



Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: September 12, 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 NORTH VISTA HIGHLANDS, FILING NO. 5 SUBDIVISION

SUMMARY:

The applicant is requesting to subdivide 55.954-acres into 101 single-family residential lots, two multifamily residential lots, two commercial/mixed-use lots, and four parcels for drainage, detention, pedestrian, trail, public utilities and one parcel for pedestrian connectivity to the neighborhood park.

PREVIOUS COUNCIL ACTION:

None.

BACKGROUND:

The subject property is located west of North Vista Highlands, Filing No. 1. The proposed subdivision divides the property into 101 single-family residential lots, two multifamily residential lots and two large commercial/mixed-use lots. The subdivision also includes five parcels, which will be owned, developed, and maintained by the North Vista Highlands Metropolitan District ("Metropolitan District"). Parcels A, B, C, and D are dedicated for drainage, detention, pedestrian, trail, landscaping, and public utility purposes. Two of the parcels, Parcels A and C, also include access in the dedication. These parcels will provide greenspace, trails, and stormwater infrastructure to service the surrounding residences. Parcel E is 3.5 acres and is dedicated as a neighborhood park that will be owned, developed and maintained by the Metropolitan District. Parcels F and G will provide a pedestrian connection through Blocks 9 and 10 to the neighborhood park located in Parcel E and the future trail that will be constructed in Parcel A. All proposed single-family residential lots have an area greater than 5,000 square feet and a lot width greater than 50-feet. The North Vista PUD requires lots with a width between 36-59 feet to have 20-foot front-yard setback, lots with widths between 60-75 feet are required to have a 25-foot front-yard setback; and lot widths greater than 75-feet have a 30-foot setback. All subdivided blocks include varying lot widths, which will require the setbacks to vary creating an irregular appearance from the street. The North Vista PUD Development Guide includes extensive regulations and guidance for Park dedication to ensure that 7.5 acres of park is provided for each 1,000 residents. The PUD requires the subdivider to dedicate .0075 acres of land as District Park and .015 acres as Neighborhood Park with each residential subdivision

(Section 7.7.2.3, North Vista Master Plan, Planned Unit development, First Amendment). The PUD identifies Planning Areas 1, 5, and 7 as the locations for future District Park development and requires the subdivider “to clearly indicate on each plat the number of acres for each site and the total acreage proposed for each park or open space dedication within the project” (Section 7.7.3.1 North Vista Master Plan, Planned Unit development, First Amendment). North Vista Highlands, Filing No. 1 and the proposed Filing No. 5, will dedicate a total of 2.55 acres of District Park in Planning Area 1. The North Vista PUD does not state when the District Parks must be subdivided and developed, which carries inherent uncertainty. The proposed neighborhood park in Parcel E, which will be developed with this subdivision, exceeds the required 2.66 acres required by nearly one acre.

FINANCIAL IMPLICATIONS:

There are no financial implications for the City.

BOARD/COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at their August 10, 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 August 10, 2022 Public Hearing

Memorandum from the Department of Public Works Dated August 31, 2022

Planning and Zoning Commission Staff Report with Attachments and Exhibits

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE NORTH VISTA
HIGHLANDS, FILING NO. 5 SUBDIVISION

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

SECTION 1.

The final plat of the North Vista Highlands, Filing No. 5, being a subdivision of land legally described as:

A parcel of land located in the Northwest one-quarter of Section 8, Township 20 South, Range 64 West of the 6th P.M. in the County of Pueblo and State of Colorado and being more particularly described as follows:

A portion of parcel "K" according to the recorded plat of North Vista Highlands, Filing No. 1 as filed for record on November 15, 2019 at Reception No. 2159276 in the office of the Pueblo County Clerk and Recorder and parcels "D", "E", and "F" according to the recorded plat of North Vista Highlands, Filing No. 2 as filed for record on August 20, 2021 at Reception No. 2240303 in the office of the Pueblo County Clerk and Recorder, and all being more particularly described as follows:

Beginning from the southeast corner of Parcel "K" according to the aforementioned recorded plat of North Vista Highlands, Filing No. 1 said point also being on the north right-of-way line of Vision Hills Parkway as platted in the aforementioned North Vista Highlands, Filing No. 1; thence westerly along said north right-of-way line a bearing of S. 88°03'11" W., a distance of 1249.15 feet to a point on the westerly right-of-way line of Cedarweed Boulevard according to the aforementioned recorded plat of North Vista Highlands, Filing No. 2; thence N. 02°25'18" W. along the westerly right-of-way line of said Cedarweed Boulevard, a distance of 281.00 feet; thence continuing along said westerly right-of-way line along the arc of a curve to the left whose radius is 640.00 feet, a distance of 515.14 feet; thence N. 48°32'22" W., a distance of 664.97 feet; thence N. 41°27'38" E., a distance of 80.00 feet to a point on the easterly right-of-way line of Cedarweed Boulevard; thence N. 48°32'22" W., a distance of 30.00 feet; thence N. 41°27'38" E., a distance of 200.41 feet; thence along the arc of a curve to the right whose radius is 380.00 feet, a distance of 313.00 feet; thence N. 88°39'15" E., a distance of 315.54 feet; thence S. 01°20'45" E., a distance of 30.00 feet; thence N. 88°39'15" E., a distance of 261.92 feet; thence along the arc of a curve to the right whose radius is 250.00 feet, a distance of 192.32 feet; thence S. 47°16'06" E., a distance of 187.26 feet; thence N. 43°52'47" E., a distance of 209.99 feet; thence along the arc of a curve to the right whose radius is 930.00 feet, a distance of 388.79 feet; thence N. 67°49'57" E., a distance of 160.29 feet to the westerly right-of-way line of Walking Stick Boulevard according to the aforementioned recorded plat of North Vista Highlands Filing No. 2; thence along the arc of a curve to the right whose radius is 950.00 feet, a distance of 334.99 feet along the westerly right-of-way line of Walking Stick Boulevard; thence S. 01°56'54" E., a distance of 1,299.70 feet; thence along the arc of a curve to the right whose radius is 150.00 feet and whose center bears S.

22°13'54" E., a distance of 120.78 feet to the Point of Beginning.

Containing 55.954 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