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**CITY PLANNING COMMISSION AGENDA**

**ITEM NOS: 9.A-9.D**

**STAFF: O'CONNOR**

**FILE NO(S):**

**A. - CPC MP 07-00061-A2MN13 – QUASI-JUDICIAL**

**B. - CPC CP 02-00245-A1MN13 -- QUASI-JUDICIAL**

**C. - CPC PUZ 13-00124 – QUASI-JUDICIAL**

**D. - CPC PUD 13-00125 – QUASI-JUDICIAL**

**PROJECT: BISON RIDGE AT KETTLE CREEK FILING NO. 4**

**APPLICANT: N.E.S. INC**

**OWNER: KETTLE CREEK, LLC AND JOHN VENEZA FAMILY TRUST**



**PROJECT SUMMARY:**

1. Project Description: This project consists of four applications:
  - a. An amendment to the Briargate Master Plan which changes 12.7 acres of commercial to 12.7 acres of residential 3.5-7.99 dwelling units per acre (du/ac) **(FIGURE 1)**;
  - b. A concept plan showing the proposed change from commercial to residential as well as the adjoining commercial **(FIGURE 2)**;
  - c. A rezoning of 12.7 acres from PBC (Planned Business Center) to PUD (Planned Unit Development, single family detached, 35-foot max height, 4.4 du/ac) for a single family residential development; and
  - d. A development plan for a 50-lot single family development. **(FIGURE 3)**
2. Applicant's Project Statement: **(FIGURE 4)**
3. Planning and Development Team's Recommendation: Approval of the four applications

**BACKGROUND:**

1. Site Address: Not applicable
2. Existing Zoning/Land Use: PBC (Planned Business Center)/vacant-undeveloped
3. Surrounding Zoning/Land Use:
  - North: PUD (Planned Unit Development) and R5 (Multi-Family Residential)/single family and townhomes
  - South: PUD (Planned Unit Development)/single family
  - East: PBC (Planned Business Center)/vacant
  - West: PUD/detention pond
4. Comprehensive Plan/Designated 2020 Land Use: The land use map indicates Community Activity Center at the intersection of Old Ranch/Powers and General Residential to the west of the intersection.
5. Annexation: The property was annexed as part of the Briargate Addition No. 5 Annexation in 1982.
6. Master Plan/Designated Master Plan Land Use: A portion of the master plan is being amended as part of this request.
7. Subdivision: Final plat is pending for the first phase of the residential. The final plat is reviewed administratively.
8. Zoning Enforcement Action: None.
9. Physical Characteristics: The property has native grasses with minor overlot grading. There are no significant features on the site.

**STAKEHOLDER PROCESS AND INVOLVEMENT:** The public process involved the mailing of postcards to 154 properties within 500 feet of the property and the posting of the site during the internal review period. Prior to the Planning Commission meeting, the property will again be posted and a second mailing will be completed.

There are two HOA's located within this area; the Kettle Creek HOA (primarily to the north) and the Townes at Kettle Creek (townhome HOA to the northeast). Staff met twice with representatives of the two HOA's to discuss issues/concerns associated with the requests. The comments from the HOA's are included **(FIGURE 5)**. Issues indicated are drainage concerns, density, lack of adequate park area for the children of this development, and the need for this development to be a part of the existing HOA.

One letter was provided in favor of the request, one with a signal concern, and four comments were received in opposition to the request (**FIGURE 6**). Objections were as follows: Too dense; not compatible with the adjoining neighborhood; too small of lots; 35-foot maximum height is too high—views will be negatively impacted; drainage issues/concerns along Looking Glass.

**ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:**

There are no issues with the master plan amendment or the concept plan for the remaining five (5) acres of commercial. However, School District 20 has indicated they do not support the change from commercial to residential (**FIGURE 7**).

Specific Project Overview/Summary

The development plan application includes the following:

- 50 single family detached homes;
- Lot sizes ranging from 6,202 square feet to 18,057 square feet; average lot size is 9,016 square feet.
- All streets are public;
- Three landscape tracts are being created along the perimeter that will be the responsibility of a HOA. The tract along Old Ranch includes a six foot high concrete noise wall; and
- Development is proposed to be constructed in two phases; a westerly phase I and an easterly phase II.

1. Review Criteria / Design & Development Issues:

The two HOA's have raised issues/concerns with this development.

Townes at Kettle Creek has raised concerns with the lack of parkland to support this development and drainage issues. The development does not contain any specific "play" areas for its residents. This development is not a small lot PUD; therefore, the individual lots are larger, and surpass many of the traditional R1-6 lots in actual size. Approximately 1,500 feet to the north is the proposed Larry Ochs Community Park which is identified within the Briargate Master Plan and is owned by the City. Once constructed, this park will satisfy local park needs for this area. Comments from the Parks Department indicate this development has satisfied its park obligations through land dedication.

Both HOA's have indicated drainage concerns/issues along Looking Glass, which is the north boundary of the project. City Engineering has reviewed the drainage report and found it acceptable without requiring additional improvements along Looking Glass. Some flows that currently drain to the north will be intercepted mid site and diverted in the new roadway toward the west to new inlets.

The number/density of units has been noted as a concern with the Kettle Creek HOA (KCHOA). They suggest that the lots be larger in size and have wider frontages, especially those that will front onto Looking Glass across from the existing development. They have provided information (**FIGURE 8**) which shows that the lots within the existing development are larger than those proposed as part of this request. The average lot size for the proposed project is 9,016 square feet and the frontage is generally at least 60'

wide (except on cul-de-sacs); the lots within the existing development have an average lot size of 11,843 square feet.

Height concerns have been raised. The proposed maximum height is 35 feet. The maximum height for the existing single family is 30 feet whereas the height of the townhomes approaches 42 feet based on the approved elevations (actual height). The commercial (as currently zoned) has a height maximum of 45 feet. Grading on the site will lower the existing grade adjacent to Looking Glass but the grade will be raised along the west half of the site. The grade will increase up to 14 feet in some places; most of the grade differential is made where the rear yards join each other and in the middle of the lot to allow for a walkout on the rear of the dwelling.

The Existing Kettle Creek HOA board would like for this development to be a part of their existing HOA and be subject to the same covenants, controls and restrictions. The developer is not opposed to that concept. However, since this property was zoned commercial and was not envisioned as residential at the time the initial covenants were established, it is not subject to the automatic inclusion provision that is typical in adding in future phases of development. It appears that it may take an election of all members of the existing HOA which is a daunting task. This developer has indicated that while they would like to join, at this time it is their intension to form their own HOA.

Revisions have been made to the drawings to address all previous technical changes.

2. Conformance with the City Comprehensive Plan:

Policy LU 601: Assure Provision of Housing Choices

Distribute housing throughout the City so as to provide households with a choice of densities, types, styles and costs within a neighborhood or residential area

Strategy LU 501a: Link Neighborhood Layout and Design to a Larger Residential Area

In master plans and in community planning areas, layout and design individual neighborhoods to form a coherent residential area.

