



City of Colorado Springs

Plaza of the Rockies
South Tower, 5th Floor
Blue River Board Room
121 S Tejon St, Colorado
Springs, CO 80901

Meeting Minutes - Final Planning Commission

Thursday, May 20, 2021

8:30 AM

Remote Meeting - Call 720-617-3426

Conf ID: 815 137 01#

1. Call to Order

Present: 7 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham, Commissioner Almy and Alternate Griggs

Excused: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

2. Approval of the Minutes

2.A. [CPC 21-263](#) Minutes for the March 18, 2021 City Planning Commission Meeting

Presenter:

Reggie Graham, Chair of the City Planning Commission

Motion by Commissioner Raughton, seconded by Vice Chair Hente, to approve the minutes for the March 18, 2021 City Planning Commission Meeting. The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

2.B. [CPC 21-264](#) Minutes for the April 15, 2021 City Planning Commission Meeting

Presenter:

Reggie Graham, Chair of the City Planning Commission

Postponed to the July 17 meeting.

3. Communications

Peter Wysocki - Director of Planning and Community Development

4. CONSENT CALENDAR

These items will be acted upon as a whole, unless a specific item is called for discussion by a Commissioner/Board Member or a citizen wishing to address the Commission or Board. (Any items called up for separate consideration shall be acted upon following the Consent Vote.)

Arrowswest EV Church

- 4.A. [CPC CU 21-00035](#) A Conditional Use Development Plan for a religious institution in a PIP-1 (Planned Industrial Park) zone located at 4455 Arrowswest Drive.

(Quasi-Judicial)

Presenter:
William Gray, Senior Planner, Planning & Community Development Department

This Planning Case was approved on the Consent Calendar.

Aspen Meadows

- 4.B. [CPC ZC 20-00097](#) Ordinance No. 21-53 amending the zoning map of the City of Colorado Springs pertaining to 12.23 acres located near the southwest corner of Marksheffel Road and Cowpoke Road from A (Agricultural) to PK/AO/SS (Park with Airport and Streamside Overlay).

(Quasi-Judicial)

Presenter:
Katie Carleo, Planning Supervisor, Planning & Community Development
Peter Wysocki, Planning Director, Planning & Community Development

This Ordinance was referred on the Consent Calendar to the City Council.

Total Green

- 4.D. [CPC CU 20-00107](#) A conditional use development plan to allow the expansion of an existing Optional Premises Cultivation Operation (marijuana grow) in the PBC (Planned Business Center) zone district located at 1109 and 1117 South Chelton Road.

(Quasi-Judicial)

Presenter:
Matthew Alcuran, Planner II, Planning and Community Development

This Planning Case was approved on the Consent Calendar.

Approval of the Consent Agenda

Motion by Vice Chair Hente, seconded by Commissioner McMurray, that all

matters on the Consent Calendar be passed, adopted, and approved by unanimous consent of the members present. The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

ITEMS CALLED OFF CONSENT

Grandma's Garden Home Daycare

4.C. [CPC CU 20-00121](#) A conditional use development plan to allow a large daycare home with attendance of seven (7) to twelve (12) children in the R1-6/CR/AO (Single-Family Residential/Condition of Record/Airport Overlay) zone district, located at 3820 Thundercloud Drive.

(Quasi-Judicial)

Presenter:

Matthew Alcuran, Planner II, Planning and Community Development

Motion by Vice Chair Hente, seconded by Commissioner McMurray, to approve the Conditional Use Development Plan for the Grandma's Garden Home Daycare and Preschool in the R1-6/CR/AO (Single-Family Residential/Condition of Record/Airport Overlay) zone district, based upon the findings that the request meets the review criteria for granting a Conditional Use as set forth in City Code Section 7.5.704 (A, B, and C) and meets the review criteria for granting a Development Plan as set forth in City Code Section 7.5.502(E). The motion passed by a vote of 5:1:3:0

Aye: 5 - Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

No: 1 - Commissioner Raughton

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

5. UNFINISHED BUSINESS

6. NEW BUSINESS CALENDAR

Kettle Creek North

6.A. [AR PUD 20-00538](#) An appeal of City Planning Commission's decision to overturn staff's approval of a Development Plan for the Kettle Creek North Subdivision illustrating 247 single-family detached lots on 61.71 acres located north of the Thunder Mountain Avenue and Old Ranch Road intersection.

(Quasi-Judicial)

Related File: AR FP 20-00539

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Staff presentation:

Hannah Van Nimwegen-McGuire, City Planning, presented a PowerPoint with the scope and intent of this project.

AR PUD 20-00538 - Development Plan:

- The development plan approved 247 single-family detached lots, 4.0 dwelling units per acre, with associated improvements on 61.71 acres divided into four phases.

AR FP 20-00539 - Final Plat:

- The final plat outlines 74 of those single-family lots, the entirety of phase one, on 21.33 acres of the total 61.71-acre project site.

Recent Background:

- In April of 2020, the City Planning Commission recommended approval of the Zone Change and Concept Plan to the City Council. In June & July 2020, the City Council approved the Zone Change and Concept Plan. Because only a Concept Plan was approved, a development plan was required and has an administrative review authority.

