

Kettle Creek North

AR PUD 20-00538

July 25, 2023

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Planning Supervisor



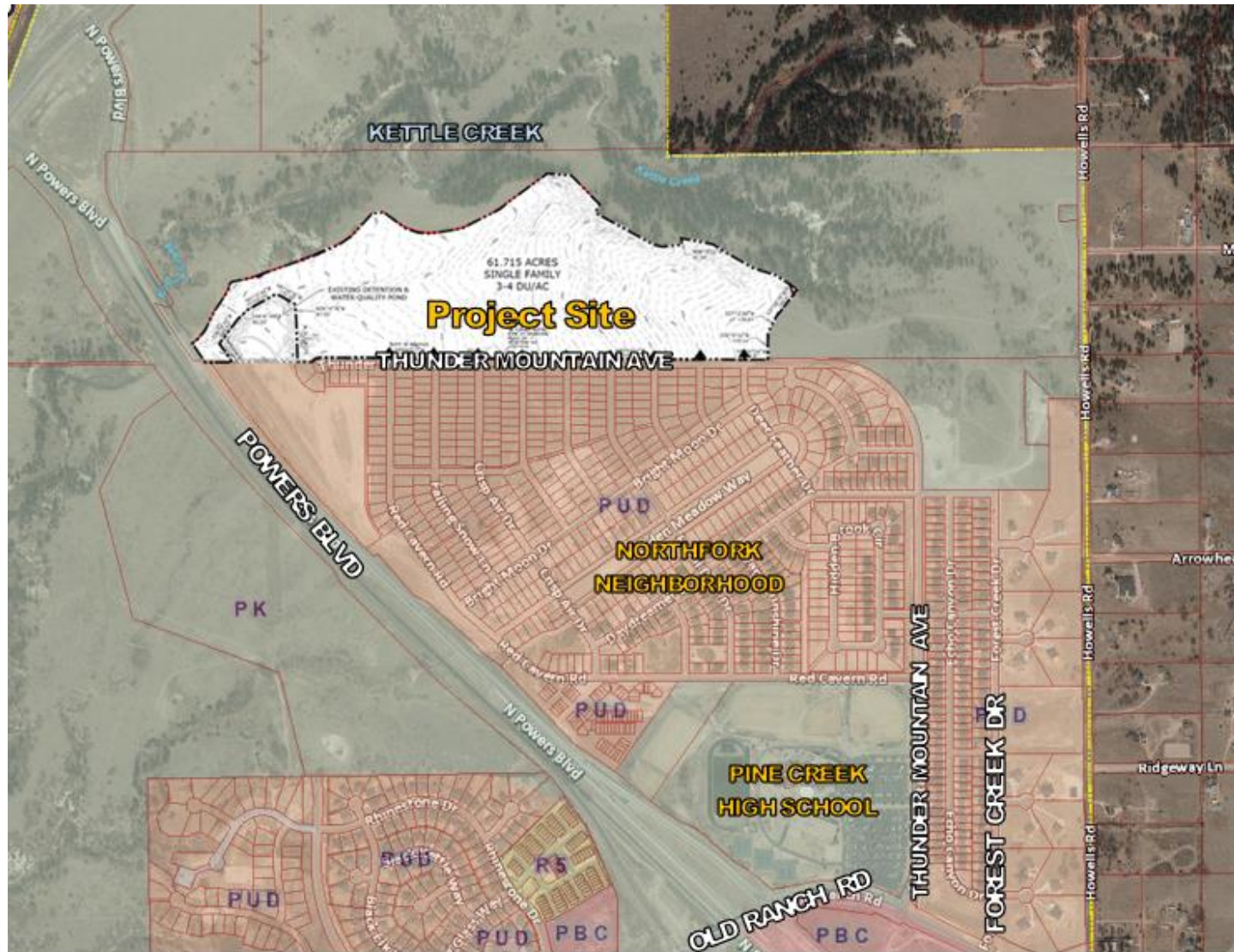
Applications



PUD Development Plan

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.

