

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative



Planning & Zoning Commission

Weston Burrer

David Webb

Brian Lucas

Raymond Seybold

V-14-03

TO: City of Pueblo, Planning and Zoning Commission
FROM: Kelly Grisham, Planner
THROUGH: Steven Meier, Director of Planning and Community Development
DATE: April 9, 2014
SUBJECT: **Easement Vacation**
APPLICANT: **Mike Cuppy, NorthStar Engineering and Surveying**
PROPERTY OWNER: Roger Fonda, Bella Vista Properties, LLC
LOCATION: Between Ridge Drive and Outlook Boulevard, south of Primrose.
EXISTING ZONE: PUD, Bella Vista PUD, 2nd Amendment
CONCURRENT REQUESTS: Z-14-02, rezoning to Bella Vista PUD, 3rd Amendment
S-14-01, Bella Vista Subdivision, Filing No. 3

Request:

To vacate landscape, pedestrian, drainage and public utility easements located within Blocks 5 through 8, Bella Vista Subdivision Filing 2.

Applicable Regulations:

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

Recommended Action:

Staff recommends that the Vacation be APPROVED.

Staff review and findings:

The applicant is proposing to construct several duplex units and a clubhouse for the expansion of the Primrose Assisted Living facility. The proposed structures would be constructed over many of the existing lots, streets, and easements; therefore, necessitating a subdivision (S-14-01), and the vacation of the private streets and easements. Bella Vista Subdivision, Filing No. 2 was platted in 2009. At the time, the subdivision included 51 single family residential lots. The applicant is now requesting to merge 18 of those lots plus the private street, into one (1) lot to facilitate expansion of the assisted living facility. Because the are lots being combined into a single lot, the streets and easements are no longer necessary, and it impedes the ability for the applicant to construct the buildings. There are no utilities in the easements, and none of the drainage easements are being used for stormwater conveyance.

Agencies with no issues:

(no comments/response received from other agencies not listed)

1. Fire Department. (G. Micheli, 2/18/14)
2. Board of Water Works (S. Burbidge, 2/18/14)
3. Transportation Department (P. Whittlef, 2/20/14)
4. Xcel Energy (P. Chappell, 2/25/14)
5. Stormwater Department (M. Turner, 3/21/14)

ATTACHMENTS:

- A. Location Map
- B. Aerial Vicinity Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Site Photographs
- F. Vacation Plat
- G. Vacation Application

