



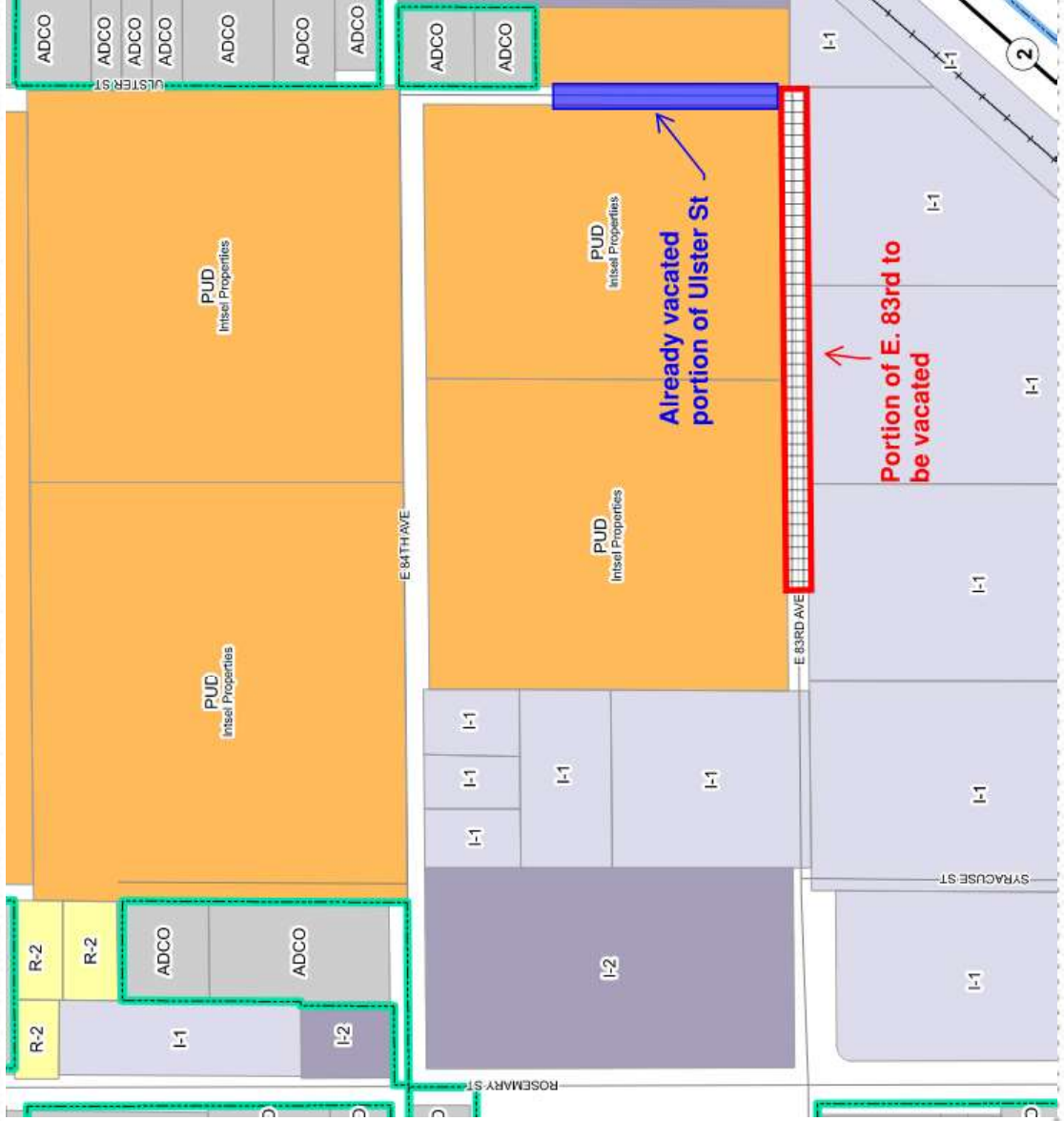
Vacation of a Portion of East 83rd Avenue