Strategy NE 404b: Use Noise Mitigation Techniques

Utilize, develop and implement noise mitigation strategies including quiet paving materials, landscaping and other means to ensure all city communities, neighborhoods, and parks are desirable places to live, work and play.

3. Conformance with the Area's Master Plan: The applicable area master plan is the Briargate Master Plan which is undergoing an amendment; if the amendment is approved, the residential component will be consistent with the plan.

**STAFF RECOMMENDATION:**

**Item No: 9.A           CPC MP 07-00061-A2MN13 - Master Plan Amendment**

**Approve** the amendment to the Briargate Master Plan, based upon the finding that the master plan complies with the master plan review criteria in City Code Section 7.5.408.

**Item No: 9.B           CPC CP 02-00245-A1MN13 – Concept Plan**

**Approve** the Bison Ridge at Kettle Creek Filing No. 4 Concept Plan, based upon the finding that the plan complies with the concept plan review criteria in City Code Section 7.5.501 E.

**Item No: 9.C                    CPC PUZ 13-00124-Rezoning to PUD**

**Approve** the Bison Ridge at Kettle Creek Filing No. 4 PUD rezoning (single family residential detached, 35-foot maximum height, 4.4 dwelling units per acre), based upon the finding that the rezoning complies with the three review criteria in City Code Section 7.5.603.E.

**Item No: 9.D                    CPC PUD 13-00125-Development Plan**

**Approve** the Bison Ridge at Kettle Creek Filing No. 4, based upon the finding that the development plan complies with the development plan review criteria in City Code Section 7.5.502.E. and with the PUD development plan review criteria in City Code Section 7.3.606.

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# BISON RIDGE AT KETTLE CREEK CONCEPT PLAN

CITY OF COLORADO SPRINGS  
 DATE: OCTOBER 17, 2002  
 REV. JUNE 27, 2003  
 REV. NOVEMBER 14, 2003  
 REV. DECEMBER 4, 2003

**A. DEVELOPMENT BY:**  
 VINTAGE COMMUNITIES  
 COLORADO SPRINGS, COLORADO 80903  
 719-538-5000

**LAND PLANNING BY:**  
 DMH DESIGN CORPORATION  
 10000 W. WOODS DRIVE, SUITE 100  
 COLORADO SPRINGS, COLORADO 80924  
 (303) 862-8666

**ENGINEERING BY:**  
 JR. ENGINEERING  
 1000 W. WOODS DRIVE, SUITE 100  
 COLORADO SPRINGS, COLORADO 80907  
 (719) 593-2583

