



# Vacation of Access Easement Report Case #V25-0001

*Planning Commission Date: March 4, 2025*

*City Council Date: April 7, 2025*

## **GENERAL INFORMATION**

<b>PROJECT NAME</b>	Revesco Vacation
<b>LOCATION</b>	Generally located west of Peoria Parkway between E. 104 <sup>th</sup> Avenue and the Xcel Power lines
<b>SITE SIZE</b>	1.118 Acres
<b>CURRENT ZONING</b>	PUD (Planned Unit Development District) – Burlington Northern/Catellus (Turnberry) PUD
<b>APPLICANT</b>	Revesco Properties
<b>CASE PLANNER</b>	Nic Berry

## **REQUEST**

Revsco Properties is requesting to vacate an access easement, commonly known as East 103rd Place, which is approximately 886 feet in length extending west of Peoria Parkway towards Peoria Street. The subject easement is generally located between E. 104th Avenue and the Xcel power lines.

## **BACKGROUND AND CASE HISTORY**

The area proposed to be vacated, historically known as E. 103<sup>rd</sup> Place, was dedicated to the City as a perpetual easement in order to allow for the development of a temporary Regional Transportation District (RTD) Park-N-Ride station. The applicant is attempting to vacate this access easement and relocate a new access easement, approximately 50 feet further south. Per section 4.14 of the City Charter “any sale, conveyance or transfer of real estate, shall have prior approval of the council, passed by majority vote of the entire council in office at the time the vote was taken.”

## **ADDITIONAL INFORMATION**

There is a final plat (S24-0014) currently under review which will dedicate a new access easement and creates one lot. Also, there is PUD Permit (PUDP24-0010) under review which provides the detail of the roadway to be built within the new access easement and landscaping to be installed along E. 104<sup>th</sup> Avenue and Peoria Parkway. Additionally, there is a PUD Permit (PUDP24-0018) which lays out development of Lot 1, for a QuikTrip gas station/ convenience store.

## **PROJECT ANALYSIS**

### **Site Overview**

The requested vacation of easement is for what is currently an unimproved dirt road known as E. 103<sup>rd</sup> Place. The easement is approximately 1.118 acres in size (886 feet in length).

At the end of this report, there is a “vacation exhibit” image showing the easement to be vacated and the new access easement being created by Turnberry Filing 2 Amendment 1, (S24-0014) currently under review.

### **Road Network Impacts**

The current access easement only takes access off of Peoria Parkway. The future access easement will add an entrance to the site off of E. 104<sup>th</sup> Avenue and shift the access from Peoria Parkway south, creating greater spacing from the intersection.

### **Overall Analysis**

The proposed vacation has been reviewed by the Development Review Team, including: Planning, Development Review Engineering, Parks, GIS, Economic Development, the Energy, Equity and the Environment Division, South Adams County Fire Department, South Adams County Water and Sanitation District, and Xcel Energy. There are no outstanding comments or concerns.

## **VACATION OF RIGHT-OF-WAY APPROVAL CRITERIA**

A decision for this case must be based on the following criteria from Sec. 21-3233 of the Land Development Code:

### **Criteria (i): The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;**

The proposed vacation is consistent with the Comprehensive Plan and will allow for future infill development.

### **Criteria (ii): The land to be vacated is no longer necessary for the public use and convenience;**

The easement to be vacated is used to access the temporary RTD station. The creation of a new access easement will mitigate any impacts from the vacation of this access easement.

### **Criteria (iii): The vacation will not create any landlocked properties;**

This vacation request will not have any impact to access of surrounding properties and no properties will become landlocked as a result.

### **Criteria (iv): The vacation will not render access to any parcel unreasonable or economically prohibitive;**

The proposed vacation will not render access to any parcel unreasonable. Further, as Tract A (S24-0014) is developed the access easement will be extended to create access for future lots.

**Criteria (v):** The vacation will not reduce the quality of public services to any parcel of land; and;

There is no reason to believe that the quality of public services to any parcel of land will be impacted by the proposed vacation of right-of-way.

**Criteria (vi):** A separate plat to replat the vacated area into a larger, usable piece of land has been submitted:

A separate plat (S24-0014) is currently under review to include the vacated easement with usable parcels.

## **CONSIDERATIONS FOR DISCUSSION**

1. The concurrent plat will create a new traffic pattern, which is more connected to existing roadways and a safer access point on Peoria Parkway.
2. Vacation of this easement will allow for future development. At the corner of E. 104<sup>th</sup> Avenue and Peoria Parkway.

