



## Legislation Details (With Text)

**File #:** 15-00586      **Version:** 2      **Name:**  
**Type:** Planning Case      **Status:** Mayor's Office  
**File created:** 9/8/2015      **In control:** City Council  
**On agenda:** 10/13/2015      **Final action:** 10/13/2015  
**Title:** Ordinance No. 15-75 vacating a public right of way of a portion consisting of 1,227 square feet, located north and west of W. Colorado Avenue and S. 7th Street, respectively.

Legislative

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cerberus ROW Ordinance, 2. Exhibit A- Cerberus VOW, 3. Criteria-7.7.402.C-Vacation of ROW, 4. Signed Ordinance\_15-75

Date	Ver.	Action By	Action	Result
10/13/2015	2	City Council	finally passed	Pass
9/22/2015	1	City Council	approved on first reading	Pass

A request by Cerberus Brewing Company for a vacation of alley right-of-way, located at 702 W. Colorado Avenue.

Legislative

**From:**

Peter Wysocki, Planning and Development Director, Planning and Development Department

**Summary:**

Applicant: Echo Architecture on behalf of Cerberus Brewing Company

Owner: Jerry Morris

Location: 702 W. Colorado Avenue

Vacation of public right-of-way, an alley that bisects the subject property between McKinley Place and S 7th Street.

**Previous Council Action:**

None

**Background:**

Vacation of Right-of-Way:

The fourth application associated with the project regards vacating the public right-of-way/alley that bisects the subject property between McKinley Place and S 7th Street.

The vacation request pertains to the alley that separates Lots 2 and 3 at the south and triangular Lot

4 at the north. The right-of-way is not needed for public transportation purposes or utilities access. Denial of the vacation petition and the retention of the alley right-of-way will not impact the overall site design or vehicular circulation.

**Financial Implications:**

Not applicable

**Board/Commission Recommendation:**

At their meeting on August 20, 2015 the Planning Commission in a vote of 5-1 (Commissioner Smith dissenting) denied the request to vacate the alley.

**Stakeholder Process:**

The standard City notification and posting process was implemented; 103 property owners within 500 feet of the property were notified, as well as one stakeholder organization - the Organization of Westside Neighbors. To date, Staff has received six (6) responses in opposition to the development plan and associated applications, with respondents expressing concerns about parking and the potential for noise and visual disruptions. In addition, 15 signatories signed a petition in opposition that was submitted to the Department on June 29, 2015.

On May 26, 2015 Planning staff facilitated a neighborhood meeting with 17 attendees (including the applicant and applicant's consultant) at the Penrose Library to discuss the development plan and associated applications. Several attendees expressed concerns about parking availability and the potential for other off-site impacts, particularly noise. In addition, the site was posted prior to the City Planning Commission hearing and postcards were mailed notifying property owners of the hearing.

**Alternatives:**

1. Deny the right-of-way vacation request as recommended by the Planning Commission;
2. Approve the application with conditions;
3. Deny the application; or
4. Refer the applications back to Planning Commission for further consideration.

**Proposed Motion:**

Deny the vacation of the public right-of-way that bisects the subject property between McKinley Place and S 7th Street, based on the finding that the vacation does not meet the criteria set forth in City Code Section 7.7.402.C.

Approval of the vacation would also require adoption of an ordinance. Should the City Council wish to approve the vacation request, an ordinance requires two readings and approvals by the City Council for enactment.

Not applicable