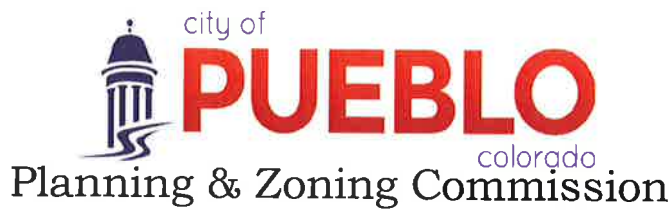


Brandice Eslinger  
Chair

Mike Castellucci  
Vice Chair

Bob Schilling  
City Council Representative



Patrick Avalos

Elizabeth Bailey

Alex San Filippo-Rosser

Vacant

## Z-19-05

**TO:** City of Pueblo, Planning and Zoning Commission  
**FROM:** Beritt Odom, Senior Planner  
**THROUGH:** Steven Meier, Director of Planning and Community Development  
**DATE:** September 11, 2019  
**SUBJECT:** **Belmont Park Apartments**  
**APPLICANT:** **Kieran Kenneth Hughes**  
**PROPERTY OWNER:** Same  
**EXISTING ZONE:** R-2, Single Family Residential  
**PROPOSED ZONE:** R-5, Multiple Residential and Office  
**CONCURRENT REQUESTS:** S-19-03, Belmont Park Apartments Subdivision  
V-19-01, Belmont Park Apartments Vacation

**REQUEST:**

The applicant is requesting to rezone the .78-acre subject property from R-2, Single Family Residential to R-5, Multiple Residential and Office.

**STAFF REVIEW AND FINDINGS:**

The subject property is located north of the Belmont Baptist Church, 1401 Jerry Murphy Road. The subject site is made up of an unsubdivided parcel (zoned R-2), that may have been reserved for a future right-of-way extension of Iroquois Road, and Lots 16 and 17, Belmont Villa Filing No. 1 Subdivision (zoned R-5). The site is being combined with the land to the south, Lots 16 and 17 Belmont Villa Filing No. 1 Subdivision, through a concurrent subdivision request, to create one 2.66-acre development site. Lots 16 and 17 Belmont Villa Filing No. 1 Subdivision are currently zoned R-5; therefore, the rezoning action will create a consistent zoning designation for the site and facilitate multi-family residential development.

**The purpose of the R-5 Zone District is to provide areas of high-density multifamily dwelling unit structures with limited commingling of professional offices. The proposed multi-family residential use conforms with the intent of the R-5 Zone District.**

**RECOMMENDED ACTION:**

Staff recommends the Planning and Zoning Commission make a recommendation to City Council that the zoning map amendment be **APPROVED**.

---

## PLANNING AND COMMUNITY DEVELOPMENT COMMENTS

### CHARACTER AND COMPATIBILITY:

□ **Site Character:**

The property is currently an undeveloped site surrounded by utility infrastructure, a church, an assisted living and rehabilitation facility, and single-family residential.

□ **Neighborhood Compatibility:**

North R-2, Single-Family Residential, electric substation

East R-2, Single-Family Residential, single-family homes

South R-2, Single-Family Residential, Belmont Baptist Church

West R-5, Multiple-Residential and Office District, assisted living/rehabilitation center.

□ **Comprehensive Plan Compliance:**

The rezoning site has been designated by the Pueblo Comprehensive Plan as a Suburban Residential District Urban, which generally calls for residential development with a maximum density of 1-3 residential units. However, this district also allows for higher density residential, small office buildings, and neighborhood commercial along arterial roads. The Belmont Park Apartments rezoning is located at the southern end of Jerry Murphy Road, which is classified as a minor arterial. The site is surrounded by an electric substation to the north, a church to the south, and an assisted living/rehabilitation facility to the west. **Because the site is located on an arterial and surrounded by commercial development, it has been determined that a multi-family development is appropriate at this location within the Suburban Residential District.**

### ABILITY TO COMPLY WITH THE PROPOSED ZONE DISTRICT:

□ **Minimum lot size and area:**

- The R-5, Multiple Residential and Office District has a minimum lot size of 3,000, square feet and minimum lot width of 50-feet. The proposed rezoning and subdivision site is 2.66-acres, and the site has a lot width of 339 feet, all minimum requirements are exceeded.

