

CITY PLANNING COMMISSION AGENDA
MARCH 19, 2020

STAFF: HANNAH VAN NIMWEGEN

FILE NO(S):

A. - CPC PUZ 19-00090 – QUASI-JUDICIAL

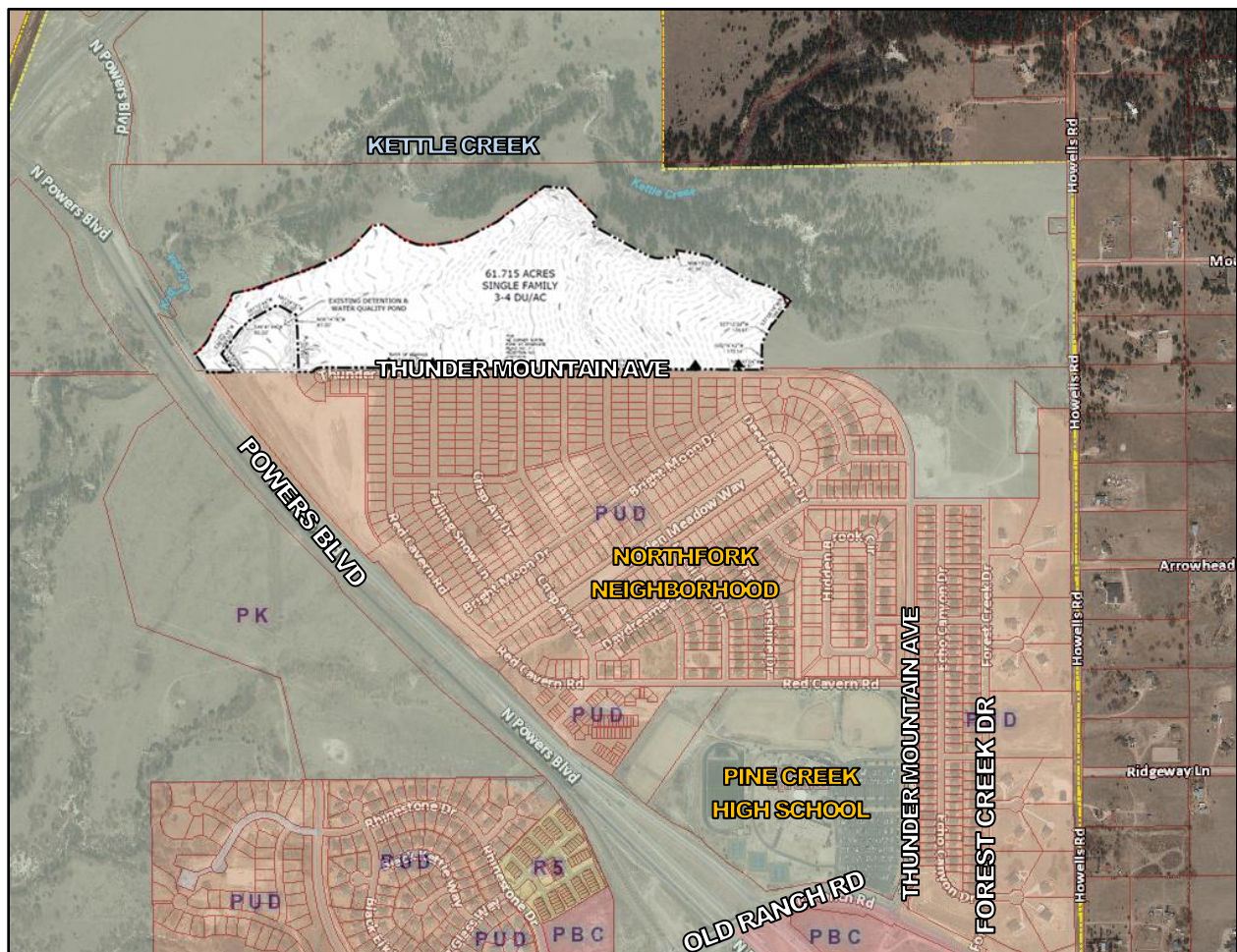
B. - CPC PUP 19-00091 – QUASI-JUDICIAL

PROJECT: KETTLE CREEK NORTH

OWNER: JOVENCHI, LLC

DEVELOPER: VINTAGE COMMUNITIES

CONSULTANT: N.E.S., INC



PROJECT SUMMARY:

1. **Project Description:** The Kettle Creek North project includes concurrent applications for a zone change and concept plan for 61.71 acres located south and east of the Powers Boulevard and Highway 83 intersection and shares a boundary with Kettle Creek to the north and the existing North Fork neighborhood to the south.

