

ROW VACATION PLAT ADJACENT TO 809 COLUMBINE AVENUE AND 810 N. 19TH STREET PROJECT STATEMENT

DECEMBER 2022; UPDATED FEBRUARY 2023, MARCH 2023

REQUEST

N.E.S. Inc. requests approval of a Vacation Plat of a portion of an alley between 809 Columbine Avenue and 810 N. 19th Street. This application is submitted on behalf of Pikes Peak Real Estate Foundation and Cohen-Esrey Development Group, who are the owner and future developer of 809 Columbine Avenue and 810 N. 19th Street respectively. This right-of-way vacation is contingent upon approval of a Development Plan (DEPN-23-0001) and Final Plat (SUBD-23-0005) that are being reviewed concurrently in the administrative approval track.

LOCATION & PROJECT DESCRIPTION

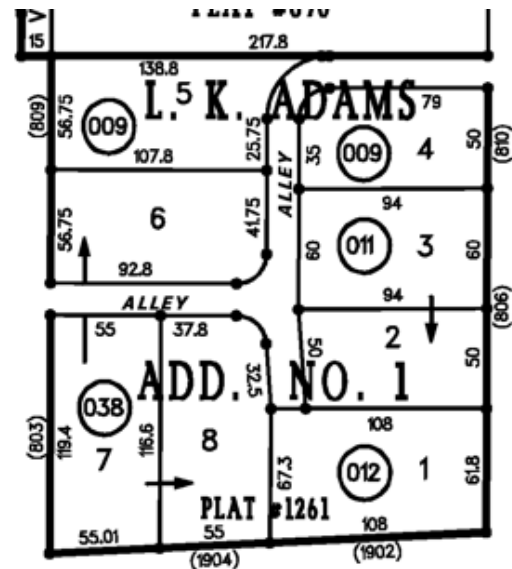
The portion of the alley right-of-way requested for vacation is located west of N. 19th Street and north of Glenn Street. The alley right-of-way is unimproved and under the jurisdiction of the City of Colorado Springs. The Vacation Plat proposes the vacation of the entire width of the alley from the west side of N. 19th Street, then west and south to the south property line of the western parcel of 809 Columbine Avenue. This portion of the existing alley severs the two parcels comprising 809 Columbine Avenue. The adjacent vacant properties of 809 Columbine Avenue and 810 N. 19th Street are under common ownership. The right-of-way vacation will facilitate the combination of these parcels into a single larger lot to facilitate development of the property under the current R-5 zone. Details of the proposed development can be found in the Development Plan file (DEPN-23-0001).



In discussions with City Planning and Engineering staff regarding future development of the property, the owner was advised to request vacation of the alley right-of-way so that the access to the development site could be moved to a more appropriate location to the north to align with Dale Street east of N. 19th Street. The concurrent Development Plan (DEPN-23-0001) identifies this location as the primary or single point of access for the future development on the larger parcel.

The alley was originally platted with the L. K. Adams Addition No. 1 and was intended to provide access to the adjacent 8 lots, including lots 4 and 5, which now comprise 809 Columbine Avenue. The only property currently reliant on this right-of-way for access is the 809 Columbine Avenue, via the curb-cut off N. 19th Street. This property is controlled by the applicant and the purpose of the right-of-way vacation is to facilitate the combination of these parcels with 810 N. 19th Street to the north.

Today, the other 6 properties platted with the L. K. Adams Addition No. 1 have access either from N. 19th Street, Columbine Avenue to the west or Glenn Street to the south:



- 806 N. 19th Street (Lots 2 & 3) to the south does not rely on this section of the alley for access, as it has a direct curb-cut access off N. 19th Street. The owner of 806 N. 19th Street has been using the portion of the alley to be vacated to access their property but in doing so cuts across the vacant 809 Columbine Avenue. property under the applicant’s ownership, without the benefit of an access easement.
- 1904 Glenn Street (Lots 6, 7 & 8) to the west takes access directly off Columbine Avenue via the existing alley curb-cut. The property does not appear to utilize the part of the alley to be vacated for access, as the connecting portion of the alley is overgrown and inaccessible. The 1904 Glenn Street property straddles the western portion of the alley, and the owner has expanded the use of its property into the remaining right of way, negating its public use.
- 1906 Glenn Street (Lot 1) to the south is adjacent to the remaining alley right-of-way but does not utilize it for access, its primary access being off Glen Street.

