

Weston Burrer
Chair

Brian Lucas
Vice Chair

Jeff Falletta



Planning & Zoning Commission

Chris Kaufman

Brandice Eslinger

Jean Latka

Raymond Seybold

S-12-03

TO: City of Pueblo, Planning and Zoning Commission

FROM: Kelly Grisham, Planner

THROUGH: Jerry M. Pacheco, Director of Planning and Community Development

DATE: July 11, 2012

SUBJECT: **Baca and Son Subdivision**

APPLICANT: **Gary Amella, Amella Surveying**

PROPERTY OWNER: Jess Baca Sr. and Jess Baca Jr.

LOCATION: **1639 Bragdon Ave**

EXISTING ZONE: R-2, Single Family Residential

CONCURRENT REQUESTS: None

REQUEST:

The applicant is requesting to resubdivide the 0.29-acre (12,632 sf) property into two (2) single family residential lots, located at 1639 Bragdon Avenue.

ANALYSIS:

The proposed Baca and Son Subdivision, conforms with the applicable Municipal Codes.

APPLICABLE REGULATIONS:

Sec. 17-4-1 through 6 of the Pueblo Municipal Code (PMC) concerning zone district regulations; Sec. 12-4-6(b)(1) through (3) concerning the necessary information and supporting documents to be submitted for review and required drawing to be recorded; and Sec. 12-4-7 concerning the minimum standards for all subdivisions.

RECOMMENDED MOTION: Move that the requested Subdivision be **APPROVED** with the following noted:

Request for waiver from requirements:

Section 12-4-7(e) requires the subdivider to dedicate to the City for use as parks and recreational facilities eight percent (8%) of the land area of a subdivision to be developed for residential purposes. Section 12-4-7(e)(7) permits City Council, upon recommendation of the Planning and Zoning Commission, to exempt from the park dedication requirement for land located in a residential zone district of two (2) acres or less which is being resubdivided, provided that the City Council finds that there will neither be a substantial impact upon, nor a significant increase in usage for, existing neighborhood parks as a result of the subdivision.

The Subdivision Review Committee has no objection to the

	<i>waiver request. This property will not create a significant increase to the density of the neighborhood nor will it increase the impact upon existing parks. In addition, Minnetonka Park, which is considered a regional park, is located within 1/2 mile of the property, and is sufficient in size to accommodate the additional residence that will be created with this subdivision.</i>
Requests for Modifications to Requirements:	None requested
Plat Deficiencies:	None
Conditions of Approval: (All conditions of approval must be completed prior to placing the case on City Council agenda.)	<ol style="list-style-type: none"> 1. The following plat statements need to be in our current language form: <ol style="list-style-type: none"> a. The statement that begins “KNOW ALL MEN BY THESE PRESENTS:” b. The statement that begins “HAS CAUSED” c. The PLANNING AND ZONING CERTIFICATION statement. d. The CITY ENGINEERING Statement. e. The CITY APPROVAL Statement. (J. Martellaro, 6/21/2012) 2. The dedication statement for public utilities is not required for this subdivision. This statement must be removed. (J. Martellaro, 6/21/2012) 3. Jess Baca Jr.’s name is shown incorrectly in the dedication portion of the plat. (J. Martellaro, 6/21/2012) 4. On the supplemental plan, highlight, shade or otherwise distinguish existing structures. (K. Grisham, 6/21/12) 5. Regional Building – water and sewer connections cannot cross parcel lines; each lot must have own taps. (M. Colucci, 6/7/2012) 6. Since the water service line to the existing structure will front future Lot 2, a new tap and service line will be required for future Lot 1. Lot 2 will be able to use the existing tap and service line. (L. Huffstutter, 5/22/2012)

STAFF REVIEW AND FINDINGS:

The applicant is proposing to resubdivide a 0.29-acre (12,632 sf) parcel of land into 2 lots, each approximately .15 acres in size, to facilitate the construction of an additional single family residence.

PLANNING AND COMMUNITY DEVELOPMENT COMMENTS

CHARACTER AND COMPATIBILITY:

❑ **Site Character:**

The property currently contains a single-family residence on the northern 1/2 of the property. The remainder of the site is vacant.

