

**CITY OF COLORADO SPRINGS PLANNING COMMISSION
RECORD-OF-DECISION**

**THURSDAY, JANUARY 21, 2016
CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, COLORADO 80903
CHAIRMAN PHILLIPS CALLED THE MEETING TO ORDER AT 8:33 A.M.
THE MEETING ADJOURNED AT 4:20 P.M.**

PRESENT:

Markewich
Henninger
Gibson
Donley
Phillips
Shonkwiler
Walkowski
McDonald
Smith

ABSENT:

Henninger (afternoon session)

ALSO IN ATTENDANCE:

Mr. Peter Wysocki, Planning and Development Director
Mr. Marc Smith, City Senior Corporate Attorney

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION
ITEM: 5.A CPC CU 15-00132 (Quasi-Judicial) PARCEL NO. 6331208001 PLANNER: Hannah Van Nimwegen	A request by Patrick Meade for Iron Mountain Demolition and Roll-Off for an approval of the following application: A conditional use to allow a construction and demolition debris transfer facility within the M-1 (Light Industrial) zone district. The subject property consists of 1.2 acres and is located at 3310 and 3320 North Cascade Avenue.

NEW BUSINESS CALENDAR

ITEM: 5.A
FILE NO.: CPC CU 15-00132
PROJECT: Iron Mountain Transfer Station

STAFF PRESENTATION:

Ms. Hannah Van Nimwegen, Planner II, gave a Power Point presentation.

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Applicant Presentation:

Patrick Meade with Iron Mountain. They are licensed throughout Colorado they provide the service of construction debris handing at this site.

Benefits: 1.) able to handle customers' requests more efficiently; 2.) less fuel consumption per roll out request; 3.) less commercial motor vehicle exposure on the roads; 4.) a smaller carbon footprint; 5.) diversion of waste from the landfill; 6.) able to pull out reusable materials; 7.) created job opportunities; 8.) A construction material debris only handling facility; 9.) Central to the Colorado Springs area

Concerns: 1.) Pedestrian safety – Rerouted trucks to use dedicated truck routes; 2). Dust emissions – provisions in place to manage dust; 3.) Debris migration; 4.) Water run-off; 5.) Hazardous materials

Products Accepted: Construction debris ONLY; Products NOT accepted at the site: All liquids and paints; asbestos; batteries; concrete, dirt; electronics; household waste; rock sod; tires

Questions

Who could use this facility? What was the majority of product brought to the site? How long is storage? What was used for dust mitigation? Since this is more heavier industrial use an M-2 (Heavy Industrial) it should be located in M-2 but none available farther north. Was there a filtration facility for water runoff from debris?

Supporters of the application

Michael Merriweather said he was in support of water.

Ken Manzel is in support. Mr. Meade is in compliance with what the state and county expects. There's very little truck traffic at site, they keep the public out of the site, keeps product out of landfill, and rollout boxes set up efficiently. There is asphalt milling at the site to keep dust down. They have concreted an area with the barriers which helps with any stormwater problems. They have to follow the state plan with the stormwater and the SPCC which is done at all these types of facilities.

Opponents of the application

Zanie Penley represented Evergreen Senior Mobile Home Community at the corner of Fillmore and Cascade. When concerns were raised Iron Mountain responded and addressed those concerns. However if you have container within container it's extremely loud. When diesel trucks or tractors started and idled it was difficult for the seniors. He felt the Light Industrial zone was being violated. The code states heavy industrial would include noticeable noise, smoke, odor and vibration which is what is happening; Light Industrial is soft goods, bakeries, apparel, and book publishing is what the zone is where this project is located. We need a place for construction material debris but not here. Traffic can be a problem. Trucks can't make the turn on Fillmore and Cascade. Cascade will have significant bike route coming soon. This is also a Metro bus stop and children's bus stop. He felt the code should be upheld and not have this in the area.

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Patrick Bray with Manstone LLC located directly west of the facility. He is opposed but wanted them to know the mitigation actions the company completed when issues were brought up made improvements, however, it cannot eliminate all of them. The main concern is the business is not complementary to other businesses in the district. There is dust, debris, noise and vibration from the construction equipment. He is asking the project not be approved for a M-1 (Light Industrial) area and should be located in an M-2 district.

Questions of Staff:

Steve Kuehster addressed the question of a water filter feature treatment system. The area of disturbance is less than 1 acre so it did not kick in for a stormwater quality feature. In Public Works they have to manage their stormwater discharge by a permit with the state therefore engineering requested a drainage report to address the wash water. We are not the regulatory authority for this type of use; they must get an industrial discharge permit through the state which they've talked about.

Commissioner McDonald pointed out that in the staff's report under technical modification #4 they've required Iron Mountain to provide a drainage statement and address how the wash water from the discarded material is collected, treated and disposed. So it's already in as a condition which they have to comply with which Ms. Van Nimwegen confirmed.

