

An appeal has been filed by Mr. Patrick Meade regarding City Planning Commission's decision to deny the proposed Conditional Use application for the Iron Mountain Demolition and Roll-Off transfer station. City Planning Commission's motion to approve the aforementioned Conditional Use failed to receive a majority, and failed with a tie vote of 4 - 4 with one Commissioner excused.

This project is a Conditional Use to allow a construction and demolition debris transfer facility on a 1.27 acre property that is zoned M-1 (Light Industrial) and located at 3310 and 3320 North Cascade Avenue. Transfer facilities are a conditional land use within the M-1 zone district. This Conditional Use application is partially the result of a zoning enforcement action.

Under City Code Section 7.5.704, a Conditional Use application may be approved if the following three findings are made: 1). That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured; 2). That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare; and 3). That the conditional use is consistent with the Comprehensive Plan of the City.

Please see the attached Planning Commission staff report for further details and analysis.

Previous Council Action:

City Council has not had any prior action regarding this application.

Background:

Iron Mountain Demolition and Roll-Off, formerly Baldwin Demolition and Roll-Off, provide roll-off containers, trucking services, and demolition services to the construction industry. The roll-off containers placed at a construction site collect discarded construction materials. When full, those roll-off containers are transported to the subject site, the contents dumped, recyclable materials are sorted from the debris, and all material is placed into other trucks for transfer to either a landfill or an industrial recycling facility.

Meade Holdings, LLC also own 3106 and 3150 North Cascade Avenue. Iron Mountain Demolition and Roll-Off initially received a notice of zoning violation in January of 2015 for the operation at 3106 and 3150 North Cascade. These properties are zoned PUD (Planned Unit Development) and were intended for a mobile home park.

The subject sites, 3310 and 3320 were purchased by Meade Holdings, LLC in May of 2015, and operation of the transfer station began in October of 2015. Another pre-application meeting was held on November 10, 2015, and the Conditional Use application was received by the Land Use Review Division on November 20, 2015. On November 24, 2015, an additional notice of zoning violation was issued and requested Iron Mountain to cease operation due to complaints received. On December 7, 2015, following the initial public notice of the application, Land Use Review staff met with the applicant to discuss the letters of concern and potential mitigation measures for the site. Staff felt comfortable with the proposed mitigation strategies (please see the attached City Planning Commission Staff Report) and permitted Iron Mountain Demolition and Roll-Off to continue operations pending the final decision of the Conditional Use application.

Land Use Review Division staff is recommending a Condition of Approval which allows staff to reevaluate the Conditional Use one year from the final decision date. This will allow Iron Mountain Demolition and Roll-Off to fully implement the proposed mitigation measures and any recommendations by the City Council. Iron Mountain Demolition and Roll-Off agrees to the proposed

condition.

This item supports the City's strategic goal to promote job creation within the jurisdictional boundaries by increasing local employment opportunities in the construction and other related business' industries.

Financial Implications:

Not Applicable

Board/Commission Recommendation:

At their meeting on February 18, 2016 the City Planning Commission denied the proposed Conditional Use application on a 4 - 4 vote. A tie vote represents a denial.

Stakeholder Process:

Public notice was provided to 28 property owners within 500 feet of the site when the Conditional Use was submitted, and to 31 property owners prior to the Planning Commission meeting and City Council hearing. The site was posted on three occasions: 1) after the submittal of the application, 2) prior to the Planning Commission meeting 3) prior to the City Council hearing.

In total staff received six letters of concern and complaint and the applicant has responded to those letters received within the public comment period. The applicant received a total of nine letters of support.

Staff sent the plans to the standard internal and external review agencies for comments. Most comments have been addressed except two from the Fire Department. These comments shall be addressed prior to closing out the file by staff. Commenting agencies included Colorado Springs Utilities, City Engineering, City Traffic, and City Fire.

Alternatives:

1. Deny the appeal and uphold the decision of City Planning Commission;
2. Approve the appeal, reversing the decision of the City Planning Commission; or
3. Refer the matter back to the City Planning Commission only if new material evidence is presented to Council that was not considered by the Planning Commission.

Proposed Motion:

Grant the appeal, reversing the Planning Commission's decision to deny the Conditional Use application, and approve the Conditional Use for Iron Mountain Demolition and Roll-Off and Meade Holdings, LLC based upon the finding that the Conditional Use complies with the review criteria in City Code Section 7.5.704, subject to compliance with the condition of approval listed below:

Condition of Approval

1. This Conditional Use shall be scheduled for review by the Land Use Review Division no later than March 31, 2017 to ensure recommendations have been implemented and to ensure the proposed mitigation strategies are effective for the surrounding neighborhood. If this action is not fully completed by February 28, 2017, the City may take any applicable enforcement action permitted under the City Code. If staff determines Iron Mountain Demolition and Roll-Off is not in compliance at this review, staff shall recommend the application to the City Planning Commission for further review and decision.

Not Applicable