



**BACKGROUND PAPER FOR PROPOSED  
ORDINANCE**

**COUNCIL MEETING DATE:** July 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 AMENDING ZONING RESTRICTIONS TO REZONE  
.34 ACRES LOCATED AT 520 WEST 13<sup>TH</sup> STREET FROM R-5, MIXED  
RESIDENTIAL AND OFFICE DISTRICT TO B-2, SUBREGIONAL  
BUSINESS DISTRICT

**SUMMARY:**

The applicant is requesting to rezone .34 acres from R-5, Mixed Residential and Office District to B-2, Subregional Business District to accommodate a retail store.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

The applicant opened a retail store at this location in 2019 without a business license. The City of Pueblo discovered the discrepancy and required the applicant to apply for a business license. When the applicant spoke with staff, they realized a retail store was not a use by right in a R-5 Zone District and applied to rezone. A retail store is a use by right in a B-2 zone District. The building at 520 W. 13th Street was the long-time home of the Salvation Army and sat empty for years. The property has areas for public parking on both the east and west sides of the lot, alley access and two curb cuts along 13th Street. B-1 and B-2 zone districts are most appropriate on busier streets and intersections in residential neighborhoods. Multiple B-1 and B-2 properties are located immediately to the west on 13th Street and along Elizabeth Street to the north and south of the rezoning site. The existing building is constructed to the front property line and does not provide a front-yard setback. An eight-foot rear yard setback is provided adjacent to the alley; however, the B-2 Zone District requires a 15-foot rear-yard setback; therefore, the B-2 rezoning will be contingent upon the property owner obtaining a variance for the zero-foot front-yard setback and eight-foot rear-yard setback. The Zoning Board of Appeals approved the front and rear yard setback, ZBA-22-24 on June 28, 2022.

**FINANCIAL IMPLICATIONS:**

There are no financial implications for the City.

**BOARD/COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission, at their June 8, 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 June 8, 2022, Public Hearing

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ZONING RESTRICTIONS TO REZONE .34 ACRES LOCATED AT 520 WEST 13<sup>TH</sup> STREET FROM R-5, MIXED RESIDENTIAL AND OFFICE DISTRICT TO B-2, SUBREGIONAL BUSINESS 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 R-5, Mixed Residential and Office District to B-2, Subregional Business District:

Lots H, I, J, K+L Block, Elizabeth Place Subdivision of North ½ of Block 37  
in County Addition

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