□ **Neighborhood Compatibility:**

- North R-2, Single family residential
- East R-2, Single family residential
- South R-2, Single family residential
- West R-2, Single family residential

The property is located within an existing developed single-family neighborhood. The proposed subdivision will be compatible with the existing neighborhood.

□ **Comprehensive Plan Compliance:**

The project site has been designated by the Pueblo Comprehensive Plan as “Urban Residential.”

According to the Pueblo Comprehensive Plan, the primary focus of the Urban Residential areas are medium density residential developments with densities of four-seven units per acre and some commercial services that provide necessary day-to-day needs of the residents within walking distances.

The proposed subdivision is in conformance with the Comprehensive Plan designation of “Urban Residential.”

ABILITY TO COMPLY WITH THE ZONE DISTRICT REGULATIONS:

□ **Minimum lot size and area:**

- The R-2 Zone District requires a minimum lot size of 50 ft lot frontage and area of 5,000 square feet (0.115 acres).
- The proposed lot frontages are 50 feet and 53 feet and have lot areas of .14 and .15 acres (approximately 6,098 and 6,534 square feet respectively). The subject properties meet or exceed the minimum lot size and area.

PUBLIC WORKS AND ENGINEERING COMMENTS

- The following plat statements need to be in our current language form:
The statement that begins “KNOW ALL MEN BY THESE PRESENTS:”
The statement that begins “HAS CAUSED”
The PLANNING AND ZONING CERTIFICATION statement.
The CITY ENGINEERING Statement
The CITY APPROVAL Statement
- The dedication statement for public utilities is not required for this subdivision. This statement is to be removed.
- Jess Baca Jr.’s name is shown incorrectly in the dedication portion of the plat. (J. Martellaro, 6/21/2012)

TRANSPORTATION COMMENTS

- No comments on 2nd Submittal (P. Whittlef, 6/11/2012)

STORMWATER COMMENTS

- The abbreviated drainage report submitted for this approximately 1/4 acre site is sufficient. The impacts of this subdivision will be negligible on the existing downstream drainage facilities. Additional

stormwater controls, if required, can be done at the time of any future building permit. (D. Wood, 5/21/2012)

SANITARY SEWER COMMENTS

- The Wastewater Department has no comments. (B. Maurello, 5/9/2012)

PARKS AND RECREATION COMMENTS

- None

REGIONAL BUILDING COMMENTS

- Regional Building – water and sewer connections cannot cross parcel lines; each lot must have own taps. (M. Colucci, 6/7/2012)

BOARD OF WATER WORKS COMMENTS

- Since the water service line to the existing structure will front future Lot 2, a new tap and service line will be required for future Lot 1. Lot 2 will be able to use the existing tap and service line. (L. Huffstutter, 5/22/2012)

COLORADO DEPARTMENT OF TRANSPORTATION COMMENTS

- None

COMCAST COMMENTS

- Comcast has no concerns as long as the rear aerial pole easement is not being affected. (V. Dejesus, 5/21/2012)

XCEL ENERGY COMMENTS

- Xcel energy has no comments. (P. Chappell, 5/21/2012)

QWEST COMMENTS

- None

FIRE DEPARTMENT COMMENTS

- None

BLACK HILLS ENERGY COMMENTS

- None

ATTACHMENTS:

- A. Aerial Photograph
- B. Zoning Map
- C. Comprehensive Plan Map
- D. Site Photographs
- E. Plat
- F. Supplemental Map
- G. Memorandum from Subdivision Review Committee
- H. Subdivision Application

