



CITY PLANNING COMMISSION AGENDA

**THURSDAY, JUNE 19, 2014
8:30 A.M.**

**CITY HALL COUNCIL CHAMBERS
107 NORTH NEVADA AVENUE
COLORADO SPRINGS, CO 80903**

CITY PLANNING COMMISSION MEETING PROCEDURES

MEETING ORDER:

The City Planning Commission will hold its regular meeting on **Thursday, June 19, 2014 at 8:30 a.m.** in the City Hall Council Chambers at 107 North Nevada Avenue, Colorado Springs, Colorado.

The Consent Calendar will be acted upon as a whole unless a specific item is called up for discussion by a Planning Commissioner, a City staff member, or a citizen wishing to address the Planning Commission.

When an item is presented to the Planning Commission the following order shall be used:

- City staff presents the item with a recommendation;
- The applicant or the representative of the applicant makes a presentation;
- Supporters of the request are heard;
- Opponents of the item will be heard;
- The applicant has the right of rebuttal;
- Questions from the Commission may be directed at any time to the applicant, staff or public to clarify evidence presented in the hearing.

VIEW LIVE MEETINGS:

To inquire of current items being discussed during the meeting, please contact the Planning & Development Team at 719-385-5905, tune into local cable channel 18 or live video stream at www.springsgov.com.

CITY PLANNING COMMISSION COMPREHENSIVE PLAN AND REVIEW CRITERIA

COMPREHENSIVE PLAN:

The City Planning Commission uses the Comprehensive Plan as a guide in all land use matters. The Plan is available for review in the Land Use Review Office, located at 30 S. Nevada Avenue, Suite 105. The following lists the elements of the Comprehensive Plan:

- Introduction and Background
- Land Use
- Neighborhood
- Transportation
- Natural Environment
- Community Character and Appearance
- 2020 Land Use Map
- Implementation

The Comprehensive Plan contains a land use map known as the 2020 Land Use Map. This map represents a framework for future city growth through the year 2020, and is intended to be used with the Comprehensive Plan's goals, policies, objectives and strategies. It illustrates a desired pattern of growth in conformance with Comprehensive Plan policies, and should be used as a guide in city land use decisions. The Comprehensive Plan, including the Land Use Map, may be amended from time to time as an update to city policies.

APPLICATION REVIEW CRITERIA:

Each application that comes before the Planning Commission is reviewed using the applicable criteria located in the *Appendix* of the Planning Commission Agenda.

CITY PLANNING COMMISSION APPEAL INSTRUCTIONS

In accordance with Chapter 7, Article 5, Part 906 (B) (1) of the City Code, "Any person may appeal to the City Council any action of the Planning Commission or an FBZ Review Board or Historic Preservation Board in relation to this Zoning Code, where the action was adverse to the person by filing with the City Clerk a written notice of appeal. The notice of appeal shall be filed with the City Clerk no later than ten (10) days after the action from which appeal is taken, and shall briefly state the grounds upon which the appeal is based."

Accordingly, any appeal relating to this Planning Commission meeting must be submitted to the City Clerk (located at 30 S. Nevada Avenue, Colorado Springs, CO 80903) by:

Monday, June 30, 2014

A **\$176** application fee and a justification letter specifying your specific grounds of appeal shall be required. The appeal letter should address specific City Code requirements that were not adequately addressed by the Planning Commission. City Council may elect to limit discussion at the appeal hearing to the matters set forth in your appeal letter.

CITY PLANNING COMMISSION MEETING AGENDA THURSDAY, JUNE 19, 2014

1. Approval of the Record of Decision (minutes) for the May 15, 2014 City Planning Commission Meeting
2. Communications
 - Introduction of New Commissioners
 - Selection of Chair and Vice Chair
3. Consent Calendar (Items A-B.2) Page 7
4. New Business Calendar (Items 4-5.B) Page 24
- Appendix – Review Criteria Page 103

CONSENT CALENDAR		
ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: A CPC CU 14-00036 (Quasi-Judicial)</p> <p>PARCEL NO.: 6329303004</p> <p>PLANNER: Rachel Teixeira</p>	<p>A request by Patriot Motors on behalf of Penzes Properties LLC, for consideration of a conditional use development plan to operate an automotive sales establishment at 3511 – 3513 North El Paso Street. The subject property consists of 0.31 acre, is located at the southeast corner of North El Paso Street and North Prospect Street, and is zoned M1 (Light Industrial).</p>	7
<p>ITEM NO.: B.1 CPC PUZ 14-00040</p> <p>ITEM NO.: B.2 CPC PUD 14-00041 (Quasi-Judicial)</p> <p>PARCEL NO.: 6401404009</p> <p>PLANNER: Steve Tuck</p>	<p>Request by Millie Carlton on behalf of the International Church of Foursquare Gospel for consideration of the following development applications:</p> <ol style="list-style-type: none"> 1. A zone change from PUD/AO/SS (Planned Unit Development: religious institution with Streamside and Airport Overlays) to PUD/SS/AO (Planned Unit Development: religious institution, public assembly with Streamside and Airport Overlays). 2. The Swan House Manor development plan for the conversion of the existing religious institution to a wedding and events center (public assembly) while retaining the opportunity to use the property for a religious institution. <p>The property consists of 6.99 acres and is located at 5515 Palmer Park Boulevard.</p>	15

