



Legislation Details (With Text)

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On agenda: 6/23/2020 **Final action:** 6/23/2020

Title: Ordinance No. 20-36 amending the zoning map of the City of Colorado Springs relating to 61.71 acres located southeast of Powers Blvd and Highway 83 from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 du/ac)

(Quasi-Judicial)

Related File: CPC PUP 19-00091

Presenter:
Hannah Van Nimwegen, Senior Planner, Planning and Community Development
Peter Wysocki, Planning and Community Development Director

Sponsors:

Indexes:

Code sections:

Attachments: 1. ZC Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Legal Description Depicted, 4. Vicinity Map, 5. Kettle Creek North Presentation, 6. CPC Staff Report - Kettle Creek, 7. Figure 1 - Concept Plan, 8. Figure 2 - Project Statement, 9. Figure 3 - Surrounding Area & Context Map, 10. Figure 4 - Neighborhood Comments, 11. Figure 5 - Briargate Master Plan, 12. Kettle Creek North - Additional Public Comments, 13. CPC_Minutes_KettleCreek_draft, 14. 7.5.603.B Findings - ZC, 15. 7.3.603 Establishment & Development of a PUD Zone, 16. City Planning Commission Minutes - 4.30.20, 17. Signed Ordinance 20-36.pdf

Date	Ver.	Action By	Action	Result
6/23/2020	3	City Council	denied	Fail
6/23/2020	3	City Council	finally passed	Pass
6/23/2020	3	City Council	approved	Pass
6/9/2020	2	City Council	approved on first reading	Pass
5/26/2020	2	City Council	withdrawn	
5/26/2020	2	City Council	postpone to a date certain	Pass
5/26/2020	2	City Council		
4/30/2020	1	Planning Commission	referred	Pass

Ordinance No. 20-36 amending the zoning map of the City of Colorado Springs relating to 61.71 acres located southeast of Powers Blvd and Highway 83 from A (Agriculture) to PUD (Planned Unit Development: 35-foot maximum height, single-family detached units, maximum density of 4.0 du/ac)

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Summary:

Owner: Jovenchi, LLC

Developer: Vintage Communities

Representative: N.E.S., Inc.

Location: South and east of the Powers Boulevard and Highway 83 intersection

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 sharing 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 illustrates general dimensional standards for lots, topography, geotechnical setbacks, and includes a Land Suitability Analysis. The subject site is within the Briargate Master Plan and is designated for residential land uses with a density range between 3.5 and 7.99 dwelling units per acre (du/ac).

Background:

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.

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. 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.

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 as part of the Briargate Master Plan. Many complaints about this intersection have been received regarding the traffic issues caused by the high school that has a start time during the morning peak hour.

The subject parcel is located within the Briargate Master Plan. 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 the land use of R-LM, Residential-Low/Medium with a density range of 3.5 to 7.99 du/ac was established. 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; 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. The existing North Fork subdivision to the south has a gross density of 3.6 dwelling units per acre, which is compatible with the proposed density range of 3 to 4 du/ac.

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 is not detrimental to public health, safety, or general welfare and that it 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.

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.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

At their meeting on April 30, 2020, the Planning Commission voted 7-1 to recommend approval of the land use applications to the City Council (Aye: McDonald, Wilson, Hente, Graham, Rickett, Almy, and Eubanks; No: McMurray; Absent: Raughton) as part of the new business calendar. Largely, traffic impacts (particularly to the intersection of Old Ranch Road and Thunder Mountain Avenue) were

discussed by the Commissioners and Traffic Engineering Manager, Todd Frisbie, was present to answer many of the detailed questions.

Please refer to the minutes for a detailed record.

Stakeholder Process:

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 for this meeting as well. 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, which is under consideration today. 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.

The site was posted and public notification was mailed for a fourth and fifth time prior to the City Planning Commission and City Council hearings. Comments received following the publishing of the City Planning Commission staff report were sent to the Commissioners and made part of the formal public record.

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.

United States Air Force Academy (USAFA): The USAFA requested a note be added to the development plan recognizing the Academy's flight patterns and noise generate by aircraft. This note

is present on the concept plan.

- Academy School District 20: Fees in lieu of land dedication will be required.
- Colorado Geologic Survey (CGS): A geologic hazard report was required because of the significant natural features and slopes found along the banks of Kettle Creek, which was forwarded to CGS for review. CGS recommended a geotechnical setback from those significant slopes that helped frame the developable area along the northern boundary. CGS also recommended site-specific geologic hazard reports be submitted in conjunction with a building permit for the lots which are encumbered by the geotechnical setbacks. These future reports would analyze the proposed building location and any potential hazard mitigation measures which would be reviewed by CGS.
- Colorado Springs Fire Department: 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.
- Stormwater Engineering: A channel analysis will be triggered by the proposed development due to its adjacency to Kettle Creek, though the proposed development would not 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 Stormwater Engineering division and will be required when a development plan is submitted.
- Traffic Engineering: 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. 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. During this period, Academy School District 20 approached City Planning about constructing the elementary school site north of the Old Ranch Road and Thunder Mountain Avenue intersection. 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 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 that is projected to operate at LOS C or better as soon as that improvement is completed.

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, but the school district has committed to altering the start time of the elementary school 45-minutes off the morning peak hour. 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. 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 affect 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.

Alternatives:

1. Uphold the action of the City Planning Commission;
2. Modify the decision of the City Planning Commission;
3. Reverse the action of the City Planning Commission; or
4. Refer the matter back to the City Planning Commission for further consideration

Proposed Motion:

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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.

An Ordinance amending the zoning map of the City of Colorado Springs pertaining to 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)