

City of Colorado Springs

*Regional Development Center
2880 International Circle
Colorado Springs, CO 80910*



Meeting Minutes

Wednesday, June 14, 2023

9:00 AM

**Regional Development Center (Hearing Room)
2880 International Circle**

Planning Commission

Kettle Creek**7.A. AR PUD
20-00538**

An appeal of the City Planning Commission approval for the Kettle Creek development plan consisting of 61.71 acres located north of the intersection Thunder Mountain Road and Old Ranch Road.

(Quasi-Judicial)

Related Cases: AR FP 20-00539

Presenter:

Katelynn Wintz, Planning Supervisor, Planning Department
Peter Wysocki, Director, Planning Department

Motion by Commissioner Rickett, seconded by Commissioner Slattery, to recommend approval to the City Council for the PUD development plan for the Kettle Creek North subdivision illustrating 247 single-family Motion by Commissioner Rickett, seconded by Commissioner Slattery, to approve detached lots, based on the finding that the application meets the review criteria contained in City Code sections 7.3.606 and 7.5.502(E), subject to the following conditions:

Conditions of Approval:

- 1. The standards for the Wildland Urban Interface, as set forth in the Fire Prevention section of Chapter 8 of the City Code, will be required and applied to all new construction in the Kettle Creek North subdivision.**
- 2. There will be a 50-foot wide fuels management area, as described in City Code section 8.4.105-K102, along the northern boundary of the development and that Kettle Creek North's metropolitan district documents require the metropolitan district to maintain the fuels management area according to the requirements of that code section.**
- 3. No Certificates of Occupancy be issued in the Kettle Creek North Filing No. 2 subdivision until a fire station is constructed and staffed along the Highway 83 corridor.**
- 4. An access point to Howells Road will be constructed and maintained by the metropolitan district and must be sufficient for use by emergency vehicles and approved by the Fire Department.**

The motion passed by a vote of 4:2:0:3

Aye: 4 - Commissioner Hensler, Vice Chair McMurray, Commissioner Rickett and Commissioner Slattery

No: 2 - Commissioner Foos and Chair Hente

**7.B. [AR FP
20-00539](#)**

A referral from City Council of 61.71-acre PUD Development Plan for Kettle Creek North

(Quasi-Judicial)

A referral from City Council of a 21.33-acre final plat application for Kettle Creek North Filing No. 1 subdivision, illustrating 74

single-family detached lots.

(Quasi-Judicial)

Related Files: AR PUD 20-00538

Presenter:

Katelynn Wintz, Planning Supervisor, Planning & Community Development

Staff Presentation:

Katelynn Wintz, Planning Supervisor, presented, describing the scope and intent along with the history of the project.

Questions from Commissioners:

Commissioner Rickett confirmed the extension of the streets that lead to Howells Road.

Chair Hente confirmed City Council's comments were for the commissioners to have considered the items for review and not based them on "make or break" items.

Applicant Presentation:

Dean Venezia, part owner of the property, and Chris Lieber, Planning and Landscaping Architecture, presented in further detail what had changed from their previous application.

Public Discussion:

James Loo, a resident of the neighborhood, commented in support, with the only critique being that the height was too high. He asked if there was a consideration for changing the scale of the project.

Ryan Ruebenson, a resident of North Fork, commented in support of the project.

Devin Camacho, Government Affairs Manager, Colorado Springs Chamber & EDC, commented on his organization's mission. He added that this project would close the gap for attainable housing in their community.

Rich Sevcik spoke on behalf of the following who ceded their time: Patrick Flowers, Nadine Duecker-Pratt, Timothy Hromadka, Steve Feldman, Eric Ammermann, and Jay Sklenar. Rich touched on their main concerns: morning traffic, emergency evacuation, and the developer's refusal to add a second exit. He added his disapproval of the traffic study conducted.

Sam Bryant spoke on behalf of the following who ceded their time: Mary Bonner, Robert Medina, Paul Ryan, Rhoda Musella, Michelle Thomason, Trish Sanford, and Scott Sanford. Sam discussed the bridge the community requested, adding that the applicant refused to take it into consideration. He noted their main concern was having an exit plan and shared wind and fire facts.

Matt Westfall spoke on behalf of the following who ceded their time: Erica Morales, Ed Lotterhos, and Shelly Davis. Matt commented on his Navy experience with emergency response. He made reference to a traffic study that he conducted. He added a scenario in which parents were attempting to reach their children and asked the commissioners to evaluate this project properly.

Ben Haney, a resident, questioned the applicant's unwillingness to contribute to a bridge but would contribute to the creek.

