



## Legislation Details (With Text)

**File #:** SUBD-22-0113      **Version:** 2      **Name:** LK Adams Addition No. 1 Alley Vacation

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

**File created:** 3/14/2023      **In control:** City Council

**On agenda:** 5/23/2023      **Final action:** 5/23/2023

**Title:** Ordinance No. 23-22 vacating a portion of an alley adjacent to Lots 4 and 5, L.K. Adams Addition No. 1 consisting of 2,244 square feet (.05 acres).

(Legislative)

Related Files: SUBD-22-0113

**Presenter:**  
William Gray, Senior Planner, Planning and Community Development Department  
Peter Wysocki, Planning Director, Planning and Community Development Department

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Exhibit A, 3. Project Statement, 4. Development Plan, 5. Legal Description, 6. Vacation Plat, 7. Vicinity Map, 8. Aerial Image, 9. LK Adams Addition No. 1, 10. Mineral Rights Certification, 11. 7.7.402.C Vacation Procedures, 12. Staff Presentation, 13. Signed Ordinance No. 23-22.pdf

Date	Ver.	Action By	Action	Result
5/23/2023	1	City Council	finally passed	Pass
5/9/2023	1	City Council	approved on first reading	Pass

Ordinance No. 23-22 vacating a portion of an alley adjacent to Lots 4 and 5, L.K. Adams Addition No. 1 consisting of 2,244 square feet (.05 acres).

(Legislative)

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**Presenter:**

William Gray, Senior Planner, Planning and Community Development Department  
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**Summary:**

Applicant: Pikes Peak Real Estate Foundation, Inc., and Cohen-Esrey Development Group  
Representative: NES Colorado, Inc.  
Location: 812 North 19<sup>th</sup> Street and 809 Columbine Avenue

Pikes Peak Real Estate Foundation, Inc., the owner of Lot 4 and 5, L.K. Adams Addition No. 1 (aka 812 N. 19<sup>th</sup> St. and 809 Columbine Ave.) and Cohen-Esrey Development Group, represented by NES Colorado, Inc. (the "Applicant"), have requested the vacation of a portion of alley lying adjacent Lots 4 and 5, L.K. Adams Addition No. 1 to facilitate development of a new affordable housing apartment

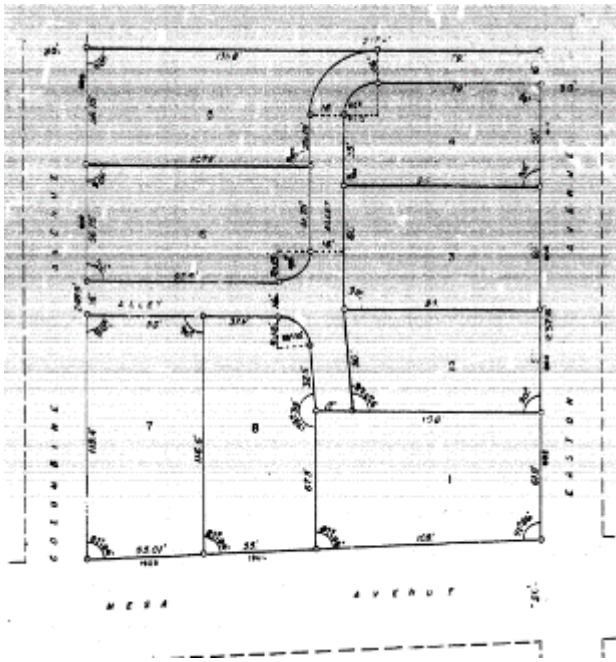
project.

**Background:**

The Applicant has proposed the vacation of a portion of an alley to facilitate development of a new 50-unit affordable housing apartment building and 1-lot subdivision at 864 N. 19<sup>th</sup> Street (see “Project Statement”, “Vacation Plat” and “Development Plan” attachment).



The alley was platted with the L. K. Adams Addition No. 1 in 1953. It was intended to provide primary and/or secondary access to the lots 1 through 8. It is unimproved and dedicated to the City of Colorado Springs (see “L.K. Adams First Addition No.1”).



