

..Title

An ordinance vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights (Legislative)

Presenter:

Allison Stocker AICP, Planner II, Planning + Neighborhood Services.
Peter Wysocki, Director, Planning + Neighborhood Services

..Body

Summary:

Owner: Pikeview Cottages LLC

Developer: N/A

Representative: Dave Morrison, Goodwin Knight

Location: 3814 Schafer Heights

This request is on behalf of Pikeview Cottages LLC, owner of the adjacent parcels, requesting to vacate Lierman Street public right-of-way. The right-of-way to be vacated only serves the Cottages at Pikeview residential community which is owned and operated by Pikeview Cottages LLC.

Background:

In Summer 2023, City Engineering inspected Lierman Street for compliance with City right-of-way standards and found that the right-of-way was not built to City standards, nor built in accordance with the approved right-of-way construction plans. At the recommendation of City Engineering, the applicant requested a pre-application meeting with the Land Use Review Division to understand the feasibility of vacating the right-of-way and has since submitted a vacation plat for the consideration of City Council. City Engineering has indicated that should the right-of-way not be vacated, then the road would need to be rebuilt to City standards at the cost of the developer.

Lierman Street was planned and constructed in order to provide access to the new Cottages at Pikeview. This Street does not serve to provide access to any other properties, and it dead-ends at the Pikes Peak Greenway Trail. No public transportation routes utilize Lierman Street, with all nearby routes making stops from Cascade Ave. The Applicant intends to dedicate easements to preserve access on the road, utility easements for the purpose of Colorado Springs Utility access, and a public improvement easement will be provided for the existing sidewalk. The proposed vacation does not propose any demolition or change to the existing right-of-way. As such, the proposal is consistent with the review criteria and procedures of City Code Section 7.7.402 and is well aligned with PlanCOS, the City's Comprehensive Plan.

For the above reasons, Staff finds the proposed right-of-way vacation to be in substantial compliance with PlanCOS and the review criteria of City Code Section 7.5.522.

Review Criteria:

The review criteria for Vacation Plats as set forth in City Code Section 7.5.522 (UDC) are noted below.

City Council shall approve the application only if it complies with the following criteria:

1. The right-of-way is no longer needed for public transportation purposes;
2. The vacation will not adversely impact use of the right-of-way for public utility and/or drainage purposes;

3. The vacation will not adversely impact the uniform width of the remaining portions of the public right-of-way along the block frontage for which vacation is sought;
4. Access to lots or properties surrounding the public right-of-way will not be adversely affected; and
5. The vacation is consistent with the purpose of this UDC Staff finds that the proposed application(s) meet(s) the review criteria.

Staff finds that the proposed application meets the above criteria.

Previous Council Action:

N/A

Financial Implications:

The applicant has requested the right-of-way vacation as Lierman Street does not presently meet City right-of-way standards. If the right-of-way vacation is denied, the applicant would be required to rebuild the right-of-way to meet City standards at the cost of the developer.

City Council Appointed Board/Commission/Committee Recommendation:

According to Section 7.5.522 of the City Code, a request to vacate right-of-way is placed directly onto a City Council agenda for action after review by the administration. No review by a board or commission is required.

..Recommended Action

Proposed Motions:

Should the City Council wish to approve the Pikeview right-of-way vacation application, the following motion is suggested:

Adopt an ordinance vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights based upon the findings that the request complies with the criteria as set forth in City Code Section 7.5.703

Should the City Council wish to deny the Pikeview right-of-way vacation application, the following motion is suggested.

Deny an ordinance vacating Lierman Street public right-of-way that is approximately 0.443 acres and is located between North Cascade Ave and Schafer Heights based upon the findings that the request does not comply with the criteria as set forth in City Code Section 7.5.703.

..Summary of Ordinance Language

An ordinance vacating public right-of-way known as Lierman Street, consisting of 0.443 acres located between North Cascade Ave and Schafer Heights.