

Jean Latka  
Chair

Brandice Eslinger  
Vice Chair

Chris Kaufman  
City Council Representative

# PUEBLO

## Planning & Zoning Commission

Weston Burrer  
David Webb  
Brian Lucas  
Raymond Seybold

### V-14-04

**TO:** City of Pueblo, Planning and Zoning Commission  
**FROM:** Kelly Grisham, Planner  
**THROUGH:** Steven Meier, Director of Planning and Community Development  
**DATE:** March 12, 2014  
**SUBJECT:** **Street and Alley Vacation**  
**APPLICANT:** **City of Pueblo**  
**PROPERTY OWNER:** City of Pueblo  
**LOCATION:** W. 12<sup>th</sup> Street and Alley located within Block 20, Adee, Chamberlin and Wileys Subdivision.  
**EXISTING ZONE:** R-4, Mixed Residential District  
**CONCURRENT REQUESTS:** None

**Request:**

To vacate a portion of a 16 foot wide alley in Block 20, and a portion of W. 12<sup>th</sup> Street located within Block 20, Adee, Chamberlin and Wileys Subdivision

**Applicable Regulations:**

Sec. 12-5-1 through 6 of the Pueblo Municipal Code (PMC) concerning vacations of streets, alleys, etc.

**Recommended Action:**

Staff recommends that the Vacation be APPROVED.

**Staff review and findings:**

The City of Pueblo is preparing to construct a new bridge at W. 11<sup>th</sup> Street. The new alignment of the bridge will eliminate the southern access to an existing parking lot owned by Bethlehem Square Apartments. In order to mitigate the loss of this access, the City will be providing an alternate driveway access from the north. Currently, the City of Pueblo owns a portion of lot 8 and all of lots 9 and 10, Block 20, Adee, Chamberlin and Wileys Subdivision, and will be transferring these properties to the Bethlehem Square Apartments. Together, the lots plus the vacated alley and street will provide the necessary access to the existing parking lot. An easement will be reserved in the vacated portion of W. 12<sup>th</sup> Street for utilities.

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#### **PUBLIC WORKS AND ENGINEERING COMMENTS**

- None

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#### **STORMWATER**

- Stormwater has no comments. (M. Turner, 2/27/14)

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#### **WASTEWATER COMMENTS**

- The Wastewater Department has no concerns. (B. Maurello, 2/26/14)

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**TRANSPORTATION COMMENTS**

- No comments. (P. Whittlef, 2/26/14)

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**PARKS AND RECREATION COMMENTS**

- None

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**REGIONAL BUILDING COMMENTS**

- I don't see any comments from us at this time. (M. Colucci, 2/27/14)

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**BOARD OF WATER WORKS COMMENTS**

- None

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**BLACK HILLS ENERGY COMMENTS**

- None

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**COLORADO DEPARTMENT OF TRANSPORTATION COMMENTS**

- None

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**COMCAST COMMENTS**

- On behalf of Comcast there is no objection to the proposed vacation. (A. Gittens, 2/28/14)

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**XCEL ENERGY COMMENTS**

- None

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**CENTURY LINK COMMENTS**

- Centurylink has no objections. (L. Gurule, 2/26/14)

