



CITY CLERK'S OFFICE

2016 FEB 29 P 3 25

February 23, 2016

City of Colorado Springs  
City Council  
107 N Nevada Avenue  
Colorado Springs, CO 80903

Re: CPC CU 15-00132

Dear Council Members:

I would like to formally appeal the decision made by the Planning and Zoning Commission on February 18, 2016.

Although the decision was a 4-4 tie, the result was a rejection of the project. I feel that the project was not reviewed thoroughly by some of the members, and that some members misunderstood or misinterpreted the operations and/or provisions. I feel that it is my right to operate a transfer facility as allowed in the current zoning classification under the conditional use rules. I also believe we have provided significant proof that our operation is supported by the majority of our neighbors and will have a positive impact to the area.

Our project consists of a construction materials transfer facility. We provide roll-off containers to the construction industry for discarded materials. These containers are typically very light weight and therefore do not get close to the capacity of the truck we use to transport the containers. Our objective is to transport these containers to a centrally-located facility for processing and consolidation into a unit with a larger capacity increasing our efficiency.

The concerns presented by the opposition include:

1. Storm water control
2. Truck traffic
3. Hazardous Materials
4. Dust

The Rocky Mountain Development Group, LLC d/b/a Iron Mountain Demolition & Roll-Off  
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Our Operations Plan addresses each of these concerns, as well as many more. This plan was drafted by Doty and Associates, LLC, an environmental, groundwater and waste management engineer and is in compliance with the State regulations for the handling of this type of material and storm water issues. This Operations Plan was provided to the Planning and Community Development staff working for our case. (see attached)

1. Storm Water Control- Most of this is addressed in section 4.4 of the Operations Plan:

#### 4.4 OFF-SITE WATER PROTECTION

*Transfer operations will not significantly change the runoff characteristics of the site. No impact is expected to surface water from contact with the non-putrescible and generally inert C&D waste materials. There is no discharge of washdown waters from the waste handling area.*

Although this is the design plan that complies with the State regulations, we have gone a step further and are utilizing a 15' natural buffer zone and a berm along the discharge side of the property. Our dump pit is a 50' X 50' X 8" thick concrete pad. Minimal debris or water leaves this pad.

2. Truck traffic- This issue was raised by the owner of the mobile home park located at the Northwest corner of Cascade Avenue and Fillmore Street. When we learned that the owner did not like our truck traffic at this intersection, we routed our trucks up Commerce Street, thus avoiding this particular neighbor. It should be noted that his concerns pertain to when we were utilizing our properties located at 3150 and 3106 N. Cascade. He stated at the Planning Commission meeting that there has been a noticeable reduction of traffic from our operations. The businesses in this area require consistent heavy truck traffic. Waste Management has an estimated 40-50 trucks at their yard located just one block north of our location, and most other businesses in the area frequently receive deliveries via heavy trucks and tractor trailers. Our truck traffic is consistent with our normal operations, not just operations related to the transfer station. Truck traffic will be consistent with or without the use of our transfer facility.
3. Hazardous Materials- This is addressed in section 4.7.1 of the Operations Plan:

#### 4.7.1 HAZARDOUS MATERIALS

*Should any unacceptable materials be observed at the time of unloading, the customer will be required to reload the unacceptable material and remove it from the site. If the customer is no longer at the facility and cannot be otherwise identified, the material will be loaded into a roll-off box for temporary storage. The material will be moved by hand or by the excavator, as appropriate. The roll-off will be tarped and moved to a convenient area pending a decision for appropriate ultimate disposition.*

*The Site Manager will be notified as soon as possible of the presence of suspected unacceptable material and will be responsible for appropriate characterization and disposal of the material. If the unacceptable material is determined to be a hazardous waste, the Site Manager will also be*

*responsible for notifying the Colorado Department of Public Health & Environment and the Colorado Springs Health Department of the presence of the material and its ultimate disposition.*

We believe we address this concern better than any other transfer facility in the area because we only take material from licensed contractors. Contractors perform either renovations or new construction projects, and they must acquire a permit to perform either type of work. For renovations, the contractor must have a state-licensed firm survey the existing building for suspect materials. These materials must be analyzed for contamination. If materials are determined to be contaminated, the materials must be abated before a state permit will be issued. Pikes Peak Regional Building Department must have that state permit prior to issuing a local permit. Therefore, we are quite confident that we are not going to be exposed to contaminated materials. To take this a step further, our team is trained in identifying suspect materials. When they see a suspect material, we have a sample analyzed to confirm it is clean. Reports were included in our submittal package provided.

4. Dust- This is addressed in section 4.3.2 of the Operations Plan:

#### *4.3.2 Noise, Dust & Odor Control*

*The excavator used in the transfer operation will be equipped with a "white-noise" backup alarm to limit noise impacts. On-site roads will be maintained and swept as needed to minimize dust generation. In addition, the C&D waste will be moisturized using water sprays as needed during the unloading and loading operations. Waste will be loaded into the transfer trailer as rapidly as possible and removed for proper disposal as soon as practical after the trailer is full to reduce odors. However, odor generation by the C&D waste materials is expected to be negligible.*

We feel the primary cause for dust in respect to our transfer operations is from the truck traffic. We have placed asphalt millings on areas of our property that were not covered with asphalt. This has reduced the amount of fugitive dust from the transfer operations. It should be noted that many of the properties in the surrounding area are paved with gravel or crushed concrete. These surfaces are responsible for most of the dust when agitated by vehicles. One member of the Planning Commission questioned whether asphalt millings were placed. I had issued a set of photographs taken minutes before our presentation that clearly show the millings were placed and in good condition.

One example of our ability to execute the Operations Plan was an unannounced inspection by Brian Long of Colorado Department of Public Health, the governing authority regarding solid waste. In his inspection, which included storm water control, he concluded that we had no violations other than the question if we were permitted to perform these actions at this location. Our operations met or exceeded all state requirements. A copy of this inspection was provided in the submittal package.

Waste Management is currently operating an open air facility on M-1 ground at the North end of N. Century St. This facility is ½ mile due East from our location. Iron Mountain is committed to institute controls to help this project be a success as did Waste Management.

In summary, I feel that the Planning and Development Team's recommendation (Staff Recommendation) provided to the Planning Commission was the correct action to take for this project. The Team recommended approval because this request complies with the Conditional Use review criteria in City Code Section 7.5.704. I also agree with the conditions of the approval. I would and should expect to have a follow up "inspection" of our operations to ensure that we have meet or exceeded the expectations of our Operations Plan.

I appreciate your consideration in this matter

Sincerely,

A handwritten signature in black ink, appearing to read "P. R. Meade", written in a cursive style.

Patrick R. Meade