



Legislation Details (With Text)

File #: CPC V 19-00173 **Version:** 2 **Name:** Metzler Vacation ROW

Type: Ordinance **Status:** Mayor's Office

File created: 4/27/2020 **In control:** City Council

On agenda: 3/9/2021 **Final action:** 3/9/2021

Title: Ordinance No. 21-28 vacating portions of a public right-of-way described as the western portion of Metzler Avenue as platted in Metzler's Subdivision consisting of 0.157 of an acre. (LEGISLATIVE)

Presenter:
 Ryan Tefertiller, Planning Manager, Planning and Community Development Department
 Peter Wysocki, Planning Director, Planning and Community Development Department

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD_VacationROW_Metzler, 2. Exhibit A - Metzler ROW Vacation Legal, 3. Exhibit B - Metzler ROW Vacation Plat, 4. Signed Ordinance 21-28

Date	Ver.	Action By	Action	Result
3/9/2021	1	City Council	finally passed	Pass
2/23/2021	1	City Council	approved on first reading	Pass

Ordinance No. 21-28 vacating portions of a public right-of-way described as the western portion of Metzler Avenue as platted in Metzler's Subdivision consisting of 0.157 of an acre. (LEGISLATIVE)

Presenter:
 Ryan Tefertiller, Planning Manager, Planning and Community Development Department
 Peter Wysocki, Planning Director, Planning and Community Development Department

Summary:
 Owner: City of Colorado Springs
 Developer: On the Ivy, LLC
 Representative: Whitehead Engineering, LLC
 Location: West of Creekwalk Court (formerly Mt. Washington Ave.), between E. St. Elmo Ave. and E. Ramona Ave.

The owner and developer of the adjacent parcels, On the Ivy, LLC, requests the vacation of the western-most 167 feet of Metzler Avenue. Metzler Ave. was platted as part of the Metzler's Subdivision in 1923. The existing right-of-way is only 40 feet wide, the roadway is not constructed to City standards, and only provides access to the immediately adjoining properties. The vacation of the roadway will allow the adjacent properties to be developed for a significant residential infill project.

Background:

The roadway to be vacated is located within the South Nevada Urban Renewal Area and bisects two properties that are planned for a new multi-family residential project. The right-of-way and road improvements are not to City standards and only provide access to the adjacent property which is owned by the developer. Metzler Ave. provides no options for through traffic as the right-of-way dead-ends at Cheyenne Creek. Staff has provided a context map illustrating the location of the roadway relative to planning and development projects in the area.

While all City agencies support the proposed vacation, due to the presence of utility infrastructure within the area proposed for vacation, the proposed vacation ordinance will retain public utility easements over the entirety of the vacated area. These easements can be administratively vacated after the infrastructure has been removed or relocated.

The proposed vacation is needed to support the proposed redevelopment of this area. These efforts are well aligned with PlanCOS, the City's Comprehensive Plan. The redevelopment, and therefore the proposed alley vacation, will support our Thriving Economy, create Unique Places and advance the success of the South Nevada Urban Renewal Area.

Previous Council Action:

City Council established the South Nevada Urban Renewal Area in November of 2015.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

N/A According to Section 7.7.402.B.2 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.

Stakeholder Process:

Postcards were sent to 155 property owners within a 1,000-foot radius of the subject area shortly after the application was submitted. In addition, posters were placed at the end of the roadway for the required 10 days. Staff had multiple discussions with one of the adjacent property owners who initially had concerns but now supports the request.

An additional mailing and posting will be issued before the City Council hearing.

The applications were sent to the standard internal and external agencies for review and comment. Review comments received have been addressed. Internal review agencies for this project included City Traffic, City Engineering, City Fire Department and Police/E-911, City Streets Division, Colorado Springs Utilities and others. The only notable comment from any internal or external agency is the requirement by Colorado Springs Utilities to retain public utility easements over the vacated area until such time that all utility infrastructure has been removed from the alley.

Alternatives:

1. Approve the application;
2. Deny the application; or
3. Refer the application back to staff for further consideration.

Proposed Motion:

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Adopt an ordinance vacating a portion of City right of way described as the western portion of Metzler Avenue as platted in Metzler's Subdivision consisting of 0.157 of an acre, based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C.

An ordinance vacating portions of a public right-or-way described as the western portion of Metzler Avenue as platted in Metzler's Subdivision consisting of 0.157 of an acre.