



## Legislation Details (With Text)

**File #:** CPC V 15-00106      **Version:** 4      **Name:**  
**Type:** Planning Case      **Status:** Mayor's Office  
**File created:** 2/8/2016      **In control:** City Council  
**On agenda:** 4/12/2016      **Final action:** 4/12/2016  
**Title:** Ordinance No. 16-46 to vacate .384 acres (16,727 square feet) of Edison Avenue right-of-way located just east of Wooten Road; Legislative

**Presenter:**  
Mike Schultz, Principal Planner, Land Use Review  
Peter Wysocki, Planning and Development Director, Planning and Development Department

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ord\_Vacation ROW\_Edison Rd, 2. Exhibit A - Vacation of Edison Rd ROW, 3. Signed Ordinance No. 16-46.pdf

Date	Ver.	Action By	Action	Result
4/12/2016	4	City Council	finally passed	Pass
3/22/2016	2	City Council	approved on first reading	Pass
2/18/2016	1	Planning Commission	referred	Pass

Ordinance No. 16-46 to vacate .384 acres (16,727 square feet) of Edison Avenue right-of-way located just east of Wooten Road; Legislative

### Presenter:

Mike Schultz, Principal Planner, Land Use Review  
Peter Wysocki, Planning and Development Director, Planning and Development Department

### Summary:

Applicant: FN, LLC (Joy Focht) and Olsson Associates  
Owner: FN, LLC (Joy Focht)  
Location: Platte Avenue/Wooten Road/Edison Avenue

There are four applications as part of this project:

1. Vacation of Right-of-way
2. Development Plan
3. Zone Change
4. Concept Plan

The subject properties are located at the northeast corner of Platte Avenue and Wooten Road (Figure 1\_Area Map). The property owner and applicant are requesting to vacate a portion of Edison Avenue

(Exhibit A - Vacation of Edison Rd ROW Plat) and reconstruct and realign Edison Avenue to the north as part of a proposed convenience store at the northeast corner of Platte Avenue and Wooten Road (Figure 2\_Development Plan). The property owner is also seeking zone change and concept plan (Figure 3\_Concept Plan) approval for a proposed retail building for the property immediately east of the convenience store (approximately 500 feet east of the Platte Avenue and Wooten Road intersection). The applicant will be responsible for the construction of the realigned Edison Avenue roadway.

**Previous Council Action:**

On March 22, 2016, City Council approved this ordinance on first reading.

**Background:**

The proposed Kum & Go convenience store project proposes to vacate .384 acres (16,727 square feet) of the Edison Avenue frontage right-of-way and realign Edison Avenue to the north and away from the Platte Avenue intersection. The development plan proposes a 6,217 square foot convenience store and fueling area with 10 covered fuel pumps on the 2.47 acre property.

The need to realign the frontage road is two-fold: the current intersection is unsafe for motorists due to the proximity of the frontage road to the Platte Avenue intersection. The additional traffic generated by the retail uses would only compound the issues. Secondly, the realignment provides the applicant a true retail “hard corner” for identification purposes. The existing roadway asphalt would be removed as part of the vacation request and be replaced with required site landscaping.

The requested vacation and realignment of Edison Avenue is also part of the review determination regarding the proposed zone change and concept plan for the adjacent property immediately to the east of the above site (same owner and consultant). The anticipated combined commercial traffic for both commercial uses triggered the consideration to redesign the easterly frontage road from Wooten Road to reduce vehicle turning conflicts at the intersection. The City will monitor the intersection and the traffic conditions to determine if or when other traffic improvements may be warranted. An escrow from the developer will be secured in the event a center lane median is necessary along Wooten Road to restrict outbound left turn movements from the convenience store to Platte Avenue.

Access points into the commercial/industrial site located north of the subject properties will be reconfigured and will continue to allow vehicular access off the realigned frontage road. City Traffic has also agreed to allow a new access from Platte Avenue onto the Edison Avenue frontage road; a deceleration/turn lane will be included along Platte Avenue as part of the new access. Attached is an aerial photo providing an overall site layout (Figure 5) illustrating the proposed street realignment (with access locations), the proposed Kum & Go store and the adjacent concept plan identifying the future building footprint.

Staff is processing a concurrent subdivision plat that dedicates the realigned frontage road right-of-way. The vacation is being processed as a vacation plat which will require signatures by various departments and the Mayor. The subdivision plat and vacation plat will be handled concurrently in order to ensure dedication of right-of-way in relation to the road realignment and vacating that small portion of Edison Avenue.

This items support the City’s strategic goal relating to investing in infrastructure and promoting job creation.

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

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

At their meeting on February 18, 2016 the Planning Commission voted 8-0 to approve the vacation of right-of-way.

The City Planning Commission voted 5-3 in favor of the Kum and Go development plan.

The City Planning Commission voted 7-1 in favor of the change of zone.

The City Planning Commission voted 6-2 in favor of the concept plan.

The Commissioners voting in favor of the above applications cited the fact that the property owner and developer are improving a poor road intersection situation by realigning the roadway to the north, believing this is an incremental improvement to the area. The Commissioners agreed with the City Traffic Engineer that the proposed right-in/right-out access from Platte Avenue to Edison Avenue will provide an alternative ingress/egress for the entire commercial area and there would be sufficient vehicle stacking for turn vehicles.

Commissioners that voted in opposition to the requests were opposed to the traffic layout primarily the proposed right-in/right-out access from Platte Avenue. Commissioners voiced that the access may be better situated slightly further east along Platte Avenue. Additionally, they voiced concerns of the divergence of Edison Avenue at the new access point to allow better vehicle stacking. The Commissioners did voice support of the right-of-way vacation and realignment of Edison Avenue indicating that it would create a safer intersection.

**Stakeholder Process:**

The public process included posting of the site and sending postcards to 13 property owners within 500 feet during the internal review and prior to the City Planning Commission meeting. No public comments in opposition were received. Calvary Chapel Eastside (5090 Edison Avenue) sent an e-mail in support of the project.

Staff also sent the plans to the standard internal and external review agencies for comments. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, City Fire, City Landscape, Police and E-911.

**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:**

Adopt an ordinance vacating a portion of City right-of-way for Edison Avenue, based upon the finding that the vacation request complies with the vacation of right-of-way review criteria in City Code Section 7.7.402.C, contingent upon the technical and/or informational modifications set forth in the vacation ordinance and outlined within the City Planning Commission Record of Decision.

An ordinance vacating .384 acres (16,727 square feet) of that portion of Edison Avenue lying east of

Wooten Road.