The only properties reliant of the right-of-way proposed to be vacated is 809 Columbine Avenue and 812 North 19<sup>th</sup> Street), via the curb-cut off North 19<sup>th</sup> Street. The other 6 properties platted with the L. K. Adams Addition No. 1 have access either from N. 19<sup>th</sup> Street, Columbine Avenue to the west or Glenn Street to the south. Again, this alley is unimproved and it is used more for storage than it is access (see “Aerial Image” attachment).



There are no utilities within the existing alley. Water, wastewater, and gas utilities are in both North 19<sup>th</sup> Street and Columbine Avenue. Electric mains are only located in North 19<sup>th</sup> Street; and 1904 and 1906 Glen Street are served by service line extensions from the main line. The proposed vacation will not impact utility service to the existing properties.

The vacation of right-of-way is solely at the discretion of City Council and is required to meeting the following criteria:

- 1) The right of way being vacated is no longer needed for public transportation purposes;

The right of way is undeveloped in the proposed vacation area and is not being used for transportation purposes.

- 2) The vacation will not adversely impact use of the right of way for public utility and/or drainage purposes;

The vacation of the right-of-way does not adversely impact public utilities and/or drainage purposes. Both SWENT and CSU had no objection to the vacation application.

- 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;

The vacation does not impact the uniform width of the remaining portion of the public right-of-way.

- 4) Access to lots or properties surrounding the public right of way will not be adversely affected; and

Access to lots or surrounding properties are not adversely affected.

- 5) The vacation is consistent with the purpose of this Subdivision Code. (Ord. 96-44; Ord. 01-42; Ord. 06-13; Ord. 09-80; Ord. 12-75)

The purpose of the subdivision regulations is generally to promote the health, safety, convenience, and general welfare of the city. More specifically, a specific purpose of the subdivision regulations that applies to this street vacation is..." Provide for streets of adequate capacity and with which appropriate improvements will handle anticipated traffic flow", provide for adequate utilities, and assure the provision of adequate and safe circulation. The result of this vacation provides for an adequately size and aligned right-of-way for current and future transportation improvements and needs, addresses the location of existing utilities with the reservation of public utility easements, and provides for and maintain safe circulation with the condition to relocate the fence. The proposed application is consistent with the purpose of the subdivision code.

**Previous Council Action:**

N/A

**Financial Implications:**

N/A

**City Council Appointed Board/Commission/Committee Recommendation:**

According to Section 7.7.402.B.2 of the City Code, if a proposed vacation plat contained dedicated public right-of-way it is placed onto a City Council agenda for action after review by the administration. No review by an appointed board or commission is required.

### **Stakeholder Process:**

The public notification process consisted of providing notice to adjacent property owners within 1,000 feet of the site, which included the mailing of postcards to 112 property owners on two (2) occasions; during the internal review stage and prior to the City Council hearing. The site was also posted during the two occasions noted above. City Planning staff received no written comments for the proposed alley vacation.

Staff input is outlined in the following sections of this report. Staff sent the variance application to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Fire Department, City Engineering, Stormwater Enterprise, City Traffic Engineering, and Colorado Springs Utilities. City Planning staff notes that the following review agencies provided the following comments:

- City Fire - The City's Fire Department (CSFD) had no issues with the vacation as requested.
- City Engineering - The City Engineering Development Review (EDR) had no objections to vacating the right-of-way.
- City Traffic - The City's Traffic Engineering Division had no comments on this item.
- SWENT -Stormwater Enterprise (SWENT) had no review comments for this project.
- CSU - Colorado Springs Utilities (CSU) in their review of the application had no issues with the vacation as requested.

### **Alternatives:**

1. Approve the application; or
2. Approve the application with conditions; or
3. Deny the application.

### **Proposed Motion:**

Adopt an ordinance vacating a portion of alley adjacent to Lots 4 and 5, L.K. Adams Addition No. 1 consisting of 2,244 square feet (.05 acres), based upon the finding that the application complies with the review criteria in City Code Section 7.7.402.C, with the following condition:

An ordinance vacating a portion of alley adjacent to Lots 4 and 5, L.K. Adams Addition No. 1 consisting of 2,244 square feet (.05 acres).