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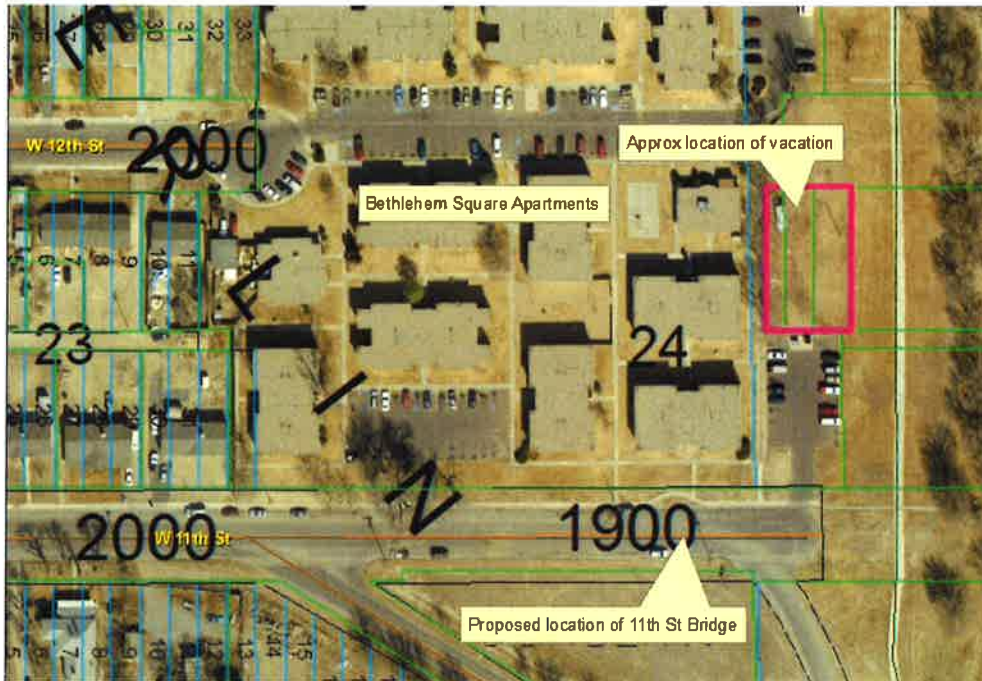
**FIRE DEPARTMENT COMMENTS**

- None

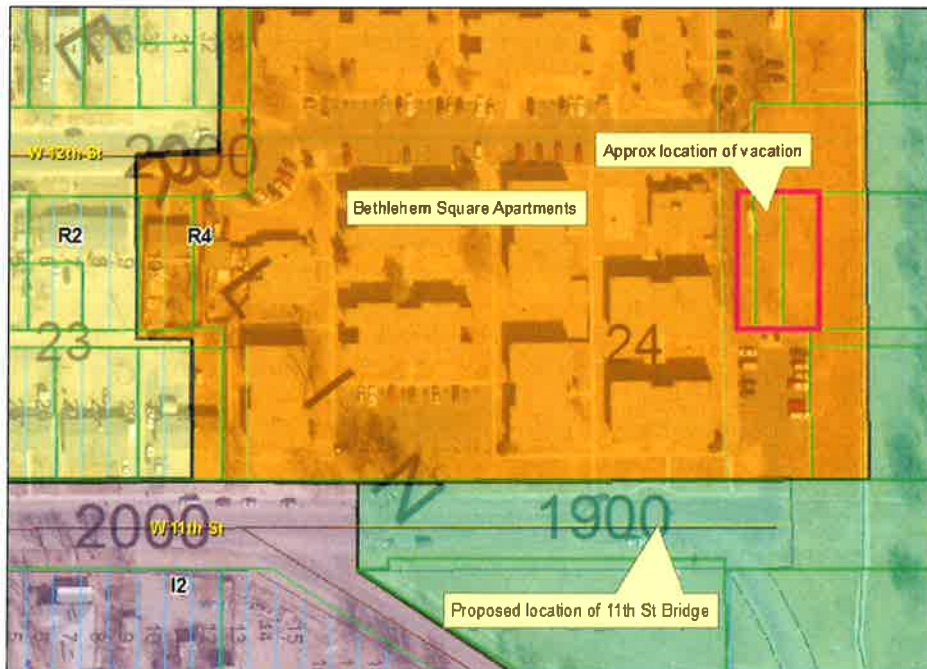
**ATTACHMENTS:**

- A. Location Map
- B. Aerial Vicinity Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Site Photographs
- F. Vacation Plat
- G. Vacation Application