The zone change requests to rezone the 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre). The concept plan (**FIGURE 1**) illustrates general dimensional standards for lots, topography, geotechnical setbacks, and includes a Land Suitability Analysis. The subject site is within the Briargate Master Plan area and is designated for residential land uses with a density range between 3.5 and 7.99 dwelling units per acre (du/ac).

2. **Applicant's Project Statement:** (**FIGURE 2**)
3. **Planning and Development Team's Recommendation:** City Planning staff recommends approval of the subject applications.

BACKGROUND:

1. **Site Address:** Not addressed
2. **Existing Zoning/Land Use:** A (Agriculture)/Vacant, undeveloped (**FIGURE 3**)
3. **Surrounding Zoning/Land Use:** North: A (Agriculture)/Kettle Creek then vacant, undeveloped land
East: A (Agriculture)/A spur of Kettle Creek, Howells Road, then low density residential within El Paso County
South: PUD (Planned Unit Development: Detached Single-family Residential, 3.6 du/ac, 36 foot maximum building height)/Single-family residential neighborhood which is under construction
West: A (Agriculture)/Kettle Creek then Powers Boulevard
4. **PlanCOS Vision:** The PlanCOS Vision Map designates the area as a "Newer Developing Neighborhood" which is adjacent to an Intercity and a Smart Corridor (Highway 83 and Powers Boulevard).
5. **Annexation:** The subject property was annexed in 1982 as part of the 6,700 acre Briargate Addition No. 5 annexation.
6. **Master Plan/Designated Master Plan Land Use:** The subject site is part of the Briargate Master Plan and designates the site as "R-LM" (Residential, Low-Medium) which allows a density range of 3.5 to 7.99 dwelling units per acre.
7. **Subdivision:** This property is currently unplatted.
8. **Zoning Enforcement Action:** None.
9. **Physical Characteristics:** The portion of the site proposed for development is relatively flat, however, there are significant natural features associated with Kettle Creek just to the north of the subject site. Sheet two of the concept plan (**FIGURE 1**) is a Land Suitability Analysis (LSA), which illustrates the extent of slopes and natural vegetation in the area. As depicted, the Kettle Creek drainage way is not recommended for development and is designated as open space on the Briargate Master Plan. The LSA and geologic hazard report are described further in this report.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The public notification process consisted of providing initial notice to the neighbors by placing a poster for the project on site and sending postcards to 130 property owners within 1,000 feet of the subject site. Public comments were received during the initial review and staff required a neighborhood meeting and the above notification process was repeated. This neighborhood meeting was held on September 4, 2019 and approximately 45 people attended, though only 30 signed in. At the time of this neighborhood meeting, the proposal included additional area and was approximately 109 acres in size broken into two parcels—parcels

A and B. Two primary groups of individuals attended the neighborhood meeting: those who live in the North Fork neighborhood, and those who live in El Paso County to the north and east. Those who live in El Paso County were concerned about the urban to rural transition and ensuring a harmonious lot size, width, a residential product that was similar to what exists within El Paso County. Those who live in the North Fork had concerns with the additional traffic on Thunder Mountain Avenue to Old Ranch Road during the morning peak hour in particular. Both groups shared concerns with the additional traffic feeding onto Old Ranch Road and the preservation of natural features on the subject site.

