



## Quick Facts

**Applicant**

NES Inc

**Property Owner/Developer**

MVS Development LLC

**Address / Location**

1050 Virtue Heights / Southwest of Van Buren Street and Centennial Boulevard intersection

**TSN(s)**

7401200011, 7401202001, 7401202002, 7401202003

**Zoning and Overlays**

PDZ (Planned Development Zone) District

**Site Area**

12.58 acres

**Proposed Land Use**

Multi-Family

**Applicable Code**

UDC

## Project Summary

The proposal is an amendment to the MVS Centennial Certificate of Designation, CPC DP 18-00151, approved by City Planning Commission June 20, 2019. The amendment is to clarify to the extent of the legal definition of a “facility” to which the Certificate of Designation relates and remove trash-free areas within the existing Certificate of Designation. (see “Project Statement” attachment).

File Number	Application Type	Decision Type
DEPN-23-0019	Certificate of Designation Amendment	Quasi-Judicial

## Background

### Prior Land-Use History and Applicable Actions

<i>Action</i>	<i>Name</i>	<i>Date</i>
Annexation	Mesa Addition No. 2 Annexation	1971
Subdivision	Allaso Peak Filing No. 1	2022
Master Plan	Mesa Springs Community Plan and Holland Park West	
Prior Enforcement Action	N/A	

### Site History

The site obtained approval from City Planning Commission on June 20, 2019 for the MVS Centennial Certificate of Designation, CPC DP 18-00151 consisting of 38.6 acres. Within the scope of the Certificate of Designation was a Voluntary Clean-Up Plan (VCUP) (see “VCUP Application” attachment) that requires approval by the Colorado Department of Public Health (CDPHE), which was obtained on July 1, 2019, and further modification approved on January 8, 2021. On March 18, 2021, the voluntary clean-up activities were determined to be completed by CDPHE. The VCUP removed trash from certain areas. Trash does remain; this amendment is only to remove the areas determined to be trash-free. The purpose of the requested amendment is to clarify the extent of the legal definition of the “facility” to which the Certificate of Designation relates, and to remove the confirmed trash-free areas from the legal definition of “facility”.

### Applicable Code

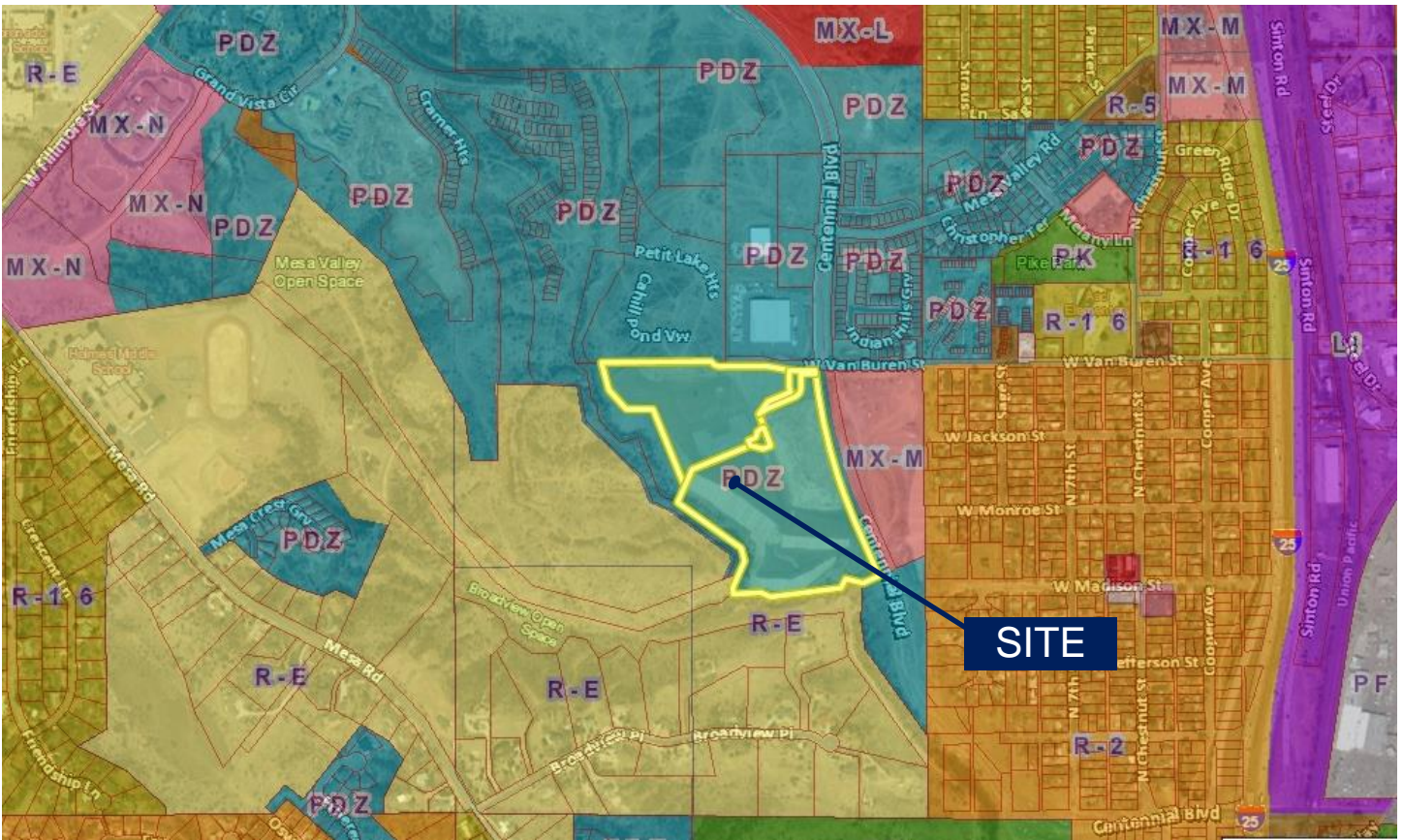
The provisions of City Code related to Certificate of Designation are in Chapter 6 Article 3 Public Health and Sanitation – Solid Waste Disposal.