## **POTENTIAL MOTIONS**

1. Approval
  - a. Planning Commission
    - I move that the Planning Commission enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **Vacation of Easement**.
  - b. City Council
    - I move that the City Council enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** meets the criteria of the Land Development Code and based upon such finding, approve the **Vacation of Easement**.
2. Approval with conditions
  - a. Planning Commission
    - I move that the Planning Commission enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** meets the criteria of the Land Development Code and based upon such finding, recommend that the City Council approve the **Vacation of Easement** with the following conditions:
  - b. City Council
    - I move that the City Council enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** meets the criteria of the Land Development Code and based upon such finding, approve the **Vacation of Easement** with the following conditions:
3. Denial
  - a. Planning Commission
    - I move that the Planning Commission enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** fails to meet the criteria

of the Land Development Code and based upon such finding, recommend that the City Council deny the **Vacation of Easement**.

b. City Council

- I move that the City Council enter a finding that the requested **Vacation of Easement** contained in case **V25-0001** fails to meet the criteria of the Land Development Code and based upon such finding, deny the **Vacation of Easement**.

4. Continuance

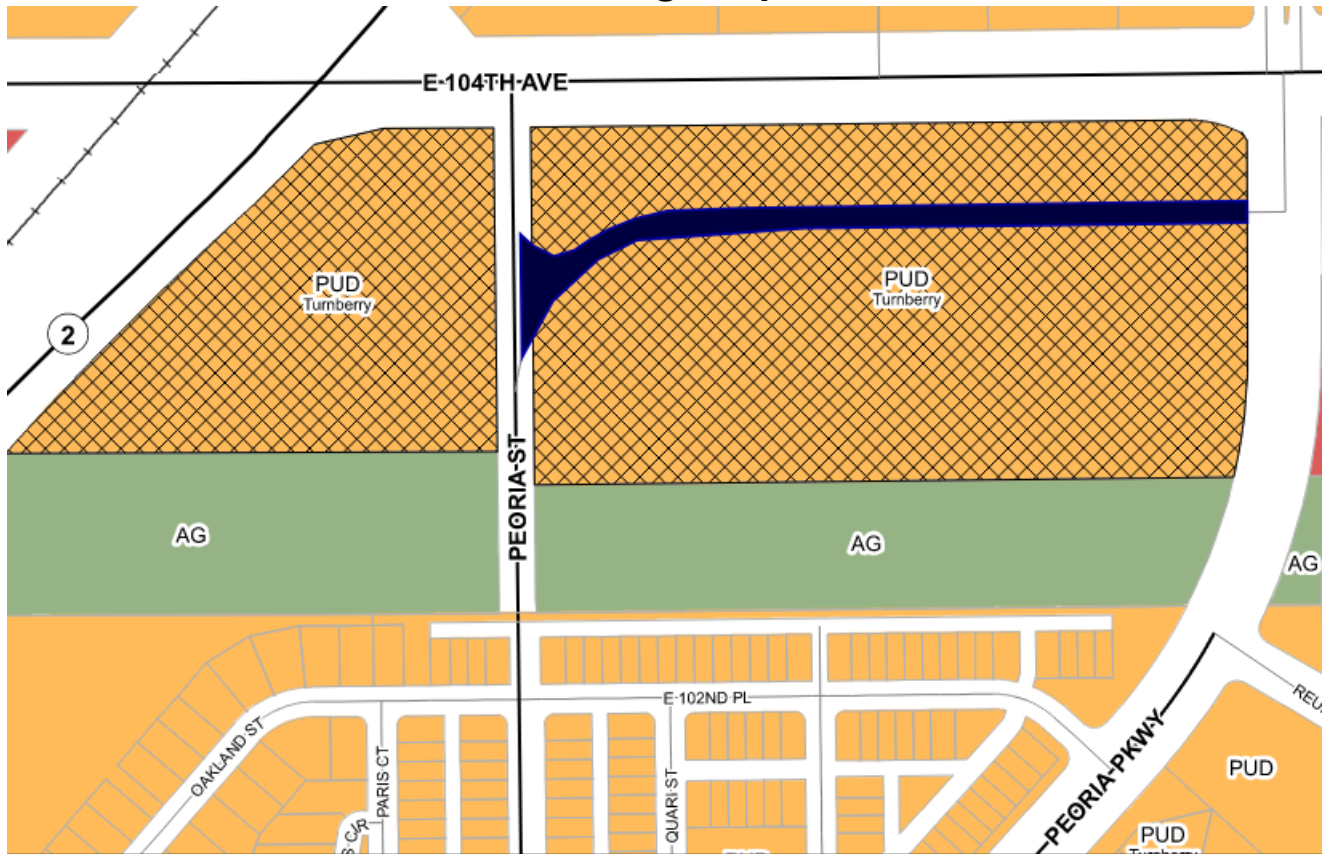
a. Planning Commission

- I move that the Planning Commission continue the public hearing of the requested **Vacation of Easement** contained in case **V25-0001** to:
  1. The next regularly scheduled Planning Commission hearing; or
  2. A date certain.

