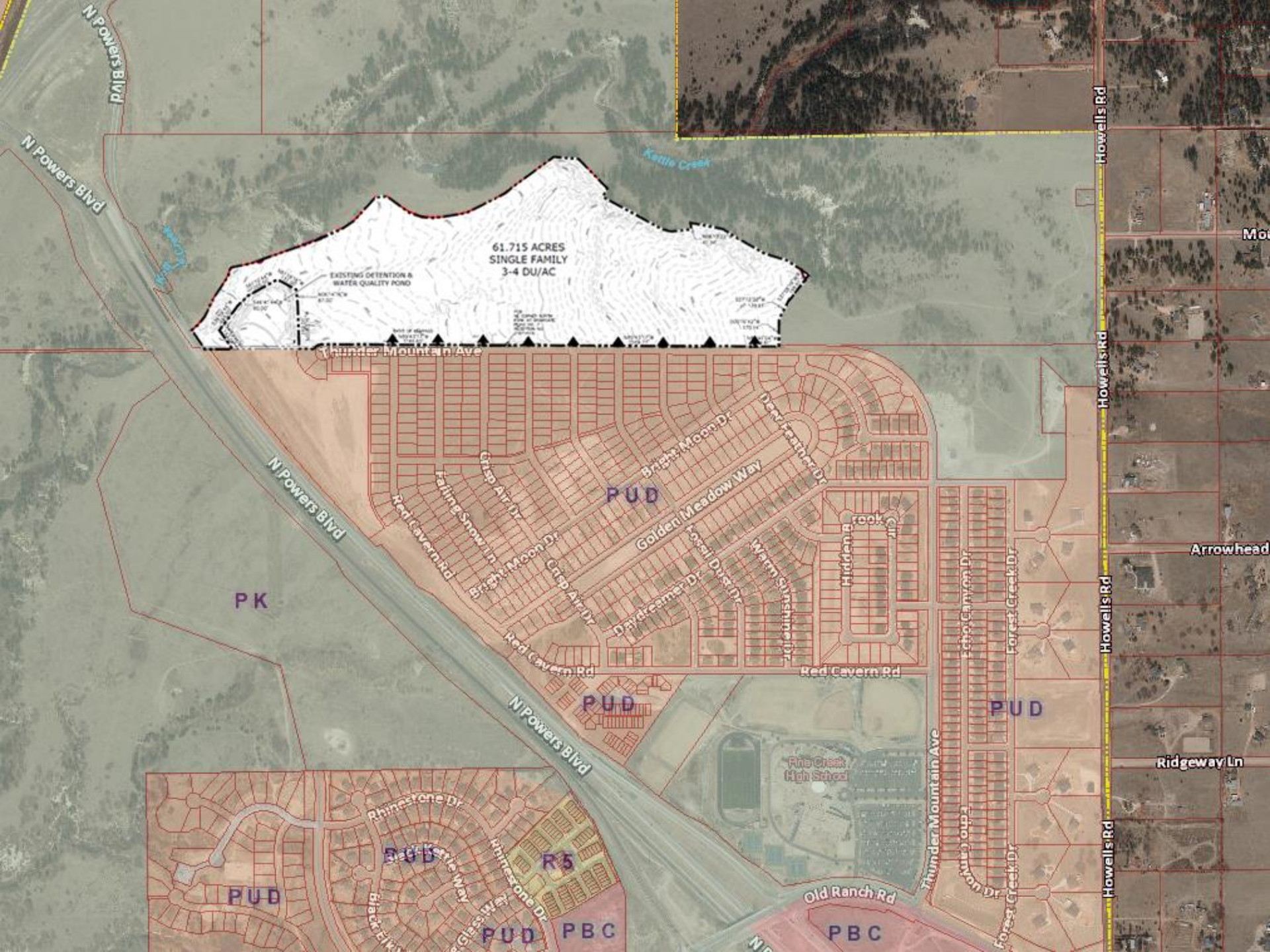


# Appeal of Kettle Creek North

City Council  
July 13, 2021

Hannah Van Nimwegen, AICP  
Senior Planner





# Subject Applications:



## **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.

## **Appeal & City Planning Commission Action:**

- May 20, 2021, the City Planning Commission voted in favor of an appeal and overturned staff's approval of the above applications.

