



# THE PLANNING & DEVELOPMENT DEPARTMENT APPEAL TO CITY PLANNING COMMISSION

Complete this form if you are appealing an **Administrative** decision to City Planning Commission.

### APPELLANT CONTACT INFORMATION:

Appellants Name: RICHARD SEVRİK Telephone: 719 247 8655  
Address: 11772 THUNDER MOUNTAIN AVE. City COLORADO SPRINGS  
State: CO Zip Code: 80908 E-mail: RS@TRUEVINE.NET

### PROJECT INFORMATION:

Project Name: KETTLE CREEK North Development Plan  
Site Address: THUNDER MOUNTAIN AVE AND RED CAVERN ROAD  
Type of Application being appealed: APPROVAL of DEVELOPMENT PLAN AND FINAL PLAT  
Include all file numbers associated with application: AR PUD 20-00538 AR FP 20-00539  
Project Planner's Name: JOHN MAYNARD  
Hearing Date: MAY 20, 2021 Item Number on Agenda: \_\_\_\_\_

### YOUR APPEAL SUBMITTAL SHOULD INCLUDE:

1. Completed Application
2. \$176 check payable to the City of Colorado Springs
3. Appeal Statement.
  - See page 2 for appeal statement requirements.

Submit **all** 3 items above to the **Land Use Review office (30 S Nevada, Suite 105, Colorado Springs, CO 80903)**. Appeals are accepted for 10 days after a decision has been made. Submittals must be received no later than 5pm on the due date of the appeal. Incomplete submittals and / or submittals received after 5pm or outside of the 10 day window will not be accepted. If the due date for the submittal falls on a weekend or federal holiday, the deadline is extended to the following business day.

If you would like additional assistance with this application please contact the Land Use Review office at 385-5905.

### APPELLANT AUTHORIZATION:

The signature(s) below certifies that I (we) is(are) the authorized appellant and that the information provided on this form is in all respects true and accurate to the best of my (our) knowledge and belief. I(we) familiarized myself(ourselves) with the rules, regulations and procedures with respect to preparing and filing this petition. I agree that if this request is approved, it is issued on the representations made in this submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval.

[Handwritten Signature]  
Signature of Appellant

4/12/2021  
Date

The administrative decision to approve the Kettle Creek North Development is unreasonable.

There are 2 issues for North Fork residents: 1) disaster (eg fire) evacuation is unreasonably compromised by the addition of 260+ homes; 2) morning commute traffic past the Pine Creek High School is already unreasonable. The only thoroughfare exiting out of North Fork is Thunder Mountain Ave, with only one lane open south bound past Pine Creek High School.

**ACTION REQUESTED:** Delay the Kettle Creek North Development until a new north bound or west bound traffic/evacuation route is constructed for North Fork residents.

April 12/2021

## North Fork at Briargate .....Kettle Creek expansion

The following contains quoted excerpts from:

City of Colorado Springs Meeting Minutes - Final Planning Commission  
April 20<sup>th</sup> 2020

Present: Vice Chair Scott Hente, Commissioner James McMurray, Chair Reggie Graham , Commissioner Rhonda McDonald, Commissioner Alison Eubanks, Commissioner John Almy, Commissioner Marty Rickett and Commissioner Natalie Wilson

### Traffic Issues

7.3.605: PUD PLAN REVIEW CRITERIA FOR PUD CONCEPT PLANS: asks

“P. **Will the proposed development overburden the capacities of existing or planned streets**, utilities and other public facilities?”

After discussion regarding housing and traffic density issues in North Fork at Briargate concerning a single primary way into the development from the south side using Old Ranch Rd., it was revealed that when the High School was seeing traffic at the beginning and end of the school day the Thunder Mountain and Old Ranch Rd. (TM/ORR) intersection has a Level of Service of ‘D’ ....or every vehicle waits an average of 45 seconds to exit the development.

Spread throughout the day, the traffic study said about 8,000 vehicles enter/leave the development....but this study, paid for by the prospective developer of Kettle Creek, was done when Pine Creek High School and its 1,600 students and 212 teachers and staff were **NOT** in session.

Unfortunately, this ignores that exiting vehicles going to the TM/ORR intersection have another bottleneck from a mandatory yield to incoming traffic at the high schools entrance only 1,800 feet from TM/ORR intersection.

Council Meeting Minutes in April of 2020 recognizes a traffic issue where the North Fork Development of 743 homes was only 80% occupied. And the new elementary school for 600 children was not yet started. And Pine Creek was not in session at the time of the traffic study.