Vicinity Map



General Information



Background Information

- Property is vacant, adjacent to Kettle Creek and consists of 61.7-acres
- Property secured PUD zoning in 2020
- PUD Development plan and final plat for residential development

Public Notice

- Site posting and postcards mailed five times: 198 postcards at initial review stage, CPC May 2021, City Council July 2021, and 398 postcards for CPC in March, June and July 2023.
- Comments were received by staff concerning traffic, evacuation and emergency response times

History & Background



- ZC & CP in approved in 2020
- DP & FP (the project) approved administratively in 2021
- Appeal of the project from residents in 2021
- CPC in May 2021 – CPC Upheld the appeal, reversing staff’s decision (*denied the project*)
- Appeal from Applicant of CPC decision to Council
- CC in July 2021 – CC heard the appeal and **referred** the project back to CPC with 7 items to consider.
- CPC referral hearing(s) –
 - postponed March 8 and April 12,
 - **Formally heard June 14**

History & Background



- CPC approved the development plan and final plat applications with four conditions of approval.

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.

July 13, 2021 City Council Meeting



Motion by Councilmember Donelson, seconded by Councilmember Murray, to refer the development plan for the Kettle Creek North Filing No. 1 subdivision back to the Planning Commission as amended with the following conditions 1. An additional egress route which travels west or north and not south, 2. The standards for the Wildland Urban Interface (WUI) as set forth in the fire prevention code and standards and adopted by the City through Chapter 8 of City Code will be required of all construction within the subdivision, 3. No Certificates of Occupancy will be issued until the traffic signal on Thunder Mountain Road is installed, 4. No Certificates of Occupancy will be issued until Milam Road and Union Boulevard are connected, 5. There will be a fifty-foot fuels management area as described in the presentation today with documented continued maintenance by the Homeowner's Association (HOA), 6. An emergency exit to Howells Road will be constructed and approved by the Colorado Springs Fire Department (CSFD) with documented continued maintenance by the HOA, and 7. No Certificates of Occupancy will be issued until a fire station is built along the Highway 83 corridor. The motion passed by a vote of 8-1-0-0

Consideration #1



The standards for the WUI will be required of all construction in the subdivision

Consideration #1



The standards for the WUI will be required of all construction in the subdivision

Consideration: Met by the Developer.

14. WHILE THIS DEVELOPMENT IS NOT WITHIN THE WILDLAND URBAN INTERFACE(WUI), THE STANDARDS FOR THE WUI AS SET FORTH IN THE FIRE PREVENTION CODE STANDARDS AND ADOPTED BY THE CITY THROUGH CHAPTER 8 OF CITY CODE WILL BE REQUIRED OF ALL CONSTRUCTION WITHIN THE SUBDIVISION.

Note 14 of the PUD Development plan notes that the standards of the WUI are applicable to the subject property

WUI (Wildland Urban Interface) standards are captured in City Code Section 8.4.105-K102

This consideration is included as a condition of approval

Consideration #2



No Certificates of Occupancy will be issued until Milam Road and Union Boulevard are connected

Consideration #2



No Certificates of Occupancy will be issued until Milam Road and Union Boulevard are connected



Consideration: Met by the City.

Milam and Union intersection roadwork was completed and opened in 2022

Consideration #3



No Certificates of Occupancy will be issued until the traffic signal on Thunder Mountain Road is installed

Consideration #3



No Certificates of Occupancy will be issued until the traffic signal on Thunder Mountain Road is installed



Consideration: Met by the City.

The intersection of Thunder Mountain Road and Pine Creek High School was signalized in 2022

Consideration #4



There will be a fifty-foot (50') fuels management area as described with documented continued maintenance by the metropolitan district