## **Current Request:**

- An appeal, by the developer and consultant for Kettle Creek North, of City Planning Commission's action to overturn staff's approval.

# General Information



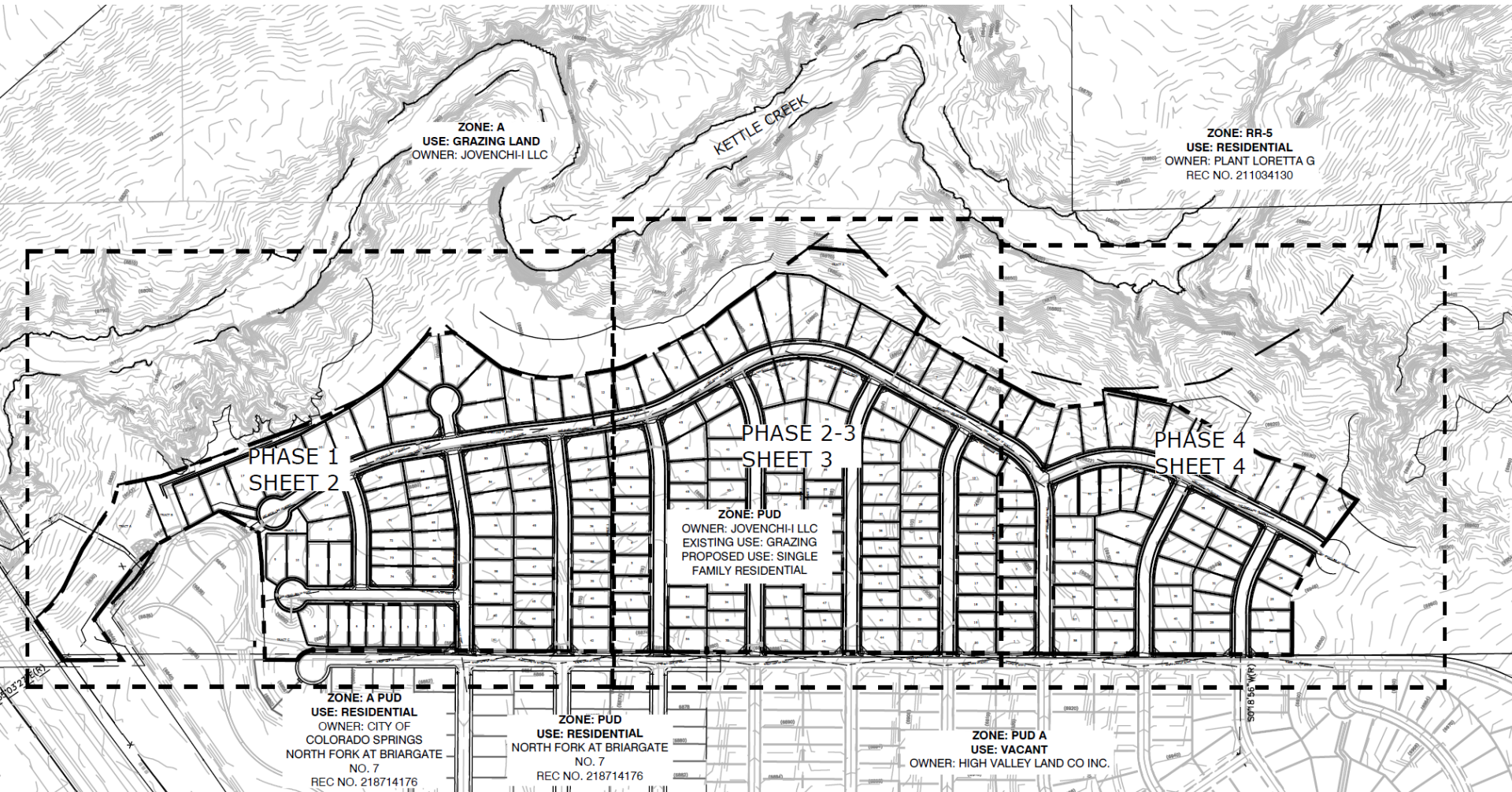
## **Site Details:**

- 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)

## **Public Notification and Involvement:**

- Public notice was mailed to 198 property owners and a poster was posted upon application submittal. Notice was mailed to 311 property owners and a poster was posted prior to Planning Commission and today's hearing.
- Public concerns regarding traffic congestion on Thunder Mountain Avenue, emergency response timing, and emergency evacuations

