



## Legislation Details (With Text)

<b>File #:</b>	CPC V 18-00157	<b>Version:</b>	2	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>	Mayor's Office		
<b>File created:</b>	12/18/2018	<b>In control:</b>	City Council		
<b>On agenda:</b>	2/12/2019	<b>Final action:</b>	2/12/2019		
<b>Title:</b>	Ordinance No. 19-9 vacating portions of a public right-of-way known as Zircon Drive consisting of 0.41 of an acre.				
	(LEGISLATIVE)				
	Presenter: Hannah Van Nimwegen, Senior Planner, Planning and Community Development Peter Wysocki, Director of Planning and Community Development				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Plan\_Dev-ZirconDriveVacationORD-2019-01-15.pdf, 2. Exhibit A - Legal Description, 3. Exhibit B - Zircon Drive Vacation Plat, 4. Signed Ordinance 19-9

Date	Ver.	Action By	Action	Result
2/12/2019	1	City Council	finally passed	Pass
1/22/2019	1	City Council	approved on first reading	Pass

Ordinance No. 19-9 vacating portions of a public right-of-way known as Zircon Drive consisting of 0.41 of an acre.

(LEGISLATIVE)

### Presenter:

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

### Summary:

Applicant: M & S Civil Consultants

Owner: City of Colorado Springs

Location: East of Marksheffel Road equal distance between North Carefree Circle and Barnes Road within the Enclaves at Mountain Vista Ranch development.

This project includes a single vacation area; a portion of excess right-of-way known as Zircon Drive. This portion of right-of-way was originally dedicated with the Enclaves at Mountain Vista Ranch Filing No. 1 plat recorded earlier this year. 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 land use entitlements for the Enclaves at Mountain Vista Ranch development on July 12, 2016. At that time, the City Council was reviewing the zone change to PUD, the Enclaves at Mountain Vista Ranch concept plan, and a major amendment to the Banning Lewis Ranch Master Plan to accommodate the residential development.

On January 22, 2019, with a vote of 8:0:1 (Don Knight was excused), City Council approved this ordinance on the Consent Calendar.

**Background:**

Zircon Drive was platted and dedicated in May of 2018 as part of the Enclaves at Mountain Vista Ranch Filing No. 1 plat with a width of 57 feet and length of approximately 2,600 feet. This proposal is to vacate the eastern 297 feet of length. Enclaves at Mountain Vista Ranch's site layout was restructured and Zircon Drive was realigned through a portion of Filing No. 4. This realignment was reviewed and accepted by City Traffic Engineering. Figure 1 illustrates the proposed realignment. The density targets stated in the Enclaves at Mountain Vista Ranch concept plan will not be impacted by the road's realignment.

Zircon Drive was dedicated with a utility easement encumbering the entire width of the right-of-way, and water and sanitary sewer infrastructure was installed. At the request of Colorado Springs Utilities, this easement will be retained by the right-of-way vacation ordinance and on the right-of-way vacation plat for this infrastructure.

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 4 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 comment. 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:**

Adopt an ordinance vacating a portion of City right-of-way known as Zircon Drive 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 Zircon Drive consisting of 0.41 of an acre.