NEW BUSINESS CALENDAR

ITEM NO.	PROJECT DESCRIPTION	PAGE NO.
<p>ITEM NO.: 4 CPC DP 14-00054 (Quasi-Judicial)</p> <p>PARCEL NO.: 6330207005</p> <p>PLANNER: Lonna Thelen</p>	<p>Request by Healthcare Medical Waste Services Facility on behalf of Sinton Property LLC for consideration of a Certificate of Designation for a new medical waste treatment facility in a 5,900 square-foot portion of the existing building at 4325 Sinton Road. The subject property is zoned M-1 (Light Industrial), consists of 2 acres and is located at 4325 Sinton Road.</p>	24
<p>ITEM NO.: 5.A CPC ZC 14-00030</p> <p>ITEM NO.: 5.B AR DP 12-00464 (Quasi-Judicial)</p> <p>PARCEL NO.: 6407206026</p> <p>PLANNER: Rick O'Connor</p>	<p>Request by Jim Little and Peggy McKinlay for consideration of the following development applications:</p> <ul style="list-style-type: none"> A. A rezone of approximately 0.87 acre from PBC (Planned Business Center) and R-2 (Two-Family Residential) to PBC. B. A development plan amendment for Coal Train Liquor's 3,354 square foot addition. <p>The property is located at 330 West Uintah Street, on the north side of Uintah and east of I-25.</p>	84