Case # V-91-23



Location: Generally located south of 8003 E 83rd Avenue, north of 8000 E 83rd Avenue, and west of a vacated portion of Ulster Street
Applicant: Mid-Rail Real Estate, LLC

Vicinity Map



Case Summary & Background

- **Applicant's Request:** The applicant has requested to vacate a portion of E 83rd Avenue Right-of-Way, generally located south of 8003 E 83rd Avenue, north of 8000 E 83rd Avenue, and west of a vacated portion of Ulster Street.
- **Zoning:** PUD (Intsel Properties PUD)
- **Related Cases:**
 - S-698-18-23 – Intsel Steel West Subdivision Filing No. 2

Aerial

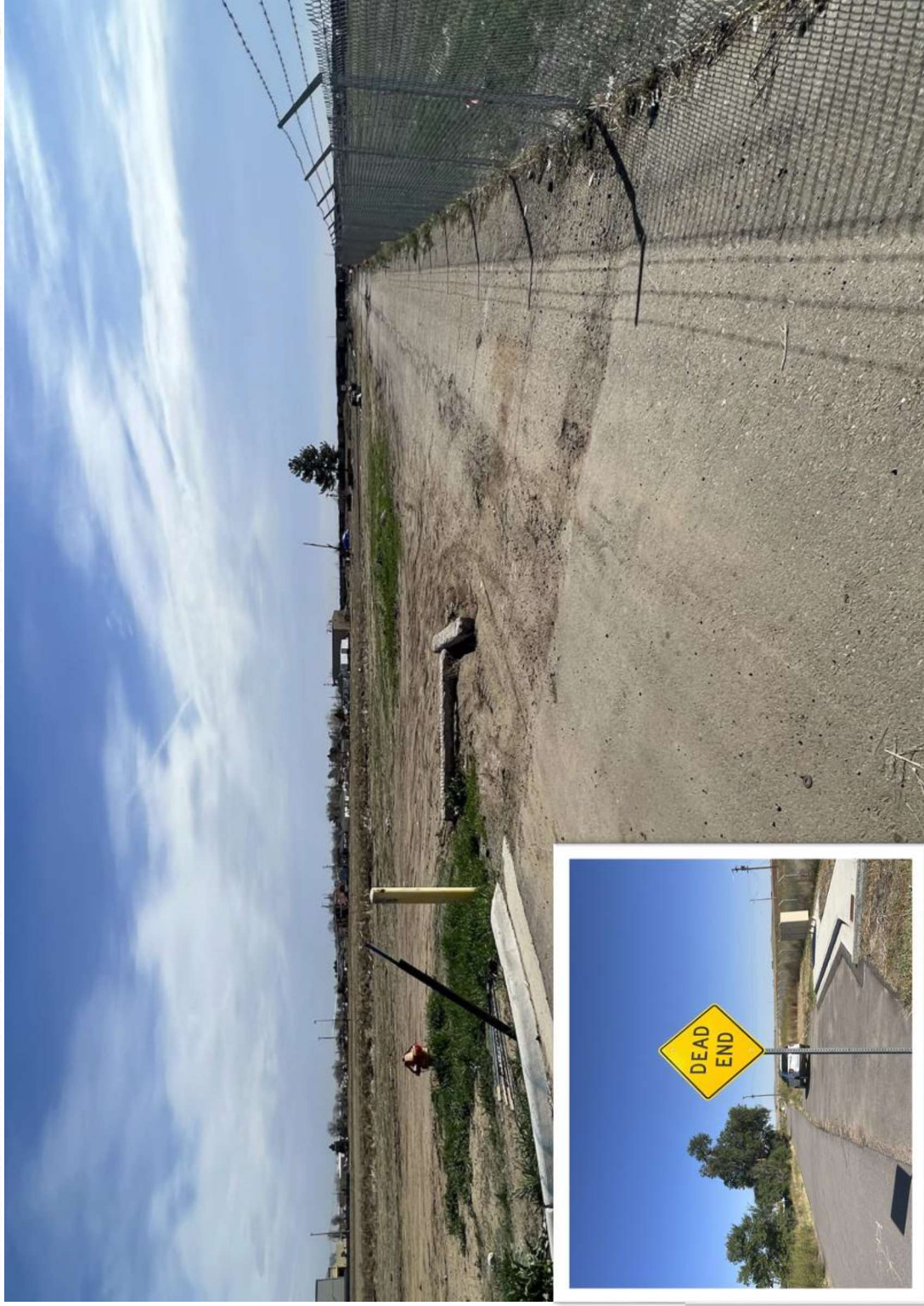


Irondale Plan

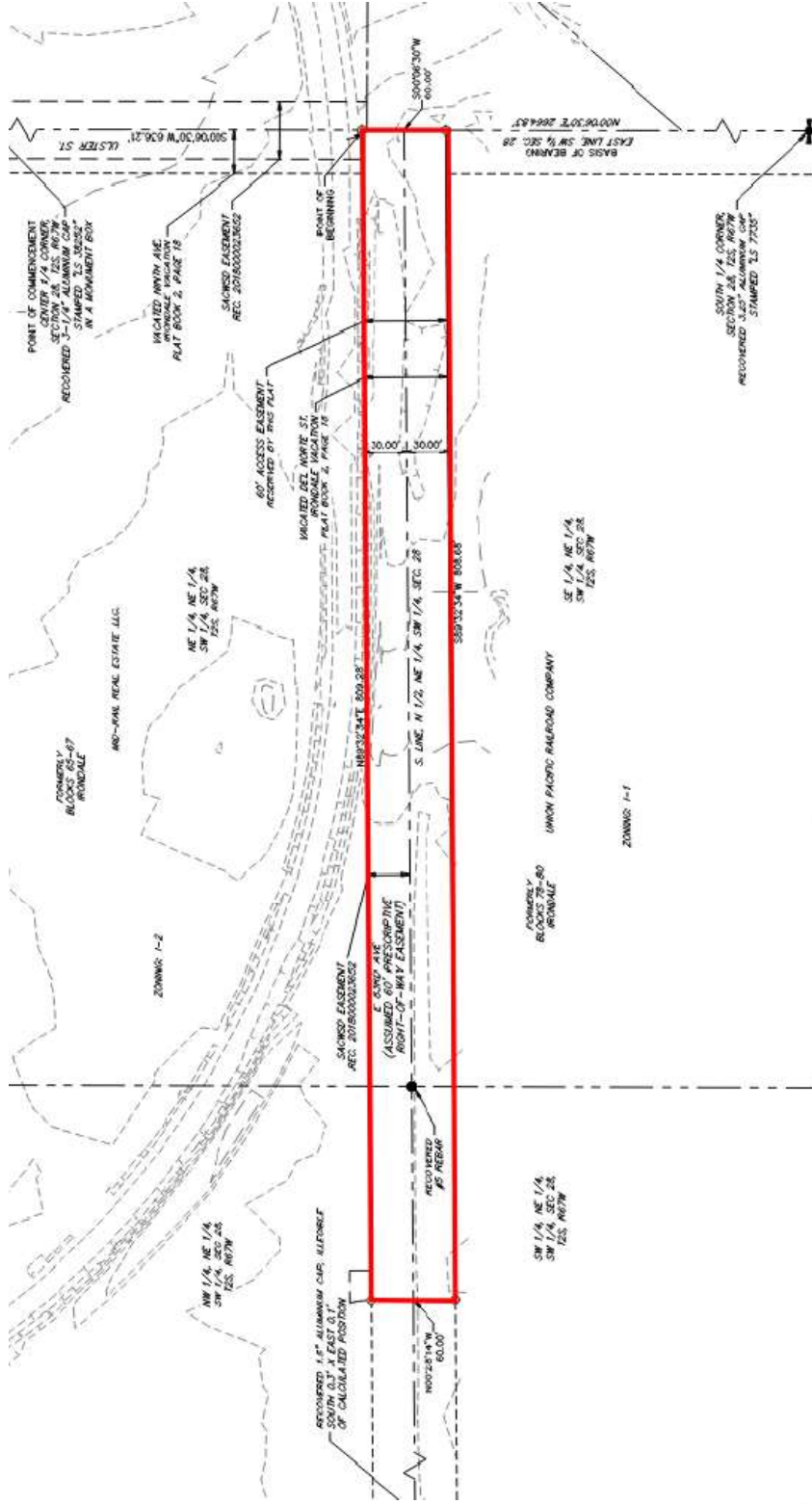
(Capital Improvement Program Recommendations Map)



