



**BACKGROUND PAPER FOR PROPOSED
ORDINANCE**

COUNCIL MEETING DATE: August 22, 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 VILLA BELLA FILING NO. 2
SUBDIVISION

SUMMARY:

The applicant is requesting to subdivide 48.240-acres into 375 residential lots and multiple parcels for a park, drainage, detention, trails, and public utilities. The applicant is concurrently requesting to vacate two 20-foot utility drainage easements located within blocks 3, 4, and 5 in the Villa Bella Subdivision, Filing No.1 and to vacate unimproved CID Drive and the eastern portion of unimproved Napoli Way generally located south of Rawlings Boulevard, west of Bergamo Drive and east of Thunderwolf Drive. The applicant is also concurrently requesting to change the street name of Napoli Way to Medici Way.

PREVIOUS COUNCIL ACTION:

City Council approved amending the zoning restrictions for the Villa Bella PUD on May 24, 2021 by Ordinance No. 9938.

City Council approved amending the zoning restrictions for the Villa Bella PUD on April 11, 2022 by Ordinance No. 10149.

BACKGROUND:

The proposed subdivision is located east of CSU-P, south of Villa Bella Expeditionary School, and north of Cesar Chavez Boulevard and is a re-subdivision of the western portion of the Villa Bella, Filing No. 1, Subdivision (2009). Villa Bella, Filing No. 1 was originally subdivided for multifamily and office/commercial uses. In 2020, an amendment to the Villa Bella PUD was approved, which changed the uses within the project area to single-family residential. Villa Bella, Filing No. 2, divides the property into 375 modestly sized single-family residential lots and multiple parcels dedicated for drainage, detention, pedestrian, public utilities, trail, and landscape purposes. The average lot

area within the proposed subdivision is about 2,975 square feet with an average lot width of 35-feet. Parcel A is 3.837 acres and is dedicated as a neighborhood park that will be owned, developed, and maintained by the Villa Bella Metropolitan District No. 1. Parcel B is dedicated for perpetual use as public utility easements, landscaping, and sidewalk, "subject to certain restrictions." However, the plat states Parcel B is intended for public utilities, drainage easements, and park. Staff recommends an amendment to the subdivision plat to remove the park provision from Parcel B. Additionally, the "SUMMARY" table on the dedication page of the subdivision must be amended to remove Parcel B from the park calculation. The proposed park area, within Parcel A, is approximately nine percent of the land area, exclusive of street widths, being subdivided, which exceeds the 8-percent park dedication requirement.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their July 13, 2022 Regular Meeting, voted 6-0 to recommend approval with conditions that must be satisfied prior to City Council review, Commissioner Avalos absent.

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 re-subdivided 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 July 13, 2022 Public Hearing
Memorandum from the Department of Public Works Dated [REDACTED], 2022
Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE VILLA BELLA FILING NO. 2
SUBDIVISION

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

SECTION 1.

The final plat of the Villa Bella Filing No. 2 Subdivision, being a subdivision of land legally described as:

TRACTS OF LAND IN THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PUEBLO COUNTY, COLORADO, BEING A REPLAT OF BLOCKS 1, 2, 3, AND 4 "VILLA BELLA SUBDIVISION FILING NO. 1" UNDER RECEPTION NO. 1805424 OF THE PUEBLO COUNTY, COLORADO RECORDS, TOGETHER WITH CBI WAY AND A PORTION OF NAPOLI WAY, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, "VILLA BELLA SUBDIVISION FILING NO. 1", SAID POINT LING ON THE EAST RIGHT OF WAY LINE OF TROY AVENUE AS SHOWN ON SAID PLAT;

THENCE ALONG SAID EAST LINE THE FOLLOWING TWO (2) COURSES:

1. THENCE N01°15'11"W A DISTANCE OF 1.22 FEET TO A POINT OF CURVE;
2. THENCE 63.79 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,170.00 FEET, A CENTRAL ANGLE OF 3°07'26", THE CHORD OF 63.78 FEET BEARS N00°15'28"W TO THE SOUTHWEST CORNER OF PARCEL "A", "VILLA BELLA SUBDIVISION FILING NO. 1";

THENCE ALONG THE SOUTH AND EAST LINES THEREOF THE FOLLOWING TWO (2) COURSES:

1. THENCE N89°15'26"E A DISTANCE OF 436.33 FEET;
2. THENCE N01°51'33"W A DISTANCE OF 337.36 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF AFORESAID NAPOLI WAY;

THENCE N88°08'27"E ALONG SAID SOUTH LINE A DISTANCE OF 424.85 FEET;