S-12-03



Exhibit A. Aerial Overview

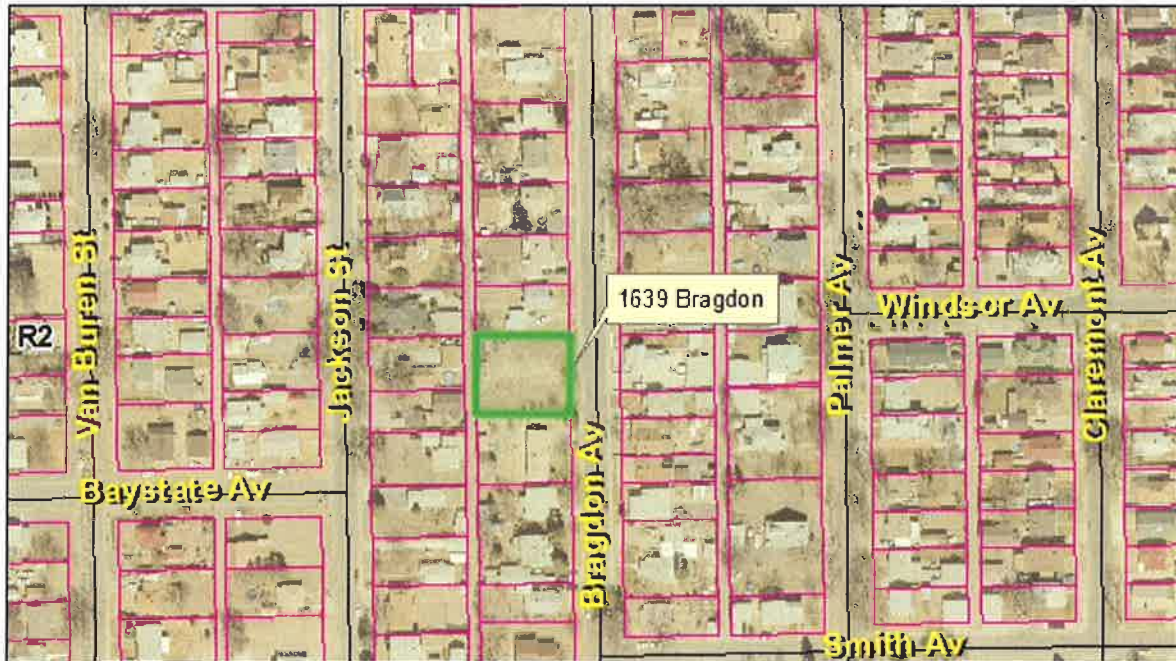


Exhibit B. Zoning Map

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Planning & Zoning Commission

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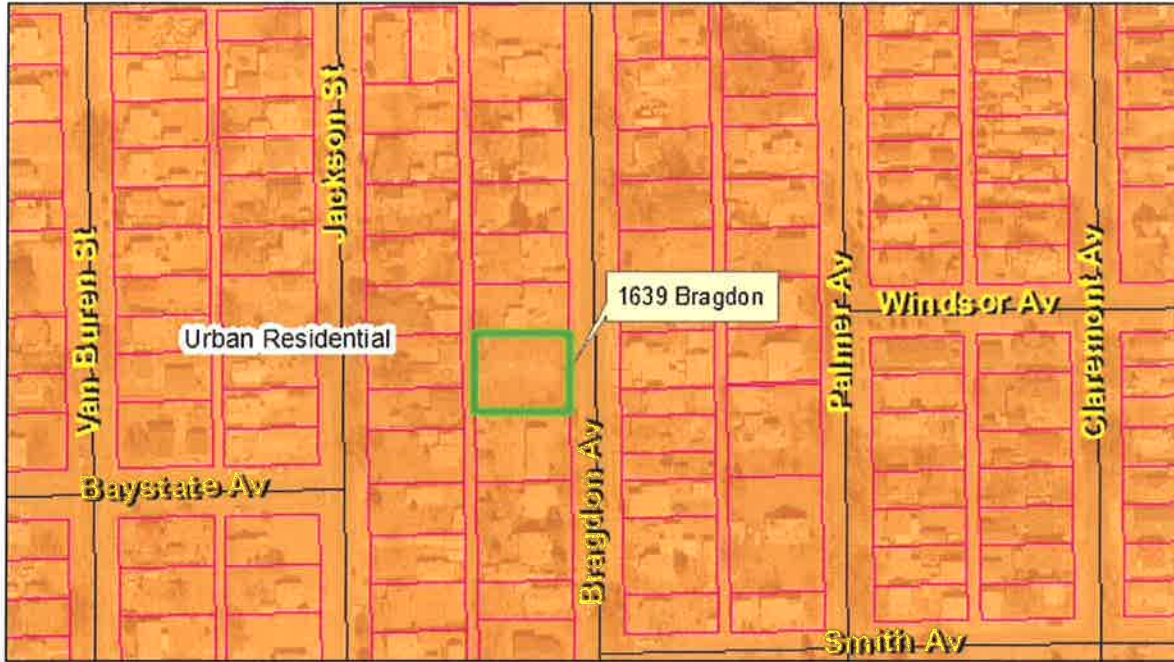