Current Conditions



Exhibit



Engineering Background Info

- This vacation request is related to the Intsel Steel development and associated rail spur.
- Union Pacific (owner of parcels to the south of area to be vacated) provided a letter of no objection.
- Construction plans for cul-de-sacs at 83rd Ave and Ulster St as well as E 84th Ave were approved by Public Works in May 2018, with the understanding that the applicant would continue to pursue vacation of E 83rd Ave. **The approved plans included closing off E 83rd Ave & Ulster St and Constructing E 84th Ave.** The railroad spur was constructed around this time as well.
- The City ceased to maintain this portion of E 83rd Ave and driveway access was eliminated at the time the E 83rd Ave cul-de-sac was built.



Project Analysis

- There are no outstanding comments or concerns from any agencies.
- It can be found that all approval criteria have been met.
- The review process has determined that the Vacation of Right-of-Way request is consistent with the goals set forth in the Comprehensive Plan and Irondale Plan.



Considerations for Discussion

- The requested vacation of right-of-way is consistent with the Comprehensive Plan and the Irondale Plan.
- The portion of East 83rd Avenue proposed for vacation of right-of-way is no longer utilized and leads to nowhere.

Planning Commission Summary

- A public hearing was held on October 3, 2023.
- There was no public comment.
- Planning Commission voted unanimously (5 – 0) to recommend approval.



Potential Outcomes

- Approval
- Denial
- Continuance
- Remittance back to Planning Commission





Staff is available to answer any questions.

The applicant is also present to answer questions.



Recommended Motion

To recommend approval:

- I move that the City Council enter a finding that the requested Vacation of Right-of-Way contained in case V-91-23 meets the criteria of the Land Development Code and based upon such finding, approve the Vacation of Right-of-Way.



Approval Criteria

➤ Sec. 21-3233(3) – Vacation of Rights-of-Way Approval Criteria:

A vacation application may be approved if:

- (i) The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;
 - The proposed vacation of right-of-way is consistent with both the Comprehensive Plan and the Irondale Plan. The Irondale plan calls out this portion of right-of-way as “road to be closed” and this vacation request accomplishes that vision.
- (ii) The land to be vacated is no longer necessary for the public use and convenience;
 - The land to be vacated is no longer necessary for public use due to the prior vacation of a portion of Ulster Street and the construction of the rail spur.



Approval Criteria Continued...

- (iii) The vacation will not create any landlocked properties;
 - Properties to the south of the vacation request are owned by Union Pacific Railroad. Access to these parcels will remain sufficient as these parcels are under common ownership and will continue to have direct access to Rosemary Street via the unvacated portion of East 83rd Avenue. Properties to the north of the vacation request are owned by Mid-Rail Real Estate, LLC and will have direct access to East 84th Avenue.

- (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, as all parcels will continue to have direct access to either East 84th Avenue or the unvacated portion of East 83rd Avenue. Additionally, a 60-foot access easement is being granted by the vacation plat for the properties to the south of the area to be vacated.