Site Details:

- 61.71-acre site
- Zoned Planned Unit Development: 35' maximum building height, detached single-family residential, 4 du/ac maximum
- Briargate Master Plan - Residential; Low-Medium (3.5-7.99 du/ac)

Fire Review:

- City Fire Department reviewer commented that second access point to subdivision should be explored. Staff explored:
 - Forest Creek Drive extension to the north: Would need to cross ASD 20 Elementary School property who disallowed the crossing. Would yield minimal improvements since it would feed back onto Old Ranch Road.
 - Connect to Howells Road: Prohibited by the annexation agreement and Briargate Master Plan. Heavily opposed by residents of Black Forest. Howells Road would need to be improved.
 - Thunder Mountain Ave to Powers Blvd: Approached CDOT for reconsideration but were denied.
- Stated "emergency access only" routes were not favorable as they tend to fall into disrepair and become unusable.
- The single Thunder Mountain Ave access was "undesirable but workable" in the event of an emergency evacuation. Emergency evacuations are coordinated with CSPD.
- City Fire Department stated Kettle Creek North was outside of their standards for coverage, but the area was still serviceable but may

experience longer response times

Traffic Impact Analysis (TIA):

- Levels of Service (LOS):
 - All movements and approaches at Old Ranch Rd/Thunder Mountain Ave: LOS D or better during both peak hours
 - The roundabout intersection of Old Ranch Road/Cordera Crest Avenue: LOS D overall. During the morning peak hour, it will struggle with LOS F with or without buildout of Kettle Creek North.
- Levels of Service (LOS) under alternate scenarios:
 - With adjustments to school start times:
 - The Old Ranch Road/Thunder Mountain intersection: LOS B
 - Old Ranch Road/Cordera Crest Avenue roundabout: LOS A
- Pine Creek High School & Elementary School
 - City doesn't have jurisdiction to require changes to start times
 - North Fork Elementary will stagger 45-minutes off of peak morning hour
- City Engineering staff conducted an operational analysis of the intersection of Thunder Mountain Ave and the primary access to/from Pine Creek High School.
 - The intersection is configured to allow school traffic to enter the school campus without stopping while southbound traffic on Thunder Mountain Ave must stop and find a gap to continue southbound.
 - In the morning, southbound vehicles on Thunder Mountain Ave are delayed and will experience delays that exceed a LOS F condition.
- This condition is expected given the high concentration of school traffic entering the school in the morning and is similar to the type of congestion seen around high schools across the city.
- To address this condition, City Traffic Engineering will be installing a traffic signal at this intersection with a voluntary contribution from the Kettle Creek North developer.

Ms. Van Nimwegen-McGuire recommended denying the appeal and upholding the administrative approval of the development plan.

Questions:

Commissioner Hente asked Fire Marshall (FM) Brett Lacey to explain his view on the access/exits of the development.

FM Lacey said in looking at the overall review of the application, the Fire Department (FD) tries to facilitate as many ways out of different developments as possible, no different than a building with a minimum of two ways out. The FD would like for those to be as remote as possible so if one area gets impacted, there is an alternate way to get out. In this development, Fire Protection Engineer, Steve Smith, made a recommendation for alternate routes, or a secondary means of moving out of that development and that area. Due to the difficulties of constructing a secondary access and other restrictions, we did

not have the ability to sterilize the use of the land. As a result of that, the FD revised the comment to say that it was not an optimal situation, dumping out in a similar location, but it was workable.

FM Lacey further explained they would have preferred to have a secondary egress point that was more remote (the North Fork neighborhood has two access points both off of Old Ranch Road). Since those efforts failed, and based on the traffic engineer's study, when there is an event where contraflow is required for evacuation, the FD can pull those roadways that are available out and down. Evacuation can certainly be done, but it is not in a way that the FD would prefer.

FM Lacey explained that in the event of an evacuation, contraflow allows for a single lane of access for emergency vehicles to ingress. All the other lanes of traffic are changed to one direction only. There would not be an opportunity for anybody to come into the evacuated area other than emergency responders. Everybody else has to go out in one direction along all of the egress points out of a given area of development.

Commissioner Almy asked FM Lacey if an evacuation had been modeled in a worst-case scenario to show how the flow of traffic would be, and are there plans in place to implement that traffic flow pattern.

FM Lacey said there are no national standards, or standards of good practice, for evaluating or modeling emergency evacuations, and why the FD does not have anything to evaluate, compare, or analyze. The FD goes by what the Traffic Engineering division and flow patterns evaluate. Doing that kind of analysis is not possible partly due to evacuations and emergency conditions are fluid and dynamic, it is very difficult to rest on one analysis or one series because the variables are so great and always different.

Commissioner Almy asked if the worst case scenario had really been looked at. Contraflow has been talked about, but that assumes nobody is coming back to evacuate people from the neighborhood, or getting their kids from school, and that would be a worst-case scenario. There will be demand in both directions. Commissioner Almy said the neighborhood has a lot of very small streets and things do get crazy during an emergency. The streets are fine for moving normal amounts of traffic in and out and even probably doubling that. But, when you start feeding a lot of things into these minor streets, they will get backed up. Particularly if you've got people that want to come back into the neighborhood to get their wife, get their children, or others.

Commissioner Almy said we need to look at the whole idea of how we can model this to prove whether it's safe or it's completely unsafe. The neighbors said traffic was already a threat with school drop-offs in normal traffic. Commissioner Almy said that was his question about this area, and he still has not received a satisfactory answer about what needs to be done. It's more of a demand to have alternate egress routes. Commissioner Almy would like to have those questions answered at some point.

FM Lacey addressed Commissioner Almy's concerns about different people

entering the evacuation area and explained once an evacuation area is called, it is the police department's responsibility. What they will do is establish traffic control points at all of the intersections where egress is required to come out of that neighborhood. Cars will not be allowed back in and it will be one-way flow. In the case of Mountain Shadows, there were some problematic issues. There is multiple egress points out of that larger area, which can become problematic for law enforcement to get enough cars up to that area immediately to establish those traffic control points and restrict any up going traffic. Once the traffic control points are established, law enforcement will not allow people to go back in.