V-14-03



Exhibit A. Aerial Photo

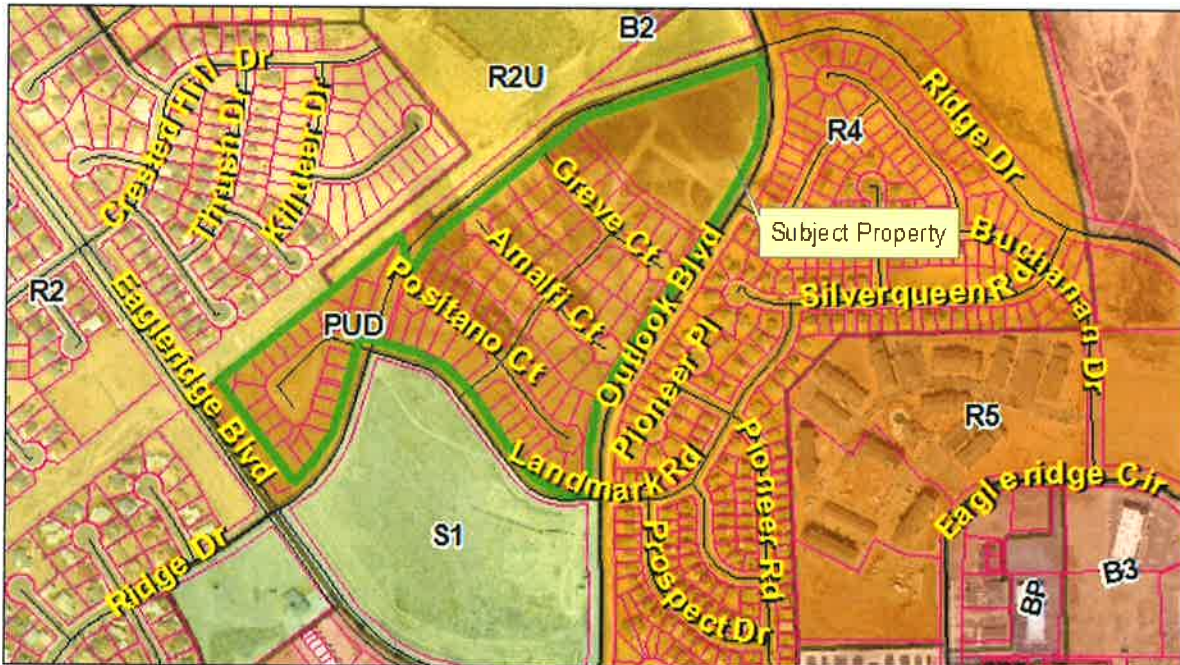


Exhibit B. Zoning Map

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative



Weston Burrer

David Webb

Brian Lucas

Raymond Seybold

Planning & Zoning Commission

V-14-03

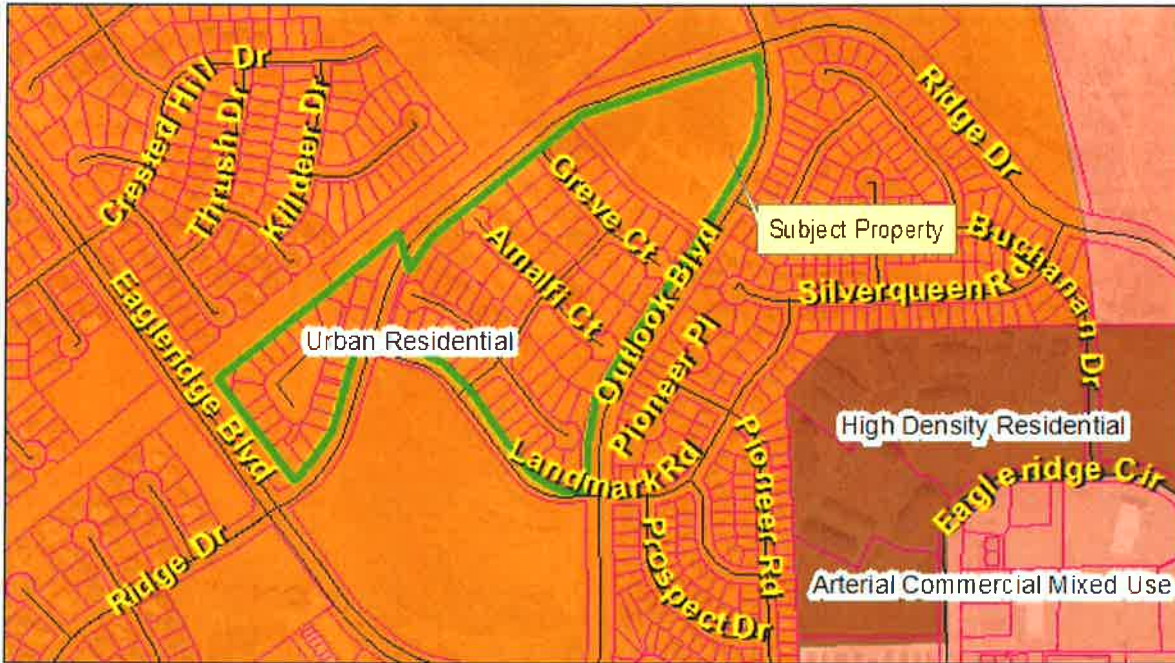


Exhibit C. Comprehensive Plan

Jean Latka
Chair

Brandice Eslinger
Vice Chair

Chris Kaufman
City Council Representative

PUEBLO



Planning & Zoning Commission

Weston Burrer

David Webb

Brian Lucas

Raymond Seybold

V-14-03



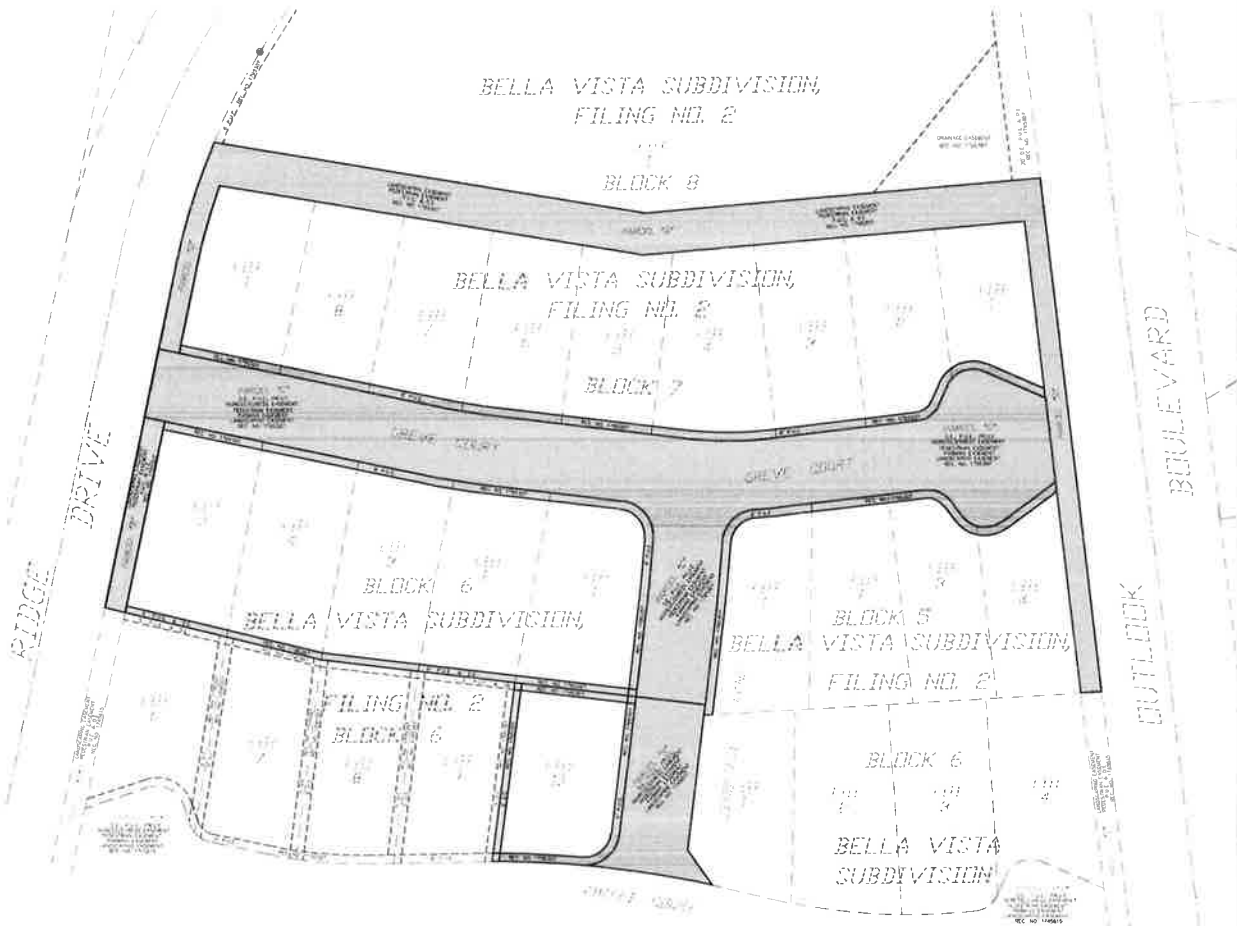
Site looking northwest from Ridge Drive



Public Notice Poster

EASEMENT VACATION

A VACATION OF THE EASEMENTS IN A PORTION OF BELLA VISTA SUBDIVISION AND A PORTION OF BELLA VISTA SUBDIVISION, FILING NO. 2
COUNTY OF PUEBLO, STATE OF COLORADO



EASEMENT VACATION DESCRIPTION:

All of the Drainage, Public Utility, Private Utility, Egress/Egress, Pedestrian, Parking and Landscaping Easements in Parcel A all being in Bella Vista Subdivision according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Drainage and Public Utility Easements in Lots 1 thru 5 both inclusive and Lot 10, Block 6, all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Public Utility Easements in Lots 1 thru 4 both inclusive, Block 5, all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Public Utility Easements in Lots 1 thru 8 both inclusive, Block 7, all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Landscaping, Pedestrian, Public Utility and Drainage Easements in Parcel B all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Drainage, Public Utility, Private Utility, Egress/Egress, Pedestrian, Parking and Landscaping Easements in Parcel C all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

AND:

All of the Landscaping, Pedestrian, Public Utility and Drainage Easements in Parcel D all being in Bella Vista Subdivision, Filing No. 2 according to the recorded plat thereof as filed for record at Reception No. 1795307 in the Pueblo County Records.