Page 12 Louellen Welsh, resident on Howells Road speaking of Old Ranch Rd.

“Traffic is already an issue.”

Page 13 Duncan McNabb, resident north of the proposed site “Major concern is the growth in the area, and mitigation of potential traffic issues at Old Ranch Road.”

Page 13 Samuel Bryant, lives in North Fork

“Traffic report says 3200 cars going in and out of one road, Thunder Mountain, daily.”

“.... During normal school hours, when trying to exit from North Fork, you are waiting three to five minutes at a stop sign by the high school because the high schoolers are coming in to the school. That’s a tremendous amount of time with just six cars ahead of you, but when adding 188 cars egressing Kettle Creek during rush hour, it’s going to be a serious issue.”

Two Month Earlier in a letter dated **Feb 5th** from PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT Land Use Review Division signed by City Planner Ms. Van Nimwegen to the proposed developer nothing on page 1

“City Planning staff has received approximately 40 public comments following the initial public notice.”

Stating “Largely, the concerns from the individuals residing in North Fork are regarding traffic along Thunder Mountain Drive and other streets and egress/ingress from the subdivision.”

This City Council by their comments recognized the traffic issue and attempted to address it.....

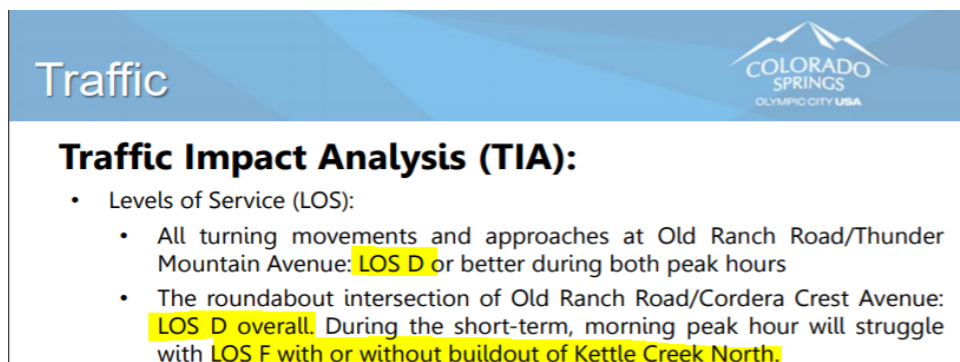
Then “**Commissioner Rickett asked the developer if connecting Howells Road was a possibility.**” (page 14). But Peter Wysocki, Planning and Community Development Director said (page 15)

**“...that a connection to Howells Road would yield very minimal improvements to trip distribution generated within Kettle Creek and North Fork assuming the majority of the residents would travel to the west and to the south.”**

Put more bluntly, Kettle Creek and North Fork traffic all ends up going south to Old Ranch Rd. passing through the same TM/ORR intersection.

In City Planning presentation in May of 2020 it was noted that the traffic issue with or without Kettle Creek being added in the area would fall to a LOS of **D** at peak times. With nearby areas an ‘**F**’.

We would ask these councils member to consider a fire evacuation emergency in the area to be far more impactful of traffic than ‘**peak**’ traffic....with all schools evacuating and all residents rushing to leave..and that complicated by incoming parents by the thousands trying to recover elementary and high school aged kids. And this council cannot ignore the inaccessibility this emergency traffic will have on incoming emergency vehicles.....emergency vehicles that will already be delayed from normal access just due to normal traffic.



**Traffic**

**Traffic Impact Analysis (TIA):**

- Levels of Service (LOS):
  - All turning movements and approaches at Old Ranch Road/Thunder Mountain Avenue: **LOS D** or better during both peak hours
  - The roundabout intersection of Old Ranch Road/Cordera Crest Avenue: **LOS D overall.** During the short-term, morning peak hour will struggle with **LOS F with or without buildout of Kettle Creek North.**

Over a year ago, **Commissioner Almy** (pag 15)said , “... **sensitive to the traffic patterns in the community.**” And said, “**he was concerned that the community needs to understand what emergency planning effects there are as part of this to alleviate community concerns.**”

“**Commissioner Rickett** (pg 15) concurred with Commissioner Almy in that **traffic in that area is difficult** at times. Commissioner Rickett is in support of the project but requested the developer and the county have another conversation to see if they could extend the road to the east to be able to **give a second exit out of the neighborhood in the event of emergencies.**”

**“Commissioner Wilson** agreed with Commissioner Rickett but thought if there **was no opportunity for any new egress for safety purposes that maybe a reduction in the housing density should be looked at.**

**“Commission McMurray** said looking at this project with the nature of the impacts to the neighborhood .....said he would not be voting in favor of this project.”