Some of the many lessons learned were to issue pre-evacuation orders, conduct a tremendous amount of education for people in our community about how to prepare for evacuation. When we say evacuate, it's out, and it's out immediately. That's a responsibility on each of the citizens to understand what it means, and what the urgency is. Wildfires are unpredictable, and that is guaranteed. So, we plan as reasonably as we can. The only flow allowed to go up will be emergency responders, and everything else is outbound. People who are left inside the evacuation area will be evacuated by emergency forces.

Commissioner Raughton asked how the schools would be evacuated. FM Lacey said the schools are prepared with emergency evacuation and emergency plans. Law enforcement will escort busses to the school and evacuate them. Parents will not be allowed in the evacuation area. FM Lacey also pointed out those structures are hardened structures that can be defended until transportation comes to appropriately escort those individuals in the event of a wildfire.

Commissioner Almy commented that the key is pre-evacuation and being conservative on when that is called to minimize the risk, even if it is an inconvenience to the citizens. FM Lacey said that was exactly correct.

Appellant Presentation:

Richard Sevcik, Appellant, HOA representative

Greg Edwards, Appellant, HOA representative

Second Exit Route Needed and there are two main issues:

Morning Traffic:

- North and southbound traffic is severely limited to ONE lane past Pine Creek High School entrance.
- The 2019/20 developer's traffic study FAILED to include this intersection!
 - City Traffic Manager study rated this missed intersection a "Level of Service of F"
- Actual experience results are exit delays approaching 10 minutes.

Emergency evacuation:

- Old Ranch Road is the ONLY escape route for over 7,000 people: 3000+ residents, 1600 high school students, 280 staff, and 600 elementary students.
- Fire Dept Inspectors 'requested' an additional road

access 'other than from the south'

- The *original* annexation plan included a second exit West....

The upcoming addition of a new elementary school and 243 homes represents a 40% increase in the overall development's density with no infrastructure road improvements.

It's safe to stipulate that all parties including the *City Council, Fire Department, Police Department, North Fork Residents* that with one access road (Old Ranch Rd.) for egress/ingress to the community there is already a traffic problem.....adding an additional traffic load from the new Elementary School and the expansion to Kettle Creek is unreasonable and unsafe without the recommended north bound public roads.

Imagine 2000 vehicles entering the development with limited access...just to recover their children.... while residents and those same vehicles attempting to leave. How do we get those emergency vehicles up to Kettle Creek before a fire sweeps across the development?

Mr. Sevcik and Mr. Edwards requested there be a delay in the development of Kettle Creek North until a second exit to the west or to the north is provided.

Questions:

Commissioner Raughton said he was struck by the school district's lack of response on staggering the start times for Pine Creek High School, and asked if the HOA had been as articulate with the school district about the need to be responsive to the neighborhood in terms of adjusting the start times.

Mr. Sevcik said he was unsure and that he was told by planning staff that the district was approached, and they said no.

Todd Frisbie, City Traffic Engineering, said an analysis was completed at the intersection of Pine Creek High School's main entrance and Thunder Mountain Avenue, which resulted in the recommendation of a traffic signal. This will allow traffic to move into the school and not back up to Old Ranch Road. It will also provide the ability for the residents to exit the neighborhood without the delay that they currently experience.

Commissioner Raughton asked if that intersection going into the school was a part of the original traffic study. Mr. Frisbie confirmed that it was not in the original traffic study. Commissioner Raughton asked why the Thunder Mountain interchange to Powers Boulevard been denied. Mr. Frisbie explained the Colorado Department of Transportation (CDOT) has classified Powers Boulevard as Access Category of Freeway, which is the most restrictive highway classification. This limits access to interchanges. There is also required spacing between those interchanges on a limited access freeway. Because it is a freeway, CDOT can restrict access between Interquest Parkway and Old Ranch Road, which precludes Thunder Mountain.

Commissioner Almy asked if there was a possibility for a frontage road on Powers Boulevard to go to a normal interchange? Mr. Frisbie explained that

would be subject to CDOT approval because it would be a CDOT right-of-way, and then the city would have to see the need for building it.

Applicant Presentation:

Chris Lieber, N.E.S.

Dean Venezia, Vintage Communities

Jeff Hodson, Traffic Consultant with LSC

Mr. Lieber presented a PowerPoint with the scope and intent of this project and pointed out the project meets all of the development plan criteria and is consistent with a long lineage of approvals that have gotten the project to this point.

Mr. Lieber said they acknowledge there is a traffic challenge and agreed that providing a traffic signal at the high school's entrance would significantly improve the traffic during the morning peak hour. Mr. Dean Venezia and Vintage Communities have volunteered to pay for the cost of that signal because it is good for the new development, but also good for the neighborhood overall.

The master plan and concept plan show this is one unified neighborhood and one unified development. Even though there are different developers on the north side of Thunder Mountain, the idea and the concept has always been that when it comes to traffic, when it comes to emergency management, when it comes to service for schools, that all of this is considered a cohesive community. For more than a decade, the traffic patterns and emergency access have all been discussed and considered holistically. The traffic studies have all anticipated this additional development and this development is consistent with the Briargate Master Plan.

Mr. Lieber went on to say the master plan originally allowed for up to 7.99 dwelling units per acre, but the development plan submitted today is based on a cap of four (4) units per acre, which is on the bottom end of that residential low to medium threshold. The concept plan that was approved in 2020 required a traffic study, and access, traffic, and emergency evacuation were all discussed in great detail. Additional emergency access points were exhaustively reviewed, as well as traffic volumes, and it was ultimately approved. This is an existing, broader, neighborhood issue, and is not caused by the Kettle Creek North development.