Following this neighborhood meeting, changes to the proposal were made which included the addition of a Land Suitability Analysis (LSA), illustrating preservation areas as recommended in the LSA, and developing portions of the site with significant natural features with a Hillside Overlay. Because of the changes to the plan, staff requested that a second follow-up neighborhood meeting be held. This neighborhood meeting was held on November 6, 2019 and 16 individuals signed in, though closer to 25 attended. The site was posted and postcards mailed to the same 130 property owners within 1,000 feet of the subject site. Again, many voiced concerns regarding preserving natural features, ensuring an adequate urban to rural transition along the northern and eastern boundaries, and traffic on Thunder Mountain Avenue and Old Ranch Road. Following the second neighborhood meeting, the scope of the subject requests was reduced from 109 acres and two parcels to a single, 61.71-acre parcel. The land removed from the scope contained the areas with significant natural features, so the preservation areas and Hillside Overlay development standards have been removed from the concept plan under review currently (**FIGURE 1**).

All public comments in addition to staff communications are included in this report as **FIGURE 4**. The site was posted and public notification sent prior to the City Planning Commission hearing.

The applications were sent to the standard internal and external agencies for review, including Colorado Springs Utilities, City Traffic, City Engineering, City Landscape, Parks, Recreation, and Cultural Services, City Fire Department and Police/E-911, Colorado Geologic Survey, the United States Air Force Academy, the Colorado Department of Transportation (CDOT), and Academy School District 20. At this time, all comments have been addressed.

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

1. Background:

The subject property was annexed into the City of Colorado Springs in 1982 as part of the 6,700 acre Briargate Addition No. 5 annexation and was added to the Briargate Master Plan simultaneously. This master plan was updated in 2003, and new land use designations were established. This property was assigned the R-LM (Residential, Low-Medium) with a density range of 3.5 to 7.99 du/ac. Similarly, the North Fork neighborhood was established the same R-LM designation. On the original Briargate Master Plan, an elementary school and a junior high school were illustrated in the North Fork neighborhood area, and in 2003, the junior high school was re-designated as a high school. While the subject site has been master planned since annexation, it was assigned the A (Agriculture) zone as a holding zone until the parcel was proposed for development.

In 2014, a zone change, development plan, and minor master plan amendment were submitted for the North Fork subdivision. The zone change proposed to rezone from the A (Agriculture) holding zone to PUD (Planned Unit Development: Detached Single-family Residential, 3.6 du/ac, 36 foot maximum building height); the development plan proposed 141 single-family residential lots; and the minor master plan amendment proposed a relocation of the elementary school site to its current location (**FIGURE 5**). In 2015, the remainder of the North Fork subdivision was submitted for review and was approved with an additional 602 single-family detached residential lots.

2. Design & Development:

a. General:

The subject concept plan illustrates 61.71 acres for residential development with a projected density between three and four du/ac. This concept plan also outlines development constraints such as the Preble's Meadow Jumping Mouse (PMJM) critical habitat line and geotechnical setbacks. Several points of access are proposed, aligning with the street configuration of the North Fork subdivision, onto Thunder Mountain Avenue, which leads to Old Ranch Road. The average lot size is 5,500 square feet with a maximum building height of 35 feet. Setbacks, lot coverage, and other dimensional standards are outlined in the concept plan (**FIGURE 1**).

Following a review of the proposed development, the City Fire Department has determined that future development of the area will require a secondary access point. However, that a secondary access point was not going to be required with this development at this time. Future developments of the area will need to consider this requirement.

b. Land Suitability Analysis, Kettle Creek Acquisition, and Channel Improvements:

A geologic hazard report was submitted with the concept plan and zone change, and was forwarded to Colorado Geologic Survey (CGS) for review. A geologic hazard report was required because of the significant natural features and slopes found along the banks of Kettle Creek. CGS recommended a geotechnical setback from those significant slopes that helped frame the developable area along the northern boundary. In addition to the geologic hazard report, staff required a Land Suitability Analysis for ease in characterization of features to preserve as well as identification of undevelopable land. This LSA (sheet two of **FIGURE 1**) classifies the land into three categories; category A for constrained land that should be preserved, category B for land with some constraints but is not entirely undevelopable or worth preserving, and category C with no constraints for development or any significant natural features. The subject site is entirely within an area illustrated as category C.