Exhibit C. Comprehensive Map

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PUEBLO

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S-12-03



Existing residence



Site

Baca and Son Subdivision

A Portion of Lot 11, Block 33, Uplands Park County of Pueblo State of Colorado

KNOW ALL MEN BY THESE PRESENTS: That, Jess Baca Sr. and Jess Baca Jr. has to a certain parcel of land known as Block 33, Uplands Park of the West 39th Street, Pueblo, Colorado, Section 11, Block 33, Uplands Park of the City of Pueblo, County of Pueblo, State of Colorado.

To Wit: Lot 1 and 2 of Baca and Son Subdivision. Said Parcel contains 0.29 Acres +/- HAS CAUSED: The foregoing described property to be surveyed, platted and subdivided into Lots 1 and 2, Baca and Son Subdivision, and have designated herein easements for the use of public utilities, and the same lettered, platted, subdivided, dimensioned and named as shown on this plat, for the purpose of creating subdivision known as Baca and Son Subdivision.

All easements are for public utilities, and are hereby dedicated to the public for personal use. Easements are granted to utilities for the purpose of improving, repairing or replacing any utilities on said parcel.

Jess Baca Sr. _____ Jess Baca Jr. _____ Date _____
 STATE OF COLORADO)
 COUNTY OF PUEBLO) s.s.

The foregoing instrument was acknowledged before me this _____ day of _____ 2012, by Jess Baca Sr. and Jess Baca Jr.

My Commission Expires _____
 Jess Baca Sr. _____ Jess Baca Jr. _____ Date _____

PLANNING AND ZONING CERTIFICATION:
 This is to certify that this Subdivision was approved by the Planning and Zoning Commission of the City of Pueblo, County of Pueblo, State of Colorado

Chairperson, Planning Commission _____ Date _____
 SURVEYOR'S CERTIFICATION:

I, Gary C. Amella, the undersigned registered land surveyor, does hereby certify that the parcel shown on this plat was surveyed, subdivided and platted under my supervision, and that said plat accurately shows the described parcel hereon to the best of my knowledge and belief.

Gary C. Amella Professional Land Surveyor #12697 _____ Date _____

CITY ENGINEERING CERTIFICATION:
 This is to certify that the Subdivider has complied with Article No. 4 of Title 12-4-7(1) of the 1971 code of Ordinances, City of Pueblo, County of Pueblo, State of Colorado.

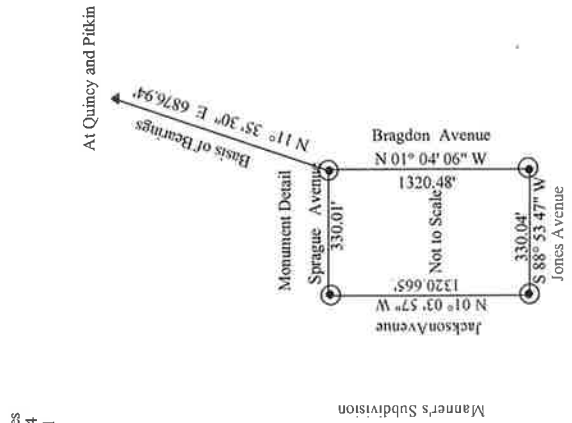
City Engineer _____ Date _____
 CITY APPROVAL:

Approved by the City Council of Pueblo Colorado by Ordinance No. _____
 This is to certify that the plat of Baca and Son Subdivision has been approved for recording in the Office of the County Clerk and Recorder's Office of Pueblo, Colorado

City Clerk _____ Date _____

NOTES:
 1. The source of research for recorded right-of-way and easements is Land Title Guarantee Company Commitment No. #B35628923-1 with an effective date of May 30, 2012.

2. Basis of Bearings: N 00° E between GPS Monument at Pitkin and Quincy and Abriente and Route (Both City of Pueblo Monuments in Cast Iron Box).
 NOTICE: According to C.R.S. 13-46-105, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any legal action based upon any defect in this survey be commenced more than ten (10) years from the date of the certificate shown hereon.

