



## Legislation Details (With Text)

**File #:** CPC V 18-00160      **Version:** 3      **Name:**

**Type:** Planning Case      **Status:** Mayor's Office

**File created:** 2/28/2019      **In control:** City Council

**On agenda:** 6/11/2019      **Final action:** 6/11/2019

**Title:** Ordinance No.19-41 vacating portions of a public right-of-way located at the southeast corner of East Motor Way and South Tejon Street consisting of 0.093 acres.

(Legislative)

Related file: CPC UV 18-00159

Presenter:  
Peter Wysocki, Director, Planning and Community Development  
Matthew Fitzsimmons, Planner II, Urban Planning Division

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. V\_ROW\_Maverik, 2. Exhibit A - Legal Description, 3. Exhibit B - Vacation Exhibit, 4. Signed Ordinance 19-41

Date	Ver.	Action By	Action	Result
6/11/2019	2	City Council	finally passed	Pass
5/28/2019	2	City Council	approved on first reading	Pass
4/18/2019	1	City Planning Commission	referred	Pass

Ordinance No.19-41 vacating portions of a public right-of-way located at the southeast corner of East Motor Way and South Tejon Street consisting of 0.093 acres.

(Legislative)

Related file: CPC UV 18-00159

**Presenter:**

Peter Wysocki, Director, Planning and Community Development  
Matthew Fitzsimmons, Planner II, Urban Planning Division

**Summary:**

Applicant: N.E.S. Inc.  
Owner: Maverik, Inc.  
Location: 1403, 1049, and 1411 South Tejon Street, 111, 113, 117, 123, and 125 East Motor Way, and 1402 Iliff Ct.

This project includes concurrent applications for a use variance, vacation of right of way and a final plat

- a. Use Variance: The proposed application would allow for a Maverik fueling station and convenience store on a C-5 zoned site with a Streamside Overlay.
- b. Vacation of City Right of Way: The proposed application would vacate the north-south running alley from East Motor Way to 1411 South Tejon Street (252' in length).

Staff is also administratively reviewing a final plat that will combine nine individual parcels and the vacated alleyway to create the single development area for the project.

**Previous Council Action:**

On May 28, 2019, this ordinance passed on the New Business calendar with a vote of 9-0-0-0.

**Background:**

The applicant has submitted plans to construct a Maverik fueling station and convenience store on a C-5 (Intermediate Business) zoned site that includes the Streamside Overlay. This 1.93 acre site consists of nine (9) parcels and a public alleyway and is located at the southeast corner of South Tejon Street and East Motor Way. To allow the development as planned, the applicant was required to submit three applications: a Use Variance, a Vacation of City Right of Way, and a Replat. The Use Variance is required by code because a fueling station with convenience food sales, while allowed in the C-5 zone, is not allowed in the Streamside Overlay. The Vacation of Right of Way is required to join all the parcels together into one large lot. Finally, an administratively reviewed Final Plat is required to combine all of the parcels and alleyway into one lot.

Please see the attached City Planning Commission staff report for additional detailed analysis.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At the April 18, 2019 Planning Commission hearing, this item was placed on the New Business Agenda. After a presentation from Staff and the Applicant, four citizens opposing the project spoke to the Planning Commission. The Planning Commission voted 5-0 to approve the applications.

**Stakeholder Process:**

On five separate mailings, postcards were sent out to the owners of 108 properties within 1,000 feet of the site. In addition, posters were placed along South Tejon Street and East Motor Way for the mandatory 10 days.

In addition to the original submittal notification and the notification for Planning Commission's public hearing and City Council's public hearing, the neighborhood was notified on two additional occasions for two neighborhood meetings at the Ivywild School in June of 2018 and January of 2019.

In total, 36 letters addressing this project were received: three in favor of the development and the rest opposing it.

The applicant has replied to each of these emails.

The main concerns that were brought up by the neighbors included the following:

- Traffic Concerns: Increased traffic from I-25 and the surrounding area would create more congestion and safety issues at one of Colorado Springs' most accident-prone intersections (South Tejon Street and East Motor Way).
- Environmental Concerns: The Use Variance is required because a gas station with convenience store is being proposed within the Streamside Overlay. Neighbors are concerned that this business will be detrimental to the environment.
- Crime and Safety Concerns: Some residents believe this business and trail will attract more crime and loitering by people experiencing homelessness and others.
- Historic Neighborhood: The removal of a couple of original residential structures and their replacement with a modern gas station will change the historic feel of the neighborhood.

Staff's input is outlined in the City Planning Commission report. Staff sent plans to the standard internal and external review agencies for comment. All review agencies concerns have been addressed or are included as technical modifications.

**Alternatives:**

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

Approve the Vacation of City Right-of-Way for the Maverik - East Motor Way Plan, based upon the finding that the application complies with the vacation criteria in City Code Section 7.7.403, subject to compliance with the following technical and/or informational plan modifications:

1. Confirm location of two survey monuments
2. Add the ordinance number to the east-west alley previously vacated.
3. Depict and label the retained easements for the previously vacated alley.
4. Revise the title of the vacation

An ordinance vacating portions of a public right-of-way located at the southeast corner of East Motor Way and South Tejon Street consisting of 0.093 acres.