning and Zoning Commission in 2004. The master plan includes provisions for a mixture of B-P, B-2, R-4, and R-2 zone districts.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their March 9, 2022 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 will 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 March 9, 2022, Public Hearing

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE LOTS 1-8, BLOCK 1; LOTS 1-4, BLOCK 2 AND LOTS 1-2, BLOCK 3 RIVER'S RUN SUBDIVISION FROM B-P, BUSINESS PARK AND B-2, SUBREGIONAL BUSINESS DISTRICT TO R-5, MULTIPLE RESIDENTIAL AND OFFICE 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-P, Business Park and B-2, Subregional Business District to R-5, Multiple Residential and Office District:

B-P to R-5

Lots 1 through 8, Block 1 together with Lots 1 through 4, Block 2, River's Run Subdivision as recorded under Reception Number 1651798 in the Records of the Pueblo County Clerk and Recorder.

B-2 to R-5

Lots 1 and 2, Block 3, River's Run Subdivision as recorded under Reception Number 1651798 in the Records of the Pueblo County Clerk and Recorder.

Total Area to be Rezoned = 23.61 Acres

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 _____.

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