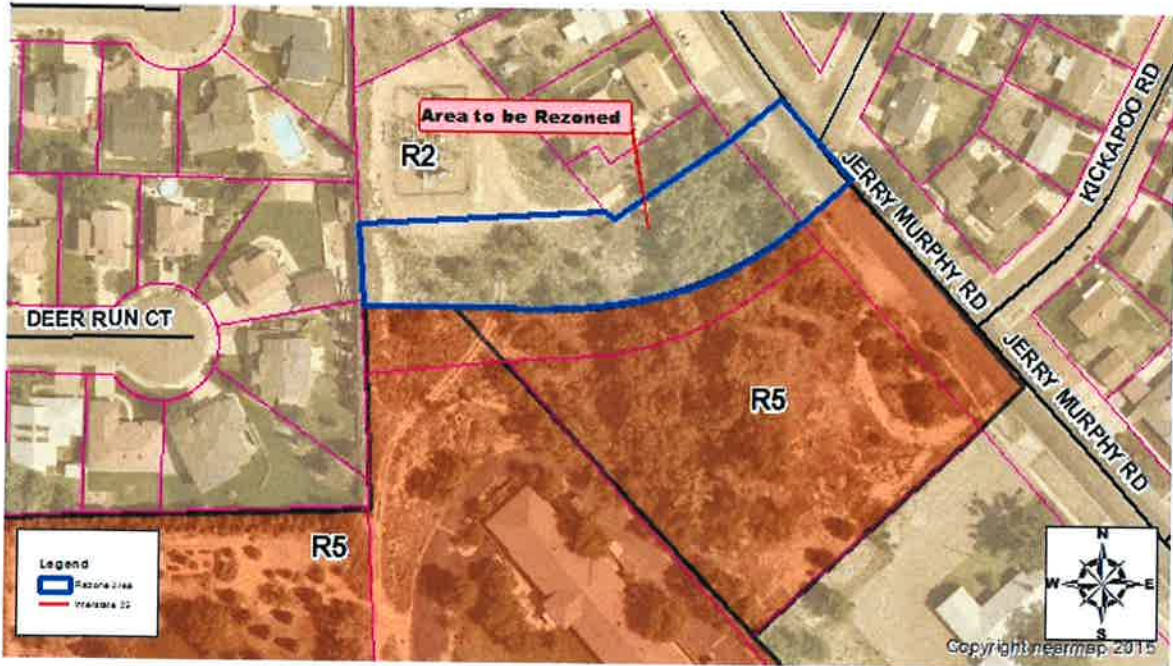
### **ATTACHMENTS:**

- A. Aerial Map
- B. Zoning Map
- C. Comprehensive Plan Map
- D. Site Photographs
- E. Rezoning Exhibit
- F. R-2 Zone District Info Sheet
- G. R-5 Zone District Info Sheet
- H. Application