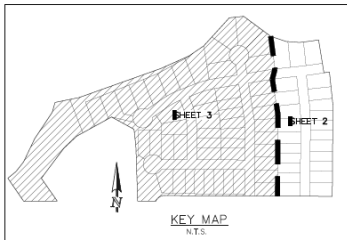
# Development Plan



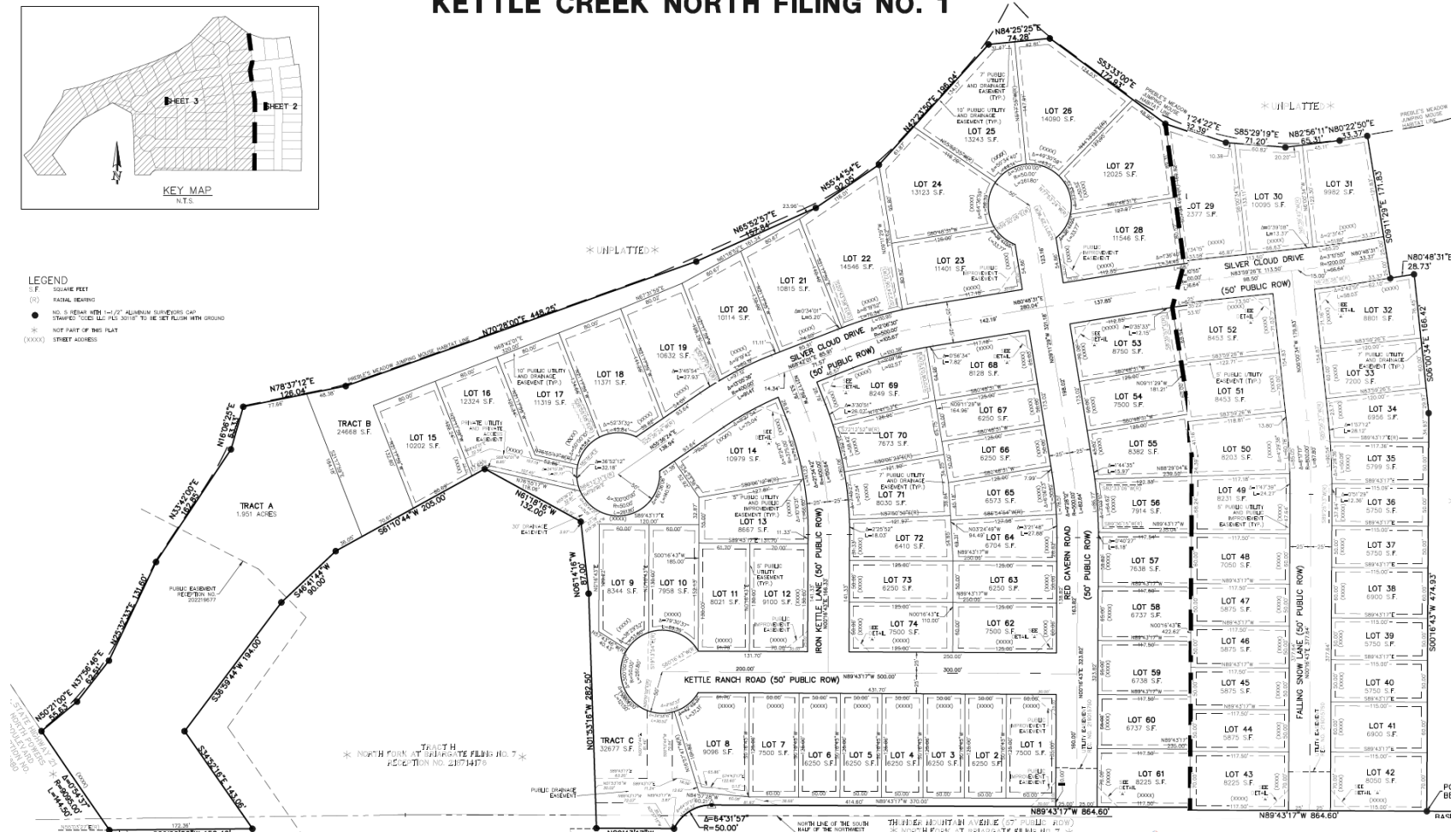
# Final Plat



## KETTLE CREEK NORTH FILING NO. 1



**LEGEND**  
 S.F. SQUARE FEET  
 (R) RAILROAD RIGHT-OF-WAY  
 (H) HIGHWAY RIGHT-OF-WAY  
 (P) PUBLIC UTILITY AND DRAINAGE EXISTENT (TYP.)  
 (E) EXISTENT (TYP.)  
 (N) NORTH  
 (S) SOUTH  
 (E) EAST  
 (W) WEST  
 (X) NOT PART OF THIS PLAT  
 (XXX) STREET ADDRESS