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

PROJECT JUSTIFICATION

The proposed right-of-way vacation complies with the review criteria for Vacation Plats in 7.4.402.C of the Subdivision Code as follows:

1. The right of way is no longer needed for public transportation purposes.

The portion of the alley to be vacated is not used for public transportation services.

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

There are no public utilities or drainage facilities within this portion of the alley. Adjacent properties are served by existing utility mains in N. 19 Street and Columbine Avenue.

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 will not adversely impact the uniform width of the remaining right-of-way as it is proposed that the entire width of the alley, which is 16', be vacated.

4. Access to lots or properties surrounding the public right of way will not be adversely affected.

As discussed, the alley was originally platted with the L. K. Adams Addition No. 1 and was intended to provide access to the adjacent 8 lots. Except for the 809 Columbine Avenue parcels (Lots 4 and 5) owned by the applicant, the other 6 properties platted with the L. K. Adams Addition No. 1 have access either from N. 19th Street, Columbine Avenue to the west or Glenn Street to the south. Therefore, access to these properties surrounding the public right of way will not be adversely affected by the proposed right-of-way vacation.

5. The vacation is consistent with the purpose of this Subdivision Code.

The purposes of the Subdivision Regulations as set out in Section 7.7.102 of the Code as follows:

➤ **To set forth appropriate standards for subdivision design.**

Vacation of this portion of the alley will allow the commonly owned adjacent vacant lots of 809 Columbine Avenue and 810 N. 19th Street to be replatted as a larger single development lot, providing greater opportunity for appropriate infill development. The vacation will allow the closure of the existing alley curb-cut and the relocation of access further north on N. 19th Street to align with the Dale Street intersection to the east. There is a steep slope on the western boundary of the property, and the larger development parcel will provide greater design flexibility to grade the property to preserve this physical feature of the site. The larger development parcel also allows for consolidated stormwater detention in the southeast corner of the combined property.

➤ **To set forth appropriate standards for utilities and services.**

There are no existing utilities in the portion of the alley proposed for vacation, or in the remaining portions of the alley. All adjacent land is owned by the applicant and adequate provisions for necessary utilities and services, including easements, will be included with any future site development. In conjunction with the required Development Plan and Plat for the property, stormwater management and drainage, wastewater management, and other utility plans will be prepared and submitted for City approval.

➤ **To assure the provision of adequate and safe circulation.**

This portion of the alley is not necessary for access to any of the adjacent properties, as all properties are controlled by the applicant. As noted above, all the surrounding properties originally intended to use the alley for access on the L. K. Adams Addition No. 1 plat now have direct vehicular access of other adjacent streets. The proposed right-of-way vacation will allow the combining of the parcels in the applicants control and the relocation of the property access to align with Dale Street to the east, as requested by City Staff. N. 19th Street has adequate width and capacity to handle existing traffic and future traffic from the development of this site under the current R-5 zoning

➤ **To assure adequate public facilities are provided.**

Vacation of this portion of the alley will allow the adjacent parcels to be combined into one development lot. The subsequent Development Plan and platting process will allow the City to evaluate the need for any additional public facilities, which will include the Citywide Development Impact Fee for police and fire service, park and school land dedication or the payment of fees in lieu of land dedication.

➤ **To ensure the appropriate development of the community through the implementation of the goals and policies of the Comprehensive Plan.**

Creating a larger in-fill lot for new development is consistent with the PlanCOS, which encourages infill development to make more effective use of existing infrastructure, utilities and services.

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