

**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: June 13, 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
179.38-ACRES OF THE WILDHORSE CROSSING ANNEXATION SITE
FROM COUNTY A-1 TO CITY A-1, AGRICULTURAL ONE

SUMMARY:

The property owner, Warren Dean, Manager of Wildhorse Land and Holdings, LLC, is requesting to zone the 179.38-acre Wildhorse Crossing Annexation Site from County A-1 to City A-1, Agricultural One as agreed upon in the Annexation Agreement, Case No. A-20-03 Wildhorse Annexation.

PREVIOUS COUNCIL ACTION:

City Council approved Ordinance No. 10103 on January 24, 2022.
City Council approved Ordinance No. 10104 on January 24, 2022.

BACKGROUND:

The proposed rezoning is for the entire Wildhorse Crossings, LLC property containing 179.38-acres, which was annexed into the City by Ordinances 10103 and 10104, approved by City Council on January 21, 2022. The applicant, Mr. Dean, is proposing to zone the property A-1, Agricultural One according to the Annexation Agreement, January 31, 2022. Prior to development of uses, that are not allowed within the A-1 Zone District, the property must be rezoned to a land use classification most nearly corresponding to the land use classification identified in the Pueblo Regional Comprehensive Plan, as amended. Wildhorse Crossing is designated as a Special Development Area by the Pueblo Regional Comprehensive Plan, 2002. Special Development areas call for the careful planning of undeveloped lands due to significant development and/or open space potential in strategic locations. The Comprehensive Plan further establishes that a Master Plan must be prepared prior to development in Special Development Areas. An Overall Development Plan (ODP), establishing a land use plan that includes provisions for a mixture of commercial, office, business park, and

multifamily residential uses, was approved by the Planning and Zoning Commission on March 9, 2022. The ODP conforms with the Comprehensive Plan designation of Special Development Area. When applications to establish the uses approved in the ODP land use plan are requested, the property must be rezoned prior to development.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their May 11, 2022 Regular Meeting, voted 7-0 to recommend approval.

STAKEHOLDER PROCESS:

The Planning Department sent a 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 would 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 May 11, 2022 Public Hearing

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE AMENDING ZONING RESTRICTIONS TO
REZONE 179.38-ACRES OF THE WILDHORSE
CROSSING ANNEXATION SITE FROM COUNTY A-1 TO
CITY A-1, AGRICULTURAL ONE

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 County A-1 to City A-1, Agricultural One Zone District:

A parcel of land located in section 9 and the SW $\frac{1}{4}$ of Section 10, Township 20 South, Range 65 West, of the 6th Principal Meridian, EXCEPT that portion conveyed to the State Department of Highways in rule and order recorded May 8, 1975, in Book 1813 at Page 36, said parcel being more particularly described as follows:

Basis of Bearings to be the east line of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10, Township 20 South, Range 65 West of the 6th Principal Meridian to bear N 01 degrees 40 minutes 27 seconds monumented on both ends with ad 3 $\frac{1}{4}$ " diameter aluminum cap stamped with PLS 33200, all bearings contained herein to be relative thereto.

Beginning at the Southeast corner of the of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of said Section 10; thence S 89 degrees 10 minutes 16 seconds W, along the south line of the SW $\frac{1}{4}$ of said Section 10, a distance of 612.25 feet; thence along the north line of the State Highway No. 50 right-of-way and Lot 1, Block 1 of Hwy 50 West CDOT Maintenance Facility No. 1, as presently located, the following nine (9) courses:

1. thence N 55 degrees 35 minutes 35 seconds W, a distance of 166.17 feet;
2. thence N 23 degrees 35 minutes 46 seconds W, a distance of 141.19 feet;
3. thence N 06 degrees 04 minutes 05 seconds W, a distance of 385.19 feet;
4. thence N 74 degrees 30 minutes 12 seconds W, a distance of 441.31 feet;
5. thence S 10 degrees 48 minutes 11 seconds W, a distance of 460.12 feet;
6. thence S 67 degrees 53 minutes 08 seconds W, a distance of 309.71 feet;
7. thence S 77 degrees 32 minutes 17 seconds W, a distance of 312.70 feet;
8. thence S 77 degrees 48 minutes 53 seconds W, a distance of 152.37 feet;
9. thence N 88 degrees 08 minutes 38 seconds W, a distance of 178.88 feet;

thence N 29 degrees 39 minutes 59 seconds W, a distance of 1,269.12 feet; thence N 45 degrees 34 minutes 43 seconds W, a distance of 1,107.74 feet; thence N 74 degrees 06 minutes 44 seconds W, a distance of 738.34 feet; thence N 25 degrees 46 minutes 43 seconds W, a distance of 494.36 feet; thence N 11 degrees 18 minutes 19 seconds W, a distance of 290.71 feet; thence N 02 degrees 50 minutes 55 seconds E, a distance

of 379.17 feet; thence S 31 degrees 39 minutes 05 seconds E, a distance of 26.62 feet; thence along a curve to the left whose radius is 2,864.93 feet and whose center bears N 58 degrees 44 minutes 59 seconds, on the east right-of-way line of Wildhorse Road as presently located; thence S 36 degrees 19 minutes 40 seconds E along said east right-of-way line of Wildhorse Road, a distance of 1,258.29 feet; thence continuing along the said east right-of-way line of Wildhorse Road along a curve to the left whose radius is 1,019.00 feet and whose center bears N 53 degrees 42 minutes 09 seconds, a distance of 255.96 feet; thence N 00 degrees 40 minutes 42 seconds E, a distance of 1,198.59 feet to the north line of said SE $\frac{1}{4}$ of Section 9; thence N 89 degrees 58 minutes 22 seconds E along the said north line of the SE $\frac{1}{4}$ of Section 9, a distance of 328.94 feet to the northeast corner of the said SE $\frac{1}{4}$ of Section 9; thence N 88 degrees 54 minutes 17 seconds E along the north line of the SW $\frac{1}{4}$ of said Section 10, a distance of 1,331.50 feet to the northwest corner of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 10; thence N 88 degrees 57 minutes 11 seconds E along the north line of the said W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10, a distance of 665.40 feet to the northeast corner of the said W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10; thence S 01 degrees 40 minutes 27 seconds W along the east line of the said W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10, a distance of 2,661.69 feet to the southeast corner of the said W $\frac{1}{2}$ of the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 10 and the Point of Beginning a distance of 574.22 feet; thence S 42 degrees 46 minutes 50 seconds E, a distance of 187.77 feet to the north line of the SE $\frac{1}{4}$ of the said Section 9; thence S 89 degrees 58 minutes 03 seconds E along the north line of the SE $\frac{1}{4}$ of said Section 9, a distance of 991.15 feet to a point.

Containing 179.38 acres more or less.

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