**SYMBOL LEGEND**  
 --- MIN. BUILDING SETBACK  
 - - - - - SITE BOUNDARY  
 - - - - - RIGHT-OF-WAY

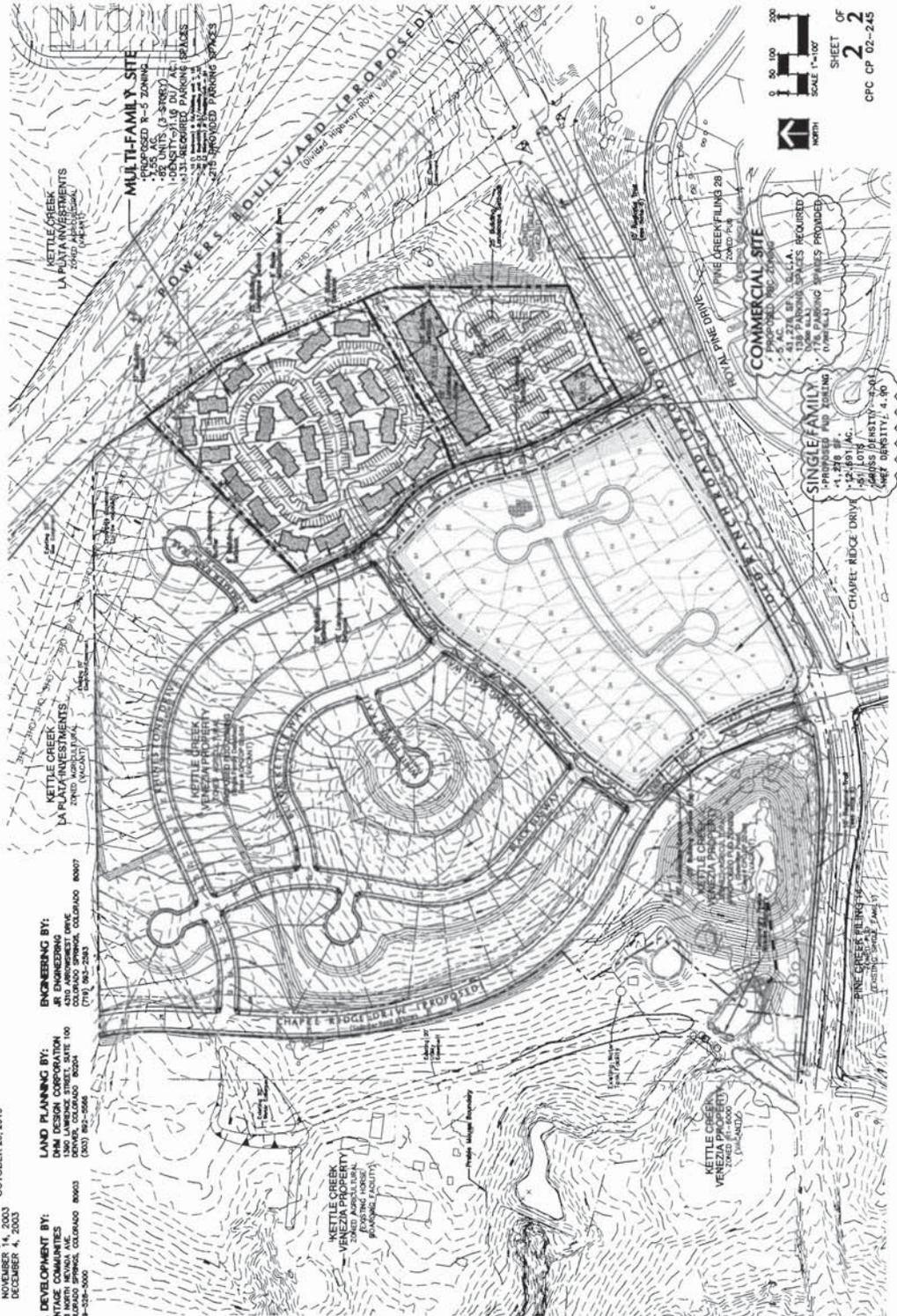


FIGURE 2



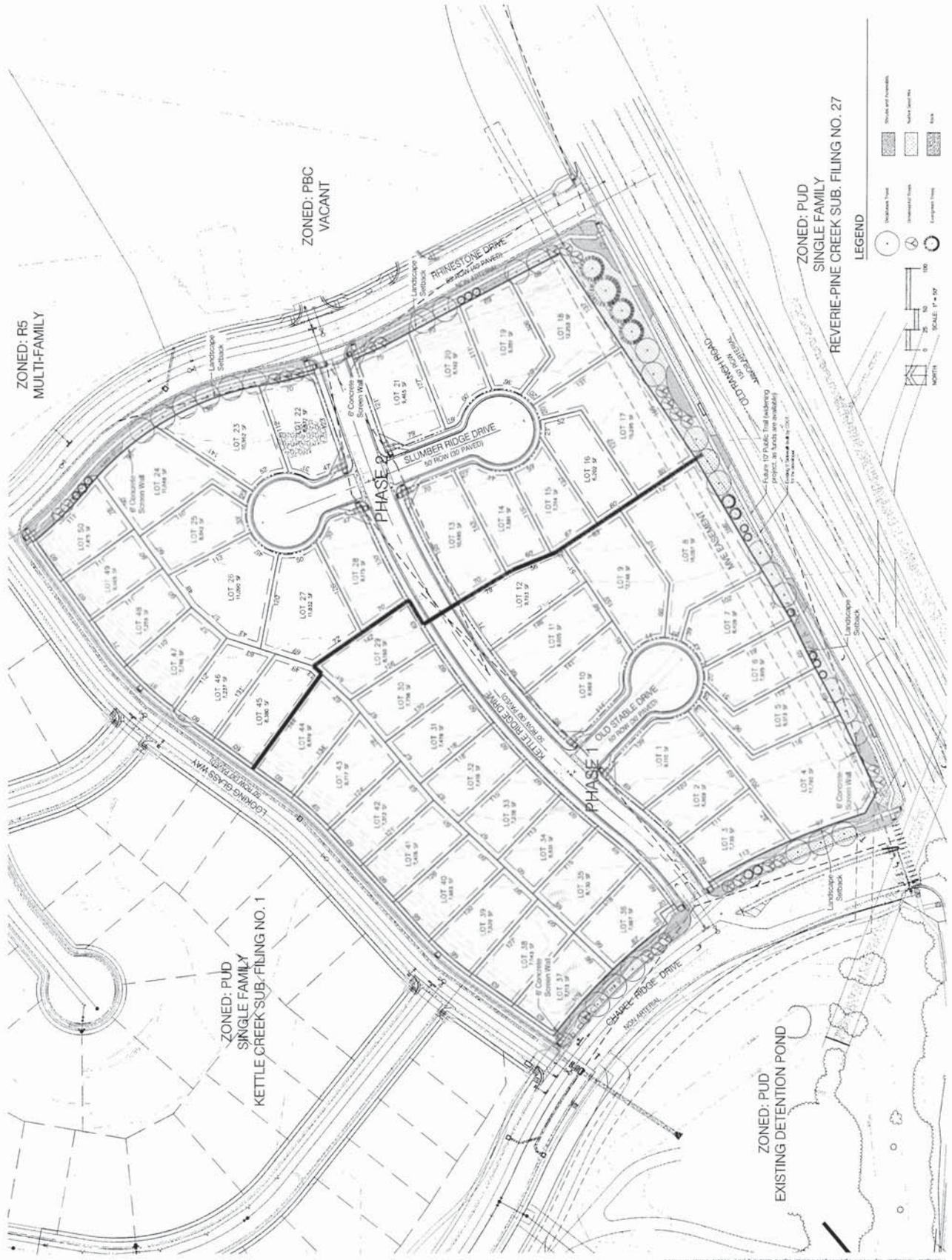
N.E.S., Inc.  
 506 South Tejon Street  
 Colorado Springs, CO 80903  
 TEL: 719.421.0073  
 FAX: 719.421.0077  
 www.nesinc.com

**Bison Ridge at  
 Kettle Creek No. 4  
 Development Plan**

DATE: 05/01/14  
 PROJECT: PRELIMINARY  
 DRAWN BY: [blank]  
 CHECKED BY: [blank]  
 DATE: 05/01/14  
 PROJECT: PRELIMINARY