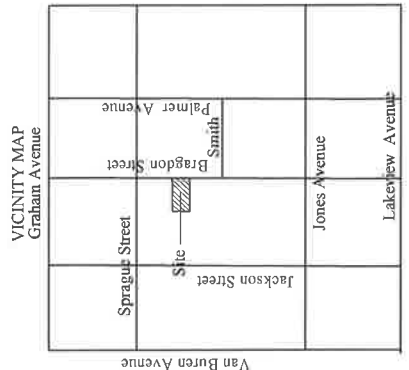
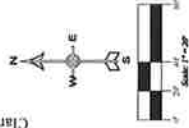


NOTICE is hereby given that acceptance of this plat, subdivision by the City of Pueblo, does not constitute an acceptance of the public roads, park and other public improvements for maintenance by the City. Until such dedicated public roads and other parks and public improvements meet the requirements, standards and specifications of the City, its subdivision ordinance, and where appropriate, its Parks Department specifications, and such are specifically approved and accepted in writing by the City Director of Public Works and where applicable, the City Director of Parks and Recreation, the maintenance, construction, and all other matters pertaining to or affecting said dedicated public roads, park and other public improvements and Rights-of-Way are the sole responsibility of the Subdivider or any subsequent owner(s) of the land within this subdivision. City does not accept the private roads, easements and facilities dedicated hereon, nor shall the City be obligated to maintain, construct or repair such private roads, easements, and facilities.

FOR VALUE RECEIVED, the undersigned consents to the sale and subordinates its interest in the property described in this Baca and Son Subdivision.

Sam Flower Bank _____ Date _____
 State of Colorado) s.s.
 County of Pueblo)

The foregoing instrument was acknowledged before me by _____ Date _____
 My notary expires _____



Grid Coordinates
 N 1,580,915.894
 E 3,251,752.361

At Quincy and Pitkin
 N 11° 35' 30" E 6876.94'

N 12° 35' 47" E 6005.185'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

Grid Coordinates
 N 1,574,176.91
 E 3,250,246.48

At Quincy and Pitkin
 N 11° 35' 30" E 6876.94'

N 12° 35' 47" E 6005.185'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

Grid Coordinates
 N 1,574,179.229
 E 3,250,370.46

At Quincy and Pitkin
 N 11° 35' 30" E 6876.94'

N 12° 35' 47" E 6005.185'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

Grid Coordinates
 N 1,574,073.878
 E 3,250,248.41

At Quincy and Pitkin
 N 11° 35' 30" E 6876.94'

N 12° 35' 47" E 6005.185'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

Grid Coordinates
 N 1,574,068.657
 E 3,250,372.390

At Quincy and Pitkin
 N 11° 35' 30" E 6876.94'

N 12° 35' 47" E 6005.185'

S 88° 55' 43" W 124.00'

S 88° 55' 43" W 124.00'

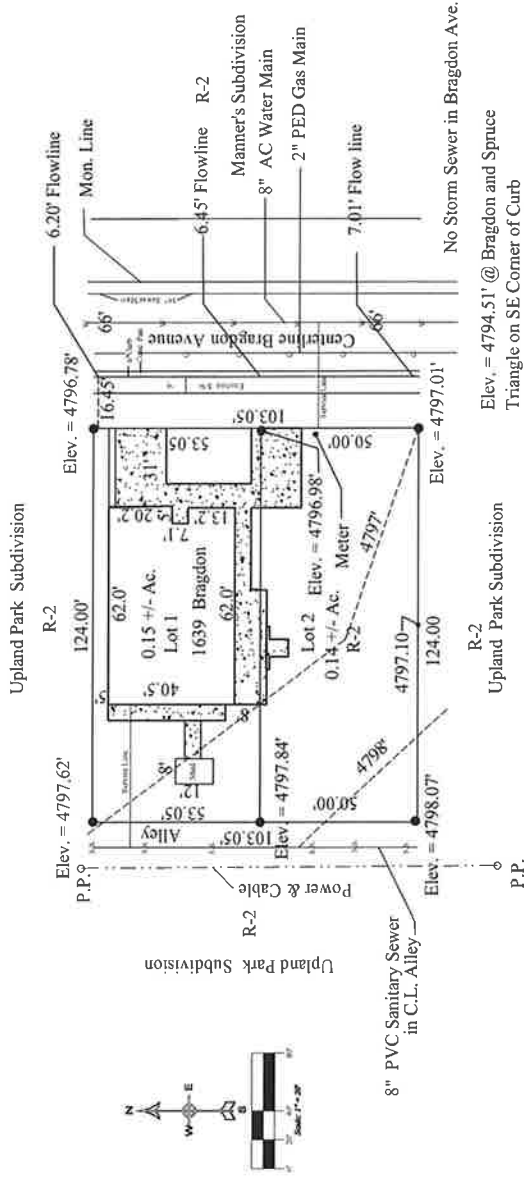
S 88° 55' 43" W 124.00'