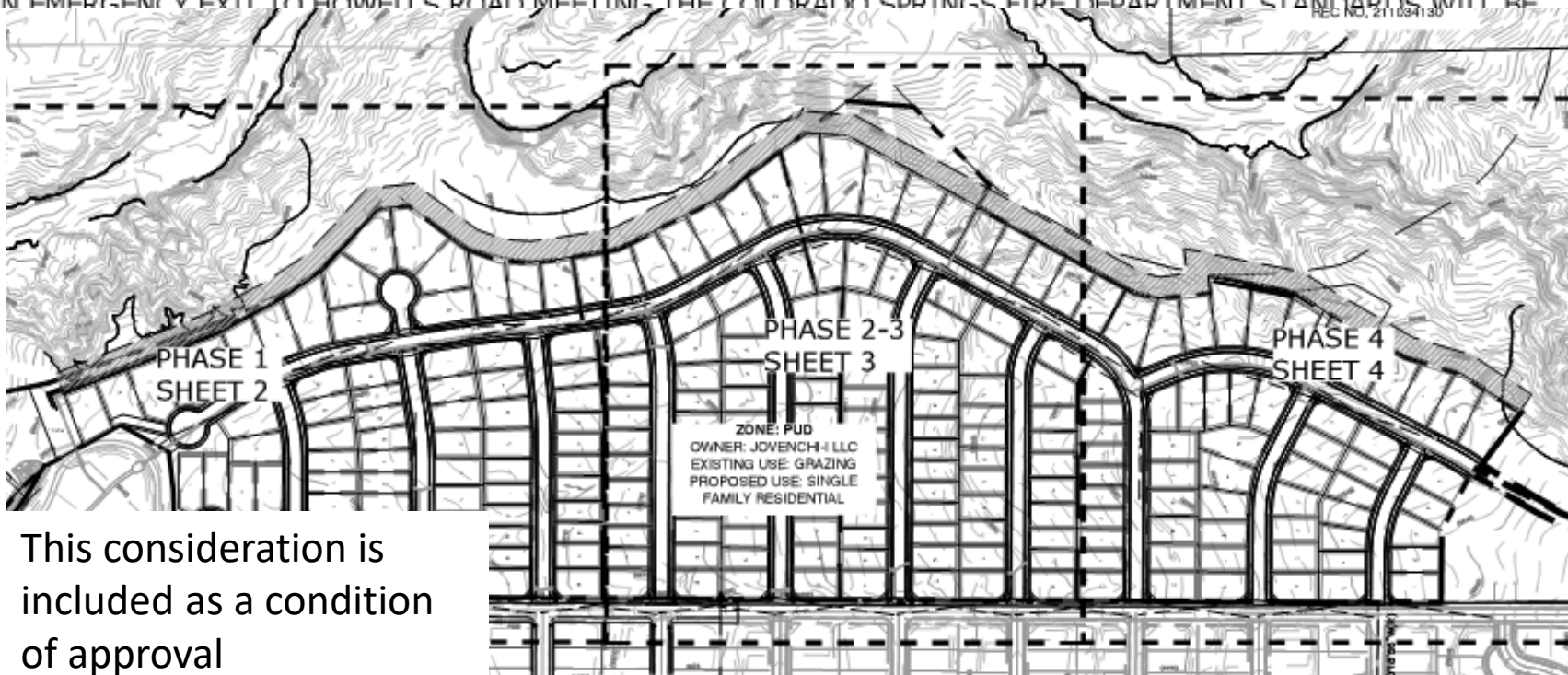
Consideration #4



There will be a fifty-foot (50') fuels management area as described with documented continued maintenance by the metropolitan district

Consideration: Met by the Developer.

15. THERE WILL BE A FIFTY-FOOT FUELS MANAGEMENT AREA FOR THE LOTS ADJACENT TO THE OPEN SPACE, WITH DOCUMENTED CONTINUED MAINTENANCE BY THE METROPOLITAN DISTRICT.
16. AN EMERGENCY EXIT TO HOWELL S. ROAD MEETING THE COLORADO SPRINGS FIRE DEPARTMENT STANDARDS WILL BE