CONSENT CALENDAR

ITEM: A

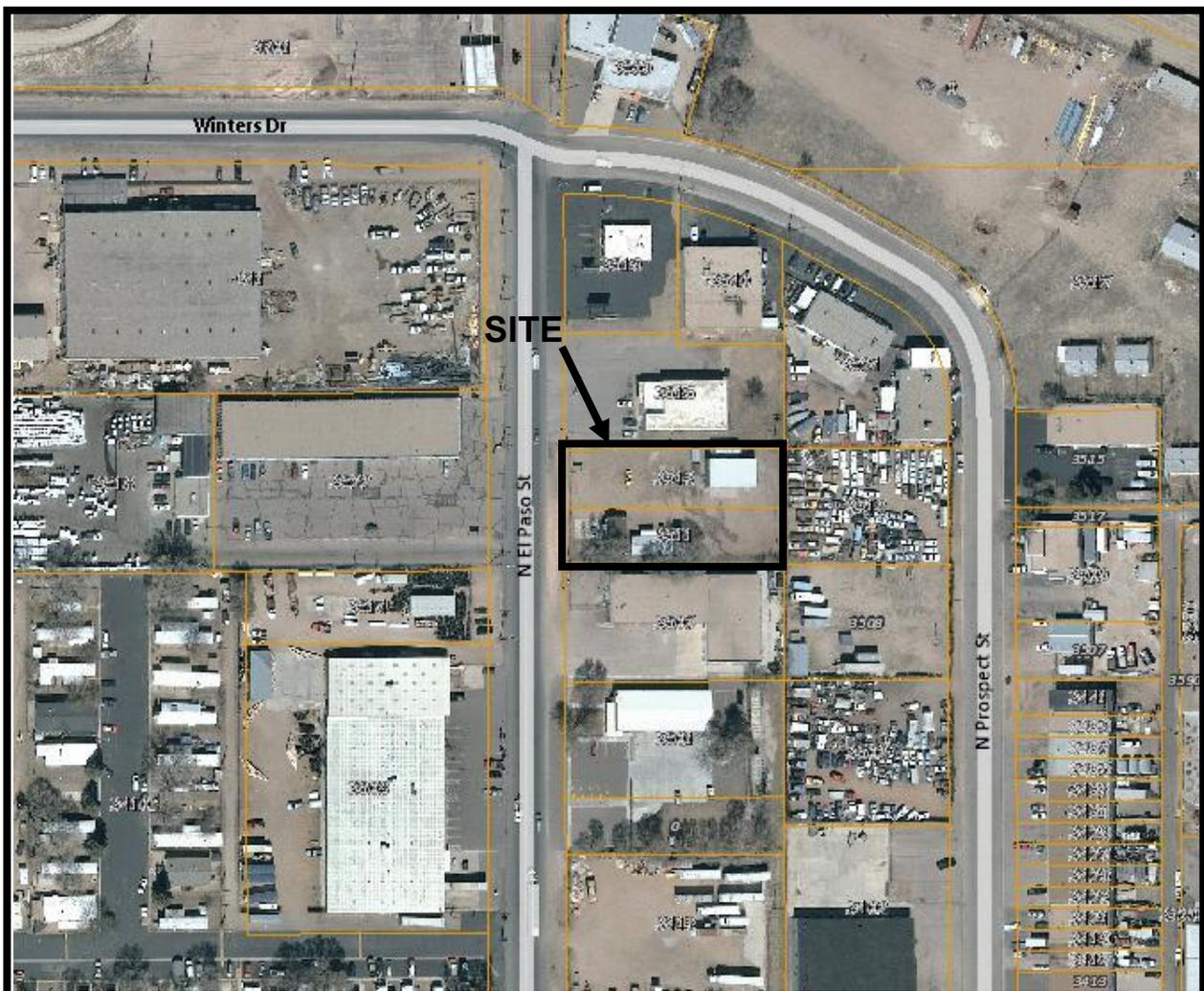
STAFF: RACHEL TEIXEIRA

FILE NO:
CPC CU 14-00036 – QUASI-JUDICIAL

PROJECT: AUTOMOTIVE SALES: 3511 – 3513 NORTH EL PASO STREET

APPLICANT: CLINT SCRUGGS, PATRIOT MOTORS

OWNER: PENZES PROPERTIES LLC



PROJECT SUMMARY:

1. Project Description: This is a request for a conditional use within the M1 (Light Industrial) zone district to allow an automotive sales business at 3511-3513 North El Paso Street. The site is located southeast of North El Paso Street and Winters Drive, and consists of 0.312 acre. **(FIGURE 1)**
2. Applicant's Project Statement: **(FIGURE 2)**
3. Planning & Development Department's Recommendation: Approve the conditional use for automotive sales.

BACKGROUND:

1. Site Address: 3511-3513 North El Paso Street.
2. Existing Zoning/Land Use: M1 (Light Industrial)/ automotive sales.
3. Surrounding Zoning/Land Use:
North: M1/ Commercial Retail.
South: M1/ Commercial Business.
East: M1/ Automotive Storage Yard.
West: North El Paso Street – M1/ Retail & Storage Warehouse.
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center.
5. Annexation: North Colorado Springs Addition No. 2 (November 1970).
6. Subdivision: Pikes Peak Industrial District.
7. Zoning Enforcement Action: Notice and Order Case Number 1312303. Conducting auto sales from the Light Industrial (M1) zone district requires an approved conditional use from the City Planning Commission.
8. Physical Characteristics: The 0.312-acre site is near the southeast corner of North El Paso Street and Winters Drive and has an 800 sq. ft. office building and several storage buildings with a fenced area surrounding the site for automotive sales business. There are a total of 29 parking spaces for employee, customer and display parking on the site.

STAKEHOLDER PROCESS AND INVOLVEMENT:

The property was posted during the internal review phase and 25 property owners within a 500-foot radius received notification of this conditional use request. One property owner provided a letter, dated April 3, 2014, in support of the proposed business. The property will again be posted and owners notified prior to the June 19th City Planning Commission meeting.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Analysis of Review Criteria:
The applicant proposes to legalize the automobile sales business at 3511-3513 North El Paso Street. A conditional use is required for auto sales in the M1 zone.

Initially the property was a mobile home sales and mobile home repair business prior to the acquisition by the current property owner. The business also included storage of vehicles and parts for mobile homes. Next, the land use for the site was storage of vehicles and equipment after the mobile home business relocated. The site has been in operation as an automotive sales business, Patriot Motors for almost a year. The property owner was cited by Code Enforcement in October of 2013 and the property owner and applicant have been working with Planning and Development to obtain a conditional use for the auto sales business, Patriot Motors.

There is adequate parking on site for the auto sales business which is based on one (1) parking space per 400 sq. ft. for the 800 sq. ft. existing office building and one (1) space per 1,000 sq. ft. for the 2,526 square feet total storage. A total of five parking spaces are required and eleven parking spaces are provided on-site for the employee and customers. In addition, there are 18 parking spaces provided for auto display. The vehicle display area for the auto sales has been designated along the front and back half of the property. **(FIGURE 1)**

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Map designates this site as Employment Center. There are a number of Comprehensive Plan objectives and policies that support the proposed project, including:

Strategy N 201c: Evaluate Land Use Proposals Recognizing Anticipated Changes to Neighborhood Conditions

Evaluate land use proposals in existing, stable neighborhoods on the basis of projected changes in scale, traffic patterns, intensity of use, pedestrian orientation, and relationship of the site to adjacent development.