**Preliminary Landscape Plan**

**2**  
 2 of 5  
 CPC-PUD 13-00126



**FIGURE 3**

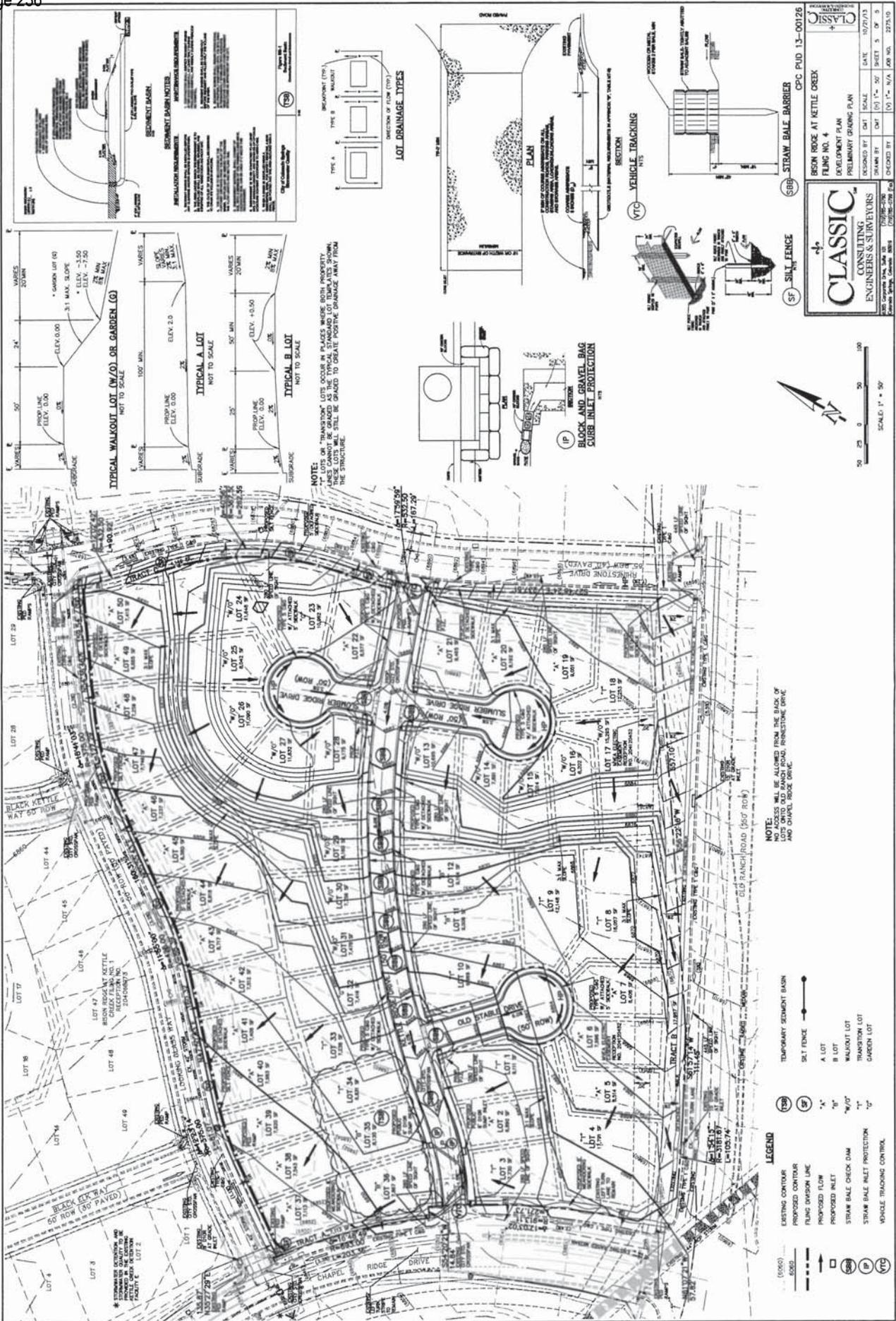


FIGURE 3

**Project Statement  
Bison Ridge Filing No. 4  
October 2013**

Bison Ridge Filing #4 is a portion of the Bison Ridge at Kettle Creek Concept Plan located west of Powers Boulevard and north of Old Ranch Road within the Briargate Master Plan. The portion of Bison Ridge that is the subject of these applications is located between Chapel Ridge Drive and Rhinestone Drive. The parcel is bounded on the north by Looking Glass Way. Vacant land and multi-family housing are across Rhinestone drive to the east. Single-family homes are to the north across Looking Glass Way. A detention pond on otherwise vacant land is across Chapel Ridge Drive to the west. Single-family homes are across Old Ranch road to the south.

These applications propose to change this commercially designated and zoned parcel to a single family subdivision. There are four applications in this package: a minor amendment to the Briargate Master Plan; an amendment to the Bison Ridge Concept Plan; a zone change to PUD; and a subdivision plat for the single-family subdivision. 51 single family lots are proposed with a design width of 60 feet. Lots will front Looking Glass Way where homes to the north also front this local street. The remainder of the lots will be served by a new local road, Kettle Ridge Drive, which will traverse the site from Chapel Ridge Drive to Rhinestone Drive. An internal cul-de-sac is also shown on the plans.

The change in land use and zoning are supported by changes to the Kettle Creek area primarily dictated by the designation of the Preble's Meadow Jumping Mouse as an endangered species. The proposed land use and density of Kettle Creek has been reduced because a significant amount of land proposed for development has been impacted. In addition, a land use change to create Larry Ochs Park has further reduced density. These changes have caused the service area of the commercial land use originally proposed for this site to diminish. The proposed use of single-family residential is now the most appropriate use of the land, and is compatible with existing uses.

**Zone Change Review Criteria**

1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare. ***The proposed land use is compatible with adjacent residential uses and, therefore, will not be detrimental to the public interest, health, safety and welfare.***
2. The proposal is consistent with the goals and policies of the Comprehensive Plan. ***The amendment to the Briargate Master Plan that accompanies this application addresses this criterion.***
3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended to be considered consistent with a zone change request. ***The proposed use will be consistent with the Briargate Master Plan as proposed to be amended.***

**Development Plan Review Criteria**

1. Will the project design be harmonious with the surrounding land uses and neighborhood? **Yes. The subdivision design is similar to the single-family subdivision design to the north. Lots in both subdivisions front Looking Glass Way, making a good neighborhood street presence.**
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities? **Single-family is compatible with the residential land use that borders this subdivision.**
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties? **Yes.**
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off-site negative influences and to buffer adjacent properties from the negative influences that may be created by the proposed development? **The landscape treatment of this subdivision is consistent with the existing subdivision to the north. Lots back to the other three boundaries where buffering is provided due to adjacent existing and proposed uses.**
5. Will vehicular access from the project to the streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption? **Access points to this subdivision are consistent with the currently approved Concept Plan.**
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project? **Yes.**
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic? **Internal access connects two approved (via the Concept Plan) access points to adjacent streets.**
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities? **This review criterion does not apply to this subdivision.**
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design? **Single-family builders will build appropriate handicap facilities to suit handicap clients.**
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt? **Yes.**
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles? **Sidewalks will be provided on all streets per City Code.**
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? **There are no significant natural features on this site.**

VETTLER CREEK HOA

O'Connor, Rick

**From:** Mike Cather <mikecather@mac.com>  
**Sent:** Friday, April 25, 2014 12:11 PM  
**To:** O'Connor, Rick  
**Cc:** Barry & Michele McCann; Ken & Brenda Anderson; David & Donna Joyal; Ronnie Ford  
Monica Lohf; April Smith  
**Subject:** Re: Bison Ridge

Rick, hello. Here is the latest on our efforts regarding an HOA for Bison Ridge Filing 4 and Mr. Venezia.

In regards to the KCHOA annexing the 50 new homes in the Venezia filing, we now have a legal opinion that the property to be rezoned was not part of the original set of KCHOA covenants thus an annexation process is required to include a favorable vote of 67% of our current 94 homeowners.

Towards that end, our legal counsel will contact Mr. Dean Venezia to set up a discussion on how to pursue this course of action as both Venezia and the KCHOA are desirous of annexation.

At this time it is not possible to state with certainty that an annexation will or will not be pursued. As soon as we know more we will advise you.

Will this matter go before the Planning Commission in the near future?

Thank you.

s/Mike Cather  
Secretary  
KCHOA

**O'Connor, Rick**

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**From:** Mike Cather <mikecather@mac.com>  
**Sent:** Tuesday, December 17, 2013 9:19 PM  
**To:** O'Connor, Rick  
**Cc:** Barry & Michele McCann; David & Donna Joyal; Ken & Brenda Anderson; Ronnie Ford  
Monica Lohf; April Smith; Darren Burns  
**Subject:** Submitting Proposed Comments on Zoning Change  
**Attachments:** Lot Sizes.pdf

Mr. O'Connor: Good evening.  
Here are our comments in the matter referenced below.  
Thank you for hosting us and the Townes HOA earlier this month, we look forward to meeting again with yourself, Mr. Venezia, et al.

s/Mike Cather  
Secretary  
Kettle Creek HOA

Kettle Creek Home Owners Association (KCHOA)

December 17, 2013

City of Colorado Springs  
Planning and Development  
Land Use Review  
Attn: Mr. Rick O'Connor  
30 S. Nevada, Suite 105  
Colorado Springs, CO 80903

References:

File No.: CPC MP 07-00061-A2MN13 - Amendment to Briargate Master Plan changing the approved land use from commercial to residential low-medium (3.5-7.99 du/ac);

File No.: CPC CP 02-00245 - Amendment to Bison Ridge at Kettle Creek Concept Plan changing the use from commercial to residential;

File No.: CPC PUZ 13-124 - Rezoning from PBC (Planned Business Center) to PUD (single family detached residential, 35' maximum height, 4.4 du/ac);

File No.: CPC PUD 13-00125 - Development plan to create 51 single family lots;

File No.: CPC FP 13-00126 - Final plat entitled Bison Ridge at Kettle Creek Filing No. 4 to create a 51 lot subdivision.