This consideration is included as a condition of approval

Consideration #5



An emergency exit to Howells Road will be constructed and approved by CSFD

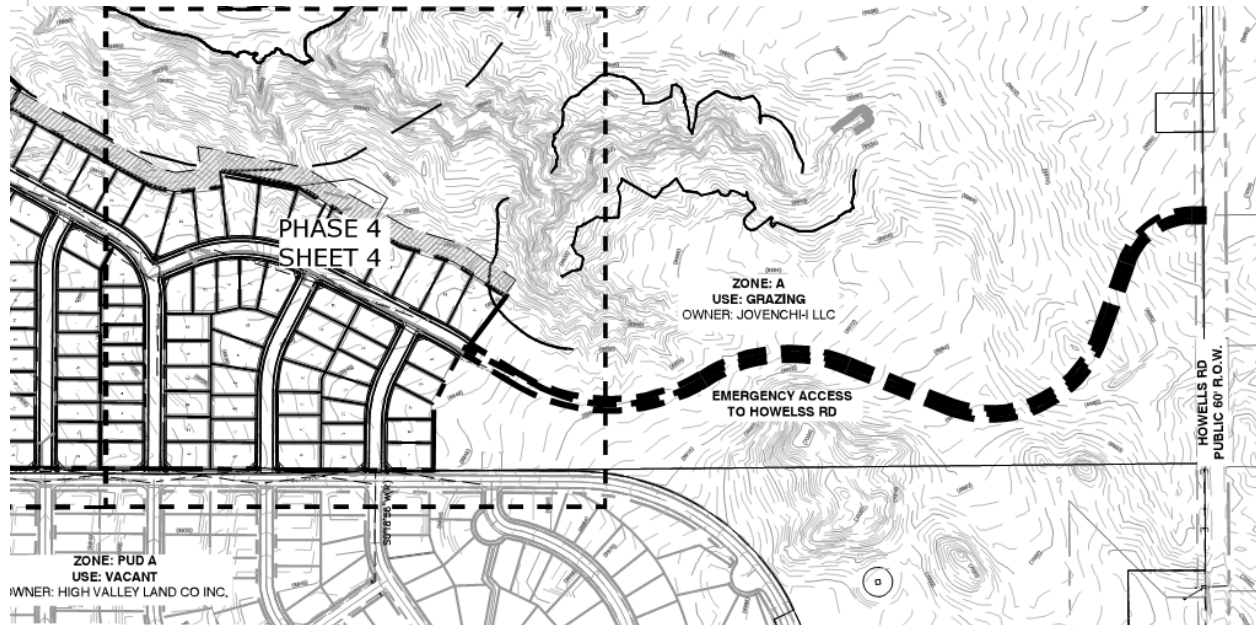
Consideration #5



An emergency exit to Howells Road will be constructed and approved by CSFD

Consideration: Met by the Developer.

15. AN EMERGENCY EXIT TO HOWELLS ROAD MEETING THE COLORADO SPRINGS FIRE DEPARTMENT STANDARDS WILL BE CONSTRUCTED BY THE DEVELOPER AND MAINTAINED BY THE METROPOLITAN DISTRICT.
16. THE EMERGENCY ACCESS TO HOWELLS ROAD WILL BE CONSTRUCTED PRIOR TO ISSUANCE OF 1ST CERTIFICATE OF OCCUPANCY WITHIN KETTLE CREEK NORTH FILING NO. 1
17. THE EMERGENCY ACCESS WILL BE GATED AND SIGNED AS "EMERGENCY ACCESS ONLY."
18. TO MEET CITY FIRE DEPARTMENT REQUIREMENTS AND EMERGENCY EVACUATION NEEDS, THE EMERGENCY ACCESS GATE SHALL BE AUTOMATED TO ALLOW VEHICLES TO EVACUATE AND EXIT THE KETTLE CREEK NORTH DEVELOPMENT ONTO HOWELLS ROAD. ACCESS INTO KETTLE CREEK FROM HOWELLS ROAD SHALL BE RESTRICTED TO EMERGENCY RESPONSE VEHICLES.
19. THE METROPOLITAN DISTRICT SHALL BE RESPONSIBLE FOR MAINTAIN THE EMERGENCY ACCESS DRIVE, SIGNAGE, AND GATE.



1. This consideration is proposed as a condition of approval.
2. Shall be gated emergency access only
3. Requires the metropolitan district to maintain the access, signage & gate
4. Dirt road condition
5. Shall be constructed prior to first CO in Filing No. 1

Consideration #5



An emergency exit to Howells Road will be constructed and approved by CSFD



Briargate Master Plan

- Note added to the plans in 2014, “no access” to Howells Road
- Implemented in 2022
- Result of implementation relating to Access
 - Access permitted to Howells
 - City and County working together for City to take ownership of Howells Road.

An implemented master plan ceases having regulatory power

Consideration #6



No Certificates of Occupancy will be issued until the fire station is built along the Highway 83 corridor

Consideration #6



No Certificates of Occupancy will be issued until the fire station is built along the Highway 83 corridor

Consideration: Currently unmet by the Developer.