# Background/Timeline

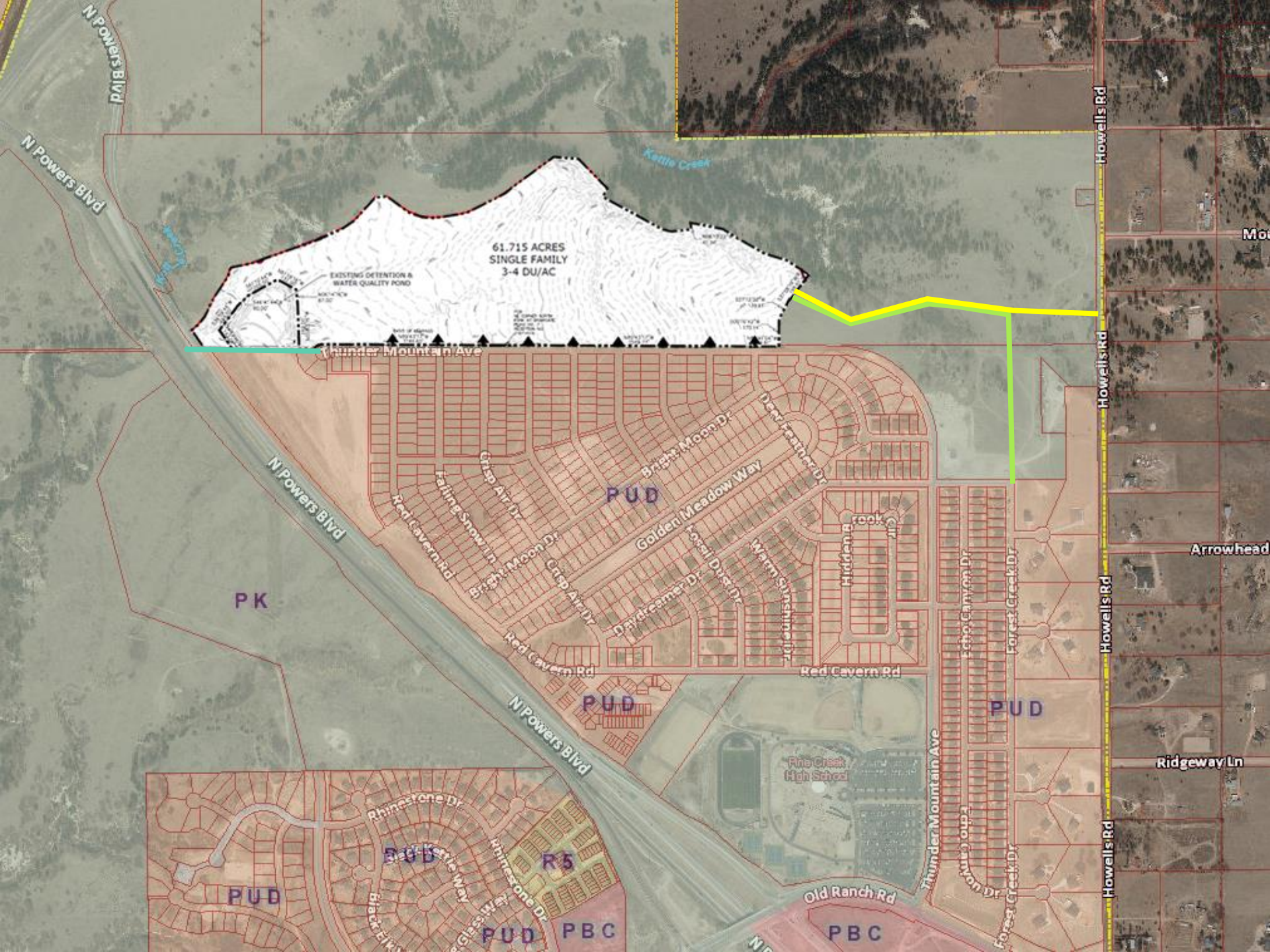


- 1982: Property annexed and added to the Briargate Master Plan
  - Thunder Mountain Ave as minor arterial connecting to Powers Blvd
- 1997: CDOT Environmental Assessment changed Powers Blvd classification
  - Disallowed the Thunder Mountain Ave connection to Powers Blvd
- 2003: Briargate Master Plan was updated and North Fork/Kettle Creek North assigned a density of 3.5-7.99 du/ac
  - Traffic report removed the Thunder Mountain Ave/Powers Blvd intersection, updated land uses.
- 2014-2015: North Fork filings approved
  - 2014 traffic report approved the reclassification of Thunder Mountain Ave north of Pine Creek High School from Minor Arterial to Collector: "The Collector will be able to accommodate traffic from the anticipated development. Continuing the five-lane, Minor Arterial into the residential area would not be appropriate as speeds would increase, pedestrian crossing distances would be longer, and would create a divider between residential areas and to the school/park."
- 2019-2020: Kettle Creek North Zoning & Concept Plan reviewed and approved by the City Planning Commission and City Council

# Kettle Creek North Review: Fire



- City Fire Department reviewer commented that second access point to subdivision should be explored. Staff explored:
  - Forest Creek Drive extension to the north: Would cross ASD 20 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 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. The Fire Department is actively acquiring property in the vicinity to improve the response times in the area.