Dear Mr. O'Connor

1. In response to your call for comments in the above referenced matters, this is the input of the Kettle Ridge HOA consisting of 94 single family homeowners in Bison Ridge Filings 1 and 2 which are located adjacent to the lot where rezoning is being sought.
2. It is our desire to partner with the city and the developer to achieve an outcome that is beneficial to the interests of all parties. We appreciate the opportunity to meet with you and submit our concerns and suggested improvements. We view additional homes more favorably than commercial development and are hopeful we can secure a win-win outcome.

3. We have public safety concerns resultant of existing storm water runoff on Looking Glass Way with water and debris flows at street level. By regrading this land it appears even more storm runoff from roofs, driveways and roads will add to flows on Looking Glass. We believe two new additional storm drains are needed, one at SW corner of Rhinestone and Looking Glass, and another midway on Looking Glass, both with underground drainage to the detention pond on the west side of Chapel Ridge Drive. Two storm drains are in the proposal for Kettle Ridge Drive, and given the overall slope of this and another adjacent lot further upslope on Rhinestone Drive, we feel it is imperative for two new storm drains on Looking Glass Way to safely remove storm runoff. A photo is attached of current runoff problems that are a common occurrence.
4. Housing Density of the zoning change is a key concern of our residents who feel the proposed smaller lots are not compatible with larger lots in Bison Ridge (BR) Filings 1&2 and that smaller homes negatively influence property values of existing home owners. Special concern is felt over placing 14 homes on the south side of Looking Glass Way whereas the north side of this street contains just 9 homes. Fewer homes on Looking Glass would maintain compatibility with lot sizes in the existing BR neighborhood. Average lot size for the 94 homes in BR 1&2 is 11,843 sq ft (data from the El Paso County Assessor's website, spreadsheet attached). To be fair about it, we removed the data for 5 oversized lots in our HOA and for the remaining 89 homes the average lot size is 10,984 sq ft. Average lot size for the 51 homes in the BR-4 filing is 8,717 sq feet or a 30% reduction in lot size which is a markedly greater density that will contrast negatively on the existing BR 1&2 development.
5. To maintain compatibility with the existing Bison Ridge, our expectation is for new homes to comply with the already established Kettle Creek HOA covenants for Bison Ridge to cover design, finishes, colors, size, placement, etc. Further expect that the new homes will be a part of the extant KCHOA at the current rate of annual dues.
6. Developer installs common area landscape at their cost, including comparable fencing and signage that closely complements existing common area landscaping and signage. Plans should be reviewed/approved by Kettle Creek HOA Architectural Review Committee (the Board).
7. Home buyers must pay into capital reserves (50% of current HOA dues) plus prorated first year HOA dues to Kettle Creek HOA upon closing their purchase.
8. Developer pays water and landscape maintenance costs (including insurance) for new common areas until 50% of lots are built/closed. If common areas are finished in phased approach, then the developers are responsible for upkeep until 50% of each phase is built/closed. Kettle Creek HOA would prefer to manage all maintenance and invoice developers for its direct costs related to new common areas.
9. Request KCHOA landscape maintenance contractor(s) be consulted during installation of landscape and irrigation systems in order to plan for a water-efficient and maintainable landscape. Extensive use of rock mulch is highly desirable.
10. Safety at the intersection of Rhinestone Drive and Looking Glass Way is a concern of both HOAs. There is a limited sight distance here and will be made worse with added homes and concrete screen walls. Added visibility would improve safety if no-parking zones could be created for 125 feet in all directions from this corner. Also at this intersection is a junction with Gladstone Creek Point for the Townes at Kettle Creek. This road slopes down to Rhinestone Drive and when icy in the winter cars will slide through the stop sign and out into Rhinestone; better visibility here will improve winter driving safety at the corner.

Respectfully submitted.

Kettle Creek Home Owners Association (KCHOA)

Barry McCann, President  
Brenda Anderson, Vice President  
David Joyal, Treasurer  
Mike Cather, Secretary  
Ronnie Ford, Director-at-Large

2 encl (Spreadsheet, Photo)

Photo of storm water runoff and debris at the northeast corner of Chapel Ridge Drive and Looking Glass Way, looking northeast.

O'Connor, Rick

TOWNS @ KETTLE CREEK HOA

**From:** Debra J. Oppenheimer <DOppenheimer@hindmansanchez.com>  
**Sent:** Monday, March 17, 2014 2:03 PM  
**To:** O'Connor, Rick  
**Cc:** Dolan, Kathy; arlenechumley@gmail.com; konradkahle@hotmail.com; Derek Patterson (Derek@zandrmgmt.com)  
**Subject:** Revised Application for zoning change / CPC PUD 13-00125

Rick

I have received the revisions sent over, Thanks.

After review and discussion with the Board of Directors it appears that none of the concerns we listed below have been addressed. The Developer has not changed anything from their original plans in regards to the Association's requests. At the meeting they simply advised us they do not believe drainage is an issue and they don't have to consider any area for a green space or park.

In addition, the plans submitted have changed the numbering of the lots on some of the new plans but not others so there is not a consistent numbering of the lots.

Also the Developer has asserted that landscape maintenance will be taken on by the Bison Ridge (which is Towns Master Association) even though legally Bison cannot take this on without amending their plat map and their Declaration. I am unaware of any work to accomplish this at this time but Towns would only be privy to that if Bison sends out notice to owners. However it is certainly not a given that the master association will agree and obtain the needed consent of the homeowners to amend their governing documents.

Debra

**O'Connor, Rick**

Townes @ KETTLE CREEK HOA

**From:** Debra J. Oppenheimer <DOppenheimer@hindmansanchez.com>  
**Sent:** Friday, December 06, 2013 2:27 PM  
**To:** O'Connor, Rick  
**Cc:** Dolan, Kathy; arlenechumley@gmail.com; konradkahle@hotmail.com; Darren Burns (Darren@zandrmgmt.com)  
**Subject:** RE: Application for zoning change / CPC PUD 13-00125

Rick

Thank you so much for taking the time to meet with us yesterday. We greatly appreciated your time and explanations. As we discussed with you, the Townes at Kettle Creek have two main concerns about the change from commercial to residential. The one concern is the grading of the new development and the drainage and the other is the addition of more children with no place to play.

1. First the drainage concerns. As we explained to you the water flows quite heavily to the north down Rhinestone Drive and pools at the corner of Looking Glass Way and Rhinestone Drive. We are aware that a large amount of water comes from the vacant land just to the north of Old Ranch, South of the Townes community and East of Rhinestone. We see that there are proposed changes to the grading of the land within the zoning change but given the slight cost to add a storm drain ( that you explained ) we believe it would be the safest and cheapest in the long run for a storm drain to be added at the corner of Rhinestone and Looking Glass. The same owner owns the vacant land and the land with the proposed change and it is in the interest of all to stop the pooling of water and thus stop ice dams in the winter and other issue which create a safety issue for all the residents in that area.
2. Right now there is no park in the area of the Townes at Kettle Creek nor Bison Ridge. You advised that long term there is a park planned North of the two developments but there is no way to determine when that park will be built. The Townes was not built as originally designed as the City required that one building be removed to provide a common area within the community. That small area of land is being utilized by all the children in the Bison Ridge and the Townes. If the City does not require the new development to do the same thing, remove one building to create some great space, all the children from this new development will then try to utilize the small area of grass at the Townes as a play area. That is a grave safety issue. You will be having children cross a street next to a commercial area to go play in an area not designed for nor meant as a park. It is also overcrowding the area. The Association believes it is only fair that the new development be treated the same as the Townes was treated by the City and be required to remove one building and create a green space within their own community. It will be safer for the children and in the interest of all owners of both communities.