We would like the council to let us stipulate that last April of 2020, traffic levels were already widely recognized to be a problem.

With further development southeast of the North Fork area in Cordera over the last year.....traffic on Old Ranch Rd. has worsened. More students attend Pine Creek High. A new 600 children elementary school has been added to Thunder Mountain with all traffic ending on Old Ranch Rd.

Let us further stipulate that now that North Fork development is about to be 100% occupied, a 40% increase in students, teachers and staff are being added to the current problematic traffic issue, that adding an additional 259 new homes from the Kettle Creek area without improving the traffic infrastructure would be unreasonable burden to the community.

## Safety Issues

*Council Member Richard Skorman said “**improve our wildfire prevention and response, grow responsibly**”*

At this same meeting we find that the newly proposed homes buried a the far north end of the development would be outside the emergency response time standards set by Colorado Springs Fire department. After doing a full emergency response time analysis, our city’s Fire Protection Engineer, Steve Smith said in April of last year, before the new school addition, before the completion of the North Fork development, and before the traffic from the proposed Kettle Creek could be added into the problematic traffic issue, that Kettle Creek would be ‘outside the standard coverage’ for emergency first responder vehicles.

“Mr. Smith said the area is just outside the standards of coverage. The standards of coverage are eight minutes for the first responding company 90% of the time, and then 12 minutes for a full effective force, which is two engines, two trucks 90% of the time. That point is just outside these standards of coverage, so **Kettle Creek would be outside of that response time.**”

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That letter included on included on Page 3 a request from **Colorado Springs Fire Departments Chief Fire Inspector** Steve Smith requested an addition access point to the development ‘OTHER THAN FROM THE SOUTH’ be added,

**“Due to the large amount of anticipated lots that are accessible only from the south along Old Ranch Road, another access point to this area other than from the south is requested.”**

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On May 26<sup>th</sup> of last year the City Council met to discuss these issues further.....

**Todd Frisbie, City Traffic Engineer**, stated (pg 19) Academy School District 20 agreed to change the proposed North Fork Elementary School start time to help mitigate traffic, but we are not hear to only to discuss normal traffic issues complicated by unchecked, unsafe and unsupported infrastructure development and growth.

Former **Councilmember Geislinger** (pg 19) asked what the City's responsibility is with Howells Road, Old Ranch Road, and Shoup Road.

**Councilmember Knight** (pg 19) asked about the County's protection of Howells Road from external connections...even though City Traffic already indicated any extensions to Howell's Rd. would provide little to no relief and annexations would be unwelcome.

**Councilmember Knight** (pg 20) further asked "if the traffic analysis reaching a level of service (LOS) of **F** would only occur during when school is in session. Mr. Frisbie confirmed it would be.

**President Pro Tem Strand** asked (pg20) about emergency access into the development and Brett Lacey, Fire Marshall, Colorado Springs Fire Department, stated in the event of an evacuation...."the development is problematic in regards to the concentration and access points and they will work with the Traffic Engineering Department to ensure egress and ingress."

**Councilmember Knight** (pg21)asked how many people could be evacuated in an hour. Fire Marshall Lacey could not provide an answer stating many factors would have to be analyzed.

On March 31<sup>st</sup>, a NorthFork Safety First committee member emailed the City Traffic Engineers asking what traffic could pass from North Fork, Kettle Creek and the two schools should evacuation circumstances in the general area prevail....noting Cordera homes would likely overwhelm Old Ranch Rd. south bound impacting the TM/ORR intersection.

We ask this council,

"How many vehicles could evacuate those 2,000 plus students and the 1,200 plus homes should the TM/ORR intersection fall to an F." It has been cited that Waldon Canyon was evacuated of 30,000 residents in 4 hours but we remind this Council that the Waldo Canyon area had over 12 lanes and three different general directions for egress.

North Fork, the two schools and the proposed Kettle Creek have but one egress direction through an intersection already recognized to be a LOS of D counting only the single high school.....where another school is already being opened. Is that intersection destined to be a D for normal school traffic? What will happen when desperate parents flood the area to get their children.....while wild fires spread and the Fire Department cannot adequately respond? How will an evacuation be impacted if an accident occurred on Cordera Parkway forcing thousands of homes to exit West and South toward Pine Creek High? What would the result of an accident on Thunder Mountain be in an evacuation if all residents must access that one Road to exit?

Representatives of the Kettle Creek development (Pg 22) "...said it is possible to connect Golden Meadow Way to Powers Boulevard as an **emergency egress**."