# Kettle Creek North Review: Traffic



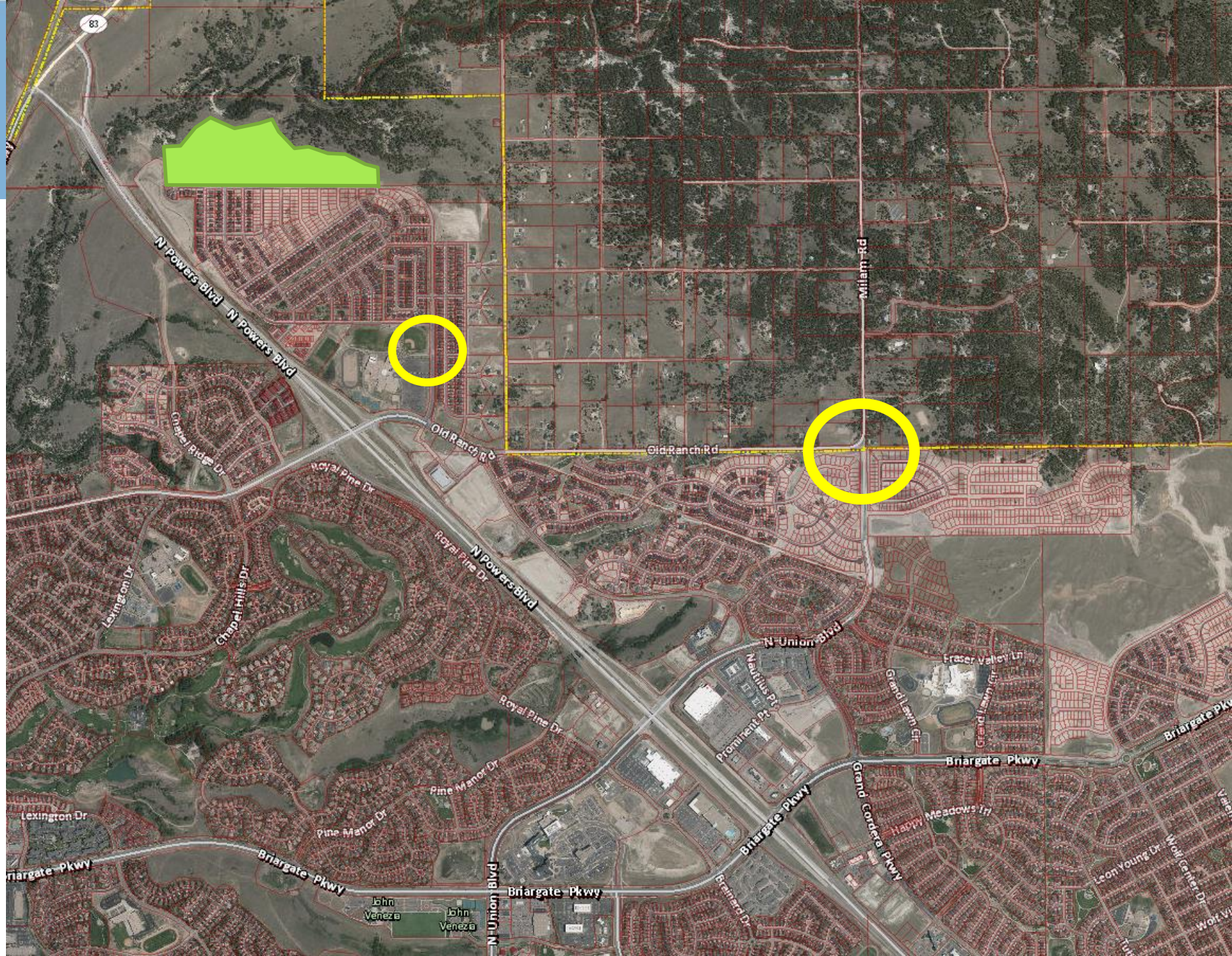
## Traffic Impact Analysis (TIA):

- 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

# Kettle Creek North Review: Traffic



- 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.
- The Milam Road and Union Blvd connection will open soon, and will significantly reduce traffic pressure on Old Ranch Road.



# Planning Commission Justification



- The City Planning Commission voted 2-4-3 (2 in voted against the appeal, 4 in favor, and 3 were absent)
- Those who were in favor of the appeal stated concerns regarding emergency planning and the single ingress/egress to and from the North Fork and Kettle Creek North development.
- Those who were against the appeal stated that while the concerns regarding emergency evacuation and traffic congestion were valid, City Code does not establish required minimums for roadway/intersection level of service or number of neighborhood ingress/egress routes. Because of this, the appellant failed to meet the appeal review criteria by proving staff's decision was contrary to the language and intent of the Zoning Ordinance or contrary to law.