RECEPTION DATA:

None

PURPOSE:

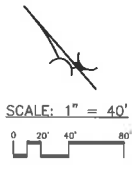
Resubmission

PREPARED BY:

Northstar Engineering and Surveying, Inc.
111 E. 5TH STREET
PUEBLO, CO 81003, 81003

BY:

John Stephen Galbreath
Colorado Registered Professional
Land Surveyor No. 38289



LEGEND
[Shaded Area] = PROPOSED VACATION

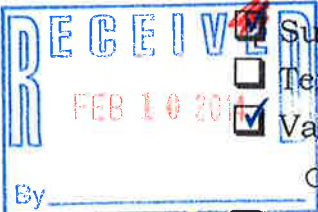
PUEBLO, CO



Planning & Zoning Application

Please type or print clearly. Illegible applications will not be accepted. Case #: V-14-03

Contact Info	Property Owner		Applicant	
	Name: Roger H. Fonda		Name: Same as owner	
	Company: Bella Vista Properties, LLC		Company:	
	Address: 1700 Fortino Blvd	Zip: 81008	Address:	Zip:
	Phone: (719) 253-1055		Phone: ()	
	Email: roger@rrdpueblo.net		Email:	
	Engineer		Surveyor	
	Name: Michael L. Cuppy		Name: John S. Sakariason	
	Company: NorthStar Engineering and Surveyin		Company: NorthStar Engineering and Surveyin	
	Address: 111 E. 5th Street	Zip: 81003	Address: 111 E. 5th Street	Zip: 81003
Phone: (719) 544-6823		Phone: (719) 544-6823		
Email: mcuppy@northstar-co.com		Email: jsakariason@northstar-co.com		
<i>The applicant will be the primary contact unless otherwise noted.</i>				
Property Info	Project Location: between Ridge Drive and Outlook Blvd. south of the Primrose <small>(address or general description)</small>			
	Parcel No(s): 512214136, 512214015, 512214123-31, 512214137-45			
	Existing Zone: PUD		Proposed Zone (if applicable): PUD	
	PUD Name (if applicable): Bella Vista			
Project Scope	Project Name: Bella Vista, Filing No. 3			
	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: PUD To: PUD			
	<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				
<input type="checkbox"/> Text Amendment				
<input checked="" type="checkbox"/> Vacation:				
<input type="radio"/> Street <input type="radio"/> Alley <input checked="" type="radio"/> Easement <input type="radio"/> Other: _____				
<input type="checkbox"/> Other: _____				



Project Information	Provide a brief description of the proposed request: (separate narrative as Attachment A also required)	Resubdivide portions of Bella Vista, Filing No. 2 to create one large lot for the construction of duplex units to be utilized by Primrose as part of the the retirement village.
	What is the total acreage included in the project?	6.04
	What is the proposed use of the property:	
	<input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other	
	Are there any other pending or recently approved Land Use applications regarding this property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, please list:		

Attachments	Attachment Checklist
	The following list of attachments are required to accompany all applications: <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific <input checked="" type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings & a PDF of all documents submitted. <input checked="" type="checkbox"/> C. Pueblo County Assessor's Property Information print out (www.co.pueblo.co.us) <input checked="" type="checkbox"/> D. Additional information as required by the P&Z Submittal Requirements Sheet .

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"> 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. 2. There are no known hazards or vicious animals present on the subject property. 3. All information contained in this application, is true and accurate to the best of my knowledge. 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. 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.

Signatures	Property Owner	
	Print Name:	Roger H. Fonda, President of Plum Creek Associates, Inc. managing member
	Signature:	<i>[Handwritten Signature]</i> Date: 2-7-14
	Applicant, if different from Property Owner	
Signatures	Print Name:	
	Signature:	Date:

Office Use Only	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date: 2/10/14	
	Application checked for completeness by:	Date: 2/10/14	
	Case Manager:	Fee Paid: \$175.00	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Approved w/conditions	
Case #:			

✓-14-03

Project Narrative
Bella Vista, Filing No. 3

Bella Vista, Filing No. 3 is resubdivision of a portion of Bella Vista Subdivision and a portion of Bella Vista Subdivision, Filing No. 2 being Lot 1, Block 6 and a portion of Parcel N both being in Bella Vista Subdivision, all of Lots 1 through 4 both inclusive Block 5, Lots 1 through 5 both inclusive and Lot 10, Block 6, Lots 1 through 9 both inclusive Block 7 and Parcels B, C and D all being in Bella Vista Subdivision, Filing No. 2.

This subdivision will create 1 lot for development of duplex units to be incorporated into the Primrose assisted living facility to the north. This will allow Primrose to provide client with an intermediate transition step from home ownership to apartment living.

This project will also include an easement vacation and PUD amendment. The PUD site plans will be submitted at a later date for review and approval.

V-14-03