We really look forward to your proposed sit down with the developer as we believe that they will not want to overload the townhome community that they developed with this new area.

Thanks for the time and we look forward to working with the City and the developer to create workable solutions to these concerns.

Debra

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**Debra J. Oppenheimer ::**

*Partner*

**Arvada Office:**

5610 Ward Road, Suite 300, Arvada,  
CO 80002

303.991.2020 Direct :: 303.432.9999

Main :: 303.432.0999 Fax

**Colorado Springs Office:**

7660 Goddard Street, Suite 226,  
Colorado Springs, CO 80920

719.634.8333 Main

[doppenheimer@hindmansanchez.com](mailto:doppenheimer@hindmansanchez.com) ::

[www.hindmansanchez.com](http://www.hindmansanchez.com)



HindmanSanchez

## O'Connor, Rick

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**From:** Mark Finzel <mark@finzel.net>  
**Sent:** Sunday, November 24, 2013 9:30 AM  
**To:** O'Connor, Rick  
**Subject:** Land Use Review CPC PUD 13-00125

Hi Rick,

I wanted to submit comments related to this Land Use Review at Old Ranch Road and Chapel Ridge Drive (CPC PUD 13-00125). I live in Pine Creek on the southwest corner of Old Ranch and Chapel Hills Drive. So we can actually see the proposed area from our house.

I would like to say that I support this re-zoning and believe it supports the goals stated of enhancing quality of life and design of the community (more so than a commercial zoning would). A residential community would better fit with the current look & feel and community already in place in this immediate area.

If there is somewhere else I should make these comments please let me know, otherwise, please consider this my public comments on the issue.

Thank you,

Mark & Danielle Finzel  
2958 Wild Cherry Lane  
Colorado Springs, CO 80920  
(719) 661-9442

## O'Connor, Rick

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**From:** ksk36@juno.com  
**Sent:** Thursday, December 05, 2013 12:49 PM  
**To:** O'Connor, Rick  
**Subject:** Kettlecreek Comments on New Plan

Dear Mr. O'Connor,

My husband and I are very concerned about the 51 houses that are in the plan to be built in front of our home. It seems like the houses will be very small and packed into this space.

We are afraid these small homes will bring our values down. The average home in our neighborhood is approximately 2,600 square feet and the houses you are going to build are half that size. We already are having problems with the Townhomes with their parking, they do not use their garages for their cars. If we understand it properly there will be 2 homes in front of our home, so that is 2 garages, will they be able to get their cars in every night, that is part of our covenant. We would also like to see the homes that they plan to build, 1200 sq. ft. is very small, is there a neighborhood that has some models that we can go look at? Our neighborhood already got the Town Homes to satisfy the single family home concern of the City, now we are going to have these tiny homes in our neighborhood also. Perhaps we are not fully understanding the plan, so feel free to clear up any of our misunderstandings. Hopefully you will understand our concerns.

Thank you.

Sincerely,

Ed & Karen Knowles

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**O'Connor, Rick**

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**From:** Patrick Braker <brakerpj@gmail.com>  
**Sent:** Tuesday, December 03, 2013 12:54 PM  
**To:** O'Connor, Rick  
**Cc:** Darren@zandrmgmt.com  
**Subject:** New home development near Old Ranch and Powers

I am writing with regards to the housing development plan "Bison Ridge at Kettle Creek No. 4." I am a homeowner at the adjacent "Townes at Kettle Creek," and own one of the properties at the front of the development, for which I paid a premium for the view that other properties in the development do not enjoy.

The housing development plan referred to above lists houses with a maximum height of 35 ft. The ground directly across from my home is already raised 12-15 ft or more above street level. A 35 ft home on top of the present grading will obscure any view from my property. There are several other spots as well with raised soil above the street level.

I would like to know if the plans call for grading the lot to the current street level, or to build the homes onto the raised land that currently exists. Thank you.

sincerely - Patrick Braker

6 December 2013

Mr. Rick O'Connor  
Reviewing Planner  
Planning & Community Development  
30 S. Nevada Suite 105  
P.O. Box 1575, MC 155  
Colorado Springs, CO 80901-1575

Sir,

I write this letter in response to the proposed 51-house development (Bison Ridge Filing No. 4) and the accompanying request to change the zoning for that parcel of land from commercial to residential. My wife and I own the townhouse located at 10616 Silverton Creek Point—a home located directly East of Rhinestone Drive and the parcel of land in question. We stand in firm opposition to the proposed zoning change and the accompanying planned housing development.

By way of background, I am an active duty Air Force member and my wife is a reserve Air Force pilot. When we found out we were moving to Colorado Springs in 2007 (just before the crash of the housing market), we bought our townhouse in large part due to its location and sweeping view of the majestic Front Range. As I recall, we even paid a premium for the view.

In researching the property, I came across a Briargate Master Plan map indicating that the parcel of land due West of our townhouse was zoned “commercial.” (According to the map, this plan was apparently approved on January 20, 2006.) However, as we understood at the time, the likelihood of a view-blocking commercial development was minimal due to setback and height requirements, as well as market dynamics.

With undeveloped land across the street to the West, the view from that house is simply stunning. Every morning I'd wake up and gaze out my master bedroom window on Pikes Peak and the rest of the Front Range as the first rays of light lit up the Garden of the Gods and the Air Force Academy Chapel (landmarks both visible from the second floor). I've attached several pictures of the view to provide proper appreciation for the unobstructed nature of it.

We lived in the house and enjoyed the view for four years before once again we were required to move due to military orders. Despite our move, we intend to return to Colorado one day, making it our home in retirement. When we moved, we decided not sell our house because the value of the house was assessed at approximately \$35,000 less than the balance of our mortgage. We now rent our house out, hoping to sell it at some point in the future and not take a loss on the property. A key factor that gives us hope that the property will ultimately be able to sell at a premium is the beautiful view; it is what most dramatically sets our townhouse apart from most other townhouses in the neighborhood, and indeed, a lot of residential properties in the Pine Creek and Briargate areas of Colorado Springs. However, if this land is rezoned to residential, and a 51 family housing development with 35' tall houses is built thereon, I'm afraid that our view will become partially obstructed, resulting in loss of property value. One might no longer be able to see Garden of the Gods from the master bedroom window, and the view of Pikes Peak may become obstructed from the first floor.