Kettle Creek is identified as critical habitat for PMJM, an endangered mouse known to inhabit in washes near creeks on the northern side of town. U.S. Fish & Wildlife has jurisdiction over areas that contain endangered species, and outlines the boundaries of their critical habitat. Conveniently, the geotechnical setbacks, the area outlined in the LSA as developable, and the PMJM critical habitat boundary relatively align with each other, and together forms the northern boundary on the subject site.

Further, the Parks, Recreation and Cultural Services Department, utilizing Trails, Open Space, and Parks (TOPS) funds, is purchasing the land located north of the development area. The TOPS tax was established by a vote of the people in 1997 in order to encourage, foster and promote public-private partnerships in the preservation of open space lands, trails and parks. In 2003, voters renewed TOPS until 2025. The approximately 150-acre acquisition of Kettle Creek assures that natural features formed by the creek will be preserved in perpetuity, and could serve as a future trail corridor.

Lastly, a channel analysis will be triggered by the proposed development due to its adjacency to Kettle Creek, though the proposed development would be draining into the creek. This channel analysis is intended to determine whether channel improvements to the creek are necessary to protect from excessive downstream erosion. This analysis is reviewed separately by the Water Resources Engineering division, and is generally required when a development plan is submitted.

c. Traffic:

There are two points of access into the existing North Fork subdivision and the proposed Kettle Creek North development—the intersections of Thunder Mountain Avenue and Old Ranch Road, and the intersection of Forest Creek Drive and Old Ranch Road. Largely, the

area of concern is the intersection of Thunder Mountain Avenue and Old Ranch Road. Currently, Thunder Mountain Avenue is the primary point of access by the existing and proposed residential homes, Pine Creek High School, and a proposed elementary school as illustrated in the Briargate Master Plan (**FIGURE 5**). Many complaints about this intersection have been received, many regarding the traffic issues caused by the high school that has a start time during the morning peak hour.

At the request of the Traffic Engineering division, a traffic impact analysis was submitted following the first review of the concept plan and zone change. City Traffic Engineering requested that the study explore an additional access point into the Kettle Creek North development other than Thunder Mountain Avenue. Specifically, City Traffic Engineering requested the applicant to explore potential accesses to either Forest Creek Drive, to Howells Road, or two Powers Boulevard/Highway 83. In the subsequent study's submittal, the report illustrated an extension of Forest Creek Drive north through the elementary school property and the area formally known as Parcel B, into the proposed development's east side. This study also adjusted the counts to account for the additional point of access. City Traffic Engineering reviewed the revised report, and asked that the report revise the Peak Hour Factor (PHF) utilized and the exiting signal timing from Thunder Mountain Avenue to Old Ranch Road. This information was formally requested in the fourth review comments dated February 5, 2020. Additionally during this period, Academy School District 20 approached City Planning about constructing the elementary school site. With this knowledge, City Traffic Engineering also requested that the traffic report accurately account for the additional traffic generated by the school.

City Traffic Engineering has approached Academy School District 20 about adjusting the start time of Pine Creek High School and the proposed elementary school to alleviate some of the pressures on the Thunder Mountain Avenue and Old Ranch Road intersection. At this time, discussions about Pine Creek High School's start time have not been successful, and discussions are ongoing about the elementary school's start time. It is important to note that the City does not have purview over the operations of public schools. Public schools are governed by the Board of Regents and technically are not required to follow City development codes and regulations. While City Traffic Engineering can request changes or suggest improvements, there is no requirements for a public school to follow those requests or suggestions.

The revised report with the adjusted PHF, the exiting signal timing, and the additional traffic generated by the elementary school was submitted for review. City Traffic Engineering has accepted the report and is recommending approval of the applications. The traffic study has concluded that:

- All individual turning movements and approaches at the signalized intersection of Old Ranch Road/Thunder Mountain Avenue are projected to operate at LOS D or better during both peak hours through the 2040 horizon year, with Kettle Creek North buildout.
- The roundabout intersection of Old Ranch Road/Cordera Crest Avenue is projected to operate at LOS D overall, however, during the short-term morning peak hour the westbound approach will struggle with LOS F with or without buildout of Kettle Creek North. The Union Boulevard to Milam Road connection may occur prior to buildout of Kettle Creek North and will ease pressure on this roundabout which is projected to operate at LOS C or better as soon as that improvement is completed.

