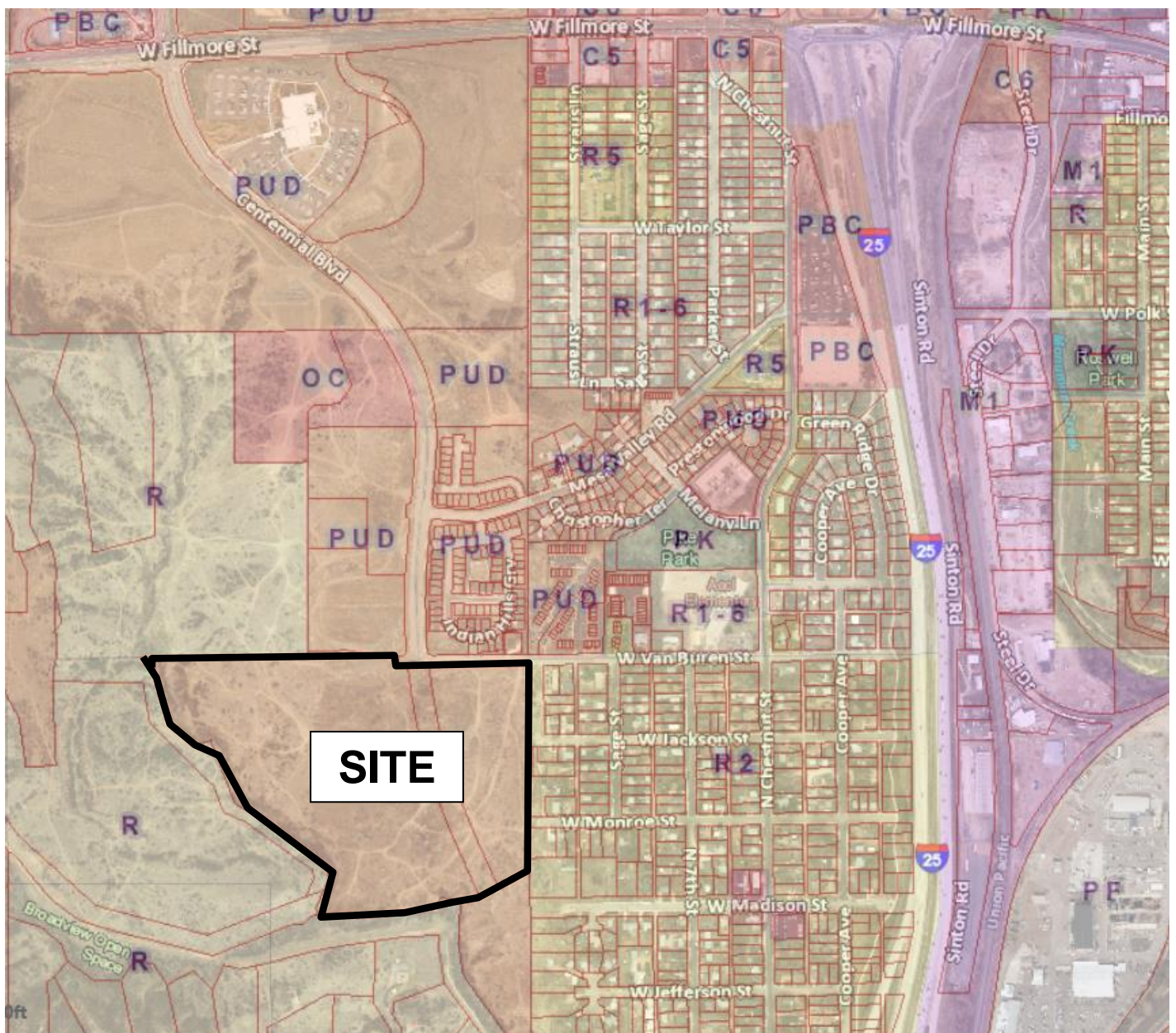


CITY PLANNING COMMISSION AGENDA  
June 20, 2019

STAFF: LONNA THELEN

ASSOCIATED FILES:  
CPC DP 18-00151 – QUASI-JUDICIAL

PROJECT: MVS CENTENNIAL CERTIFICATE OF DESIGNATION  
OWNER: MVS DEVELOPMENT, LLC  
CONSULTANT: MVS DEVELOPMENT, LLC



## **PROJECT SUMMARY**

### 1. Project Description:

This project was previously heard by City Planning Commission on February 21, 2019. City Planning Commission approved the Certificate of Designation. After the meeting, it was determined by the City Attorney's Office that the previous letter from Colorado Department of Public Health and Environment (CDPHE) recommending approval (provided in the previous packet **and now attached as FIGURE 1**) did not meet statutory requirements. This staff report now contains an approval letter from CDPHE (**FIGURE 2**) approving the project. City Planning Commission needs to re-approve this item with the approval letter from CDPHE that is now being presented.