Mr. Lieber said for the emergency evacuation, FM Lacey said pre-evacuation planning was absolutely critical. There are no code provisions that establish a type of moratorium on development when an emergency access can't be provided. Mr. Lieber pointed out the following:

- Nine access points are proposed to existing North Fork Subdivision
- North Fork Traffic Analysis anticipated the Kettle Creek North urban development & the future elementary school
- Traffic counts were collected prior to COVID.
- Cost of infrastructure for Kettle Creek North has been shared with North Fork
- All roads serving Kettle Creek North operate at an acceptable level of

- service except for a 30-minute period during the morning peak
- Level of service at Old Ranch Road and Thunder Mountain is the same with or without addition of Kettle Creek North trips
- Other undeveloped parcels south of Old Ranch Road and east of Thunder Mountain will contribute traffic to the system
- Proposed Elementary School will contribute traffic to the Old Ranch/Thunder Mountain intersection during peak hour
- The Traffic issue is predominately a conflict between Pine Creek HS and residents in the morning peak hour.
- Traffic issue exists today during the morning peak hour - independent of Kettle Creek North

Mr. Frisbie proposed a traffic signal to help with the congestion by the high school, which Vintage communities is willing to voluntarily pay for, to improve the traffic within the neighborhood.

Mr. Lieber requested the appeal be denied based on the following:

- The criteria for the appeal have not been fully met
- The development plan is consistent with the Briargate Master Plan
- The development plan is consistent with the PUD concept plan
- The development plan has been thoroughly reviewed and city staff has indicated that it meets all the planning requirements

Supporters:

Opponents:

Mike (inaudible), resident of North Fork

- Traffic congestion at Pine Creek High School is a challenge and a problem
- As a resident, feels they have been short handed with no proper planning
- Would like to hold off on this development until there are better traffic solutions

Nadine (Inaudible), resident of the community for 3 years on Echo Canyon Drive

- Shocked by the growth in the area in the last 3 years
- This growth cannot be healthy: water shortages, traffic is an issue
- Mass shootings at schools, PTSD from soldiers, and massive mental health challenges
- Need to grow responsibly

Charlene Sevcik, resident

- This community needs a second exit and that is just common sense for people to have an escape route
- A stoplight will not help during an emergency
- Even though the exits were denied, we still need an exit
- Before piling on more homes, the emergency exits need to be considered

Louellen Welsch, lives on Howells Road

- Howells Road was evacuated in 2013 during the Black Forest fire
- Possibility and risk of having a fire is very real
- The traffic problems that happen frequently would increase the danger
- People perish in a fire because they can't get out on the roads
- Need better ingress/egress to the community

Lonny Weaver, resident of North Fork

- Experienced the Waldo Canyon fire and would do anything to get out of an area to save his family
- Is more than evacuating North Fork, there is also Cordera, as well as Black Forest residents

Rebuttal:

Mr. Sevcik rebuttal

- Developer is not sharing all the information and is hiding negative considerations
 - Traffic study was done pre-COVID, but they must have collected the data in the January/February 2020 timeframe when North Fork only had 10% of the homes occupied
 - Developer said Kettle Creek North was in the master plan, but the master plan also showed a second exit onto Powers, so when it was approved, it was approved with the second exit
 - Initial vote last year was 4:5 against the development, but the vote changed after lunch to approve 5:4
 - An alternative for a second exit is to build a bridge over Kettle Creek
 - It would help with the commute and an evacuation
 - Has not had the opportunity to see the latest traffic study
 - Finds it hard to believe a traffic light is going to make much of a difference
 - Reiterated would like to delay development until the traffic issues and emergency evacuation is resolved
 - State Forestry information shows we are in a wildfire area
 - Requires a fire mitigation plan
 - El Paso County land development, chapter six, general development environmental standards requires two access roads

Mr. Peter Wysocki, as a point of clarification, said the last statement the appellant referenced was the El Paso County development code that does not apply to the City of Colorado Springs.

Mr. Sevcik said the city is within the county and does that mean the county provisions for safety are going to be picked up or looked at? Do they overlap at some point?

Attorney Ben Bolinger with the City Attorney's office said the county jurisdiction

ends at the city boundaries, and their land development code does not apply.

Chris Lieber rebuttal:

- Question about the collection of the traffic data
 - Appellant was correct that the data collected was the data that could be collected at that moment, but the important things to keep in mind are:
 - At the time of the data collection, the number of units being developed within North Fork were known
 - The projection on Kettle Creek was known, as well as the grade school
 - All of that was part of building the traffic study, which is capturing the on the ground data, but also understanding and projecting that future growth and the overall impacts
- Comment on the Kettle Creek Master Plan
 - Prior, there was a separate connection of Thunder Mountain and it was proposed to not necessarily connect to Powers, but go underneath it
 - That was removed quite some time ago and there have been multiple updates to that master plan since then with none of those putting that back in the master plan
- Comment on the bridge
 - Cost is a challenge for the bridge
 - Preble's Meadow Jumping Mouse habitat is a factor
 - Kettle creek is not narrow at that point and is a canyon
 - The bridge being talked about or desired is a bridge that wouldn't serve just Kettle Creek. There would be a desire that this would serve the broader community
 - The developer has not seen any plan for resources from city wide funds to build a bridge
 - It would also probably need to be a thoroughfare that would receive a tremendous amount of use
- Moving the development north
 - Utilities would be a significant challenge with timing issues and service challenges
- Wildfire risk
 - The developer appreciated the information provided by the appellant on the wildfire risk
 - Mr. Lieber pointed out that all North Fork is in in that same wildfire risk designation, as well as many other communities
 - The developer is asking for this property to be treated in the same manner as other communities
 - There is no moratorium for wildfire or risk when it comes to development

Questions of Staff:

Commissioner McMurray asked if the offsite transportation considerations being discussed are normally part of the development plan and final planning review criteria as part of the administrative process.