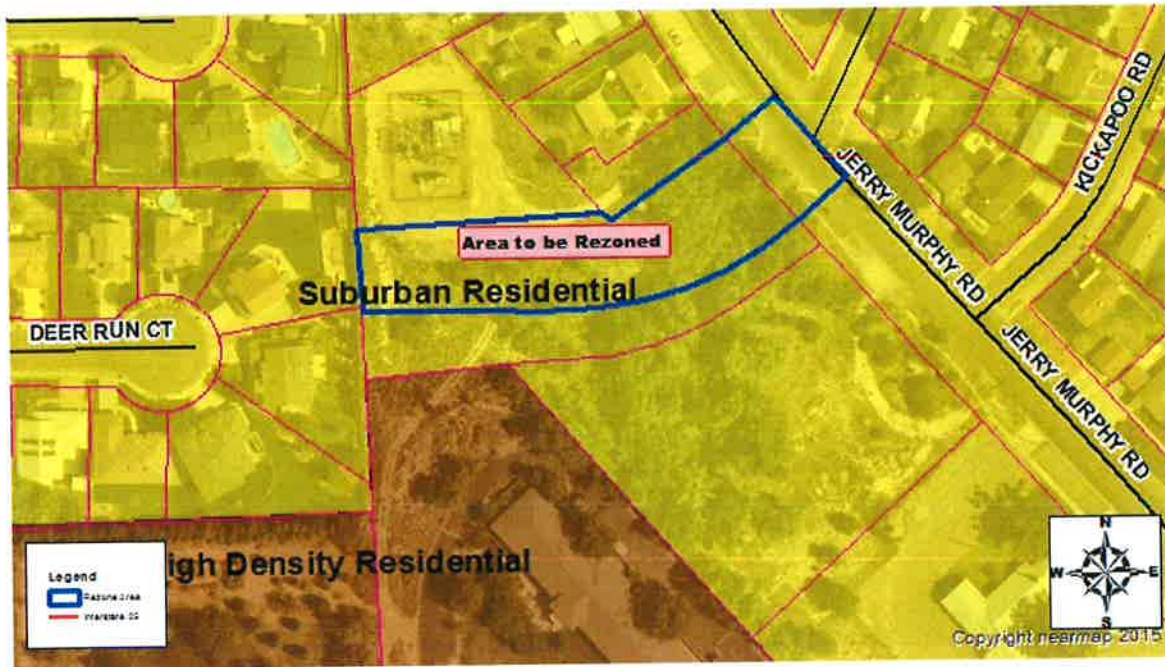
**ATTACHMENTS:**



**A. Aerial Photograph**



**B. Zoning Map**

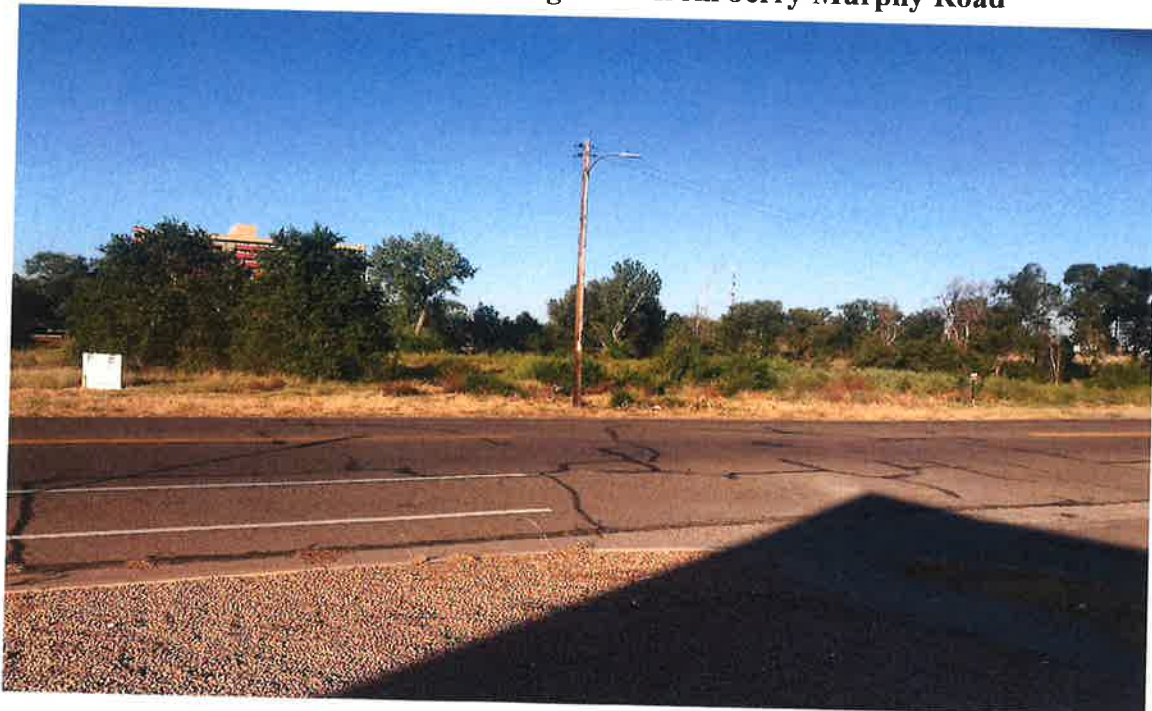


C. Comprehensive Plan Map

**Attachment D. Site Photos**



**Public Notice Poster looking north from Jerry Murphy Road**



**Belmont Park Apartments looking west from Jerry Murphy Road**

# BELMONT PARK APARTMENTS SUBDIVISION

A SUBDIVISION OF A PORTION OF THE W 1/2 OF THE SE 1/4 OF SECTION 19, AND A RESUBDIVISION OF LOTS 16 & 17, BLOCK 141, BELMONT VILLA FILING NO. 1, LOCATED WITHIN A PORTION OF THE SW 1/4 OF THE SE 1/4 SECTION 19, ALL WITHIN TOWNSHIP 20 SOUTH, RANGE 64 WEST OF THE 6TH P.M. CITY AND COUNTY OF PUEBLO, STATE OF COLORADO

## RE-ZONE EXHIBIT



NO.	REVISIONS	DESCRIPTION	DATE

**EDWARD-JAMES SURVEYING, INC.**  
 926 Elkton Drive  
 Colorado Springs, CO 80907  
 Office: (719) 576-1216  
 Fax: (719) 576-1206  
 4732 Engleridge Circle  
 Pueblo, CO 81008  
 Office: (719) 545-6240  
 Fax: (719) 545-6247



### BELMONT PARK APARTMENTS SUBDIVISION RE-ZONE EXHIBIT

A SUB OF A PORTION OF THE W 1/2 OF THE SE 1/4 OF SEC 19, AND A RESUB OF LOTS 16 & 17, BK 141, BELMONT VILLA FIL. NO. 1, WITHIN A PORTION OF THE SW 1/4 OF THE SE 1/4 SEC 19, ALL WITHIN T20S, R64W OF THE 6TH P.M., CITY AND COUNTY OF PUEBLO, STATE OF COLORADO

DRAWN BY	ERF
CHECKED BY	ERF
H-SCALE	1"=30'
JOB NO.	1815-00
DATE CREATED	03-08-19
DATE ISSUED	04-28-19
SHEET NO.	1 OF 1

**Zone District: R-2 (Single Family Residential)**

Purpose. The standards of this district (R-2) are designed to retain and provide areas primarily for single-family development of medium density.

Setbacks:	Front 25'	Side 5'	Rear 15'
Coverage:	50%		
Max. Height	35'		
Minimum Lot Width:	50'		
Minimum Lot Size:	5,000 Square Feet		

**Single Family Homes:** § 17-4-11 Single family home placement standards

**Off Street Parking** § 17-4-42 Off-street parking residential

**Landscape:** Not required

**Outdoor Lighting** § 17-4-52 Outdoor Lighting Performance Standards.

**Public Sidewalks:** § 17-4-44

**Permitted Uses** § 17-4-51(c)

**Uses by right.**

- |                               |                                  |
