

City of Colorado Springs

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



Meeting Minutes - Final

Wednesday, July 12, 2023

9:00 AM

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

Planning Commission

1. Call to Order and Roll Call

- Present:** 9 - Commissioner Briggs, Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler, Commissioner Raughton, Alternate Griggs and Alternate Cecil
- Excused:** 2 - Commissioner Almy and Commissioner Foes

2. Approval of the Minutes

2.A. [CPC 23-341](#) Minutes for the June 14, 2023, Planning Commission Meeting

Presenter:
Scott Hente, Chair of the City Planning Commission

Motion by Commissioner Rickett, seconded by Vice Chair McMurray, that the Minutes be approved. The motion passed by a vote of 6:0:1:2

Aye: 6 - Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

Recused: 1 - Commissioner Briggs

3. Communications

Peter Wysocki - Planning & Community Development Director

Peter Wysocki, Director of Planning and Community Development updated the commissioners on Sr. Business Support Specialist, Evelyn Flores decision to enlist in the US Army with her last day being July 28, 2023.

Chair Hente asked if there is someone else filling the role.

Peter Wysocki, commented the team is working on a replacement.

4. Changes to Agenda/Postponements

5. Consent Calendar

6. Items Called Off Consent Calendar

7. Unfinished Business

8. New Business

- 8.A. [ANEX-22-00](#)** Villages at Waterview North Addition No. 1 Annexation located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 144.82 acres.

(Legislative)

Related Files: MAPN-22-0002, ZONE-22-0013, ZONE-22-0014, ZONE-22-0015, ZONE-22-0016, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the annexation of 144.821 acres as the Villages at Waterview North Addition No. 1 Annexation, based upon the findings that the annexation complies with all of the Conditions for Annexation Criteria as set forth in City Code Section 7.6.203. The motion passed by a vote of 7:0:0:2

Aye: 7 - Commissioner Briggs, Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

- 8.B. [MAPN-22-0002](#) Villages at Waterview North Master Plan illustrating a mixture of industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses, located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 116.52 acres.

(Legislative)

Related Files: ANEX-22-0001, ZONE-22-0013, ZONE-22-0014, ZONE-22-0015, ZONE-22-0016, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the Villages at Waterview North Master Plan, based upon the findings that the master plan complies with all of the review criteria as set forth in City Code Section 7.5.408. The motion passed by a vote of 5:2:0:2

Aye: 5 - Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

No: 2 - Commissioner Briggs and Chair Hente

- 8.C. [ZONE-22-0013](#) Villages at Waterview North zone change establishing LI/APZ1-AO (Light Industrial / Accident Potential Subzone-1 with Airport Overlay) zone district located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 20.45 acres.

(Legislative)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0014,

ZONE-22-0015, ZONE-22-0016, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the establishment of 20.45 acres as LI/APZ1-AO (Light Industrial / Accident Potential Subzone-1 with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 7:0:0:2

Aye: 7 - Commissioner Briggs, Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

- 8.D. [ZONE-22-0014](#) Villages at Waterview North zone change establishing MX-L/APZ1-AO (Mixed-Use Large Scale / Accident Potential Subzone-1 with Airport Overlay) zone district located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 27.65 acres.

(Legislative)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0013, ZONE-22-0015, ZONE-22-0016, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the establishment of 27.65 acres MX-L/APZ1-AO (Mixed-Use Large Scale / Accident Potential Subzone-1 with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 7:0:0:2

Aye: 7 - Commissioner Briggs, Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

- 8.E. [ZONE-22-0015](#) Villages at Waterview North zone change establishing PF-AO (Public Facilities with Airport Overlay) zone district located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 3.84 acres.

(Legislative)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0013, ZONE-22-0014, ZONE-22-0016, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the establishment of 3.84 acres as PF-AO (Public Facilities with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 7:0:0:2

Aye: 7 - Commissioner Briggs, Chair Hente, Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

- 8.F. [ZONE-22-0016](#) Villages at Waterview North zone change establishing R-5-AO (Multi-Family High with Airport Overlay) zone district located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 41.28 acres.

