



## AGENDA MEMORANDUM

**To:** Honorable Mayor and Members of Town Council

**From:** Judy Hostetler, Real Property Specialist

**Title:** An Ordinance Vacating a Portion of Atrium Drive within the Proposed Promenade at Castle Rock Planned Development Plan; and Providing for its Emergency Adoption on Second and Final Reading (Second Reading)

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### Executive Summary

**This ordinance was approved on first reading on March 17, 2015 with a vote of 7-0 and no changes**

The purpose and intent of this report is to provide information for Town Council consideration regarding the proposed ordinance (**Attachment B**) to vacate a portion of Atrium Drive. The developer will replace the vacated street with extensions of Castlegate Drive West and Atrium Way (**Attachment C**) and will relocate all existing utilities lying within the vacated area when Promenade at Castle Rock is developed. The current access will remain in place until these streets are constructed. If the right-of-way is vacated, ownership of the property will transfer from the Town to the adjacent private property owner, Promenade Castle Rock, LLC.

The proposed vacation area (**Attachment A**) is 70 feet wide, 2.888 acres in area, and located northwest of the Outlet Mall, north of Lowe's and south of the Pines Apartments.

Staff recommends approval of the proposed right-of-way vacation.

### Key Issues

The key issues related to this application include the following:

- Maintenance of public access via the existing right-of-way until the new streets are constructed; and
- Relocation of the existing utilities lying within the proposed vacation area.



**VICINITY MAP**

### Code Review and Findings

The Municipal Code authorizes Town Council to vacate dedicated public right-of-way. As a condition of approval, it must be demonstrated that adjoining properties have an alternative means of ingress and egress and that easements will be reserved for public

and private utilities and/or appurtenances located within the right-of-way to allow continued use. Town staff has reviewed the proposed right-of-way vacation and finds that the proposal:

- Meets the goals and objectives of the Vision 2020 and the Comprehensive Master Plan;
- Is consistent with the proposed Promenade at Castle Rock Planned Development Plan, which anticipates the extensions of Atrium Way and Castlegate Drive West;
- Provides for the reservation of a public access easement until the new streets are completed; and
- Provides for relocation of the existing utilities within the proposed vacation area.

### **Notification and Outreach Efforts**

The proposed right-of-way vacation ordinance was published in the newspaper and posted on the Town’s website prior to the public hearing. The proposal was also posted on the Town’s In Your Backyard web page.

### **External Referrals**

Requests for written comments on the proposed vacation were sent to the following utility providers to determine the extent of the existing utilities within the proposed vacation area: IREA, CenturyLink, Comcast and Black Hills Energy. It was determined that easements need to be reserved for the existing utilities until they can be relocated within the new right-of-ways proposed for construction.

### **History of Past Town Council, Boards & Commissions, or Other Discussions**

#### **Planning Commission – January 22, 2015**

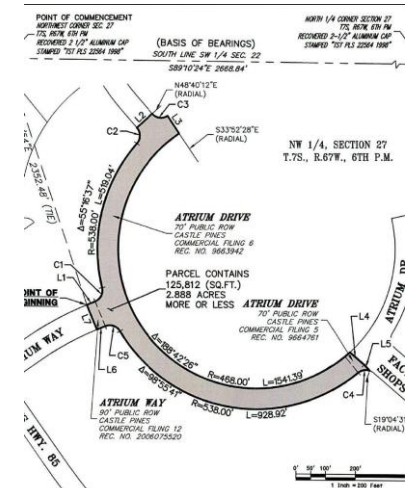
Planning Commission voted to recommend approval of the Promenade at Castle Rock Planned Development Plan.

#### **Town Council – March 3, 2015**

Town Council approved the Promenade at Castle Rock Planned Development Plan (**Attachment D**), which rezoned part of the Castle Pines Commercial PD. The vacation of Atrium Drive and the proposed extensions of Atrium Way and Castlegate Drive West are consistent with this proposed PDP.

### **Discussion**

The applicant is requesting vacation of this portion of Atrium Drive to improve traffic flow within the development and to provide access to I-25 via the new interchange being constructed on the northeast corner of the property. The vacated area lies within the plat for Promenade at Castle Rock Filing No. 1, currently under review. When this property is developed, the vacated road will be replaced with the extensions of Atrium Way



and Castlegate Drive West. Temporary access over the existing right-of-way for Atrium Drive will remain until the new streets are completed and the existing utilities have been relocated. Currently, there are electrical lines, a fiber optic line, a gas line and a water line located within the existing right-of-way. The Town's Public Works and Utility Departments have reviewed the request and determined that the existing right-of-way is no longer necessary.

## **Summary of Review and Approval Criteria**

### **Vision 2020 Cornerstones**

Staff finds that vacation of this right-of-way would be consistent with the Town's Vision 2020 Cornerstones, as outlined below:

#### **Community Planning**

Intent: To ensure the Town is carefully planned to accommodate the needs of existing and future residents while preserving and protecting Castle Rock's Town identity and quality of life.

Goal: Establish an interconnected and diverse transportation system including local and regional trail, roadway, and public transit linkages.

#### **Community Services**

Intent: To ensure that all necessary community services are provided to support the public interest and well-being of all Castle Rock residents and businesses.

Goal: Provide and maintain cost-effective, efficient infrastructure facilities including water, sewer, drainage, streets, and trails.

### **2020 Comprehensive Master Plan**

Staff evaluated the proposal using the following principles and policies of the Town's 2020 Comprehensive Master Plan, as outlined below:

#### **Principle T-1: Integrated Transportation System**

A WELL PLANNED AND INTEGRATED TRANSPORTATION SYSTEM MOVES PEOPLE AND GOODS IN A SAFE AND EFFICIENT MANNER.

##### **Policies:**

T-1.1 Develop and maintain an interconnected and diverse transportation system including roadway, transit, railroad, bicycle, and pedestrian facilities.

T-1.3 Continue to develop the major roadway system in order to provide an efficient roadway network and to allow for ease of movement through the Town.

## **Principle CS-17: Efficient and Effective Transmission Systems**

MAXIMIZE THE EFFICIENCY AND EFFECTIVENESS OF TRANSMISSION AND DISTRIBUTION SYSTEMS.

### Policy:

CS-17.2 Coordinate the location of gas, electric, and communication lines with local, regional and state agencies to ensure their proper location with respect to existing and future right-of-ways.

Development of the Promenade property will greatly increase the flow of traffic in this part of town, and staff believes that altering the access in this manner will greatly improve internal circulation and interstate access. Relocation of the existing utilities will make that effort possible.

### Budget Impact

No budget impact. The Town does not receive any compensation for vacating right-of-way. All new streets will be constructed by the developer, and the relocation of existing utilities will be at the expense of the developer as well.

### Staff Recommendation

Staff recommends that Town Council approve the proposed right-of-way vacation based on findings that the proposal:

- Is supported by the goals and objectives of the Vision 2020 and the 2020 Comprehensive Master Plan;
- Is consistent with the proposed Promenade at Castle Rock Planned Development Plan, which anticipates the removal of this portion of Atrium Drive and the extensions of Castlegate Drive West and Atrium Way; and
- Provides for a temporary public access easement over the portion of Atrium Drive to be vacated and the relocation of existing utilities lying within the vacation area.

### Proposed Motion

I move to approve this Ordinance, as introduced by title.

### Attachments

Attachment A: Map  
Attachment B: Ordinance  
Attachment C: Right-of-way Drawing  
Attachment D: Proposed Planned Development Plan