Mr. Frisbie said for the traffic study, traffic engineering defines which intersections to look at. The scenarios looked at are short term and long term. The long-term scenario often considers whether development might come in the area, what new traffic growth might occur and what new road connections could impact traffic. In this traffic study, the long-term analysis showed good operations for those traffic intersections along Old Ranch Road.

Commissioner McMurray said the appellant referenced City Code sections 7.3.605 (PUD review criteria) and 7.5.501.E (Concept Plans) and asked if those were applicable to this stage of the approval process in the administrative review.

Ms. Van Nimwegen-McGuire said the development plan review criteria and the final plat review criteria were the criteria staff used to approve the applications, but the appeal review criteria are different. The appeal review criteria ask whether the appellant has proven that the request is against the express intent or express language of the code or if it is contrary to law. When staff was making their decision, staff utilized the traffic reports and the best knowledge that we had from city staff to make the decision. At that time, staff felt that it was not overburdening the roads, given the recommendations that were received from the reviewing agencies.

Commissioner Raughton asked Mr. Frisbie if there has been continuing conversation with the state highway department and their determination of no access? Mr. Frisbie said the only engagement he has had with CDOT was related specifically to this project and access to Powers Boulevard regarding the potential for emergency access to Powers from this development from Kettle Creek.

Commissioner Raughton said his dilemma is the emergency access and how CDOT has not been responsive as a state agency to the request to provide emergency access to a neighborhood. Mr. Frisbie explained that CDOT follows the State Highway Access Code. State law defines how and where they can access their roads. With the freeway designation, it specifically does not allow emergency access to freeway designated roadway. CDOT is bound by that law and there is really no wiggle room.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Almy said he wanted to go back on the record to April at which point he firmly stated and voted that he approved the project and thought it would be a nice addition to the city. Also, at that time, Commissioner Almy expressed grave concerns about the emergency planning and emergency access, and he has not changed his mind on either one. This appeal has the best merits on the emergency planning and access. That access would be good for fire and police as an alternate means for them to get into that northern part of the neighborhood to provide for public safety. This all boils down to risk and how much risk as a city we are willing to take on fires, whether a wildfire, house fire, or grass fire. There has been talk about the concept plans and how they have grown over time, but that is largely driven by the developer's view of the world and not necessarily the community. Incremental changes to those

things can be driven by the community and what they are willing to take.

Traffic was talked about in general, and it seems if that was solved, it would not only benefit the community but also the developer. With ease of access, there is better safety that would only help with sales. Commissioner Almy said we need to look harder for a second access point and he would like to see a better developed emergency evaluation for that area. Just because there hasn't been fires around the area for a long time does not obviate the requirement to plan for one. That risk needs to be weighed against the ability to evaluate and protect the public. Commissioner Almy said he would be in favor of the appeal.

Commissioner Hente said he also voted for the concept plan a year ago and thought it was good. Commissioner Hente stated there have been a couple of projects over the last six months or so regarding projects that were affected by evacuation. In those cases, Commissioner Hente said he voted against them because he thought the proposed evacuations for wildfires were inadequate, and that he would be consistent with that vote. Commissioner Hente said he has great respect for FM Lacey, but what you say in practice, in terms of how police will control access, does not work that way. People are screaming at police officers that they have to get their family member. Commissioner Hente commended FM Lacey on the educational work that has been completed, but that's assuming everyone is listening, and they are not, human nature cuts in.

Commissioner Hente said he thought this would be a great development, but he could not approve it when he thinks it jeopardizes the lives of people that are already there, plus the people who would be buying into the community. Mr. Lieber mentioned the problem already exists and not brought on by the Kettle Creek development. That is correct, but it does not mean the development would not compound the problem. Commissioner Hente said he would be supporting the appeal, but hoped one day the project goes through, but first there has to be a way for people to evacuate that community under extreme circumstances.

Commissioner Wilson said she agreed with the appellant's point that the only way to reduce congestion in the area for not only traffic but emergency situations was to reduce additional housing in the area, due to the lack of available egress options. These issues were discussed and already considered during the previous concept plan, which was approved. These concerns are still an issue and have not been addressed with the development plan and final plat. This development poses a safety risk, and some sort of resolution needs to occur before development should be approved.

Commissioner Raughton said this is a good project in terms of the development itself and he wanted to be supportive of that, but he said it is a burden upon the Fire Marshal and the City Engineer to make a case with a state agency and its regulations in terms of emergency access. Commissioner Raughton said it was incumbent upon the developer, the community, the residents to come together and discuss this with those traffic engineers at the state agency to create emergency access to Powers. Commissioner Raughton will not support the continuation of this project until that is resolved.

Commissioner McMurray said he agreed with both the applicant and the appellant in their respective cases that were made. Last April, Commissioner McMurray said he was the only member of the Planning Commission to not vote in favor of the PUD concept plan. Based on those criteria, the project did not clear the bar. However, what is being presented now has a different set of criteria that the commission is supposed to review. The establishment of the PUD concept plan approved last April gives the basis for the reasonableness of the city's administrative approval for this project, which is within the parameters that were set last April. Commissioner McMurray said he was in a strange situation where he does not support the project philosophically, but based on the appeal criteria, interpretation of the code, and his role, he would be voting to deny the appeal upholding staff's decision to approve the applications.

Chair Graham said last April he voted in support of this project, but thought the appellant raised some valid concerns with the wildfire danger and the one access into the neighborhood. Chair Graham asked that the developer to look at the issue of a second access point because it is needed to provide safety. The traffic signal will help the North Fork community and the potential Kettle Creek neighborhood by easing some of the traffic concerns on Thunder Mountain Avenue. The question of what would need to be done in the event of an emergency has yet to be answered. Chair Graham said based on the review criteria, he felt compelled to move forward with the development plan but had strong reservations about it. Chair Graham said he would be voting to deny the appeal upholding staff's decision to approve the applications.

