



## Legislation Text

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**File #:** CPC V 18-00099, **Version:** 2

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Ordinance No. 18-103 vacating portions of a public right-of-way known as Banning Lewis Ranch Parkway consisting of 14.645 acres

(LEGISLATIVE)

**Presenter:**

Hannah Van Nimwegen, Senior Planner, Planning and Community Development  
Peter Wysocki, Director of Planning and Community Development

**Summary:**

Applicant: Classic Consulting

Owner: City of Colorado Springs

Location: Along the western side of Banning Lewis Ranch Parkway beginning at the intersection with Dublin Boulevard and running south to Stetson Hills Boulevard.

This project includes a single vacation area; a strip of excess right-of-way along the western edge of Banning Lewis Ranch Parkway adjacent to the Village 3 development. This portion of right-of-way was originally dedicated with the Banning Lewis Ranch Filing No. 1 plat in 2005. See the attached right-of-way vacation plat for further details on this vacation request (Exhibit B).

**Previous Council Action:**

The City Council voted to approve the Amended and Restated Banning Lewis Ranch Annexation Agreement on April 24, 2018 with a 7-2 vote (Avila and Murray opposing). This annexation agreement addresses right-of-way vacations for right-of-ways in excess of 142 feet in width within Section IV titled "Public Facilities."

The City Council also voted to approve land use entitlements for the Village 3 development on September 26, 2017 with final reading on October 10, 2017. At that time, the City Council was reviewing the zone change to PUD, the Village 3 concept plan, a major amendment to the Banning Lewis Ranch Master Plan, and a right-of-way vacation for Vista Del Tierra Drive and Circulo del Sol Loop.

On October 9, 2018, this ordinance was approved on first reading on the Consent Calendar.

**Background:**

A portion of Banning Lewis Ranch Parkway was platted and dedicated in 2005 as part of the Banning Lewis Ranch Filing No. 1 plat with a width of 332 feet. This proposal is to vacate 95 feet of width between Dublin Boulevard and Stetson Hills Boulevard increasing to 323 feet of excess width at the intersection of Banning Lewis Ranch Parkway and Stetson Hills Boulevard. Remaining is 237 feet of

right-of-way. The portion of vacated right-of-way would then be incorporated into lots and landscape tracts within the Village 3 development. A portion of the Village 3 development is currently under administrative review within the Planning Department. Exhibit C illustrates how the vacated right-of-way would be incorporated into that portion of the subdivision.

In April of this year, the City Council considered and approved the Amended and Restated Banning Lewis Ranch Annexation Agreement. This agreement now states, "The City will act on requests to vacate excess portions of rights-of-way previously dedicated which are no longer needed ... including any previously dedicated rights-of-way for Banning Lewis Parkway in excess of one hundred forty-two feet (142'), in accordance with the City's legislative process for vacating rights-of-way. Vacations under this Section will be considered upon request from the Owner involved after the applicable PUD (or other zoning as provided in Section III above) has been approved by City Council."

There are no public utilities installed within the portion of Banning Lewis Ranch Parkway right-of-way to be vacated between Dublin Boulevard and Stetson Hills Boulevard.

This item supports the City's strategic goal of investing in infrastructure. This proposal maintains current City standards for infrastructure development and enhances connectivity in the community.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

Per Section 7.7.402.B.2 of the City Code, a request to vacate right-of-way is placed directly onto a City Council agenda for action after review by the administration. No review by a board or commission is required.

**Stakeholder Process:**

Upon submittal of the requests, public notice was mailed to 178 property owners within a 1,000-foot radius of the subject site and the property was posted with the application and contact information. No public comments were received.

City Planning staff sent plans to the standard internal and external review agencies for comments. All comments received from the review agencies are addressed. Commenting agencies included City Engineering, City Traffic, Colorado Springs Utilities, Water Resources Engineering, the Fire Department, and the City Licensed Surveyor.

**Alternatives:**

1. Approve the application;
2. Deny the application; or
3. Refer the application back to staff for further consideration.

**Proposed Motion:**

CPC V 18-00099 - Vacation of Right-of-Way

Adopt an ordinance vacating City right-of-way along Banning Lewis Ranch Parkway south of Dublin Boulevard to 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 a public right-of-way known as Banning Lewis Ranch Parkway consisting of 14.645 acres.