This project is a request for a Certificate of Designation for a long-term landfill consolidation. The site is located south of Van Buren Street on the east and west side of Centennial Boulevard. A Certificate of Designation is required by City Code Section 6.3.105 and Colorado Revised Statutes Section 30-20-104. This site contains a historic landfill that has been determined to be 17.9 acres in size. The owner requested a Voluntary Clean-up Plan (V-CUP) from CDPHE. The plan includes consolidating the non-hazardous material on the site into a 3.6 acre landfill of solid waste compacted in place. The landfill was never permitted; therefore, a Certificate of Designation is required, but the landfill will not be allowed to accept new material. No land use review applications are necessary for this site in conjunction with this request. Once the Certificate of Designation is approved, the owner can begin landfill consolidation, grading of the site, and the construction of Centennial Boulevard.

### 2. Applicant's Project Statement: (Refer to **FIGURE 3**)

### 3. Planning and Development Team's Recommendation: Approve the Certificate of Designation for a long-term landfill consolidation.

## **BACKGROUND**

1. Site Address: No address exists for this site. It is located south of Van Buren Street, east and west of the Centennial Boulevard extension.
2. Existing Zoning/Land Use: PUD (Planned Unit Development)
3. Surrounding Zoning/Land Use:
  - North: PUD (Planned Unit Development)/office, commercial, light industrial
  - South: R (Residential Estate)/single-family residential
  - East: R2 (Two-Family Residential)/one and two family residential
  - West: R (Residential Estate)/City of Colorado Springs owned parkland
4. Comprehensive Plan/Designation: Changing Neighborhood
5. Annexation: The property was annexed in 1971 as part of Mesa Addition #2.
6. Master Plan/Designated Master Plan Land Use: Mesa Springs Master Plan/residential
7. Subdivision: The property is unplatted.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The site is currently vacant and has never been developed. It includes areas of steep grade and significant vegetation. The site is bounded by the Mesa Creek on the western boundary.

## **STAKEHOLDER PROCESS AND INVOLVEMENT**

The public process involved with the review of this application included posting the property at the City Administration Building thirty (30) days prior to the City Planning Commission meeting on June 20, 2019. Postcards were sent to property owners within 1000 feet of the property thirty (30) days prior to the City Planning Commission hearing and a poster was placed on the property 30 days prior to the meeting. The notice was also published in the Gazette. The public notice requirements were in compliance with City Code Section 6.3.105, City Zoning Code Chapter 7, and Colorado Revised Statutes ("C.R.S.") Section 30-20-104.

The application was sent to the standard internal and external agencies for review and comment. All review comments received have been addressed. Review agencies for this project included Colorado Springs Utilities, City Traffic, City Engineering, City Fire Department and Police/E-911, School District 11, and Floodplain and Enumerations.

## **ANALYSIS OF REVIEW AND CONFORMANCE WITH CITY COMPREHENSIVE PLANNING**

### **1. Review Criteria/Design & Development**

This site is comprised of two parcels, one on the east side of Centennial Boulevard totaling 9.09 acres and one on the west side of Centennial Boulevard totaling 29.5 acres for a total of 38.6 acres. Approximately 17.9 acres of the property on the west side of Centennial Boulevard is underlain with an abandoned landfill. Numerous investigations have been performed on the site beginning in 1986. Aerial photographs dictate that the landfill was active from 1950 to at least 1966. The depth of the solid waste varies from 5 feet to over 40 feet. The CDPHE records do not show a registered or permitted landfill for this site. The landfill contains both municipal and construction wastes and soil boarding indicate that solid waste was not compacted or uniformly placed.

Per the analysis completed as part of the Voluntary Clean-up Plan (**FIGURE 4**), the age, types of waste and varying depths of the waste make this site a prime candidate for long-term landfill consolidation. The process for consolidation involves exposing and excavation of the existing solid waste, relocating the waste and consolidating the waste into a much smaller and more secure landfill cell. Detailed drawings for the consolidation and closure of the landfill are provided in Appendix J of **FIGURE 4**. Consolidation of the landfill footprint within the limits of the existing landfill will keep the landfill over the deepest portions of the existing landfill. Solid waste in the shallower portions will be relocated to the new consolidated landfill area and the area of consolidation will be re-compacted. The final cover will be required to meet the requirements of the CDPHE Solid and Hazardous Waste Commission/Hazardous Material and Waste Management Division regulations. The final cover will address surface water run-off, water infiltration and landfill gas generation. If during the process potentially harmful or hazardous materials are found, the Materials Management Plan must be followed and can be found in Appendix M of **FIGURE 4**.

The site will also be required to follow long-term monitoring and environmental testing for the long-term landfill consolidation. Inspections include groundwater sampling, air sampling and landfill final cover inspection.

The current application for a Certificate of Designation is a stand-alone application that does not contain any additional land use items. The site is currently zoned PUD (Planned Unit Development) for low to high density residential development and a religious institution. A concept plan (**FIGURE 5**) and master plan amendment (**FIGURE 6**) were recently approved. The concept plan and master plan distribute the residential density for the site. A previously approved concept plan included areas of low-medium, medium-high and high density residential land use. The approved concept plan shows only medium-high density residential. The number of units on the site is restricted to 411 per a condition of record in the zoning; the total number of units will not change only the location of the density on the site. In addition, a development plan, showing only grading, (**FIGURE 7**) was approved to allow grading on a property within the Streamside Overlay. This was needed to allow the grading for the site to begin after the Certificate of Designation and the VCUP are approved. The development plan does not show any uses and states that prior to a building permit a complete development plan must be reviewed and approved. The Certificate of Designation is being reviewed in accordance with Chapter 6 (City Code Section 6.3.1) of the City Code the Colorado Revised Statutes (C.R.S. Section 30-20-101).