|-------------------------------|----------------------------------|
| 1. Accessory community garden | 3. Manufactured home, one-family |
| 2. Home, Disabled             | 4. Residence, one-family         |
|                               | 5. Residence, townhouse          |

**Uses by review.**

- |                                      |                                    |
|--------------------------------------|------------------------------------|
| 1. Accessory pigeon and dove keeping | 8. Home, elderly foster            |
| 2. Bed and breakfast home            | 9. Home, Foster                    |
| 3. Bed and breakfast inn             | 10. Parks, trails and open space   |
| 4. Child care center                 | 11. Public utilities               |
| 5. Commercial, established           | 12. Recreation facilities, indoor  |
| 6. Community center                  | 13. Religious institution          |
| 7. Funeral home                      | 14. Residence, two-family (duplex) |
|                                      | 15. Wedding facility               |

**Conditional uses:**

- |   |  |
|---|--|
| 1. Accessory medical marijuana home cultivation | 6. Home based business                 |
| 2. Accessory solar array                        | 7. Legal non-conforming uses           |
| 3. Child care home                              | 8. Temporary construction yard         |
| 4. Community garden                             | 9. Temporary model home (sales office) |
| 5. Development in floodplain                    |  |

**Zone District: R-5** (Multiple-residential and Office District)

Purpose. The standards of this district (R-5) are designed to retain and provide areas of high density multifamily dwelling unit structures with limited commingling of professional offices and studios.