## Surrounding Zoning and Land Use

### Adjacent Property Existing Conditions

	<i>Zoning</i>	<i>Existing Use</i>	<i>Special Conditions</i>
North	PDZ	Multi-Family/Commercial	N/A
West	R-E	Single-Family Detached/Open Space	N/A
South	R-E	Single-Family Detached/Open Space	N/A
East	MX-M/R-2	Future Commercial/Single-Family Detached	N/A

### Zoning Map



## Stakeholder Involvement

### Public Notice

**Public Notice Occurrences**  
*(Poster / Postcards)*

A Certificate of Designation requires a poster up for 30 days prior to the hearing, a newspaper article at least 10 days but not more than 30 days, and a notice posted outside the City Clerk’s Office for 30 days (see “City Clerk Affidavit” attachment)

## Timeline of Review

Initial Submittal Date	February 2023
Item(s) Ready for Agenda	December 16, 2024

## Agency Review

**Colorado Springs Utilities Environmental**

A referral was sent out on each of the submittal cycles; comments were addressed, with the major component of adding methane monitoring to the utility easements.

**CDPHE**

A requirement from City Code Section 6.3.105 is once CDPHE provides a recommendation, then the item may be referred to Planning Commission. CDPHE has provided such recommendation of approval (see “CDPHE Recommendation” attachment).

## Certificate of Designation Amendment

### Summary of Application

The proposed amendment is to remove the confirmed areas of being ‘trash-free’ from what is identified as a ‘facility’ (see “Exhibit A” attachment). As the clean-up has been completed, there is identified areas that trash was left in place due to depth or compromising positions to extract. The owner/operator was able to confirm the ‘trash-free’ areas. They are proposing to remove these confirmed areas from the legal term of ‘facility’. CDPHE has reviewed and provided necessary recommendations. Within the recommendations are listed conditions that the owner/operator must continue to follow even for the areas to be removed. These areas are still identified within Restrictive Notices (RNs) and the Engineering Design and Operations Plan (EDOP) for post clean-up monitoring.

### Application Review Criteria

#### City Code Section 6.3.106 – Factors to be Considered

In reviewing an application or amended application for a certificate of designation, the Planning Commission shall include, but not limit, consideration to a review of the following factors:

1. 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;
2. The convenience and accessibility of the solid waste disposal site or facility to potential users;
3. 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;
4. Recommendations by the various departments and divisions of the Health Department

Staff finds that the proposal meets the Factors to be Considered and eligible for Planning Commission's decision.

## Statement of Compliance

### DEPN-23-0019

After evaluation of the Amendment to Certificate of Designation MVS Development, LLC the application meets the Factors to be Considered.