Motion by Commissioner McMurray, seconded by Chair Graham, to deny the appeal, thus upholding staff's approval of the development plan for the Kettle Creek North subdivision illustrating 247 single-family detached lots, based on the finding that the request does not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.4. The motion failed by a vote of 2:4:3:0

Aye: 2 - Commissioner McMurray and Chair Graham

No: 4 - Commissioner Raughton, Commissioner Wilson, Vice Chair Hente and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

Motion by Vice Chair Hente, seconded by Commissioner Almy, to uphold the appeal, thus negating staff's approval of the development plan for the Kettle Creek North subdivision illustrating 247 single-family detached lots, based on the finding that the request does meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.4. and does not meet the development plan criteria in City Code 7.5.502.E. The motion passed by a vote of 4:2:3:0

Aye: 4 - Commissioner Raughton, Commissioner Wilson, Vice Chair Hente and Commissioner Almy

No: 2 - Commissioner McMurray and Chair Graham

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

- 6.B. [AR FP 20-00539](#) An appeal of City Planning Commission’s decision to overturn staff’s approval of a Final Plat for the Kettle Creek North Subdivision illustrating 247 single-family detached lots on 61.71 acres located north of the Thunder Mountain Avenue and Old Ranch Road intersection.

(Quasi-Judicial)

Related File: AR FP 20-00539

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Planning & Community Development

Peter Wysocki, Planning & Community Development Director

Motion by Vice Chair Hente, seconded by Commissioner Almy, to uphold the appeal, thus negating staff’s approval of a final plat for the Kettle Creek North Filing No. 1 subdivision illustrating 74 single-family detached lots, based on the finding that the request does meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.4. and does not meet the Final Plat criteria in City Code Section 7.7.303. The motion passed by a vote of 4:2:3:0

Aye: 4 - Commissioner Raughton, Commissioner Wilson, Vice Chair Hente and Commissioner Almy

No: 2 - Commissioner McMurray and Chair Graham

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

Creekside at Rockrimmon

- 6.C. [CPC PUD 20-00109](#) Postpone a PUD development plan for the Creekside at Rockrimmon project to the August 19, 2021 Planning Commission meeting.

(Quasi-judicial)

Presenter:

Kerri Schott, Planner II, Planning & Community Development

A request was made to postpone item 6.C. CPC PUD 20-00109 - Creekside at Rockrimmon to the July 15 Planning Commission meeting.

Motion by Commissioner Raughton, seconded by Vice Chair Hente, to postpone the Creekside at Rockrimmon PUD development plan to the July 15 City Planning Commission Hearing. The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

Enclaves at Mountain Vista

- 6.D. [CPC MP 87-00381-A2 8MJ21](#) An appeal of the City Planning Commission’s decision to recommend approval to City Council the Banning Lewis Ranch Master Plan amendment for 24 acres to change the land use from Educational to Residential Medium (3.5-7.99 dwelling units per acre), located southeast of Barnes Road and Shale Drive.

(Legislative)

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development
 Peter Wysocki, Planning & Community Development Director

Staff presentation:

Katelynn Wintz, City Planning, presented a PowerPoint with the scope and intent of this project.

CPC MP 87-00381-A28MJ21

A Major Master Plan Amendment to the Banning Lewis Ranch Master Plan for 24 acres to change the land use from Educational to Residential Medium (3.5-7.99 dwelling units per acre), located southeast of Barnes Road and Shale Drive.

CPC PUP 16-00013-A3MJ21

A Major PUD Concept Plan Amendment for Enclaves at Mountain Vista establishing the residential development pattern for 24 acres, located southeast of Barnes Road and Shale Drive.

Background Information

- 24 acres, vacant land
- Zoned PUD/AO (Planned Unit Development, Residential: 3.5-7.99du/a)
- The site is currently vacant.

Traffic

A trip generation letter was submitted to supplement a previously accepted traffic report.

The letter found that the proposed 91 new single-family homes would:

- A 18% traffic decrease during AM peak hours, and
- A 9% traffic increase during PM peak hours.

City Traffic agrees with the findings of the letter indicating that the proposed change in use will have minimal impact on traffic and do not warrant roadway improvements at this time.

Letter of Map Revision

- The applicant worked with the City to approve construction drawings for channel improvements
- The improvements revise/alter the existing floodplain.
- The applicant is in process with FEMA to have a CLOMR approved
- Notes on the Concept Plan and future development plans state that all channel improvements must be fully constructed and accepted by the City prior to issuance of the first building permit within the floodplain.

District 49

“District 49 believes that Challenger will be meeting PLDO requirements per the original Banning Lewis Ranch Master Plan...we expect Challenger to provide a 10-12 acre elementary school site in or around the general location shown on the original Banning Lewis Ranch Master Plan.”

Applicant Presentation:

John Romero, N.E.S representing Challenger Homes, presented a PowerPoint with the scope and intent of this project.