Chris Webb, a resident of North Fork, commented on the safety in question, adding the previous devastating fire. He added that adding more homes did not make sense.

Charlie Shay, a resident of Howells Road, provided history and current facts on this project. He added that staff had no right to remove the condition that the City Council recommended accommodating the bridge. He added that the current population already experienced heavy traffic. He suggested denying the development until a safe plan was presented.

General Duncan McNam spoke on behalf of the following who ceded their time: Dave Lomend, Jim Bonner. Duncan shared his background in the Air Force by adding history to the area. He added that the current activity did not honor the commitments made to the residents in the past. He recommended requesting a bridge for residents before approving this project.

Sarah Noley, a nearby resident, touched base on previous planners' notes from City Fire Department comments. She shared the nearby road history and current growth. Sarah then shared the numerous signatures of residents who did not want Howells road access.

Patricia Gustarson, a longtime resident of the area, shared her perspective on enjoying the wildlife in the area. She noted that altering the area took away from their ability to ride horses, for example. Patricia requested reconsideration and finding another route to build on.

Greg Edwards, a previous North Fork Safety Committee member, commented on Fire Department's time frames being outside of standards. He added that this issue was specifically about evacuation and hoped city staff were the gatekeepers for residents' safety and denied the project.

Debra McNollan, a resident of North Fork, commented on changes to a nearby middle school walking zone. This change caused students to walk about 1.7 miles. She added that the concern was the added traffic for parents dropping off children as well as the distance students would walk. Debra pointed out that adding more homes without an exit would pose multiple risks to their children.

Applicant Rebuttal:

Chris Lieber touched on the residents' concerns about traffic, noting that the study showed the development added three additional cars per minute during peak hours. Bridge costs were also calculated with city engineering to

determine the cost presented. Chris added that they were trying to strike a balance on emergency roads to pave.

Scott, the applicant representative, commented on their traffic study by noting that they did not typically count Mondays or Fridays as they tried to anticipate construction projects that might impact the study. He discussed the specifics that went into a study.

Katelynn Wintz clarified the implementation of the master plan and the seven considerations voted on by the City Council.

Questions from Commissioners:

Commissioner Rickett questioned the terms used by the City Council as considerations or conditions.

Katelynn Wintz clarified that the City Attorney's office had determined the conditions could be seen as considerations by the commission to implement or not implement.

Commissioner Slattery asked if there was a pre-1997 Briargate master plan.

Katelynn Wintz noted that this might have been accessible in hard copy due to its age.

Commissioner Slattery asked what the purpose of the city-owned property along Powers between North Fork was.

Commissioner Hensler noted that it might have been the detention pond.

Katelynn Wintz confirmed.

Chair Hente questioned a schedule for a possible fire station.

Kris Cooper, Deputy Fire Marshal, said the station was looking to open in the third quarter of 2024 due to delays in design and the cost of materials.

Chair Hente questioned the emails residents brought up from a fire marshal.

Kris Cooper noted he was not involved in the original emails and could not speak to that, but had been in conversations regarding access and a paved Howells Road. The city would not have control over the pavement, which was why the condition went away.

Commissioner Rickett questioned a review of evacuation based on the development plan showing additional access. He asked if it was acceptable for evacuation and alleviated the concern.

Kris Cooper commented that the fire code in the city required single-family homes with over 30 homes to have two access points that wouldn't be congested. He added that the exception to the code was when there were topographical challenges that would allow their department to make a

determination. He noted the fire chief and marshal agreed that Howells Road was a reasonable accommodation. Chris commented that the fire chief and marshal had gone on record about the community being alert to their environment and not waiting for their say should they feel in danger.

Commissioner Foos questioned how they interacted with the county's Zone Haven software.

Kris Cooper noted the software was coordinated with the Office of Emergency Management but could not speak to the specifics.

Commissioner Hensler questioned the fire risk map shown. She asked if this map was accurate.

Kris Cooper noted that he could not answer to the state-level mapping.

Commissioner Rickett questioned a new traffic study since the installation of the modifications to the area to determine improvements.

Todd Frisbee noted they had not done an additional traffic study. They used the study received by Matrix, and they did meet the city's acceptable standards. Todd added that he reviewed the numbers in reference to comments that seniors were not present on the day studied. He had himself and multiple staff members go and observe the area to determine which pick-up and drop-off zones were causing the majority of the congestion in the area.

Commissioner Rickett questioned the exits out of the area and reconsidered a new reconfiguration.

Todd Frisbee commented that the extension to Powers Road did not affect the interchange at Interquest. Addressing emergency access was discussed with the director of CDOT and it was determined it was not in their code to allow access to the freeway. If it were approved, it would then need to go through a commission, which could then deny approval. Todd wanted the public to understand the hurdles it took to make these changes.

