



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 APPROVING THE RIVER'S RUN SUBDIVISION 1ST AMENDMENT

SUMMARY:

The applicant is requesting to resubdivide 12.880-acres from eight lots into two large lots to facilitate multifamily residential development.

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 identified the resubdivision area for light industrial uses and it was subsequently subdivided into eight non-residential lots with drainage/utility easements servicing each lot. The property owner is now requesting to deviate from the approved master plan to resubdivide the eight lots into two large lots to facilitate the development of multifamily residential housing within the City's lower Eastside Neighborhood. The resubdivision site sits directly south of the existing R-2 zoned, single-family residential lots. The applicant intends to develop an apartment complex adjacent to Joplin Avenue, which would better compliment the adjacent single-family uses to the north. To accomplish the proposed development, the applicant is also requesting to vacate a portion of Fir Street, drainage/utility easements; rezone Lots 1-8, Block 1, and Lots 1-4, Block 2; rearrange Lots 1-4, Block 2; and rearrange Lots 1-2, Block 3. Planning staff concurs with the applicant and supports the rezoning, vacation, rearrangement and resubdivision to introduce more compatible development within the southern portion of the River's Run community. Concurrent requests along with this resubdivision are River's Run Rezoning, 23.61 acres from B-P, Business Park to R-5, Multiple Residential and Office District and River's Run Subdivision, right-of-way and easement vacation. (Administrative matters: River's Run Subdivision rearrangement of property boundaries, rearrange lots 1-4, block 2 into parcel A and River's Run Subdivision rearrangement of property boundaries, rearrange lots 1-2, block 3 into parcel B.)

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.

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 March 9, 2022 Public Hearing

Memorandum from the Department of Public Works Dated May 12, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE RIVER'S RUN
SUBDIVISION 1ST AMENDMENT

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

SECTION 1.

The final plat of the River's Run Subdivision 1st Amendment, being a subdivision of land legally described as:

A TRACT OF LAND BEING LOTS 1 THROUGH 8, BLOCK 1, INCLUSIVE AND A PORTION OF FIR STREET AS PLATTED IN RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 31 AND A PORTION OF THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF PUEBLO, PUEBLO COUNTY, COLORADO.

BASIS OF BEARINGS: THE COURSE BETWEEN THE SOUTHWEST QUARTER OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF PLUG AND TACK IN A STONE, IN A CAST IRON MONUMENT BOX, AND A NO.7 REBAR KNOWN AS PUEBLO COUNTY GPS MONUMENT NO. 7, WHICH IS ASSUMED TO BEAR S04°32'49"E.

COMMENCING AT THE POINT OF BEGINNING AS SHOWN ON THE PLAT OF RIVER'S RUN SUBDIVISION, AS RECORDED UNDER RECEPTION NUMBER 1651798, RECORDS OF PUEBLO COUNTY, COLORADO, SAID POINT BEING AN ANGLE POINT ON THE WESTERLY BOUNDARY LINE OF SAID RIVER'S RUN SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON THE BOUNDARY OF SAID RIVER'S RUN SUBDIVISION THE FOLLOWING ELEVEN (11) COURSES:

1. N34°23'10"W, A DISTANCE OF 93.15 FEET;
2. N69°44'22"W, A DISTANCE OF 370.01 FEET;
3. N66°30'50"W, A DISTANCE OF 89.17 FEET;
4. N75°20'09"W, A DISTANCE OF 53.30 FEET;
5. N61°45'08"W, A DISTANCE OF 232.68 FEET;
6. N34°42'14"W, A DISTANCE OF 94.24 FEET;
7. N09°37'55"W, A DISTANCE OF 257.91 FEET;
8. N09°52'53"W, A DISTANCE OF 80.62 FEET;
9. N02°45'22"W, A DISTANCE OF 266.08 FEET;
10. N87°14'15"E, A DISTANCE OF 53.34 FEET TO A POINT OF CURVE;
11. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF 17°20'29", A RADIUS OF 220.00 FEET; A DISTANCE OF 66.59 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF FIR STREET AS PLATTED IN SAID RIVER'S RUN SUBDIVISION;