- PROPOSAL TO REVISE LAND USE AREAS FOR SINGLE FAMILY RESIDENTIAL MEDIUM DENSITY USE
 - CONVERT 13.7 AC SCHOOL SITE TO SINGLE FAMILY DETACHED LAND USE FOR 3.5-7.99 DENSITY
 - PAST SCHOOL SITE NOT PER CURRENT DISTRICT ELEMENTARY STANDARDS (I.E.: LOCATION, PROXIMITY TO MAJOR ROADS AND EXISTING UTILITY CONFLICTS)
 - POTENTIAL SITES TO BE LOCATED WITH FUTURE DEVELOPMENTS WITHIN BANNING LEWIS RANCH.
 - 507 ORIGINAL MASTER PLANNED UNITS
 - 592 AMENDED MASTER PLANNED UNITS
 - 558 TOTAL LOTS - 467 PLATTED / 91 TO BE PLATTED
 - REVISE PARK DEDICATION TO CURRENT APPROVED PARKS MASTER PLAN
 - REVISE OPEN SPACE FOR CURRENT CREEK ALIGNMENTS
 - CONSTRUCTION DOCUMENTS APPROVED BY CITY OF COLORADO SPRINGS AWAITING SIGNATURES
 - CLOMR SUBMITTED TO FEMA - ANTICIPATED JULY APPROVAL
 - TO BE PERMITTED THROUGH US ARMY CORP OF ENGINEERS
 - TO BE CONSTRUCTED WITH PHASE 2 OF ADJACENT FILING 7 SUBDIVISION
 - 5,423 AVERAGE DAILY TRIPS - WITH SCHOOL
 - 5,389 AVERAGE DAILY TRIP - WITHOUT SCHOOL

Questions:

Commissioner Raughton asked if the school sites were dedicated as a product of the annexation agreement or are, they a purchase (inaudible) sites? Ms. Wintz said the school sites are currently under the ownership of the developer and they will be dedicated to the school district.

Commissioner Hente asked Mr. Romero to clarify that the developer was going to alter or move the channel. Mr. Romero said it would be channelized and slightly altered. Commissioner Hente referenced a page showing the 100-year floodplain still going through parts of the single-family detached, and Mr. Romero explained they showed the current floodplains showing those lots that could not be developed until it was channelized. Commissioner Hente clarified with Mr. Romero that the developer would not be able to move forward until all the requirements are met, and Mr. Romero confirmed that was correct.

Commissioner Raughton asked if this would be a concrete channel going through the subdivision, and Mr. Romero advised that it would be a riprap lined with drop structures. Commissioner Raughton asked if there would be pedestrian access to the channel. Mr. Romero said they have to meet current streamside requirements so there is a portion of the development that will have some access, primarily on the east side of the channel where there will be a trail.

Supporters:

N/A

Opponents:

Valerie Geister, resident at Enclaves at Mountain Vista

- Inappropriate and irresponsible to allow this expansion to the community without addressing the inadequate and unsafe entrances and exits
- The community was told via email that the City would install traffic signals at Carefree and Marksheffel, as well as Dublin and Peterson, which would ease the congestion, but it has been over a year and the lights still do not exist
- Would like Barnes to be extended through Marksheffel before expanding Enclaves at Mountain Vista, which will allow a safer intersection with traffic signals
- Traffic data is outdated
- Mass evacuation would be a problem

Steve Hammond

- Agreed that the roads should be done prior to any building

Questions of Staff:

Chair Graham asked Mr. Todd Frisbie, City Traffic Engineering, to address the lack of traffic lights.

Mr. Frisbie said the city is aware of the improvements needed between Carefree and Dublin. Currently there is a design completed for a signal at North Carefree and Marksheffel, and now it is just a matter funding the signal. The city is also looking at some intersection modifications at the Marksheffel/Dublin intersection to help facilitate some of the turn movements at that intersection. The city has obtained additional funding for Marksheffel to complete the design effort from North Carefree to Dublin; however, the city has not identified construction funding for that road yet.

Rebuttal:

Mr. Romero said for their traffic study, they look at projected values and they found it important to the development for an access on the future Barnes Road. Currently, the developer is actively looking at designs for future Barnes Road. Mr. Romero said he believed the alignments in sections have preliminarily been reviewed with city engineering, but they are moving forward. Mr. Romero added that in the original development approval, they were required to make lane-age improvements along Marksheffel and additional striping, which has been completed.

DISCUSSION AND DECISION OF PLANNING COMMISSION:

Commissioner Hente said in the past he has expressed concerns about evacuations for some projects. For this project, he does not have those same concerns. He said his biggest concerns were about the floodplain but feels those questions were adequately answered.

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend approval to the City Council the Banning Lewis Ranch Master Plan amendment from Educational to Residential Medium (3.5-7.99 dwelling units per acre), based on the findings that the master plan amendment request complies with the review criteria for master plans as set forth in City Code Section 7.5.408. to the City Council. The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

- 6.E.** [CPC PUP 16-00013-A3 MJ21](#) An appeal of the City Planning Commission’s decision to recommend approval to City Council the Major PUD Concept Plan Amendment for Enclaves at Mountain Vista establishing a residential development platter for 24 acres, located southeast of Barnes Road and Shale Drive.

(Quasi-Judicial)

Presenter:

Katelynn Wintz, Senior Planner, Planning & Community Development
 Peter Wysocki, Planning & Community Development Director

Motion by Vice Chair Hente, seconded by Commissioner Raughton, to recommend approval to the City Council the major PUD concept plan amendment for Enclaves at Mountain Vista based upon the findings the proposal meets 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. The motion passed by a vote of 6:0:3:0

Aye: 6 - Commissioner Raughton, Commissioner McMurray, Commissioner Wilson, Vice Chair Hente, Chair Graham and Commissioner Almy

Absent: 3 - Commissioner Slattery, Commissioner Rickett and Commissioner Eubanks

Carport Code Amendment

- 6.F.** [CPC CA 21-00059](#) An ordinance amending Section 201 (Definitions Enumerated) of Part 2 (Definitions) of Article 2 (Basic Provisions, Definitions and Land Use Types and Classifications). Section 105 (Additional Standards for Specific Uses Allowed in Residential Zones) of Part 1 (Residential Districts) of Article 3 (Land Use Zoning Districts) of

Chapter 7 (Planning, Development, and Building) of the Code of the City of Colorado Springs 2001, As Amended, pertaining to front yard carports.

(Legislative)

Presenter:

Mitch Hammes, Neighborhood Services Manager

Peter Wysocki, Director of Planning and Community Development

Staff presentation:

Mitch Hammes, Neighborhood Services Manager, presented the proposed new Carport Ordinance for front yard setbacks.

