



## Legislation Details (With Text)

**File #:** CPC V 17-00049      **Version:** 3      **Name:** Banning Lewis Ranch Village 3  
**Type:** Planning Case      **Status:** Mayor's Office  
**File created:** 7/27/2017      **In control:** City Council  
**On agenda:** 10/10/2017      **Final action:** 10/10/2017

**Title:** Ordinance No. 17-95 vacating portions of Public Right-Of-Way known as Dublin Boulevard, Vista Del Tierra Drive, Circulo Del Sol Loop, and Stetson Hills Boulevard consisting of 19.91 acres located west and southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

(Legislative)

Related Files: CPC MP 87-00381-A16JM17, CPC PUP 17-00048, CPC PUZ 17-00047

**Presenter:**  
Hannah Van Nimwegen, Planner II, Planning & Community Development  
Peter Wysocki, Planning and Community Development Director

**Sponsors:**

**Indexes:** BLR

**Code sections:**

**Attachments:** 1. ORD\_Vac\_ROW - BLR V3, 2. Exhibit A, 3. Exhibit B, 4. Exhibit C, 5. Figure 4. Vacation Plat, 6. 7.7.402.C Vacation Procedures, 7. Signed Ordinance 17-95

Date	Ver.	Action By	Action	Result
10/10/2017	2	City Council	finally passed	Pass
9/26/2017	2	City Council	approved on first reading	Pass
8/17/2017	1	Planning Commission	referred	Pass

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**Summary:**

Applicant: LAI Design Group  
Owner: MREC Oakwood COLO Investments, LLC  
Location: Southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection

This project includes concurrent applications for a major amendment to the Banning Lewis Ranch Master Plan, zone change, concept plan, and right-of-way vacation encompassing roughly 284 acres generally located southwest of the future Dublin Boulevard and Banning Lewis Ranch Parkway intersection. Banning Lewis Ranch Village Three is proposing single-family residential at a density range of 3.5 to 7.99 dwelling units per acre with a trail connection and a 3.5 acre neighborhood park.

**Previous Council Action:**

In 1988, the City Council voted to annex the 20,000 acre parcel called Banning Lewis Ranch. Also in 1988, the City Council approved to zone this section of Banning Lewis Ranch to the multiple zone districts which exist today. No further actions have occurred in the area of the subject applications.

On September 26, 2017, this ordinance was approved on first reading by a vote of 5:2:2 with dissenting votes from Councilmembers Avila and Murray. Excused were Councilmembers Bennett and Pico.

**Background:**

Banning Lewis Ranch Village Three is planned as the next development in the Banning Lewis Ranch neighborhood. Villages One and Two, located to the north and west, are nearly built out. This proposal would establish zoning and density for Village Three, a conceptual plan for 284 acres, and proposes to vacate existing right-of-way within the development.

The subject property contains multiple master plan designations including Residential-High, Residential-Medium, Residential-Low, Neighborhood Retail, Elementary School, and Park. The subject property currently is zoned with four districts: R-5/CR/AO/SS (Multi-family residential with conditions of record and an Airport and Streamside Overlay); R-5/CR/AO (Multi-family residential with conditions of record and an Airport Overlay); R1-6000/AO/SS (Single-family residential with an Airport and Streamside Overlay); PBC/CR/AO/SS (Planned Business Center with conditions of record and an Airport and Streamside Overlay).

The major amendment to the Banning Lewis Ranch Master Plan proposes two designations: Residential-Medium, permitting a density range of 3.5 to 7.99 dwelling units per gross acre; and Parks & Open Space. The zone change proposes to rezone the property from the above described districts to PUD/AO/SS (Planned Unit Development: Single-Family Residential with a maximum building height of 40 feet and a gross density of 7.99 dwelling units per acre with Airport and Streamside Overlays). This zone district permits both single-family attached and detached residential while limiting Village Three's density to a maximum of 7.99 dwelling units per gross acre. However, "Tract E", as noted on the concept plan, is owned by the City of Colorado Springs and will not be rezoned. Tract E was platted in 2005 as part of the Banning Lewis Ranch Filing Number 2 subdivision and dedicated to the City for utility infrastructure.

The Village Three Concept Plan illustrates 284 acres of residential development. As a whole, Village Three will provide its residents with 28 acres of open space along the western property line with a trail which will connect to the trail system in Village One and Village Two. The western portion, approximately 128 acres, was proposed as an "active adult" community and is currently labeled as age-restricted on the concept plan. The City Planning Commission discussed the legality of labeling land as "age-restricted" and "active-adult" on a City approved plan, and determined all usage of those terms would be removed from the concept plan and amended the motion proposed by staff to include this modification.

Currently, the parcel is split north-south by Vista Del Tierra Drive, a 72 foot wide platted right-of-way, and further segmented by Circulo Del Sol Loop, a 60 foot wide platted right-of-way. One right-of-way vacation covering a portion of Dublin Boulevard, all of Vista Del Tierra Road, Circulo Del Sol Road, and a portion of Stetson Hills Boulevard is requested. New roadway standards were approved in 2010 which generally reduced the required roadway widths in each classification. Village Three is not proposing to reclassify any of the roadways within the development area, but are requesting to reduce the widths to better suit the current standard. The applicant is requesting to vacate at one time in order to avoid a series of vacation requests for one roadway. The necessary right-of-way will then be dedicated at the appropriate width during the review of adjacent filings. Though, Circulo Del Sol Loop is not proposed to be replaced as it does not fit with the developer's subdivision design, but Vista Del Tierra Drive is proposed as a 57 foot collector roadway and a conceptual cross section is illustrated in the concept plan. Accompanying the vacation request is a reservation for existing utilities due to the existing 16" water main which runs the length of Vista Del Tierra Drive in Village Three and the existing gas main within Dublin Boulevard.