# Master Plan & PlanCOS



## **Briargate Master Plan:**

- The Briargate Master Plan area was initially established in 1980, and the subject parcel was added in 1982. For the subject parcel, R-LM with a density range of 3.5 to 7.99 du/ac was outlined. The approved development plan is in compliance with the Master Plan at 4.0 du/ac.

## **PlanCOS:**

- The Vision Map identifies the area as a “newer developing neighborhood” and fits within the Emerging Neighborhoods typology. Policies in the Vibrant Neighborhoods and Majestic Landscapes chapters support developments which enhance and preserve a neighborhood’s character. The Kettle Creek North development preserves the significant natural features.

# Review Criteria



## Appeal:

- The decision is incorrect because of one or more of the following:
  - (1) It was against the express language of this zoning ordinance,
  - (2) It was against the express intent of this zoning ordinance, or
  - (3) It is unreasonable, or
  - (4) It is erroneous, or
  - (5) It is clearly contrary to law.

# Recommendations



## **AR PUD 20-00538 – PUD Development Plan**

Uphold the appeal, thus overturning City Planning Commission's denial 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.1.

## **AR FP 20-00539 – Final Plat**

Uphold the appeal, thus overturning City Planning Commission's denial 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 not meet the criteria for granting an appeal as outlined in City Code Section 7.5.906.A.1.

# Emergency Access Roads

PHOTOS OF EMERGENCY ACCESS ROADS  
LOCATED IN COLORADO SPRINGS, CO

July 13, 2021  
FIRE MARSHAL BRETT T. LACEY



#1



#2



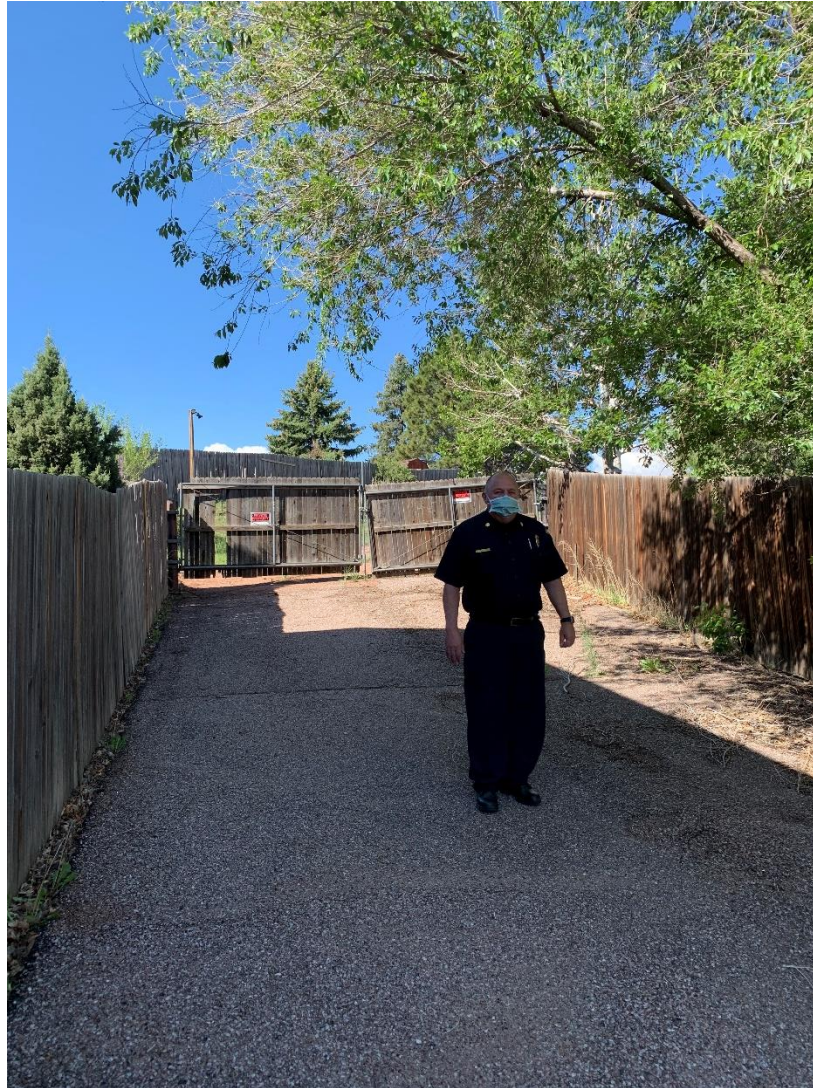
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#11