City Traffic Engineering will continue working with Academy School District 20 to stagger school times for Pine Creek High School and the future elementary school. The traffic report provides numbers on this "alternate scenario" if the school timing could be staggered. The following is the analysis results of this alternate scenario:

- The morning peak hour level of service with a later Pine Creek High School start time and future elementary school (assumed to start during the morning peak hour) are significantly better. The level of service projected for the Cordera Crest roundabout is shown at LOS A with the alternate scenario (compared to LOS D with the existing conditions scenario). The Old Ranch Road/Thunder Mountain signalized intersection is shown at LOS B with the alternate scenario (compared to LOS D with the existing conditions scenario).
- The long-term sum of “competing” eastbound left turn and westbound through volumes at the Old Ranch Road/Thunder Mountain signalized intersection would be significantly lower under the alternate scenario. This would positively impact level of service and delay. One of the key aspects is not only the eastbound left turns would be significantly reduced, but the U-turns at the roundabout and corresponding additional “competing” through traffic would be significantly lower. Many of these movements at both the signalized intersection and the roundabout are the result of high school traffic entering at the high school’s right-in/right-out access on Old Ranch Road. Under the alternate scenario, these “competing” movements would not occur during the 7:00 to 8:00 a.m. morning peak hour. Moreover, the southbound right turn movement would be significantly lower with the alternate scenario.

3. Review Criteria

The review criteria for zone changes can be found in code section 7.5.603, more specifically, review criteria for the establishment of a PUD zone can be found in code section 7.3.603, and the review criteria for concept plans may be found in code section 7.5.501, and PUD concept plans are located in code section 7.3.605. Staff is of the opinion that the subject applications are compliant with those review criteria based on the action not being detrimental to public health, safety, or general welfare and will not overburden public facilities. Staff has also found that the proposed dimensional standards (setbacks, lot coverage, etc.) and residential product (building height, lot size, etc.) are consistent with other residential uses in the vicinity.

4. Conformance with the City Comprehensive Plan:

The City’s Comprehensive Plan, PlanCOS, identifies the area subject to the applications as a “newer developing neighborhood” on the Vision Map and fits within the Emerging Neighborhoods typology of the Vibrant Neighborhoods chapter. In the Vibrant Neighborhoods chapter of PlanCOS a policy (VN-3.A) supports developments, which enhance and preserve a neighborhood’s character. The Kettle Creek North development will preserve the significant natural features found on the parcel by selling the land to TOPS, and by conducting a Land Suitability Analysis for the property that will not be sold. Many of the goals and policies within the Majestic Landscapes chapter also supports the preservation of landscapes and natural features. In the Strong Connections chapter, another policy (SC-1.H) states, “Improve neighborhood livability by providing connections between neighborhoods...” Kettle Creek North will integrate the street layout of the North Fork subdivision to create a seamless transition between the two developments.

5. Conformance with the Area’s Master Plan:

The subject parcel is located within the Briargate Master Plan area. This master plan was initially established in 1980, and the subject parcel was added in 1982. The Briargate Master Plan was updated in 2003 and new land use designations were established. For the subject parcel, R-LM with a density range of 3.5 to 7.99 du/ac was outlined. The proposal under review outlines a density range of three to four du/ac. Though the minimum proposed density is below the master plan range, Staff finds that the subject applications are substantially compliant. This is because of; a) the potential for the final density to be within the master plan range (between 3.5 and 4 du/ac), and b) given the traffic constraints of Thunder Mountain Avenue, less density may be more compatible with the existing development.

STAFF RECOMMENDATION:

CPC PUZ 19-00090 – PUD Zone Change

Recommend approval of the rezone of 61.71 acres from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 dwelling units per acre), based upon the findings that the change of zoning request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B), as well as the criteria for establishment of a PUD zone district as set for in City Code Section 7.3.603.

CPC PUP 19-00091 – Development Plan

Recommend approval of the concept plan for Kettle Creek North based upon the findings that the concept plan complies with the review criteria for concept plans as set forth in City Code Section 7.5.501(E) and criteria for PUD concept plans set forth in City Code Section 7.3.605.