Setbacks:	Front	25'	Side	5'	Rear	15'
Coverage:	50%					
Floor Area Ratio	2 Floor Area / Land Area					
Max. Height	Unlimited (See Section 17-4-6 for additional setbacks required for structures over 35' in height)					

Minimum Lot Width: 50'  
Minimum Lot Size: 3,000 Square Feet (\*1)

(\*1) Three (3) to five (5) family dwelling unit structures shall have one thousand five hundred (1,500) square feet of lot area per dwelling unit.

(\*1) Six (6) or more family dwelling unit structures and other permitted uses shall have a minimum of eight thousand (8,000) square feet of lot area or one thousand (1,000) square feet per dwelling unit, whichever is greater and, if one (1) to three (3) habitable stories, shall provide at least twenty percent (20%) of the parcel in landscaped open space; if over four (4) habitable stories, shall provide at least fifty percent (50%) of the parcel in landscaped open space. Up to one-half (1/2) of the required open space may be in the form of balconies of at least four (4) feet wide on roofs developed and maintained as garden or recreation areas, but in no case shall space provided for off-street parking, loading or road access ways be counted as open space; and provided that the other permitted uses shall provide a parcel of land at least five thousand (5,000) square feet.

**Single Family Homes:** § 17-4-11 Single family home placement standards

**Performance standards:** § 17-4-4(b)

**Outdoor Lighting** § 17-4-52 Outdoor Lighting Performance Standards.

**Off Street Parking** § 17-4-43 Off-street parking non-residential.

**Landscape:** Required. § 17-4-7

**Public Sidewalks:** § 17-4-44

**Permitted Uses** § 17-4-51(c)

**Uses by right.**

- |  |                                   |                                      |
|--|-----------------------------------|--------------------------------------|
| 1. Accessory community garden            | 10. Civic club                    | 20. Parking lot                      |
| 2. Accessory heliport, emergency medical | 11. Home, Children                | 21. Religious institution            |
| 3. Art gallery                           | 12. Home, Disabled                | 22. Residence, condominium           |
| 4. Assisted living facility              | 13. Home, elderly                 | 23. Residence, multi-family          |
| 5. Beauty salon or barbershop            | 14. Hospital                      | 24. Residence, one-family            |
| 6. Bed and breakfast home                | 15. Manufactured home, one-family | 25. Residence, three and four family |
| 7. Bed and breakfast inn                 | 16. Museum                        | 26. Residence, townhouse             |
| 8. Boarding-house                        | 17. Office, general               | 27. Residence, two-family (duplex)   |
| 9. Child care center                     | 18. Office, medical               | 28. Urgent care facility             |
|  | 19. Office, professional          | 29. Wedding facility                 |



<b><u>Uses by review.</u></b>		
1. Accessory commissary	11. Crematory	22. Nursing home
2. Accessory drive-thru	12. Financial institution	23. Parks, trails and open space
3. Accessory emergency generator	13. Funeral home	24. Public utilities
4. Accessory pigeon and dove keeping	14. General service	25. Recreation facilities, indoor
5. Adult day service center	15. Group care facility	26. Restaurant
6. Broadcasting studio	16. Halfway house	27. Restaurant, carry-out
7. Catering service	17. Heliport, emergency medical	28. School, trade
8. Charitable institution	18. Hospice care facility	29. Student Housing
9. Commercial, established	19. Instructional studio	30. Theater, general
10. Community center	20. Massage establishment	
	21. Mortuary	
<b><u>Conditional uses:</u></b>		
1. Accessory antenna	5. Artist studio	10. Legal non-conforming uses
2. Accessory commercial patio	6. Child care home	11. Live-work unit
3. Accessory medical marijuana home cultivation	7. Community garden	12. Temporary construction yard
4. Accessory solar array	8. Development in floodplain	13. Temporary mobile food vendor
	9. Home based business	14. Temporary model home (sales office)