Under City Code Section 6.3.105, review of a Certificate of Designation for any operation of a landfill within City limits falls under the authority of the City Planning Commission. The applicant has followed the processes for posting and review required by the Colorado Department of Public

Health and Environment (CDPHE) and has received an approval letter from the State (**FIGURE 2**).

City Code Section 6.3.106 outlines four (4) factors to be considered by the City Planning Commission when reviewing the Certificate of Designation. The following list, including the justifications that the Land Use Review Division considered while reviewing the application, contains the relevant review factors:

a. *The effect that the solid waste disposal site or facility will have on the surrounding property, taking into consideration the types of processing to be used, surrounding property uses and values, and wind and climatic conditions.*

The site is an existing historic landfill. The proposal is to clean-up the landfill and consolidate it into a long-term landfill. This site has never been developed due to the historic landfill. Once the landfill is cleaned up, re-compacted, and appropriately covered, the landfill area will be reduced to 3.6 acres and the surrounding land will be able to be built on once appropriate land use entitlement approvals are granted. Staff finds that surrounding properties values will not be adversely affected by this use.

b. *The convenience and accessibility of the solid waste disposal site or facility to potential users*

The proposed site will be a closed landfill. After the property has been cleaned and the landfill consolidated, no new landfill material will be allowed to be accepted. The site will be required to do long-term monitoring and environmental testing.

c. *The ability of the applicant to comply with the health standards and operating procedures required by this article and by the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and the regulations promulgated thereunder by the Colorado Department of Public Health and Environment found at 6 CCR 1007.2.*

A letter from the Colorado Department of Public Health and Environment has been provided to the City and notes that the health standards and operating procedures required by the state have been followed. (**FIGURE 2**)

d. *Recommendations by the various departments and divisions of the Health Department.*

El Paso County Public Health has reviewed this application and supports the Colorado Department of Public Health and Environment recommendations for this facility. (**FIGURE 8**)

## 2. Conformance with the City Comprehensive Plan

PlanCOS, the City's newly adopted Comprehensive Plan, is a high level and visionary document. A Certificate of Designation is a unique application that does not fully fit the mold of a typical land use applications; however, the final development of the land does fit within many of the themes proposed by PlanCOS. Two of the six themes are pertinent to and align with the final development resulting from the Certificate of Designation approval: Unique Places and Thriving Economy.

The area under review falls within the changing neighborhood typology within the Vision Map. The area south of Fillmore Street and north of Fontanero Street has been a part of the City of Colorado Springs for many years, but a large part of this area was never developed. The fact that extension of Centennial Boulevard, planned in the 1980's, is now planned to be built in the next two – three years is making this area prime for development. Centennial Boulevard now extends

south to Van Buren Street, but in the next two to three years will extend all the way south to Fontanero Street making a needed north-south connection.

PlanCOS lists ten common contributing elements for Unique Places. The Certificate of Designation aligns most closely with the new/developing corridors typology. The approval of the Certificate of Designation would allow the VCUP process to commence and clean-up the landfill under the Centennial Boulevard right-of-way. Without this cleanup effort, the construction of Centennial cannot be completed to Fontanero Street. Once Centennial Boulevard is completed, the corridor of Centennial Boulevard will begin to finalize its full development.

Another theme identified from the Plan focuses on Thriving Economy. Again, many of the common desired elements for this theme are well aligned with the proposed project. Within this theme there are three established 'big ideas' that all have substantial applicability; Expand our Base, Think and Act Regionally, and Embrace Sustainability. The physical development of Colorado Springs depends on the strong local economy. The Veteran's Affairs (VA) Clinic was constructed at the clean corner of Fillmore Boulevard and Centennial Boulevard in 2013 as the beginning of the development along Centennial. Olson Plumbing and Heating is relocating their 100 year old Colorado Springs business along Centennial Boulevard. These two businesses are examples of businesses that are cornerstones to the economy of Colorado Springs. **FIGURE 9** provides a visual map to show how this application meets the PlanCOS themes.

**It is the finding of the Planning and Development Department that the Certificate of Designation application substantially conforms to the PlanCOS goals and objectives.**

3. Conformance with the Area's Master Plan

This site is within the Mesa Community Master Plan. The proposed application is a clean-up of a site that was used as a landfill. The clean-up of the site will allow the property to be developed in conformance with the approved Master Plan.

**STAFF RECOMMENDATION**

**CPC DP 18-00151 – Certificate of Designation**

Approve a Certificate of Designation for a long-term landfill consolidation for the MVS Centennial property located south of Van Buren Street on the east and west side of Centennial Boulevard, based on the finding that the Certificate of Designation request complies with the review criteria for a Certificate of Designation set forth in City Code Section 6.3.106.