### V-14-04



**Exhibit A. Aerial Photo**



**Exhibit B. Zoning Map**

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# Planning & Zoning Commission

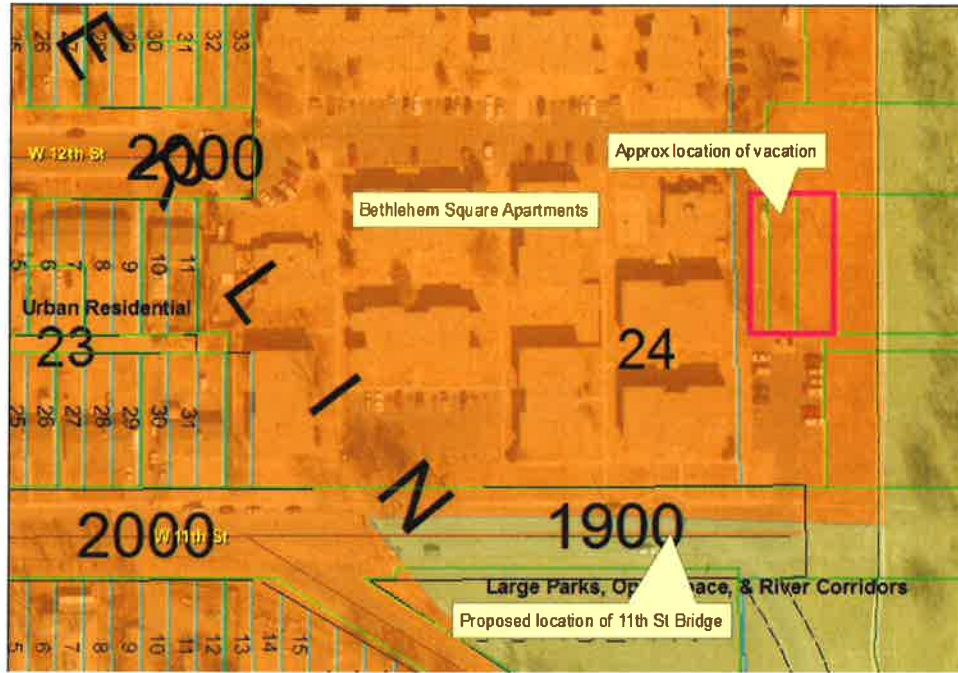
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## V-14-04



**Exhibit C. Comprehensive Plan**

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### V-14-04



**Existing Parking Lot**



**Public Notice Poster**



211 East D Street | Pueblo, Colorado 81003 | Tel 719-553-2259 | Fax 719-553-2359 | TTY 719-553-2611 | www.pueblo.us

### Planning & Zoning Application

Please type or print clearly. Illegible applications will not be accepted. Case #:

Contact Info	<b>Property Owner</b>		<b>Applicant</b>	
	Name: <u>CITY OF PUEBLO</u>		Name: <u>MICKEY BEYER</u>	
	Company: <u>CITY OF PUEBLO</u>		Company: <u>CITY OF PUEBLO</u>	
	Address: <u>211 EAST "D" ST.</u>   Zip: <u>81003</u>		Address: <u>211 EAST "D" ST.</u>   Zip: <u>81003</u>	
	Phone: (719) <u>553-2276</u>		Phone: (719) <u>553-2276</u>	
	Email: <u>mbeyer@pueblo.us</u>		Email: <u>mbeyer@pueblo.us</u>	
	<b>Engineer</b>		<b>Surveyor</b>	
	Name: <u>JOE MARTELLARO</u>		Name: <u>RILEY BRYAN</u>	
	Company: <u>CITY OF PUEBLO</u>		Company: <u>CITY OF PUEBLO</u>	
	Address: <u>211 EAST "D" ST.</u>   Zip: <u>81003</u>		Address: <u>211 EAST "D" ST.</u>   Zip: <u>81003</u>	
Phone: (719) <u>553-</u>		Phone: (719)		
Email: <u>jmartellaro@pueblo.us</u>		Email: <u>rbryan@pueblo.us</u>		
The applicant will be the primary contact unless otherwise noted.				
Property Info	<b>Project Location:</b> (address or general description) <u>SEE "EXHIBIT A" ATTACHED</u>			
	Parcel No(s):			
	Existing Zone:		Proposed Zone (if applicable):	
	PUD Name (if applicable):			
Project Scope	<b>Project Name:</b> <u>BETHLEHEM SQUARE APARTMENTS DRIVEWAY "B"</u>			
Scope of work: <input type="checkbox"/> Lot Line Rearrangement:				
# of existing lots: _____ Total acres: _____				
<input type="checkbox"/> Overall Development Plan				
<input checked="" type="checkbox"/> Rezoning From: <u>S3</u> To: <u>R4</u>				
<input type="checkbox"/> Site Plan Review:				
<input type="radio"/> HARP <input type="radio"/> Development Plan <input type="radio"/> PUD <input type="radio"/> Student Housing				
<input type="checkbox"/> Special Area Plan				
<input type="checkbox"/> Street Name Change:				
Existing Name: _____ Proposed Name: _____				
<input type="checkbox"/> Subdivision: # of lots: _____ Total acres: _____				
<input type="checkbox"/> Text Amendment				
<input checked="" type="checkbox"/> Vacation:				
<input checked="" type="checkbox"/> <sup>PORTIONS OF</sup> Street <input checked="" type="checkbox"/> <sup>PORTIONS OF</sup> Alley <input type="radio"/> Easement <input type="radio"/> Other: _____				
<input checked="" type="checkbox"/> Other: <u>LAND TRANSFER</u>				

(Continue Next Page)

(Continued from previous page)

<b>Project Information</b>	Provide a brief description of the proposed request: (separate narrative as Attachment A also required)	
	To Provide AN ALTERNATIVE DRIVE ACCESS TO THE BSA COMPLEX SOUTHWEST PARKING LOT	
	What is the total acreage included in the project? 0.24 ACRES (MORE OR LESS)	
	What is the proposed use of the property: <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Multi-family <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Other _____	
	Are there any other pending or recently approved Land Use applications regarding this property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, please list:		
<b>Attachments</b>	<b>Attachment Checklist</b>	
	The following list of attachments are required to accompany all applications: <input checked="" type="checkbox"/> A. Detailed explanation of the request as listed above. Be specific <input type="checkbox"/> B. CD with DWF and DWG (Autocad) file of all plans and drawings & a PDF of all documents submitted. <input type="checkbox"/> C. Pueblo County Assessor's Property Information print out ( <a href="http://www.co.pueblo.co.us">www.co.pueblo.co.us</a> ) <input type="checkbox"/> D. Additional information as required by the <b>P&amp;Z Submittal Requirements Sheet</b> .	
<b>Terms</b>	By signing below, the Property Owner and Applicant are representing that each understands and agrees to the following terms:	
	<ol style="list-style-type: none"> <li>1. Authorized personnel from the City of Pueblo, are hereby granted the right to enter the subject property for the purposes of reviewing and processing the application, including Certificate of Occupancy Inspections.</li> <li>2. There are no known hazards or vicious animals present on the subject property.</li> <li>3. All information contained in this application, is true and accurate to the best of my knowledge.</li> <li>4. The City of Pueblo is under no obligation to approve the request contained in this application. No promises of approval are conveyed with the acceptance of this application.</li> <li>5. It is highly recommended that a licensed surveyor complete a property survey before any construction takes place. The property owner is responsible for any construction that takes place within the boundaries of their property. The city may require any construction built outside of the property legal boundaries or within any setbacks (by intent or error), to be removed at the owners' expense.</li> </ol>	
<b>Signatures</b>	Property Owner	
	Print Name:	CITY OF PUEBLO
	Signature:	Date:
	Applicant, if different from Property Owner	
<b>Signatures</b>	Print Name:	MICKY BEXER
	Signature:	Date: 02/19/14