What has been done here?

**Councilmember Knight** stated (pg22) if Red Cavern Road connected to Powers Boulevard, it would be a suitable solution for **emergency access** as well as an access road to the intersection of Highway 83 and Kettle Creek North. But the developer declined for cost.

When will this council act on behalf of the safety of its constituents?

**Councilmember Pico** asked (pg 22) if the ability to evacuate this development is adequate. Fire Marshall Lacey stated because the two access points both exit onto Old Ranch Road, traffic would need to be diverted both south and west by direction of CSPD or traffic signal lights which is **not their preferred method of evacuation.**

So, the Fire Department has already stated that the Kettle Creek homes would be outside the department's standard of access by emergency vehicles and have requested additional access lanes other than from the south to insure emergency vehicle access. The city's Fire Marshall also cannot state the current infrastructure meets their recommendations.

**Councilmember Knight** (pg 22) asked how big of an obstacle it would be to add an emergency access to Powers Boulevard. Jeff Greene, Chief of Staff, was to look into this.....What happened?

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Some emails on the subject from back in 2014 should focus the Council's attention.....

Just looking at the restricted one direction access to North Fork, one unidentified City employee responded to Fire Dept's Inspector Steve Smith who has requested additional access roads to the development due to housing/school density and the new partition Kettle Creek being outside of the service standard for emergency vehicle access.....

**Cc:** Smith, Steven D. (CSFD)  
**Subject:** RE: Neighborhood Evacuation Planning

Hey Smitty,

My boss beat me to the punch. I was wondering if we should contact regional building and get their input as they approve all development plans. But I do agree that more ways out are better than one way.

David

Also in 2014, another high ranking city official saw the obvious....

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**From:** MANDEL, Sean B.  
**Sent:** Thursday, April 03, 2014 12:32 PM  
**To:** Hughlett, Kenneth A.; EDMONDSON, Martin D.; HUSTED, David S.  
**Cc:** Smith, Steven D. (CSFD)  
**Subject:** RE: Neighborhood Evacuation Planning

Smitty,

I am not aware of anything, obviously the more roads (ways) out the better.

Sean

Commander Sean Mandel  
Special Enforcement Division  
Colorado Springs Police Department  
705 S. Nevada Avenue  
Colorado Springs, CO 80903  
(719) 444-7759 Office  
(719) 499-5035 Mobile  
[mandelse@ci.colospqs.co.us](mailto:mandelse@ci.colospqs.co.us)

Last year it was the requirements list as stated in "**7.3.605: PUD PLAN REVIEW CRITERIA FOR PUD CONCEPT PLANS**" asks:

"Will streets and drives within the project area be connected to streets outside the project area in a way that ..... improves connectivity, mobility choices and access to jobs, shopping and recreation?"

If we can amend that question to include safe ingress and egress in an emergency.....we would answer in the words of Sam Bryant from North Fork in his letter to City Planning last year in April,

"There is no plan to mitigate the addition of all those extra cars from '259' new homes in Kettle Creek. All those new cars have only one exit and entry point which is Thunder Mountain Ave. Plus all the cars from the new Elementary School will add additional traffic as well. This is a huge safety and preservation of life issue."

7.3.605: PUD PLAN REVIEW CRITERIA FOR PUD CONCEPT PLANS: asks

"P. **Will the proposed development overburden the capacities of existing or planned streets, utilities and other public facilities?**"

**The filed traffic study ignores the high school entrance bottleneck where traffic exiting the development must yield to incoming traffic. In an emergency, that incoming traffic will be exceptionally heavy and block exiting traffic along Thunder Mountain. With TM/ORR already an issue with 'peak' normal traffic can we expect with an emergency it will improve?**

Also '7.5.501 (E): CONCEPT PLANS' asks

1. Will the proposed development have a detrimental effect upon the general health, welfare and **safety** or convenience of persons residing or working in the neighborhood of the proposed development?"

**We think this council under the advisement of the Fire Department statement that the new development is out of bounds of their safety standard cannot be ignored. Nor can the standing request for additional ingress and egress roads from other than the south into the development be added. Beyond that, the question begs the overall safety of the development before additional homes can be added. With an new 750 student and staff elementary school.....creating as much ingress as egress issues in an emergency we think adding more traffic demand to the already dangerous mix is UNREASONABLE.**

**The NorthFork Safety First committee and the residents of our community would insist that the council stipulate for the public record that the already widely recognized traffic issues at North Fork homes, and the two schools with over 2,000 students and staff is a public safety issue that must be resolved before development of new homes in Kettle Creek meadow be started.**