THENCE ON SAID RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. CONTINUING ON SAID CURVE TO THE RIGHT, HAVING A DELTA OF $44^{\circ}25'36''$, A RADIUS OF 220.00 FEET, A DISTANCE OF 170.59 FEET TO A POINT OF TANGENT;
2. $S30^{\circ}59'40''E$, A DISTANCE OF 51.38 FEET TO A POINT ON CURVE;

THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS $N22^{\circ}08'40''W$, HAVING A DELTA OF $98^{\circ}51'00''$, A RADIUS OF 52.00 FEET, A DISTANCE OF 89.71 FEET TO A POINT ON CURVE SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY OF FIR STREET AS PLATTED IN SAID RIVER'S RUN SUBDIVISION; THENCE $S30^{\circ}59'40''E$, ON SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 695.49 FEET TO A POINT ON CURVE; THENCE ON THE ARC OF A CURVE TO THE LEFT, WHOSE CENTER BEARS $S59^{\circ}00'20''W$, HAVING A DELTA OF $98^{\circ}50'59''$, A RADIUS OF 52.00 FEET, A DISTANCE OF 89.71 FEET TO A POINT ON CURVE, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID FIR STREET; THENCE ON SAID RIGHT-OF-WAY THE FOLLOWING SEVEN (7) COURSES:

1. $S30^{\circ}59'40''E$, A DISTANCE OF 109.96 FEET TO A POINT OF CURVE;
2. ON THE ARC OF CURVE TO THE LEFT, HAVING A DELTA OF $70^{\circ}02'57''$, A RADIUS OF 280.00 FEET, A DISTANCE OF 342.32 FEET TO A POINT OF TANGENT;
3. THENCE $N78^{\circ}57'23''E$, A DISTANCE OF 258.54 FEET, TO A POINT OF CURVE;
4. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF $22^{\circ}32'30''$, A RADIUS OF 280.00 FEET, A DISTANCE OF 110.16 FEET, TO A POINT OF TANGENT;
5. $N56^{\circ}24'53''E$, A DISTANCE OF 156.37 FEET TO A POINT OF CURVE;
6. ON THE ARC OF A CURVE TO THE RIGHT, HAVING A DELTA OF $30^{\circ}50'56''$, A RADIUS OF 220.00 FEET, A DISTANCE OF 118.45 FEET TO A POINT OF TANGENT;
7. $N87^{\circ}15'49''E$, A DISTANCE OF 101.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF RIVERS RUN AVENUE, AS PLATTED IN SAID RIVER'S RUN SUBDIVISION;

THENCE ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID RIVERS RUN AVENUE THE FOLLOWING THREE (3) COURSES:

1. $S02^{\circ}44'11''E$, A DISTANCE OF 126.30 FEET TO A POINT OF CURVE;
2. ON THE ARC OF A CURVE TO THE LEFT, HAVING A DELTA OF $10^{\circ}11'58''$, A RADIUS OF 280.00 FEET, A DISTANCE OF 49.84 FEET TO A POINT OF TANGENT;
3. $S12^{\circ}56'09''E$, A DISTANCE OF 162.44 FEET TO A POINT ON CURVE SAID POINT BEING ON THE NORTHERLY LINE OF THE ADDITIONAL DEDICATED RIGHT-OF-WAY LINE OF PORTLAND AVENUE AS PLATTED IN SAID RIVER'S RUN SUBDIVISION;

THENCE ON THE NORTHERLY LINE OF SAID ADDITIONAL DEDICATED RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1. ON THE ARC OF A CURVE TO THE RIGHT, WHOSE CENTER BEARS $N11^{\circ}58'11''W$, HAVING A DELTA OF $10^{\circ}58'02''$, A RADIUS OF 1,778.98 FEET, A DISTANCE OF 340.52 FEET TO A POINT OF TANGENT;

2. S88°59'51"W, A DISTANCE OF 481.56 FEET TO POINT ON THE WESTERLY BOUNDARY LINE OF SAID RIVER'S RUN SUBDIVISION;

THENCE N37°19'00"W, ON SAID WESTERLY LINE, A DISTANCE OF 1.92 FEET TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 561,067 SQUARE FEET OR 12.880 ACRES.

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