Commissioner Walkowski liked the idea of a one year review but how would it be done. Ms. Van Nimwegen said a notice would be done when the year is up, they'd see who responds and what their concerns were. During the year site inspections would be completed regarding compliance. This one year opportunity would give the applicant time to implement these strategies without investing in site that may not be approved. Commissioner Walkowski asked what happens if they were not compliant. Ms. Van Nimwegen said if there continue to be outstanding issues the conditional use could be revoked and it also would come back to Planning Commission for further review.

Peter Wysocki Planning Director stated that comments were made this may not be a permissible use in the M-1 zoning district but it is subject to a conditional use permit because this is being classified as a transfer station. Transfer stations are permissible upon approval of the conditional use permit. If you look at the general industrial/heavy industrial definitions it doesn't fall under those categories it falls under the specific land use definitions of a transfer station which is allowed by a conditional use permit under and M-1 zone.

Rebuttal:

Patrick Meade stated yes there has been dust, noise activity but there are a lot of facilities in the area that have just as much truck traffic. To the north Waste Management has a facility that has many more trucks identical to the ones they have that go up and down Cascade next to the mobile home park. We've been as proactive as we can trying to pay attention to our neighbors concerns and continue to do so. We know we can improve in this area and felt there were things they could do to help address the neighbors' concerns.

Commissioner Shonkwiler asked what they were going to do to meet the stormwater requirement. Mr. Meade stated his understanding is the water is to be maintained on the

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property and ensure the water doesn't leave with any contaminants. Commissioner Shonkwiler asked what specific plan they had. Mr. Meade said the plan is addressed in the engineer's operation plan that complies with the state. The plan was designed by a state licensed engineer and in that plan is the water migration plan. Those practices are a burm to ensure the water stays on the property, a 15-foot landscape buffer zone either one is acceptable and we have decided to do both. Having the concrete dump pad was another opportunity to ensure the water doesn't infiltrate through the soil and enter into the storm system.

Commissioner Donley asked if they were getting a state permit for industrial discharge. Mr. Meade stated no they do not have to have a state permit. The operations plan they have complies with the state rules; it's an inspection that is performed and we had that done and they had no deficiencies. Commissioner Donley asked if they performed an inspection. Mr. Meade said yes they did. Commissioner Donley said isn't something the state gives you some type of permit or paperwork because to him it appears this is a state matter. There are land use issues we review and then there are water quality issues but they are state related. Mr. Meade said it is mandated they do these things by the state.

DISCUSSION AND DECISION OF THE PLANNING COMMISSION:

Commissioner Markewich stated according to the code an M-1 allows light industrial uses that are complementary and compatible to the industrial uses, nothing more so there is latitude and therefore why we are seeing the conditional use on the property, is that correct. Mr. Marc Smith said they should be reviewing under the Conditional Use Review Criteria. Commissioner Markewich said he was just looking at the definition of a M-1 zone. Peter Wysocki said they also needed to look at the use tables that specifically list what is a permissible use by right, what's permitted and what is conditionally permitted. This falls under the conditionally permitted. Commissioner Markewich wanted to clarify because it'd been stated this wasn't allowed in an M-1 zone by one of the opponents. However, the staff has given a one year time frame to get it done correctly and if it's not done according to state and city standards it will be shut down. So there is incentive for the owner to comply and he felt comfortable approving this.

Commissioner Donley said he likes the idea of reusing and recycling materials so they do not go to the landfill, those are positive. His concern is the intent in the M-1 of having a conditional use is to identify if this is the right site to do it. This area is more like PIP – light industrial office/warehouse activity. However we are getting a more heavy use type of activity, dust, truck traffic and other impacts. He wished we had the right place, especially on the north side of the City for this activity. He was also concerned about the impacts of the residential area immediately to the south however they are also zoned M-1. The medical waste transfer facilities where the activities occurred indoors were appropriate examples of the M-1 conditional use. He will not be in favor of the application and will oppose it.

Commissioner McDonald said she heard during discussion that Waste Management is right down Cascade to the north of this site. She felt this site was much smaller than Waste Management's site which in very close proximity and staff has done a good job putting

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together the conditional use criteria requirements they will have to modify and the follow up on this in one year to ensure this isn't an impact on the neighborhood beyond what this conditional use has provided. Therefore she is in favor of supporting this based on the other businesses in the surrounding area and it meets 7.5.704 – Conditional Use Criteria.

Commissioner Shonkwiler said he would not be in support he's not comfortable with it. There have been a couple of violations already and he's not satisfied the long-term problems will be solved and will be voting against it.

Motion by Commissioner Smith, seconded by Commissioner Markewich to recommend approval of CPC CU 15-00132 – a Conditional Use to allow a transfer station within the M-1 zone district at 3310 and 3320 North Cascade Ave, based on the finding that the request complies with the Conditional Use review criteria in City Code Section 7.5.704, subject to compliance with the conditional and/or technical modifications listed in the staff report.

Aye: McDonald, Smith, Markewich, Phillips
No: Donley Gibson Shonkwiler Walkowski

Motion Failed: 4-4 (Henninger excused)

February 18, 2016

Date of Decision

Planning Commission Chair

DRAFT