Commissioner Hensler questioned the standard ratio set in the study, taking into consideration those who worked from home.

Todd Frisbee commented that there were rates for single-family homes based on studies done over the years on peak and off-peak hours. As this information was compiled, it accounted for all sceneries. Todd commented on his trust in the consistency with which this study worked based on his years working in traffic, even post COVID.

Commissioner Hensler requested further confirmation from Todd on traffic concerns.

Todd Frisbee confirmed that the impacts of additional traffic from this development did not pose a significant threat to traffic flows.

Commissioner Hensler questioned the residents' comments on the bridge. She requested rejection for future roadways based on other development options.

Chris Lieber touched on potential changes but could not speak to it being on the county's radar to pave. He added there was a connection between Union and Milam that was important.

Commissioner Slattery questioned possible road plans in the future.

Chris Lieber commented on existing proposed access off of Interquest to the north of the development and Kettle Creek drainage: there was the possibility to develop in the north in the future, but access was only intended in the north at this time due to potential changes to the land use.

Commissioner Hensler referenced the original master plan as being residential. She asked if there was coordination in the past to bring forth this project today.

Chris Lieber confirmed there were planned utility extensions and Kettle Creek to connect to Thunder Mountain.

Commissioner Hensler requested confirmation of the size of the design to accommodate this type of development in the future.

Chris Lieber confirmed this based on the current road extensions to hold the capacity.

Commissioner Hensler asked if there was consideration for lower density.

Chris Lieber answered a development plan and plat had been submitted, and they felt it was appropriate for the large lots, which would not change in density.

Commissioner Slattery requested confirmation on the singular access point from Thunder Mountain.

Chris Lieber answered that these changes would have had to happen during the master plan.

Kate Wintz shared the 2000 amendment to the Briargate master plan.

Discussion and Decision of Planning Commission:

Vice-Chair McMurray noted his back-and-forth decision on this project. He commented on whether or not residents would have rethought purchasing a home in this area knowing this project was in place, he felt it would not have made a difference. He added that emergency access points remained a key topic, yet with his experience, he believed the northern and western access points would not have happened regardless of how good the concept was. The eastern access seemed more logical, as Howells Road would have served a better purpose. The Vice-Chair acknowledged all of the work and discussion, and he felt he could support this project.

Commissioner Rickett thanked the public for their participation and echoed the

comments about the eastern access utilization from the vice-chair. He was also in support of this project.

Commissioner Hensler also thanked the public while noting their work on the safety committee. She commented that the developer had done a great job with the considerations requested. She added that traffic would always be a factor and trusted our experts' studies were sufficient.

Chair Hente commented on his change in decision but understood the supply and demand for housing. Ultimately, dumping onto Old Ranch Road was not a clear evacuation plan. He understood the costs the developer was coming across to create more paths, yet he felt that without any other access, it hurt the community, leading to his not supporting this project.

Commissioner Foos noted he was in support of this project but would not support it due to the infrastructure put forth. The safety issue was more important than the cost.

Commissioner Rickett added alternative evacuation points for his peers, noting there was direct access other than Old Ranch Road.

Commissioner Slattery commented that the solution on Howells and the compromise on exits by the developer protected citizens and would support the project.

Motion by Commissioner Rickett, seconded by Commissioner Hensler, to recommend approval to the City Council for the final plat for Kettle Creek North Filing No. 1 subdivision illustrating 74 single-family detached lots, based on the finding that the application meets the review criteria contained in City Code section 7.7.303, subject to the following conditions:

Conditions of Approval:

- 1. The standards for the Wildland Urban Interface, as set forth in the Fire Prevention section of Chapter 8 of the City Code, will be required and applied to all new construction in the Kettle Creek North subdivision.**
- 2. There will be a 50-foot wide fuels management area, as described in City Code section 8.4.105-K102, along the northern boundary of the development and that Kettle Creek North's metropolitan district documents require the metropolitan district to maintain the fuels management area according to the requirements of that code section.**
- 3. An access point to Howells Road will be constructed and maintained by the metropolitan district and must be sufficient for use by emergency vehicles and approved by the Fire Department.**

Technical Modification:

Add note to final plat: "Until such time as the new fire station located at Powers Boulevard and Highway 83 is operational, Colorado Springs Fire Department may have slower response times."

The motion passed by a vote of 4:2:0:3

Aye: 4 - Commissioner Hensler, Vice Chair McMurray, Commissioner Rickett and Commissioner Slattery

No: 2 - Commissioner Foos and Chair Hente