#12



#13



#14



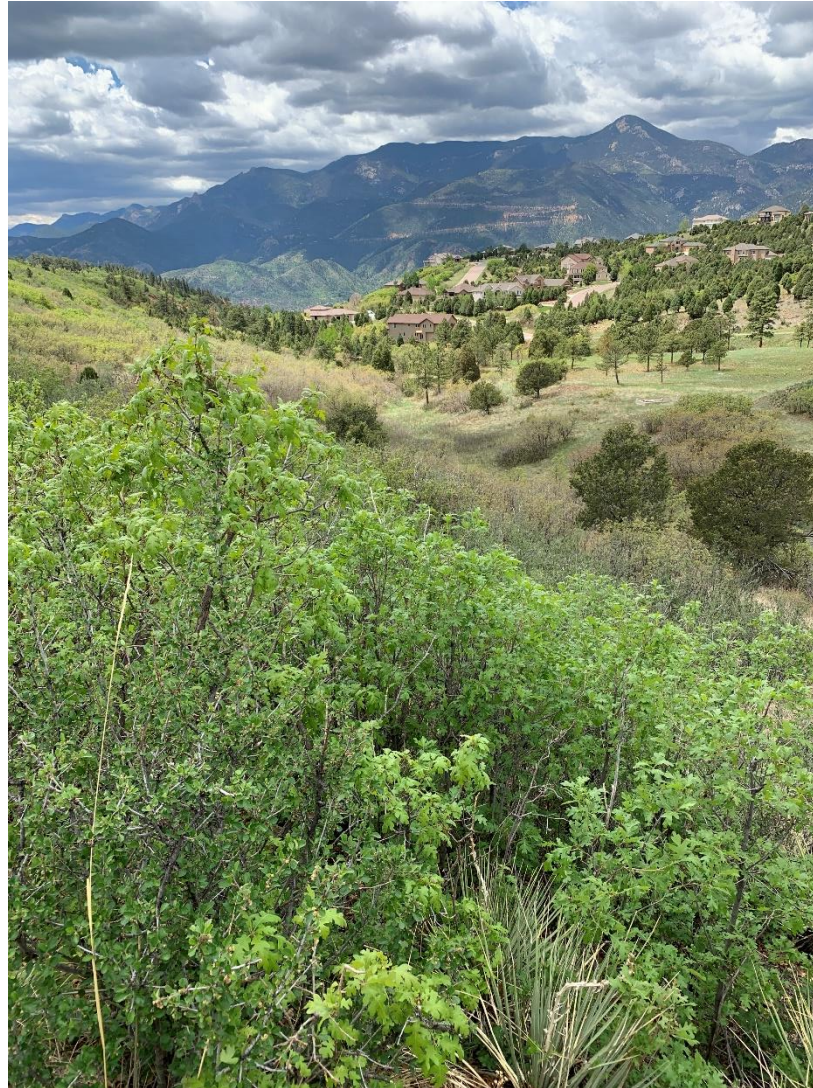
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#17





END OF SLIDESHOW