(Legislative)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0013, ZONE-22-0014, ZONE-22-0015, ZONE-22-0017, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the establishment of 41.28 acres as R-5-AO (Multi-Family High with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 5:2:0:2

Aye: 5 - Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

No: 2 - Commissioner Briggs and Chair Hente

- 8.G. [ZONE-22-0017](#) Villages at Waterview North zone change establishing R-FLEX-MED-AO (R-Flex Medium with Airport Overlay) zone district located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 23.28 acres.

(Legislative)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0013, ZONE-22-0014, ZONE-22-0015, ZONE-22-0016, COPN-22-0002

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Development

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the establishment of 23.28 acres as R-FLEX-MED-AO (R-Flex Medium with Airport Overlay) zoned district, based upon the findings that the change of zone request complies with the three (3) criteria for granting of zone changes as set forth in City Code Section 7.5.603(B). The motion passed by a vote of 5:2:0:2

Aye: 5 - Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

No: 2 - Commissioner Briggs and Chair Hente

- 8.H. [COPN-22-0002](#) Villages at Waterview North Concept Plan illustrating a mixture of industrial, commercial, multi-family residential, single-family detached and attached residential, public facilities, and public parkland uses, located northeast of the South Powers Boulevard and Bradley Road intersection consisting of 116.52 acres.

(Quasi-Judicial)

Related Files: ANEX-22-0001, MAPN-22-0002, ZONE-22-0013, ZONE-22-0014, ZONE-22-0015, ZONE-22-0016, ZONE-22-0017

Presenter:

Gabe Sevigny, Planning Supervisor, Planning and Community Development

Staff Presentation:

Gabe Sevigny, Planning Supervisor, presented, and described the scope and intent of the project.

Questions from Commissioners:

Commissioner Rickett questioned whether the reduction was achieved. He also questioned whether this pertained to an area where aircraft was taking off and landing.

Gabe Sevigny confirmed the area was near a takeoff and landing zone. The added report went through the aviation and safety noise abatement the FAA had established. Once construction was complete, they would be able to test for noise reduction compliance to move forward with a certificate of occupancy.

Commissioner Rickett questioned the location of the test and the post-construction time frame.

Gabe Sevigny answered the test took place indoors once the building was sealed off.

Commissioner Rickett questioned what would occur if they didn't meet the noise reduction.

Gabe Sevigny answered they would need to go back to possibly change the windows, but he had not had an issue with any applicant's design meeting those standards.

Commissioner Slattery questioned the restrictions and their application to the residential buildings.

Gabe Sevigny confirmed the noise reduction of 65 DNL (Day/Night Sound Level) applied to properties located within the red area of the map shown.

Commissioner Hensler questioned if steps were taken during the construction to mitigate the noise.

Gabe Sevigny confirmed they would need a certificate of noise reduction, noting they met the standards prior to the city issuing a certificate of occupancy.

Commissioner Slattery questioned the surrounding areas' requirements for noise reduction.

Gabe Sevigny clarified the other residential did not have those requirements unless outside of another boundary.

Commissioner Rickett noted the closeness to the runway. He asked if notice was given to the areas within about the possible noise levels.

Gabe Sevigny confirmed there were noise level notices posted on the property.

Commissioner Rickett asked if this was a request that could be asked of the developer to ensure future residents were informed prior to purchasing a property.

Gabe Sevigny commented that would be a question for the applicant, but he did know the airport required notice of airport activity on lease agreements.

Commissioner Briggs asked if this would be the only residential in the area.

Gabe Sevigny clarified there would be others in the area according to the zoning map shown.

Commissioner Briggs requested clarity on which of the zoning cases applied to the mapping shown.

Gabe Sevigny clarified on the map.

Chair Hente wanted confirmation of the city code not allowing residential in APZ 1 & 2 zones.

Gabe Sevigny confirmed.

Applicant Presentation:

Jim Houk, Kimley Horn, Ray O'Sullivan, and Joseph Zach Board of Veterans

Villa Operating LLC presented in further detail.

Questions from Commissioners:

Commissioner Raughton followed up on the decibel levels. He asked if there was a condition of record to do more than the minimum requirements for noise levels. He understood houses could not be over-insulated, but there were other ways to prevent the complaints that would follow once residents discovered their homes didn't mitigate noise well.