- Set 1/2" Rebar Cap No. 12697
- Fd. City monument in box.

Legend:

Baca and Son Subdivision

Supplemental Plan
 A Portion of Lot 11, Block 33, Upland Park County of Pueblo State of Colorado



Legal Description

The North 103 feet of the East 124 feet of the West 297 feet of the South 198 feet of Lot 11, Block 33, Upland Park of the City of Pueblo, State of Colorado.

Subdivider: Jess Baca Sr. and Jess Baca Jr.
 Address: 1315 E. Abriendo Avenue
 Pueblo, Colorado 81004

Surveyor's Certificate

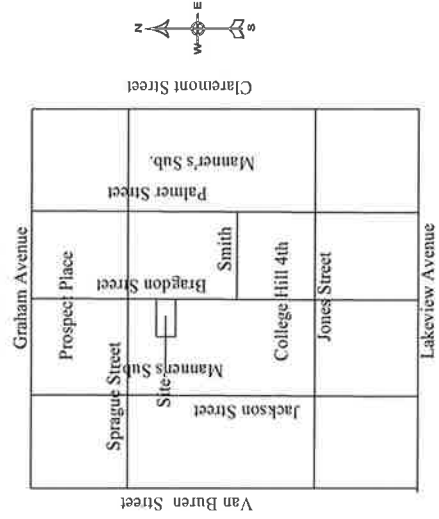
This is to certify that I have prepared the Baca and Son Subdivision and the accompanying surveys thereto, and that all lines and dimensions are correctly shown hereon. I further certify that this Plat and Survey of "BACA and SON Subdivision" was prepared under my direct supervision, responsibility and checking.

Gary C. Amella
 Professional Registered Land Surveyor NO. 12697

Date

- Set 1/2" Rebar w/RLS Cap #12697

VICINITY MAP



Request for Waiver

May 7, 2012

Planning and Zoning
211 E. D Street
Pueblo, Colorado 81003
Attention: City Council

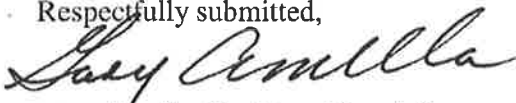
Please consider this letter as our request for a waiver from Section 12-4-7-e7.

The proposed Baca and Son Subdivision located at 1639 Bragdon Street is proposed as a two (2) lot subdivision. On the address of 1639 Bragdon Street, there is currently a single family dwelling. This is proposed as Lot 1. Lot 2 will be a single family dwelling.

The request is based on the fact that Minnequa Park is located within a one (1) mile distance from the Baca and Son Subdivision.

We would appreciate your consideration on the requested waiver.

Respectfully submitted,



Gary Amella, Registered Land Surveyor
Agent for Jess Baca

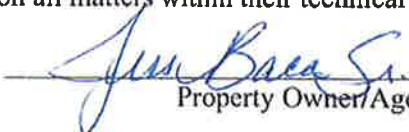
SUBDIVISION APPLICATION**Attachments: Subdivision Submittal Checklist - Part I** **Subdivision Submittal Checklist - Part II**