**FIGURE 6**

Also, with an influx of 51 houses to the neighborhood, I am concerned that the value of existing houses in our community would overall be decreased due to the local market's increased housing supply. We relied on that zoning plan in originally buying our house, knowing that other houses would not be built in the neighborhood; I hope the City does not change its mind in this regard.

Moreover, I am somewhat confused by the developer's justification for asking for a zoning change. In its application, the developer says that the changes to the zoning are justified due to the changes in the Kettle Creek area resulting from the listing of the Preble's Meadow Jumping Mouse as an endangered species. According to the developer, because certain areas could no longer be developed, having the Preble's Meadow Jumping Mouse listed reduced the density of the Kettle Creek area, and the corresponding demand for commercial areas to support the population. However, I note that the Preble's Meadow Jumping Mouse had been listed as threatened since 1995 (*see* <http://www.fws.gov/mountain-prairie/species/mammals/preble/>), the zoning was apparently approved in 2006, and that the parcel of land in question sits firmly within Preble's Meadow Jumping Mouse territory as identified by Colorado Springs's own map. *See* <http://www.springsgov.com/Files/citymouse.pdf>. If this piece of land sits within critical habitat, why should this property be allowed for development of houses unlike other properties within the habitat that cannot be developed? Doesn't any development within the habitat pose a risk to this threatened species?

In short, in the interest of preserving home values and the unobstructed mountain views of those of us with townhouses lining Rhinestone Drive, as well as critical Preble's Meadow Jumping Mouse habitat, I respectfully request that the City find that the proposed development is not in the public interest and not harmonious with the adjacent neighborhood. Accordingly I ask the City to deny the proposed development and re-zone application.

In the alternative, I ask that the City approve the housing development subject to a reduction in scale (fewer houses), and require additional buffers, open space, and setbacks in the areas currently identified on the developer's map as Lots 24, 25, and 51, so as to preserve the unobstructed Front Range views of the townhouses located along Rhinestone Drive.

Although I would very much like to attend a public hearing on the matter, this is not possible due to my current military assignment. I trust that this letter will serve as an adequate substitute. Thank you for your careful consideration of these matters. Please contact me at 719-439-1932 if you have any questions.

Respectfully Submitted,

//SIGNED//

DUSTIN C. LANE

10616 Silverton Creek Point

Attachments:

4 photographs of the view from 10616 Silverton Creek Point

November 29, 2013

City of Colorado Springs  
Planning and Community Development  
30 S Nevada, Suite 105  
P.O. Box 1575, MC 155  
Colorado Springs, CO 80901-1575

SUBJECT: Comments on Development Plan Application File No.: CPC PUD 13-00125

To Whom It May Concern:

I have no objection to the development application which has been submitted on behalf of Kettle Creek LLC and the John Venezia Family Trust which would amend the Briargate Master Plan and allow the rezoning of the property from PBC to PUD resulting in the construction of 51 single family homes.

Construction on this property will result in a permanent increase in traffic, particularly at the intersection of Old Ranch Road and Chapel Ridge Drive. This increase in traffic will occur as soon as construction begins. Furthermore, Chapel Ridge Drive will likely be the primary route to/from the planned Lawrence Ochs Sports Complex, which I understand could be constructed at any time (based on the fact that the land survey for the complex has been completed and engineering/construction plans for the complex are underway).

The intersection at Old Ranch Road and Chapel Ridge Drive already experiences high traffic volumes for extended periods Monday through Friday not only due to standard rush hour from working individuals, but also from the Mountain View Elementary and Challenger Middle schools which each have a different start and end time. Additionally, it is difficult to see oncoming traffic (traveling east on Old Ranch Road) when trying to cross or turn left onto Old Ranch Road from Chapel Ridge Drive (going south out of the Kettle Creek/Bison Ridge neighborhood).

In light of these circumstances, I request that the City of Colorado Springs strongly consider installing a traffic control light at this intersection prior to the start of construction. It is my understanding that \$40,000 was put into an escrow account in 2007 for this very purpose – so I would not expect funding for a new traffic control light to be an issue.

Thank you for your consideration and for giving us the opportunity to participate in this process.



Linda Ashe  
10514 Black Elk Way  
Colorado Springs, CO 80908

## O'Connor, Rick

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**From:** MarlonYankee@aol.com  
**Sent:** Monday, November 25, 2013 5:06 PM  
**To:** O'Connor, Rick  
**Subject:** Comment on Application (CPC PUD 13-00125 & CPC FP 13-00126)

Mr O'Connor,

As a homeowners in the Bison Ridge at Kettle Creek community, we received a Public Notice of proposed changes to the land use for property associated with this community. We wish to comment on this proposal:

While we are not opposed to changing this adjacent parcel of land from commercial use to residential use, we are opposed to the proposed density of the houses in the planned development (CPC PUD 13-00125 & CPC FP 13-00126). It is entirely **too dense**.

Although the developer's Initial Filing indicates the proposed development is compatible with the housing to the north, **the proposed design width of 60 Ft is not compatible!** The proposed 51 houses on this acreage is entirely too many and would result in housing that would degrade the value of the single family properties to the north. We urge you to only approve the proposed development if the developer **reduces the housing density to the same as the current single family residential property to the north.**

Please notify us of the date and time this proposal will be part of a public hearing.

Respectfully,

MARLON W. & BRENDA L. YANKEE  
10643 Black Kettle Way  
Colorado Springs, CO 80908-5202  
Home Phone: 719-266-6123  
Cell Phone: 719-661-1751

**O'Connor, Rick**

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**From:** Donald Smith <donald.smith@asd20.org>  
**Sent:** Monday, November 25, 2013 8:02 AM  
**To:** O'Connor, Rick  
**Subject:** Bison Ridge at Kettle Creek Filing No. 4  
**Attachments:** Vintage Land Dedication Credits--Briargate Reconciliation.xlsx

## *Academy School District Twenty*

Dr. Mark Hatchell, *Superintendent of Schools*

*Education and Administration  
Center*

1110 Chapel Hills Drive, Colorado Springs, CO 80920-3923

Website: [www.d20.co.edu](http://www.d20.co.edu)

Phone: 719-234-1200

Fax: 719-234-1299

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November 24, 2013

Rick O'Connor  
Development Services  
City of Colorado Springs

RE: CPC PUD 13-00125  
CPC FP 13-00126  
Bison Ridge Filing No. 4  
Minor Amendment to the Briargate Master Plan  
Amendment to the Bison Ridge Concept Plan  
Zone Change to PUD  
Subdivision Plat

Dear Mr. O'Connor,

Academy District 20 is in receipt of the files referenced above for the approval of a Minor Amendment to the Briargate Master Plan, an Amendment to the Bison Ridge Concept Plan, a Zone change to PUD and the Subdivision Plat for Bison Ridge Filing No. 4.

Academy School District 20 is opposed to the zone change for the referenced property from commercial to residential as our planning was based upon the original Bison Ridge Concept Plan.

