



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: May 9, 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 PUEBLO SPRINGS APARTMENTS
SUBDIVISION

SUMMARY:

The applicant is requesting to create an 18.55-acre, two lot subdivision for the purposes of constructing an apartment complex.

PREVIOUS COUNCIL ACTION:

City Council approved Ordinance No. 10055 on November 22, 2021.

BACKGROUND:

Pueblo Springs Apartments development is located at the intersection of Pueblo Boulevard and West 31st Street. The subject property was annexed and zoned to A-1 as a holding zone until development plans were finalized (via rezoning case Z-21-12). The applicant is proposing to create a two-lot subdivision for multifamily residential development, which will be constructed in two phases. The initial phase will be constructed on Lot 1. The property slopes from Pueblo Boulevard to the east. A substantial small hill/bluff buffers the property from Pueblo Boulevard and will be retained as open/natural area. The proposed development has no internal streets, so a 20-foot public utility and sanitary sewer easement has been added to the plat to ensure access to all proposed apartment buildings and utilities. Lot Two will have a relatively narrow frontage along 31st Street and the plat shows this area will be obstructed by a stormwater retention pond, so the applicant has added a 20-foot access easement to Lot 2 through the easterly portion of Lot 1. The owner is requesting deferred filings for construction plans and profiles, offsite easements, and the Subdivision Improvement Agreement. The applicant is requesting a waiver for fees in lieu of park dedication based on the onsite amenities (which include a clubhouse, pool, and grassed open space) and preservation of open space on the western side of the parcel. The fee waiver Resolution will be presented to City Council on December 13, 2021.

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.

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 December 8, 2021 Public Hearing

Memorandum from the Department of Public Works Dated April 26, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE PUEBLO SPRINGS
APARTMENTS SUBDIVISION

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

SECTION 1.

The final plat of the Pueblo Springs Apartments Subdivision, being a subdivision of land legally described as:

**PUEBLO SPRINGS APARTMENTS SUBDIVISION
LAND DESCRIPTION**

A portion of the South one-half of the Northwest one-quarter of the Northwest one-quarter of Section 22, Township 20 South, Range 65 West of the 6th P.M. in the County of Pueblo, State of Colorado, being more particularly described as follows:

Basis of Bearings: The West Line of the NorthWest one-quarter of Section 22, Township. 20 South, Range 65 West, of the 6TH Principal Meridian monumented with a number 6 rebar with a 3 1/4 inch diameter Brass Cap, to bear N. 00°32'37" W. and all bearings being relative thereto.

Commencing at Northwest corner of said Section 22, said point being on the west line of Park West Business Campus, Filing No. 7, according to the recorded plat thereof, as filed for record on March 16, 2012 at Reception No. 1901886 in the Pueblo County records and being on the east line of Colorado State Highway No. 45 as presently located; thence S. 00°32'37" E. along said the west line of said Section 22, the west line of said Park West Business Campus, Filing No. 7 and the east line of said Colorado State Highway No. 45, a distance of 696.76 feet to the south right-of-way line of 31st Street and the Point of Beginning; thence N. 88°41'55" E. along the said south right-of-way line of 31st Street, a distance of 1,306.93 feet to the east line of the South one-half of the Northwest one-quarter of the Northwest one-quarter of said Section 22; thence S. 01°18'05" E. along said east line of the said South one-half, a distance of 615.96 feet to the Southeast corner of the said South one-half; thence S. 88°39'35" W. along the south line of the said South one-half, a distance of 1,315.09 feet to the Southwest corner of said South one-half and the east line of Colorado State Highway No. 45 as presently located; thence N. 00°32'37" W. along the west line of said South one-half and said east line of Colorado State Highway No. 45, a distance of 616.90 feet to the Present City limits line and the Point of Beginning.

Containing 18.55 acres, 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