A Traffic Impact Analysis was reviewed and approved by City Traffic Engineering for the proposed development. Overall, the analysis concludes the projected traffic levels at the discussed intersections will be acceptable, assuming total build-out of Village Three.

The proposal was reviewed by School District 49, which concluded land dedication, or fees-in-lieu of land, within Village Three was not necessary and the removal of the Elementary School designation on the master plan was acceptable. The school district notes that due to the proposed age-restriction within a portion of Village Three, it was determined the over dedication within Village Two would be sufficient to cover the requirements of Village Three. Prior to City Planning Commission, staff was proposing a note be placed on the concept plan dictating further review by the school district if the age-restriction notations were ever adjusted on the concept plan. However, because City Planning Commission voted to remove mention of the active adult community, staff is proposing a different note which accomplishes the same goal. Staff is currently proposing the following note be placed on the concept plan, "Further assessment for land dedication or fees-in-lieu shall be conducted by the appropriate school district during the review of a filing's development plan and final plat. The applicant/builder of Village Three to provide the Planning Department a copy of the filing's Covenants, Conditions & Restrictions to provide to the school district for consideration. A general note must be placed on the plat stating the subdivision filing is subject to the Covenants, Conditions & Restrictions recorded at the applicable reception number."

Village Three also benefits from over dedication of parkland within Villages One and Two, and only a 3.5 acre park is required in Village Three. This distribution of parkland was approved by the Parks and Recreation Advisory Committee in March of 2017. The developer will be required to rezone the applicable 3.5 acres to PK (Park) when the location is permanently sited, and construction of the park must be complete prior to 75% of the build-out of the surrounding residential filing. The concept plan outlines these triggers which were reviewed and approved by Parks and Recreation representatives.

The project supports the City's Strategic plan to build community and collaborative relationships by providing a well-designed residential community with on-site amenities and connectivity to surrounding neighborhoods through trails and open space.

Please see the attached City Planning Commission staff report for more details on the existing and proposed zoning, the traffic impact analysis, the concept plan, and the right-of-way vacation.

**Financial Implications:**

A review was conducted by the Fiscal and Strategic Planning Office regarding the potential impact of the proposed development and determined a full fiscal impact analysis is not warranted. After review of the existing land use designations and the proposed alterations, it was stated the development was neutral and would not have an adverse impact to the City. The Fiscal and Strategic Planning Office noted the removal of the higher density residential and the neighborhood retail land uses in addition to the proposed reduction in right-of-way widths (to be further discussed below) resulted in a neutral impact when considering all medium density residential.

**Board/Commission Recommendation:**

At their meeting held on August 17, 2017, the City Planning Commission voted to recommend approval of the Banning Lewis Ranch Master Plan major amendment, the Village Three zone change to PUD, concept plan, and right-of-way vacation as part of the new business calendar. No one from the public spoke in support or in opposition to the proposal. The City Planning Commission voted 5 - 0 - 4 (four absent) in favor of the major master plan amendment, the zone change, and the right-of-way vacation, and voted 4 - 1 - 4 (Commissioner Henniger opposed) in favor of the concept plan with a motion to remove all references to “active-adult” and “age-restricted”. Please reference the minutes from the hearing for a detailed record.

**Stakeholder Process:**

Upon submittal of the requests; public notice was mailed to 68 property owners within a 1,000 foot radius of the subject site, and the property was posted with a poster visible from Dublin Boulevard with application and contact information. Staff received one communication from a neighboring property owner indicating they did not have concerns with the proposal. Due to little public input, Staff did not require a neighborhood meeting. Prior to the City Planning Commission hearing and this City Council hearing; the site was posted in the same location with the hearing date information, and a postcard was mailed to the same 68 property owners.

Staff sent plans to the standard internal and external review agencies for comments including; Colorado Springs Utilities, City Engineering, City Traffic Engineering, Water Resources Engineering, City Fire, the Airport, and Parks and Recreation. Additionally, Staff consulted the Fiscal and Strategic Planning Office and School District 49. Neither agency had major concerns and are satisfied with the proposal moving forward to City Council.

As discussed above, staff is recommending a technical modification to the concept plan to add the following note, “Further assessment for land dedication or fees-in-lieu shall be conducted by the appropriate school district during the review of a filing’s development plan and final plat. The applicant/builder of Village Three to provide the Planning Department a copy of the filing’s Covenants, Conditions & Restrictions to provide to the school district for consideration. A general note must be placed on the plat stating the subdivision filing is subject to the Covenants, Conditions & Restrictions recorded at the applicable reception number.” This note ensures the school district’s ability to assess each filing for compliance with the active-adult proposal which their decision to not collect fees-in-lieu was based on.

**Alternatives:**

1. Uphold the action of the City Planning Commission in addition to staff’s technical modification;
2. Modify the decision of the City Planning Commission;

3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

**Proposed Motion:**

Approve the right-of-way vacation along a portion Dublin Boulevard, Vista Del Tierra Drive from Dublin Boulevard to Stetson Hills Boulevard, Circulo Del Sol Loop, and a portion of Stetson Hills Boulevard based on the finding the request complies with the review criteria in City Code Section 7.7.402.C.

An Ordinance vacating portions of Public Right-Of-Way known as Dublin Boulevard, Vista Del Tierra Drive, Circulo Del Sol Loop, and Stetson Hills Boulevard consisting of 19.91 acres located west and southwest of the Dublin Boulevard and Banning Lewis Ranch Parkway intersection