If the request for a zoning change and the subsequent approval of the Subdivision Plat for Bison Ridge Filing No. 4 are approved, the district is requesting school land dedication in lieu of fees for Bison Ridge Filing No. 4. Vintage Properties had school land dedication credits of 8.700 acres available when La Plata purchased Briargate. Previous filings by Vintage used a portion of those school land credits and Bison Ridge Filing No. 4 will require the use of 1.0200 acres of school land credits. Vintage Properties will have a balance of 1.4768 acres of school land dedication credits available for future projects. I have attached a copy of our school land dedication credits balance sheet for Vintage Properties.

If you have questions need additional information, please contact me.

*Don Smith*

Planning Consultant  
Academy School District 20  
Office: 719-234-1222  
Cell: 719-492-4972

Attachment: Vintage Land Dedication Credits

# Original Briargate Master Plan---Vintage Properties Land Dedication Credits When La Plata Purchased Briargate

Vintage Allocation--November 1995 - Removed From Calculations 8.7000

**Contractual Claim on School Credits at LaPlata Inception**

Credits Used:	Residential Units	Dedication Factor	Land Dedication Due
Pine Creek Filing #1	20	0.02	0.4000
Pine Creek Filing #2	22	0.02	0.4400
Charter Greens #1	54	0.02	1.0800
Charter Greens #2	55	0.02	1.1000
Carter Greens #3	51	0.02	1.0200
Bison Ridge #1	43	0.02	0.8600
Bison Ridge #2	45	0.02	0.9000
Townes @ Bison Ridge	84	0.0048	0.4032
Bison Ridge at Kettle Creek Filing No. 4	51	0.02	1.0200

**Total Used to Date** 7.2232

**Balance Available** 1.4768

**Sales Prior to LaPlata--Fees Should Have Been Collected**

Carriages at Parliament	64	0.0048	0.3072
Harvest Springs	30	0.0200	0.6000
Preserve at Briargate	56	0.0200	1.1200
Scottsdale 1 & 2(country walk # 1)1981	160	0.0048	0.7680
Meadow Ridge 4A	6	0.0200	0.1200
Creekside Estates #1	36	0.0200	0.7200
Creekside Estates #2	65	0.0200	1.3000
Creekside Estates #3	49	0.0200	0.9800
Creekside Estates #4	66	0.0200	1.3200

7.2352

**FIGURE 7**

Street Address in Bison Ridge (BR)	Lot Size in Square Feet	BR Filing No.	Lot No.	Lot Size in Square Feet, Minus 5 Very Large Lots
Black Elk Way (27)				
10504	8334	1	1	8334
10514	7718	1	2	7718
10524	7846	1	3	7846
10525	8420	1	14	8420
10534	8410	1	4	8410
10535	8379	1	13	8379
10544	9379	1	5	9379
10545	9894	1	12	9894
10554	10188	1	6	10188
10564	10779	1	7	10779
10565	13938	1	11	13938
10574	13571	1	8	13571
10575	10300	1	10	10300
10584	15670	1	9	15670
10585	8190	2	45	8190
10594	14443	2	1	14443
10595	8829	2	44	8829
10604	<b>21124</b>	2	2	0
10614	17983	2	3	17983
10624	14729	2	4	14729
10634	14156	2	5	14156
10704	15745	2	9	15745
10705	14456	2	14	14456
10714	13147	2	10	13147
10715	14277	2	13	14277
10724	16690	2	11	16690
10725	13391	2	12	13391

FIGURE 8

1/6

Black Kettle Way (16)

10603	10199	1	28	10199
10613	10115	1	27	10115
10623	7980	1	26	7980
10633	7840	1	25	7840
10643	9521	1	24	9521
10653	10011	2	39	10011
10662	9598	2	40	9598
10663	10480	2	38	10480
10673	10627	2	37	10627
10683	10118	2	36	10118
10692	11417	2	41	11417
10693	9653	2	35	9653
10702	10331	2	42	10331
10703	8428	2	34	8428
10712	14395	2	43	14395
10713	9829	2	33	9829

White Hawk Trail (9)

3010	13164	1	19	13164
3011	16121	1	18	16121
3020	15197	1	20	15197
3021	12963	1	17	12963
3030	10077	1	21	10077
3031	9053	1	16	9053
3040	10665	1	22	10665
3050	11211	1	23	11211
3051	10354	1	15	10354

Summer Rain Trail (9)

3102	14732	1	35	14732
3103	11635	1	43	11635
3121	8609	1	42	8609
3138	9258	1	36	9258
3139	8301	1	41	8301
3156	<b>21188</b>	1	37	0
3157	11297	1	40	11297
3174	<b>32478</b>	1	38	0
3175	<b>40359</b>	1	39	0

Rhinestone Drive (27)

10604	10369	1	29	10369
10614	8350	1	30	8350
10624	8861	1	31	8861
10634	8854	1	32	8854
10644	8062	1	33	8062
10654	9700	1	34	9700
10664	10128	2	24	10128
10665	16143	2	23	16143
10674	11474	2	25	11474
10675	<b>20469</b>	2	22	0
10684	11025	2	26	11025
10685	15621	2	21	15621
10695	13627	2	20	13627
10704	10416	2	27	10416
10705	10550	2	19	10550
10714	10656	2	28	10656
10715	10117	2	18	10117
10725	10654	2	17	10654
10734	10382	2	29	10382
10735	12248	2	16	12248
10744	8456	2	30	8456

FIGURE 8

10745	13200	2	15	13200
10754	8722	2	31	8722
10764	9066	2	32	9066
10804	10707	2	6	10707
10814	10785	2	7	10785
10824	10264	2	8	10264
Looking Glass Way (6)				
3002	12129	1	49	12129
3014	8394	1	48	8394
3026	8842	1	47	8842
3038	9716	1	46	9716
3050	7820	1	45	7820
3062	10216	1	44	10216
Total Square Footage	1113213			977595
Avg Sq Ft per Lot	11843			10984

**FIGURE 8**

NEW BR FILING #4  
(No street numbers yet)  
Looking Glass Way (14)

7113	4	38
7543	4	39
7920	4	40
7983	4	41
7406	4	42
7512	4	43
8717	4	44
8818	4	45
8380	4	46
7237	4	47
7746	4	48
7259	4	49
6665	4	50
7415	4	51

Kettle Ridge Drive (14)

7867	4	37
8130	4	36
6831	4	35
7238	4	34
7416	4	33
7478	4	32
7756	4	31
8160	4	30
5360	4	3
4753	4	2
6370	4	1
9260	4	11
9156	4	12
10101	4	13

FIGURE 8

516

Old Stage Drive (7)	10216	4	4
	13382	4	5
	6771	4	6
	6767	4	7
	7643	4	8
	9690	4	9
	19121	4	10
Slumber Ridge Dr (16)	10695	4	14
	7891	4	15
	7014	4	16
	6202	4	17
	15295	4	18
	12253	4	19
	9051	4	20
	8192	4	21
	9465	4	22
	8577	4	23
	10962	4	24
	11648	4	25
	8042	4	26
	11090	4	27
	11832	4	28
	9175	4	29
Total Square Footage	444564		
Avg Sq Ft per Lot	8717		

**FIGURE 8**