Current City Code prohibits accessory structures, including carports, in the required front yard setback.

This ordinance defines a carport as: *“a permanent structure consisting of a roof and supported on posts with three or four open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.”*

This ordinance permits carports to be erected in the required front yard setback provided that an application for a carport permit has been submitted and, upon review by a planner, the proposed carport meets the following criteria:

- Carports are allowed in the front yard setback as an accessory use to a Single-family Dwelling Detached or a Two-family Dwelling in the A, R, R1-600, R1-900, R2, R4, and single family PUD zone districts.
- The front yard carport permit runs with the property and expires automatically upon removal or destruction of the front yard carport or of the Single-family Dwelling Detached or Two-family Dwelling.
- The front yard carport shall comply with all applicable provision of the Pikes Peak Regional Building Departments building code requirements
- The front yard carport shall not exceed the lesser of eighteen (18) feet in length and eighteen (18) feet in width, or the maximum allowable parking and maneuvering area pursuant to section 7.4.206.E of this Code.
- The front yard carport shall be set back at least five (5) feet from the near edge of the adjacent sidewalk, if any, and at least ten (10) feet from the property line.
- The front yard carport must meet the same side setbacks as the principal use.
- The front yard carport may not have side panels or screens in the area between grade level and sixty (60) inches above grade level.
- The front yard carport may have one enclosed side only if the enclosed side is a shared wall with a principal or accessory structure.
- The front yard carport shall not interfere with sight distance requirements set forth in the City Engineering Traffic Criteria Manual.
- The design and construction of the front yard carport shall be architecturally compatible with the primary dwelling unit. At a minimum,

the front yard carport shall:

- -Have similar design, colors, and roof pitch to the principal building.
 - -Be complementary to or compatible with the principal building.
 - -Not be clad in unpainted or galvanized metal.
 - -Not be made of non-durable and/or flexible materials, including but not limited to, canvas, plastic, polyester, or other tent like materials.
- The front yard carport shall not jeopardize the health and safety of adjacent property, people, and users of the City's rights-of-way, including but not limited to, public and private utility infrastructure, public works infrastructure, pedestrians, and drivers.
 - The front yard carport shall continue to conform with the review criteria of this part until removed or destroyed.
 - The front yard carport may not be used for storage of personal property, inoperable vehicles, equipment, junk, or any other items visible from beyond the property boundaries in violation of Code Sections 9.6.503 and 9.6.504.
 - Pre-made carports and carports with light metal frames (i.e. carports assembled from kits) shall be anchored according to the manufacturer's recommendations. However, if the manufacturer makes no recommendation for anchoring, the carport shall be anchored to concrete piers extending at least thirty (30) inches below grade.

Questions:

Commissioner Raughton said he wasn't sure if the five-foot setback from the sidewalk and the line of sight triangle required for backing onto a street was adequate. Mr. Hammes explained the driveways are typically not 50-foot-long driveways. They're 20 to 25-feet. If staff recommended a 10-foot setback from the edge of the sidewalk, it would essentially make the carport unusable and would not accomplish what staff has been tasked with.

Commissioner Raughton said he did not think the architectural integration with the existing or primary structure was adequate, and Mr. Hammes said that was a tough situation to deal with where there was a lot of discussion with how to define that. How would staff say one thing is architecturally compatible and then another is not. Like materials were discussed but then it could materials could be wood, stucco or a concrete block and the carports could cost upward of thousands of dollars and not financially feasible.

Commissioner Almy asked if there was any outreach with the current list of appellants or their neighborhoods? Mr. Hammes said that was in the works for the following week to meet with them and people in the neighborhood, as well as a survey going out citywide to gain feedback on various questions regarding carports.

Commissioner Almy said he believed this was a good document and that it made sense to him. He did ask if an HOA still had the ability to override this ordinance with more stringent requirements. Mr. Hammes said HOAs have a

private contract between homeowners and the association that could restrict or prohibit carports within that HOA.

City attorney Ben Bolinger added that our code does not supersede a stricter covenant requirement unless the city specifically overrides the covenant.

Commissioner Hente said he would never want the city to impose architectural standards. However, he thought the draft ordinance was a pretty good compromise in terms of what can and can't be done, and he would not want to see it any stricter as far as architectural integration. All in all, Commissioner Hente said he this document was generic and solves the purpose of what the city is trying to do. Commissioner Hente said he would make the recommendation for this document to go to City Council as is.

Chair Graham asked for those homes that have a two car garages, but are not being utilized as garage space, and have a carport, what will be the response for them. Mr. Hammes explained the carports were never permitted so there is no legal non-conforming status. If the ordinance passes as is, those carports will have to come down.

Chair Graham said he believed this was a good start and a good document to a problem that has existed for some time.

Mr. Ben Bolinger asked the commissioners if they would support the 200 square foot minimum size or would they rather let people have slightly smaller ones. Commissioner Hente said he would be good with that, but he did not want to get ahead of the public process. He said he did not want to superimpose a decision on the public process and would like for the public process to proceed. Commissioner Hente said he did not want to take a vote without the public process being conducted and the other commissioners agreed.

7. PRESENTATIONS/UPDATES

7.A. [21-243](#)

An informational presentation regarding the Neighborhood Planning Program and the Southeast Community Plan's progress. Presentation will cover an outline of the Neighborhood Planning Program and priorities, the status of the Southeast Community Plan, health assessment, and a presentation by Andrea Vaughn, UCDenver, on her Capstone project covering the climate response component of the Southeast Community Plan.

Presenter:

Hannah Van Nimwegen-McGuire, Senior Planner, Comprehensive Planning

8. Adjourn