



Legislation Text

File #: CPC V 21-00082, **Version:** 2

Ordinance No. 21-115 vacating portions of a public right-of-way known as Crestone Lane consisting of 0.984 acres located south of downtown near Motor City and Brookside Drive

(LEGISLATIVE)

Presenter:

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Summary:

Applicant: GBE Crestone Lane, LLC
Consultant: Kimley-Horn and Associates, Inc.
Owner: City of Colorado Springs
Developer: N/A
Location: Crestone Lane

The owner of the adjacent parcels, GBE Crestone Lane, LLC, requests the vacation of a portion of the 60-foot wide public road section known as Crestone Lane that runs between the terminus of Crestone Avenue (a north-south street) and the current westerly terminus of Crestone Lane (a dead-end street). The roadway provides access solely to the apartment complex owned by GBE Crestone Lane, LLC, and this same property owner has title to all land directly adjacent to the north and south sides of Crestone Lane. The vacation of the road will allow the apartment complex to be closed to all but apartment residents to increase safety and privacy of residents.

Background:

The section of public right of way proposed to be vacated is located immediately south of the area known as "Motor City" but is not accessed from any roads within the Motor City area due to the topography. The current terminus of Crestone Lane ends at the Elevate Apartment complex parking lot. Future road connections to adjacent properties are not practical due to topography and road construction costs, and all existing parcels in the vicinity of this roadway retain access as currently provided.

The subject portion of ROW does not contain any public storm infrastructure or underground electric lines. A gas line and an 8" public water main exists within the ROW to be vacated. These lines only serve the existing apartment complex. A public utility and emergency access easement will be proposed over the portion of ROW to be vacated so the vacation will not adversely impact the use of the corridor for utilities. There will be no adverse impacts to the public drainage since there are no public storm sewers in the portion of ROW to be vacated and since the historical drainage patterns will be maintained.

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 and emergency access easements over the entirety of the vacated area.

The proposed vacation is an appropriate use of the City subdivision code provisions. The public right-of-way is not needed to provide access to any properties other than the apartment complex and will improve privacy and security for residents of the apartment complex. The proposal is consistent with the review criteria and procedures of city code section 7.7.402 and is well aligned with PlanCOS, the City's Comprehensive Plan. The property is not covered by any Master Plan, but part of Crestone Lane is adjacent to the border of the Ivywild Master Plan, to the south. The proposed conversion of this roadway from public to private will not impact land use patterns for this area (an existing traditional neighborhood under the Vibrant Neighborhoods chapter of PlanCOS). Additionally, it supports the following goals of the Vibrant Neighborhoods chapter:

“Strive for a diversity of housing types, styles, and price points distributed throughout our city through a combination of supportive development standards, community partnerships, and appropriate zoning and density that is adaptable to market demands and housing needs”

Strategy VN-2.A-4, “Support land use decisions and projects that provide a variety of housing types and sizes, serving a range of demographic sectors, and meeting the needs of residents and families through various life stages and income levels.”

Another way this project supports PlanCOS is by locating additional attainable housing in support of Goal TE-1 and Strategy TE-1.C-3 of the Thriving Economy chapter, which recommends:

“Ensure an adequate supply of attainable housing for the workforce across all industries, and that it is conveniently located near hubs of employment and/or public transportation.”

For the above reasons, Staff finds the proposed right-of-way vacation to be in substantial compliance with PlanCOS and the review criteria of city 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, 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 228 property owners within a 1,000-foot radius of the subject area shortly after the application was submitted. In addition, posters were placed at either end of the alley for the required 10 days. An additional mailing and posting will be issued before the City Council hearing. One public comment was received in response to these notifications, and it relates to the existing lighting that illuminates the apartment complex. A copy of that email is attached to this report.

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.

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 portions of a public right-of-way known as Crestone Lane consisting of 0.984 acres located south of downtown near Motor City and Brookside Drive, 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-of-way known as Crestone Lane consisting of 0.984 acres located south of downtown near Motor City and Brookside Drive