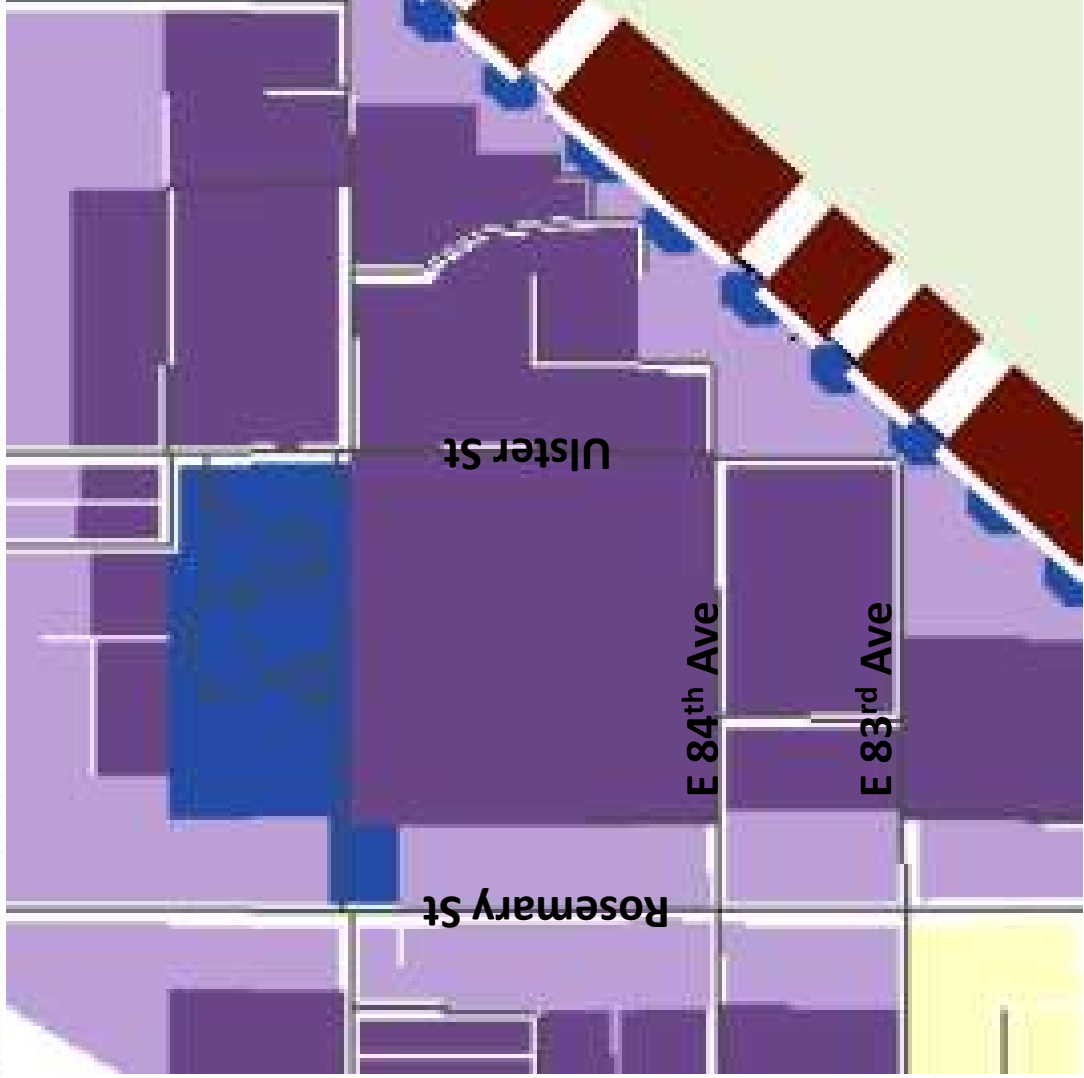


Approval Criteria Continued...

- (v) The vacation will not reduce the quality of public services to any parcel of land; and
 - The quality of public services to any parcel of land are not expected to be impacted by the proposed vacation of right-of-way.
- (vi) A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.
 - A separate plat (S-698-18-23) is currently under review to include the vacated right-of-way with larger/more usable parcels.



Future Land Use Plan



Future Land Use

- Residential - Low
- Residential - Medium
- Residential - High
- Mixed-Use - E-470
- Mixed-Use (Corridor and Commercial)
- Commercial
- Office / Flex
- DIA Technology
- Industrial / Distribution
- General Industrial
- DIA Reserve
- Utility
- Public/State
- Park
- Open Space