This consideration is included as a condition of approval

Consideration #6



No Certificates of Occupancy will be issued until the fire station is built along the Highway 83 corridor

Alternative proposed by developer: Notes on the plan and plat notifying residents of delayed response times until the fire station is operational



Consideration #7



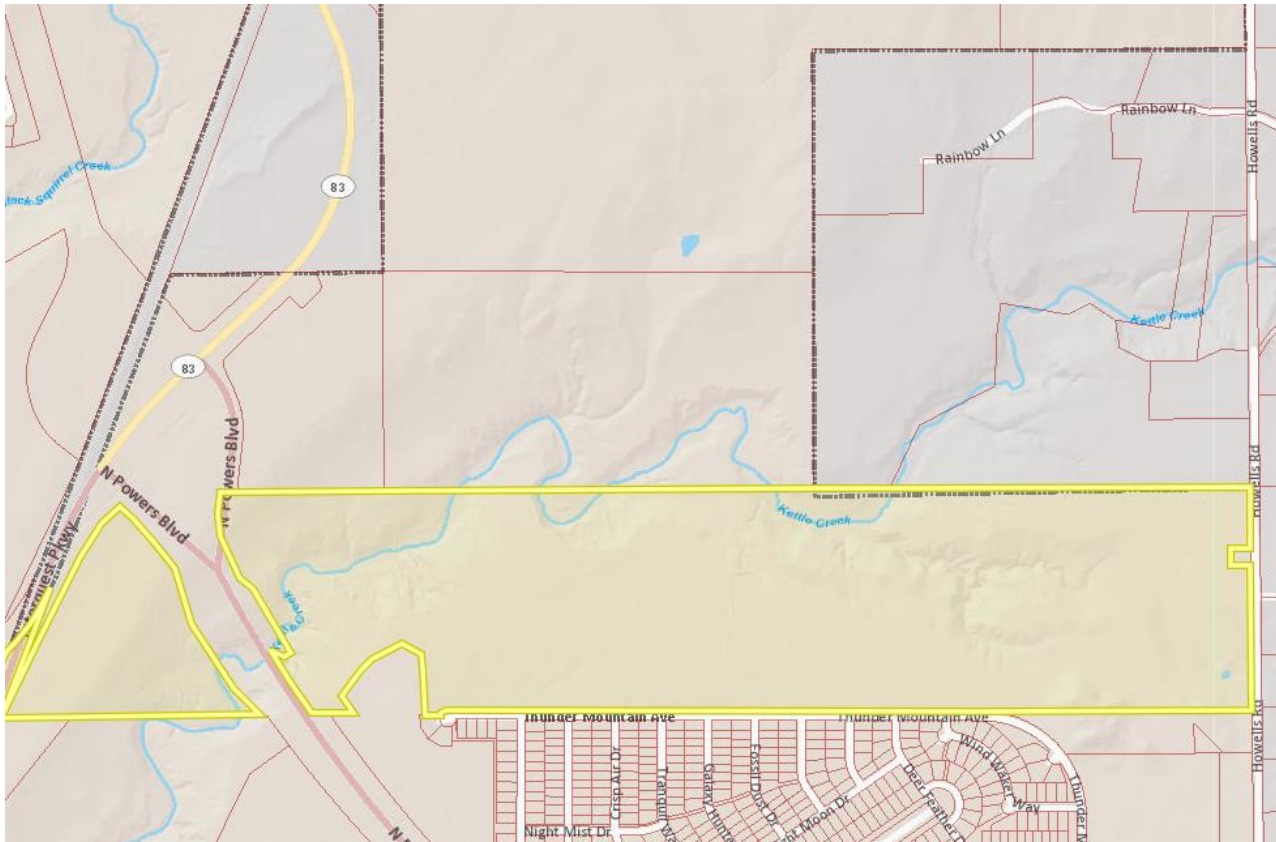
An additional egress route which travels west or north, not south.

Consideration #7



An additional egress route which travels west or north, not south.

Consideration: Unmet and presently infeasible.



Egress to the **west**

- CDOT is the managing entity controlling access to Powers Blvd
- CDOT will ***prohibit*** access to Powers Blvd to the west.
- CDOT will ***prohibit*** *controlled emergency access* to Powers Blvd to the west.