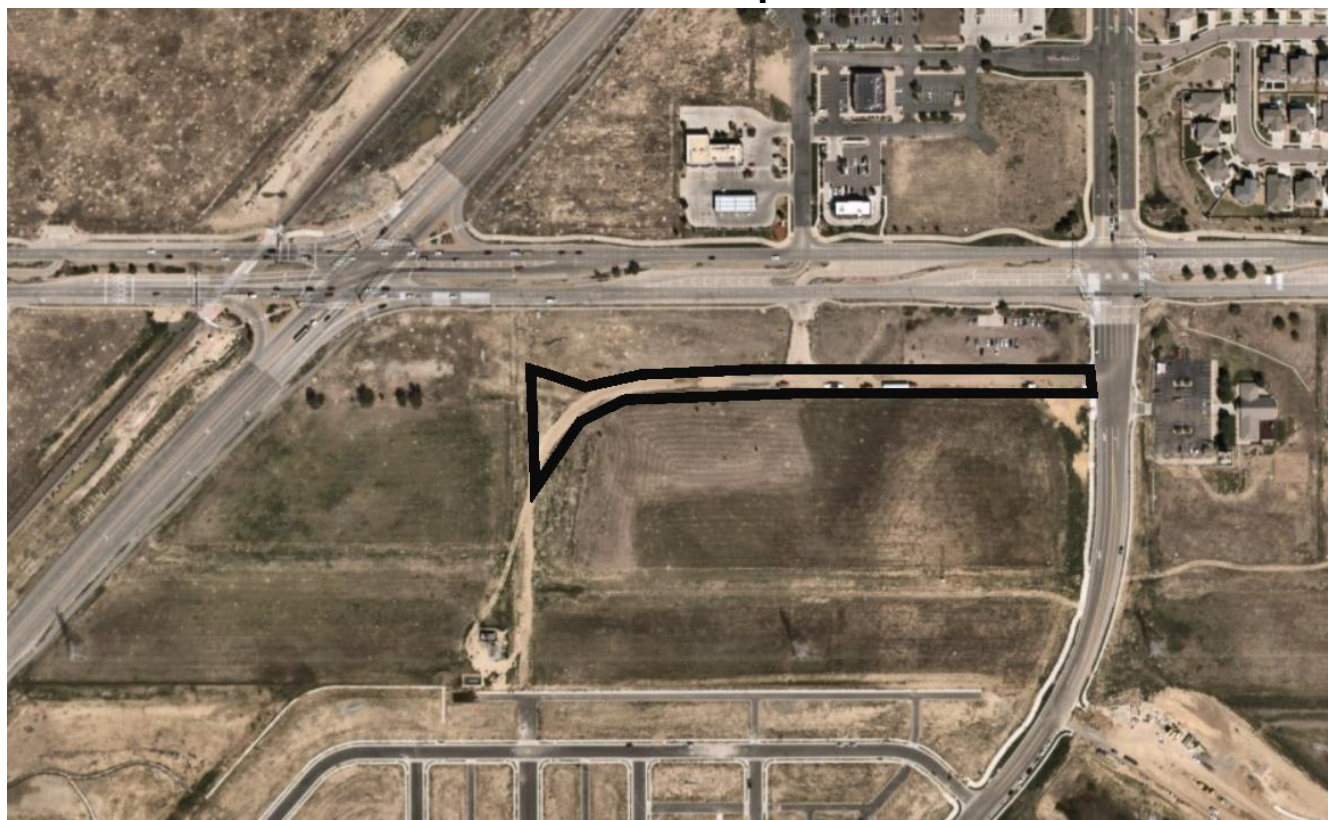
b. City Council

- I move that the City Council continue the public hearing of the requested **Vacation of Easement** contained in case **V25-0001** to:
  1. The next regularly scheduled City Council hearing; or
  2. A date certain.

# Zoning Map



## Aerial Map



# Vacation Exhibit