DATE OF APPLICATION: 5/7/12		
SUBDIVISION NAME: Baca and Son Subdivision		
PROPERTY OWNER: Jess Baca SR.		
ADDRESS: 1315 E. Abriendo Ave		
TELEPHONE: 719 5641688	FAX: 719 5647650	E-MAIL: Jess1baca@Jess
SUBDIVIDER (if different than property owner):		plumbing.com
ADDRESS:		
TELEPHONE:	FAX:	E-MAIL:
ENGINEERING FIRM:		
ADDRESS:		
TELEPHONE:	FAX:	E-MAIL:
PROFESSIONAL ENGINEER IN RESPONSIBLE CHARGE:		P.E. #
SURVEYING FIRM: Amella Surveying		
ADDRESS: 503 N. COURT ST LLR103		
TELEPHONE: 719 5431974	FAX: 719 2537680	E-MAIL: AmellaSurveying@yahoo.com
PROFESSIONAL LAND SURVEYOR IN RESPONSIBLE CHARGE: Gary Amella		P.L.S. # 12697

A Master Development Plan must be approved by the Planning & Zoning Commission prior to the submission of a subdivision plat for any tract of land that constitutes a part of a larger tract of land owned or controlled by the Subdivider 12-4-5 (a)(1) Municipal Code.

If the proposed subdivision includes a Special Area Plan, the applicant must meet with the Subdivision Review Committee prior to submittal of an application for Subdivision.

I hereby certify that I am the owner or acting as agent for the owner pursuant to a valid Power of Attorney from the owner of the property affected by this application for subdivision, that the information contained in the application documents is true and correct to the best of my knowledge, and that the professional consultants identified herein are hereby authorized to act on my behalf on all matters within their technical discipline pertaining to this application.


Property Owner/Agent

PUEBLO

Subdivision Review Committee

MEMORANDUM

To: Planning and Zoning Commission
From: Subdivision Review Committee
Date: June 20, 2012
Subject: **S-12-03, Baca and Son Subdivision**

The Subdivision Review Committee (SRC) hereby submits the following recommendations to the Planning and Zoning Commission and City Council:

Recommendations Pertaining to the Subdivision Plat:

It is the recommendation of the SRC that the subdivision plat be approved with the following noted:

Request for waiver from requirements:	<p>Section 12-4-7(e) requires the subdivider to dedicate to the City for use as parks and recreational facilities eight percent (8%) of the land area of a subdivision to be developed for residential purposes. Section 12-4-7(e)(7) permits City Council, upon recommendation of the Planning and Zoning Commission, to exempt from the park dedication requirement for land located in a residential zone district of two (2) acres or less which is being resubdivided, provided that the City Council finds that there will neither be a substantial impact upon, nor a significant increase in usage for, existing neighborhood parks as a result of the subdivision.</p> <p><i>The Subdivision Review Committee has no objection to the waiver request. This property will not create a significant increase the density of the neighborhood nor will it increase the impact upon existing parks. In addition, Minnequa Park, which is considered a regional park, is located within ½ mile of the property, and is sufficient in size to accommodate the additional residence that will be created with this subdivision.</i></p>
Requests for Modifications to Requirements:	None requested
Plat Deficiencies:	None
Conditions of Approval:	<ol style="list-style-type: none"> 1. The following plat statements need to be in our current language form: <ol style="list-style-type: none"> a. The statement that begins "KNOW ALL MEN BY THESE PRESENTS:"



Subdivision Review Committee

	<ul style="list-style-type: none">b. The statement that begins "HAS CAUSED"c. The PLANNING AND ZONING CERTIFICATION statement.d. The CITY ENGINEERING Statement.e. The CITY APPROVAL Statement. (J. Martellaro, 6/21/2012) <ol style="list-style-type: none">2. The dedication statement for public utilities is not required for this subdivision. This statement must be removed. (J. Martellaro, 6/21/2012)3. Jess Baca Jr.'s name is shown incorrectly in the dedication portion of the plat. (J. Martellaro, 6/21/2012)4. On the supplemental plan, highlight, shade or otherwise distinguish existing structures. (K. Grisham, 6/21/12)5. Regional Building – water and sewer connections cannot cross parcel lines; each lot must have own taps. (M. Colucci, 6/7/2012) <p>Since the water service line to the existing structure will front future Lot 2, a new tap and service line will be required for future Lot 1. Lot 2 will be able to use the existing tap and service line. (L. Huffstutter, 5/22/2012)</p>
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