Community Concerns



Traffic

- Revised TIS submitted and accepted by Traffic Engineering, dated June 2022, revisions February 2023.
- Findings – Intersections operate at LOS of C or better currently and in the future with the subject development

Emergency Response

- Delayed response times until Fire Station 24 is constructed
- Proposed note: Requiring Station 24 to be open prior to approval of 1st building permit in Phase 2.
- Technical modification to the plat: **Add note:** *Until such time the new fire station is operational, CSFD may have slower response times*

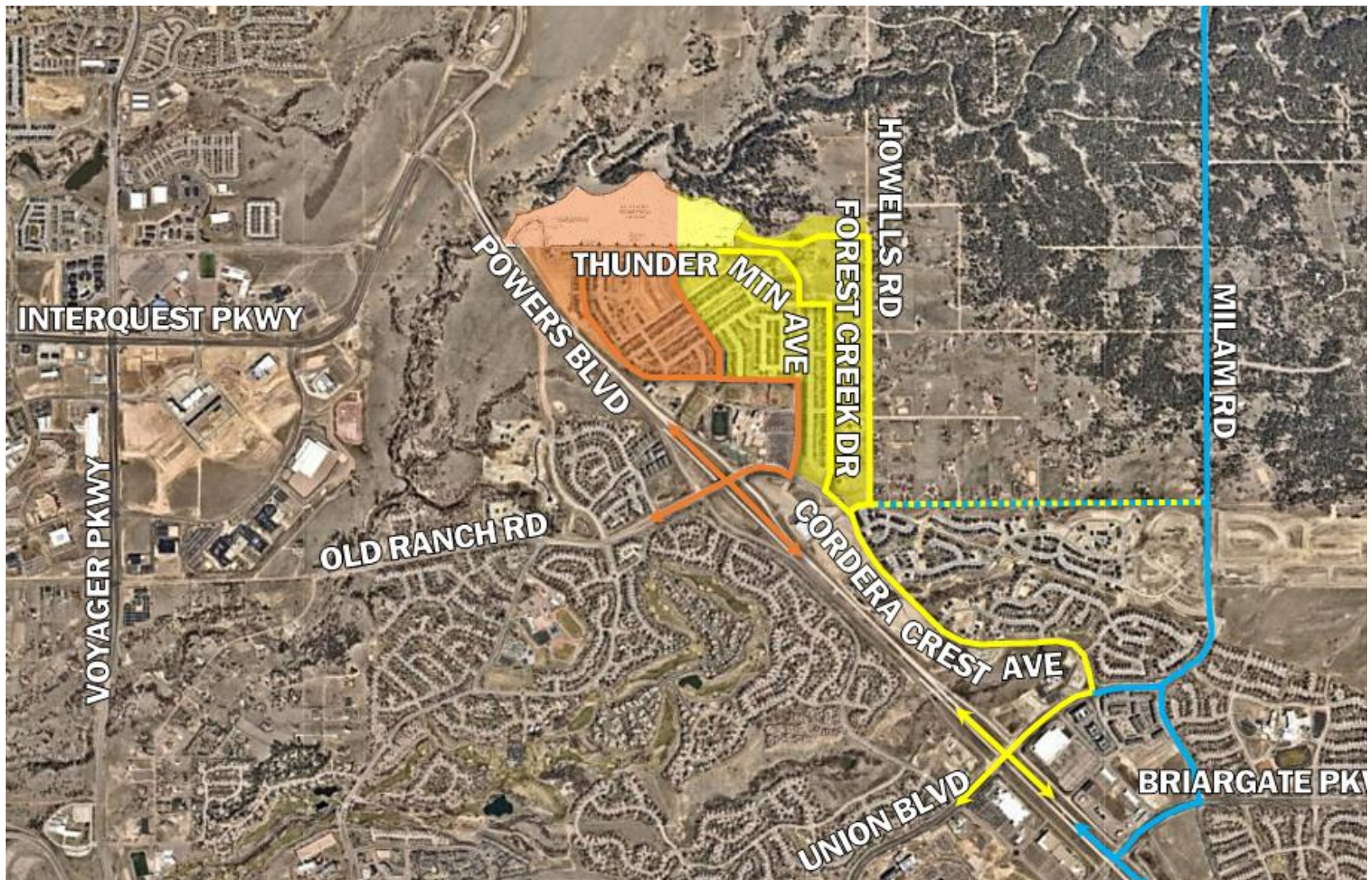
Community Concerns



Emergency Evacuation Planning

In February 2022, City Council adopted changes to City Code Chapter 8, *Public Safety*, to clarify the policies and procedures for emergency response agencies (i.e. Fire Department, Police Department and Office of Emergency Management). Under these changes, more specifically, City Council established City Code Section 8.7.206 *Emergency Evacuation Plan*, which assigns responsibility, in conjunction with operations input from the Police Department and Fire Department, the review, development, and adoption of the AHEPs. City Planning staff acknowledges that through the solicitation of public comments for this project, this issue continues to be a concern of the surrounding neighborhoods.