<b>Office Use Only</b>	Zoning Compliance (Completed by City Staff)		Receipt:
	Application received by:	Date:	
	Application checked for completeness by:	Date:	
	Case Manager:	Fee Paid:	
	Hearing date:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	
	Case #:	<input type="checkbox"/> Approved w/conditions	

**Planning & Zoning Application**

**Attachment "A"**

**Bethlehem Square Apartments (BSA) – Alternative Parking Lot Access**

The construction of the west approach embankment for the proposed W. 11<sup>th</sup> Street Bridge will place between 8 to 10 feet of earth at the point where the existing driveway to the BSA parking lot intersects W. 11<sup>th</sup> Street at grade, thus blocking access to the parking lot. Because the apartment complex cannot tolerate the loss of the parking lot a solution was needed that satisfied both parties – the apartment complex owners and the bridge project.

My understanding of the federal regulations that govern the acquisition of real property for federally funded projects is this; If a property is financially harmed because of a taking of property for a project, then a determination is made as to the extent of the legally compensable damages to that property, and the recourse is typically to compensate the owners, which may include payment for the amount the property has been de-valued or in extreme cases the purchase of the damaged property as an uneconomic remnant.

In this case, because loss of access to the east parking lot renders that parking lot unusable, and since the zoning regulations require parking spaces as a function of the number of housing units, then eliminating the parking lot therefore renders the apartment buildings served by the parking lot as potentially untenable. The mitigation might be to compensate the owner for the value of the buildings rendered untenable, based upon a cash flow analysis, and demolish them. The end result is that the cost to do so could be greater than the cost of the bridge project and therefore we would be unable to replace the bridge – and worse would have to return the grant monies, including the already spent portion.

The solution was to construct a new drive access extending south from the north (the former 12<sup>th</sup> Street ROW). Unfortunately, the land upon which the driveway is to be constructed is off of the apartment complex's property, but upon lots owned by the City. Two portions are dedicated ROW – one on 12<sup>th</sup> Street, and the other in the alley between 11<sup>th</sup> and 12<sup>th</sup> Streets. It is our desire to transfer the lots and vacate those portions of ROW necessary for the proposed driveway. Once accomplished through Council actions, we will then proceed with soliciting competitive bids to construct the new driveway. We must do so using City money only and will not be eligible for reimbursement from either of the federal grants.

The purpose of this application is to transfer the 2 ½ lots, re-zone said lots from S3 to R4, and to vacate those portions of W. 12<sup>th</sup> Street and the alley to the south



# EXHIBIT "A"

BLOCK 19

BLOCK 11

27

28

1/16 LINE OF SECTION 26  
(ALSO SUBDIVISION BOUNDARY)

VACATED 12TH STREET  
BOOK 1715 PAGE 338

VACATED 12TH STREET  
RECEPTION #1771601

35' EASEMENT FOR EXISTING  
SEWER AND WATER SERVICES

35' UTILITY  
EASEMENT

W. 12TH ST



25'  
35'  
20'

P.O.C.

18.94'

P.O.B.

15.00'

7

8

9

10

P.O.C.

P.O.B.

65.00'

BLOCK 24

BLOCK 20

ADEE, CHAMBERLIN AND  
WILEY'S SUBDIVISION SECOND FILING

27

28

ADEE, CHAMBERLIN AND  
WILEY'S SUBDIVISION

16.77'