Ray O'Sullivan noted the park's location, and it was where the park district requested to play a role in the current location of the residential and drainage areas.

Commissioner Rickett again requested consideration from the applicant to include a 30 DBA reduction in the residential areas.

Joseph Zach noted they would consider it and work with everyone's concerns.

Chair Hente asked if there would be a comment in the deeds for purchasers that the property was in close proximity to a runway and noise might be a concern, like the Air Force Academy.

Ray O'Sullivan explained there was.

Joseph Zach noted that moving east of the APZ line was not as noisy as one might think.

Commissioner Rickett commented on his distance from the runway and how much noise his home received. He added the portion he was struggling with in residential was, "The action will not be detrimental to public interest, health, safety, convenience, or general welfare."

Commissioner Slattery referred to the paper given to them. She added she too would like a condition of record to put her in the "yes" vote.

Joseph Zach added they were already reducing the decibels by simply opening and closing the windows, but he would do more research.

Vice-chair McMurray commented on his history working with the Air Force Academy and their requirements. He too agreed to lower the decibels slightly.

Commissioner Rickett and Ray O'Sullivan discussed scenarios for reduction.

Joseph Zach noted they were still at the concept level and other processes before finalization.

Commissioner Rickett and Vice-Chair McMurray discussed reduction levels.

Joseph Zach gave final comments on their commitment to the veteran community and their reason for this facility.

Commissioner Briggs discussed his concern with the proposal and housing underneath the flight path. He gave examples of landing that impacted safety concerns. He pointed out the previous project brought to the commissioners, which he did not support for the same reason.

Ray O'Sullivan noted he understood the concerns but felt they had designed the project according to the rules and regulations to proceed.

Chair Hente echoed Commissioner Briggs' comments on safety and their experience as Air Force pilots. He added the number of complaints the Air Force Academy received to this day due to the noise along with the safety of pilots flying over close structures.

Gabe Sevigny reiterated the RPZ and APZ lines to show the scope and distance from the airport.

Brian English, CSU Development Projects Manager, provided an overview of this project through their department and recommendations from the Utilities Board.

Discussion and Decision of Planning Commission:

Vice-Chair McMurray commented on his understanding of all concerns on APZ and risks but felt the standard had been met in relation to safety, and with that, he felt he could support this project.

Commissioner Raughton echoed the Vice-Chair. He added he felt the applicant had heard their concerns loud and clear and would support the project.

Commissioner Rickett agreed with the Vice-Chair but added a condition of record.

Vice-Chair McMurray recommended the condition be added to the concept plan only.

The City Attorney agreed it was best not to attach the condition to the annexation but to add it to the concept plan.

The commission went into recess for discussion on the motion wording.

Peter Wysocki confirmed what was within the code for noise reduction.

Commissioner Briggs offered his comments on taking not only the noise into consideration but the risks he brought up.

Commissioner Hensler commented on her support for this project.

Initial motion by Vice-Chair McMurray to recommend approval to City Council for the motion as written with a request to staff and a condition.

Request to Staff:

1. Include standard language disclosure language on the development plans pertains to property disclosures for sales property disclosures for sales.

Condition of Record:

1. Development within the 60 dnl noise zone meet the additional requirements for a noise level reduction for 25 DBA to meet the proportional standards in Code Section 7.2.601.D.3.

Commissioner Rickett requested a change to 35 DBA.

The motion had no second and failed to move forward.

A roll call vote was conducted to amend the motion.

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

Motion by Commissioner Rickett, seconded by Commissioner Raughton, to recommend approval to the City Council for the Villages at Waterview Concept Plan, based upon the findings that the Concept Plan meets the review criteria for a concept plan as set forth in City Code Section 7.5.501.E.

Condition of Record:

1. Development within all residential areas within the concept plan to meet 35 DNL max.

The motion passed by a vote of 5:2:0:2

Aye: 5 - Vice Chair McMurray, Commissioner Rickett, Commissioner Slattery, Commissioner Hensler and Commissioner Raughton

No: 2 - Commissioner Briggs and Chair Hente

9. Updates/Presentations

10. Adjourn