Community Concerns



PlanCOS



Newer Emerging Neighborhood

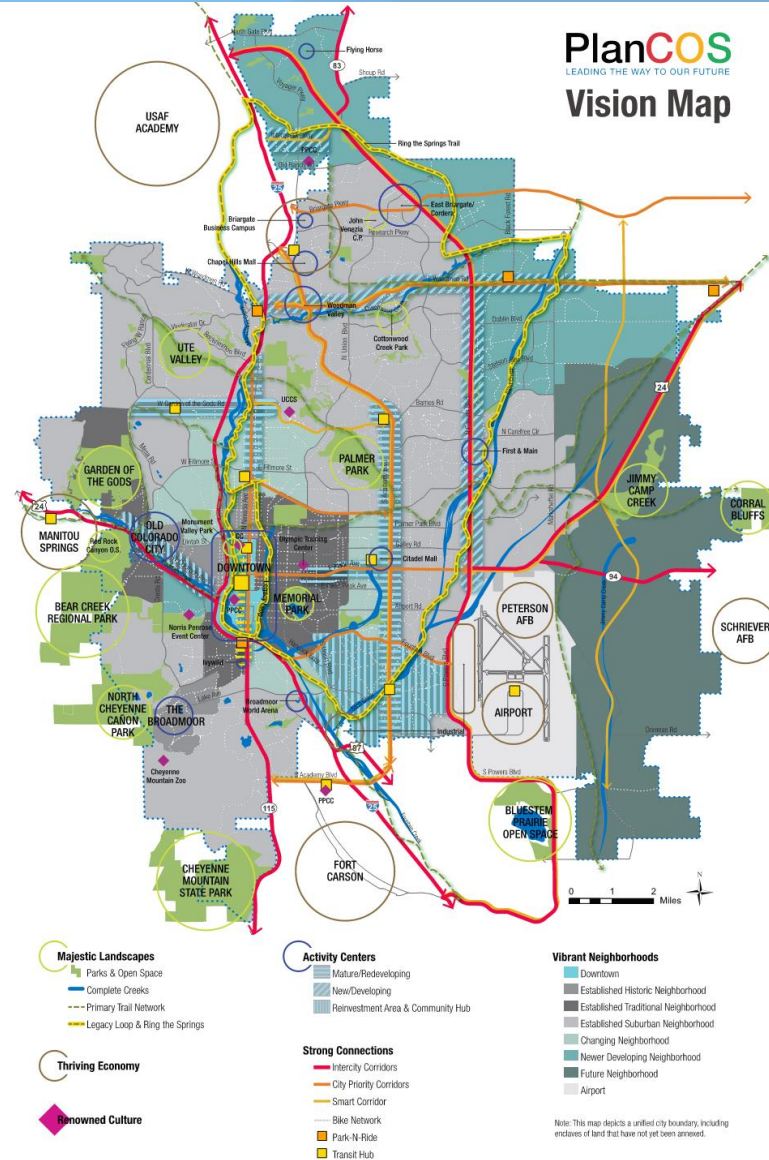
Resilient neighborhoods...mixed and integrated land uses

Develop areas already in, nearby, or surrounded by the City.

Enhance or preserve neighborhood character

Connections between neighborhoods

PlanCOS LEADING THE WAY TO OUR FUTURE Vision Map



Recommendations



AR PUD 20-00538 – PUD Development Plan

Deny the appeal thus upholding Planning Commission's decision to approve the Kettle Creek development plan, based upon the findings that the application complies with the review criteria set forth in City Code Section 7.3.606 and 7.5.502(E) and that the appeal criteria of UDC 7.5.415(A)(2)(a)(2) are not met.