## Planning & Zoning Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

<b>Contact Info</b>	<b>Property Owner</b>		<b>Applicant</b>	
	Name: <u>KIERAN KENNETH HUGHES</u>		Name: <u>(SAME)</u>	
	Company: <u>AMERICAN PROPERTY ENTERPRISES, LLC</u>		Company:	
	Address: <u>4351 LITTLE BOY MILL RD</u>	Zip: <u>81004</u>	Address:	Zip:
	Phone: <u>(719) 229-9853</u>		Phone: ( )	
	Email: <u>KENBENTIS@B2MONTHEIGHTSAPARTMENTS.COM</u>		Email:	
<b>Engineer</b>	<b>Engineer</b>		<b>Surveyor</b>	
	Name: <u>DARLENE K. HORN</u>		Name: <u>EDWARD R. FISHER</u>	
	Company: <u>DKHORN ENGINEERING &amp; DESIGN, INC.</u>		Company: <u>EDWARD-JAMES SURVEYING, INC.</u>	
	Address: <u>1910 ASPEN CIRCLE</u>	Zip: <u>81006</u>	Address: <u>4732 LANGRIDGE CIRCLE</u>	Zip: <u>81008</u>
	Phone: <u>(719) 696-8274</u>		Phone: <u>(719) 545-6240</u>	
	Email: <u>DARLENE@DKHORN.COM</u>		Email: <u>EDWARD@EJSURVEYING.COM</u>	
<i>The applicant will be the primary contact unless otherwise noted.</i>				
<b>Property Info</b>	<b>Project Location:</b> (address or general description) <u>1403 JERRY MURPHY RD.</u>			
	Parcel No(s): <u>419432007 ; 419400014</u>			
	Existing Zone: <u>R-2 ; R-5</u>		Proposed Zone (if applicable): <u>R-5</u>	
	PUD Name (if applicable): <u>N/A</u>			
<b>Project Scope</b>	<b>Project Name:</b> <u>BEAUMONT PARK APARTMENTS SUBDIVISION</u>			
	Scope of work: <input type="checkbox"/> Lot Line Rearrangement:			
	# of existing lots: _____ Total acres: _____			
	<input type="checkbox"/> Overall Development Plan			
	<input checked="" type="checkbox"/> Rezoning From: <u>R-2</u> To: <u>R-5</u>			
	<input type="checkbox"/> Site Plan Review:			
	<input type="radio"/> HARP <input type="radio"/> Development Plan <input type="radio"/> PUD <input type="radio"/> Student Housing			
	<input type="checkbox"/> Special Area Plan			
	<input type="checkbox"/> Street Name Change:			
	Existing Name: _____ Proposed Name: _____			
<input checked="" type="checkbox"/> Subdivision: # of lots: <u>1</u> Total acres: <u>2.644</u>				
<input type="checkbox"/> Text Amendment				
<input checked="" type="checkbox"/> Vacation:				
<input type="radio"/> Street <input type="radio"/> Alley <input checked="" type="checkbox"/> Easement <input type="radio"/> Other: _____				
<input type="checkbox"/> Other: _____				

(Continue Next Page)

(Continued from previous page)

Project Information	Provide a brief description of the proposed request: (separate narrative as Attachment A also required)	
	SEE ATTACHED	
	What is the total acreage included in the project? 2.644	
	What is the proposed use of the property: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____	
Attachments	Are there any other pending or recently approved Land Use applications regarding this property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	If yes, please list: EASEMENT VACATION, REZONE, i LOT LINE REARRANGEMENT	
	<b>Attachment Checklist</b> The following list of attachments are required to accompany all applications: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific</li> <li><input checked="" type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings &amp; a PDF of all documents submitted.</li> <li><input checked="" type="checkbox"/> C. Pueblo County Assessor's Property Information print out (<a href="http://www.co.pueblo.co.us">www.co.pueblo.co.us</a>)</li> <li><input checked="" type="checkbox"/> D. Additional information as required by the <b>P&amp;Z Submittal Requirements Sheet.</b></li> </ul>	
Terms	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> <li>1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections.</li> <li>2. There are no known hazards or vicious animals present on the subject property.</li> <li>3. All information contained in this application, is true and accurate to the best of my knowledge.</li> <li>4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application.</li> <li>5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.</li> </ol>	
Signatures	Property Owner	
	Print Name:	Kieran Kenneth Hughes
	Signature:	
	Date:	5/13/19
Applicant, if different from Property Owner		
Print Name:		
Signature:		
Date:		

Office Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date:	
	Application checked for completeness by:	Date:	
	Case Manager:	Fee Paid:	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions	
	Case #:		