THENCE N01°51'33"W A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NAPOLI WAY;

THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE S88°08'27"W A DISTANCE OF 537.91 FEET TO A POINT OF CURVE;
2. THENCE 86.12 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 195.00 FEET, A CENTRAL ANGLE OF 25°18'19", THE CHORD OF 436.27 FEET BEARS N35°39'37"E TO A POINT OF TANGENT;
3. THENCE N66°33'15"W A DISTANCE OF 128.50 FEET TO THE AFORESAID EAST RIGHT-OF-WAY LINE OF TROY AVENUE;

THENCE ALONG SAID EAST LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE 438.84 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 1,170.00 FEET, A CENTRAL ANGLE OF 21°29'25", THE CHORD OF 436.27 FEET BEARS N35°39'37"E TO A POINT OF TANGENT;
2. THENCE N46°24'19"E A DISTANCE OF 233.56 FEET TO A POINT OF CURVE;

3. THENCE 42.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,300.00 FEET, A CENTRAL ANGLE OF 1°53'31", THE CHORD OF 42.92 FEET BEARS N45°27'34"E TO THE SOUTH RIGHT-OF-WAY LINE OF TORINO WAY AS SHOWN ON "VILLA BELLA SUBDIVISION FILING NO. 1";
THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR (4) COURSES:
 1. THENCE 263.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 440.00 FEET, A CENTRAL ANGLE OF 34°16'26", THE CHORD OF 259.30 FEET BEARS S74°43'20"E TO A POINT OF TANGENT;
 2. THENCE N88°08'27"E A DISTANCE OF 341.45 FEET TO A POINT OF CURVE;
 3. THENCE 251.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 960.00 FEET, A CENTRAL ANGLE OF 15°00'00", THE CHORD OF 250.61 FEET BEARS S84°21'33"E TO A POINT OF TANGENT;
 4. THENCE S76°51'33"E A DISTANCE OF 88.90 FEET TO THE WEST RIGHT-OF-WAY LINE OF BERGAMO DRIVE AS SHOWN ON "VILLA BELLA SUBDIVISION FILING NO. 1";

THENCE ALONG SAID WEST LINE THE FOLLOWING THREE (3) COURSES:

1. THENCE S13°08'27"W A DISTANCE OF 66.63 FEET TO A POINT OF CURVE;
2. THENCE 272.27 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1,040.00 FEET, A CENTRAL ANGLE OF 15°00'00", THE CHORD OF 271.49 FEET BEARS S05°38'27"W TO A POINT OF TANGENT;
3. THENCE S01°51'33"E A DISTANCE OF 621.02 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16;

THENCE S89°15'26"W ALONG SAID SOUTH LINE, 1,468.15 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A CALCULATED AREA OF 1,128,588 SQUARE FEET (25.909 ACRES) MORE OR LESS.

TOGETHER WITH: LOTS 1 AND 2, BLOCK 5 "VILLA BELLA SUBDIVISION FILING NO. 1"

SAID PARCEL CONTAINS A CALCULATED AREA OF 420,846 SQUARE FEET (9.661 ACRES) MORE OR LESS.

TOGETHER WITH: LOT 1, BLOCK 6 "VILLA BELLA SUBDIVISION FILING NO. 1"

SAID PARCEL CONTAINS A CALCULATED AREA OF 384,964 SQUARE FEET (8.838 ACRES) MORE OR LESS.

TOGETHER WITH: LOT 1, BLOCK 7 "VILLA BELLA SUBDIVISION FILING NO. 1"

SAID PARCEL CONTAINS A CALCULATED AREA OF 166,915 SQUARE FEET (3.832 ACRES) MORE OR LESS.

SAID PARCELS CONTAIN A COMBINED CALCULATED AREA OF 2,101,313 SQUARE FEET (48.240 ACRES MORE OR LESS.)

BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 16, T20S, R64W OF THE 6th P.M., PUEBLO COUNTY, COLORADO, BEING MONUMENTED AT THE SECTION CORNER COMMON TO SECTIONS 16, 17, 20, AND 21 WITH A 3 1/2" ALUMINUM CAP STAMPED "ACS T20S R64W S17 S16 S20 S21 2009 LS 36061" FROM WHENCE THE QUARTER CORNER COMMON TO SECTIONS 16 AND 21 BEING MONUMENTED BY A 3 1/2" ALUMINUM CAP STAMPED "ACS T20S R64W S16 S21 1/4 2009 LS 36061" BEARS N89°15'26"E A DISTANCE OF 2,665.71 FEET

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