VACATED ALLEY

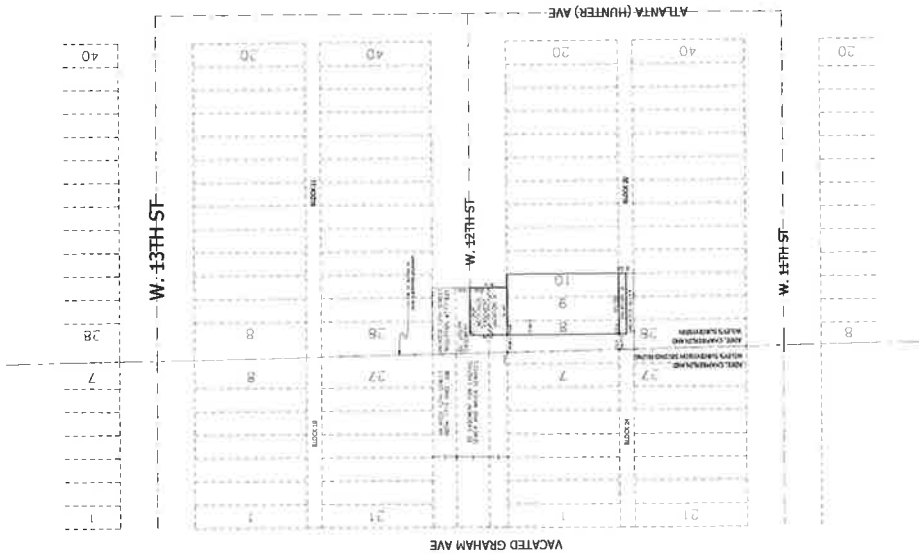
8.00'



SCALE: 1"=50'

# STREET AND ALLEY VACATION PLAT

LOCATED IN THE SOUTHWEST 1/4, SECTION 26, TOWNSHIP 20 SOUTH, RANGE 65 WEST, OF THE 6TH P.M.  
CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO



PUEBLO, COLORADO APRIL 10, 2013.

DESCRIPTIONS OF STREET AND ALLEY TO BE VACATED

A PORTION OF A 16 FOOT WIDE ALLEY IN BLOCK 20 AND A PORTION OF W 13TH STREET IN ADJ. CHAMBERLIN AND WELLS SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTIONS 26 TOWNSHIP 20 SOUTH, RANGE 65 WEST OF THE 6TH P.M. CITY OF PUEBLO, COUNTY OF PUEBLO, STATE OF COLORADO.

COMMENCING AT THE NORTHWEST CORNER OF LOT 6, BLOCK 20, ADJ. CHAMBERLIN AND WELLS SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF SAID SUBDIVISION, THENCE EAST ALONG THE NORTH LINE OF LOT 6 a DISTANCE OF 19.94 FEET TO BLOCK 20 a DISTANCE OF 200 FEET, THENCE NORTH A DISTANCE OF 40 FEET TO A POINT, THENCE WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. SAID RESERVATION ESSENTIAL FOR PARK UTILITIES IN THE NORTH HALF OF SAID VACANT.

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 20, ADJ. CHAMBERLIN AND WELLS SUBDIVISION, SAID POINT ALSO BEING ON THE WEST LINE OF SAID SUBDIVISION, THENCE EAST ALONG THE SOUTH LINES OF LOTS 8, 9 AND 10, BLOCK 20 a DISTANCE OF 88.00 FEET, THENCE NORTH A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING. THENCE EAST ALONG THE SOUTH LINES OF LOTS 8, 9 AND 10, BLOCK 20 a DISTANCE OF 88.00 FEET, THENCE NORTH A DISTANCE OF 80 FEET TO THE POINT OF BEGINNING.

PURPOSE  
FOR REDEVELOPMENT  
RESERVATIONS

M. RILEY MONROE BRANN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF COLORADO,  
HUNTER, HUNTER & ASSOCIATES, INC., PROFESSIONAL ENGINEERS AND ARCHITECTS, REGISTERED PROFESSIONAL LAND SURVEYORS  
HUNTER, HUNTER & ASSOCIATES, INC., REGISTERED PROFESSIONAL ENGINEERS AND ARCHITECTS

DATE \_\_\_\_\_

PROFESSIONAL LAND SURVEYOR NO. 31925