Policy N 202: Assist and Support Established and Redeveloping Neighborhoods

Assist established and redeveloping neighborhoods in neighborhood planning, improving transportation and infrastructure systems, and promoting redevelopment efforts.

Strategy N 202g: Revise Development Standards to Achieve Compatibility

Apply development standards to all redevelopment projects so they achieve compatibility with existing neighborhood scale, promote a balance of land uses and protect historic resources

This conditional use request is consistent with the intent of the Comprehensive Plan.

3. Conformance with the Area's Master Plan: No master plan exists for this area.

Criteria for Granting a Conditional Use

A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.

Staff finds that the conditional use will not injure the value and quality of the surrounding neighborhood. The site is surrounded by commercial, retail and industrial land uses in the Light Industrial (M1) zone district. The proposed automotive sales business is compatible with these land uses and is consistent with the previous uses of the property. The property has been previously used as a mobile home sales and repair facility. The proposed change in use will have negligible impacts compared to the previous use.

B. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.

The request is for an auto sales business use, which will be consistent with the intent and purpose of the Zoning Code in order to promote public health, safety and general welfare. The proposed use will occupy an existing, 800 square foot, office building on a 0.312-acre parcel with existing storage buildings which will not disrupt the commercial and retail tenants adjacent to and across the street from the site.

There is adequate parking for the proposed automotive sales use with a total of 29 parking spaces.

C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The proposed automotive sales and conditional use development plan conforms to goals and policies of the City Comprehensive Plan. The project provides a service for the vicinity and is also compatible with the various commercial and industrial uses adjacent to and across the street.

STAFF RECOMMENDATION:

ITEM : A CPC CU 14-00036 – CONDITIONAL USE

Approve the conditional use to allow automotive sales at 3511-3513 North El Paso Street based upon the findings that the Conditional Use request complies with the three criteria for granting a conditional use as set forth in City Code Section 7.5.704 and the development plan review criteria in City Code Section 7.5.502(E).

IMPROVEMENT LOCATION CERTIFICATE



**PENZES PROPERTIES LLC.
 (3511 & 3513 NORTH EL PASO STREET)**

APPLICANT: PATRIOT MOTORS #368-8089
 OWNER: PENZES PROPERTIES LLC
 TSN: #6329303004 AND #6329303005
 SUBDIVISION: PIKES PEAK INDUSTRIAL DISTRICT
 ZONE: M1 (LIGHT INDUSTRIAL)
 USE OF SITE: AUTOMOTIVE SALES ESTABLISHMENT
 WITH OFFICE & STORAGE.
 LOT SIZE: 13,593 SQ. FT. (0.312 A)
 24% OF STRUCTURES COVERED FOR SITE

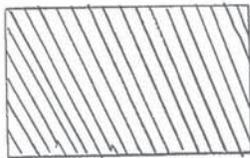
PARKING CALCULATIONS

REQUIRED SPACES:
 800 SQ. FT. OF OFFICE (1 SPACE PER 400) - 2 SPACES
 2,526 SQ. FT. OF STORAGE (1 SPACE PER 1,000) - 3 SPACES
 TOTAL PARKING - 5 SPACES

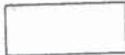
PROVIDED SPACES:

EMPLOYEE PARKING - 4 SPACES
 CUSTOMER PARKING - 6 SPACES
 HANDICAP ACCESSIBLE - 1 SPACE
 DISPLAY PARKING - 18 SPACES
 TOTAL PARKING - 29 SPACES

NOTE: NO AUTOMOBILE REPAIR GARAGE USE FOR THE SITE.



- UNMARKED
 - FILE ZONE



= 1 PARKING SPOT

- ⊙ = FOUND COR.
- ⊕ = WOOD FENCE
- ⊗ = WIRE FENCE
- ⊙-⊙ = CHAIN LINK FENCE

MAP KEY

I hereby certify that this improvement location certificate was prepared for the mortgage lender* and the title insurance company, that it is not a land survey plat or improvement survey plat, and that it is not to be relied upon for the establishment of fence, building, or other future improvement lines. I further certify that the improvements on the above described parcel on this date, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted. - **NO TITLE INFORMATION FOR THIS CERTIFICATE**

LEGAL DESCRIPTION

3511 - 3513 NORTH EL PASO ST.
 COLORADO SPRINGS, COLORADO

1-29-2014

LOTS 5 AND 6, BLOCK 1, PIKES
 PEAK INDUSTRIAL DISTRICT

OWNER

PENZES PROPERTIES LLC

CPC CU 14-00036

SHEET 1 OF 2

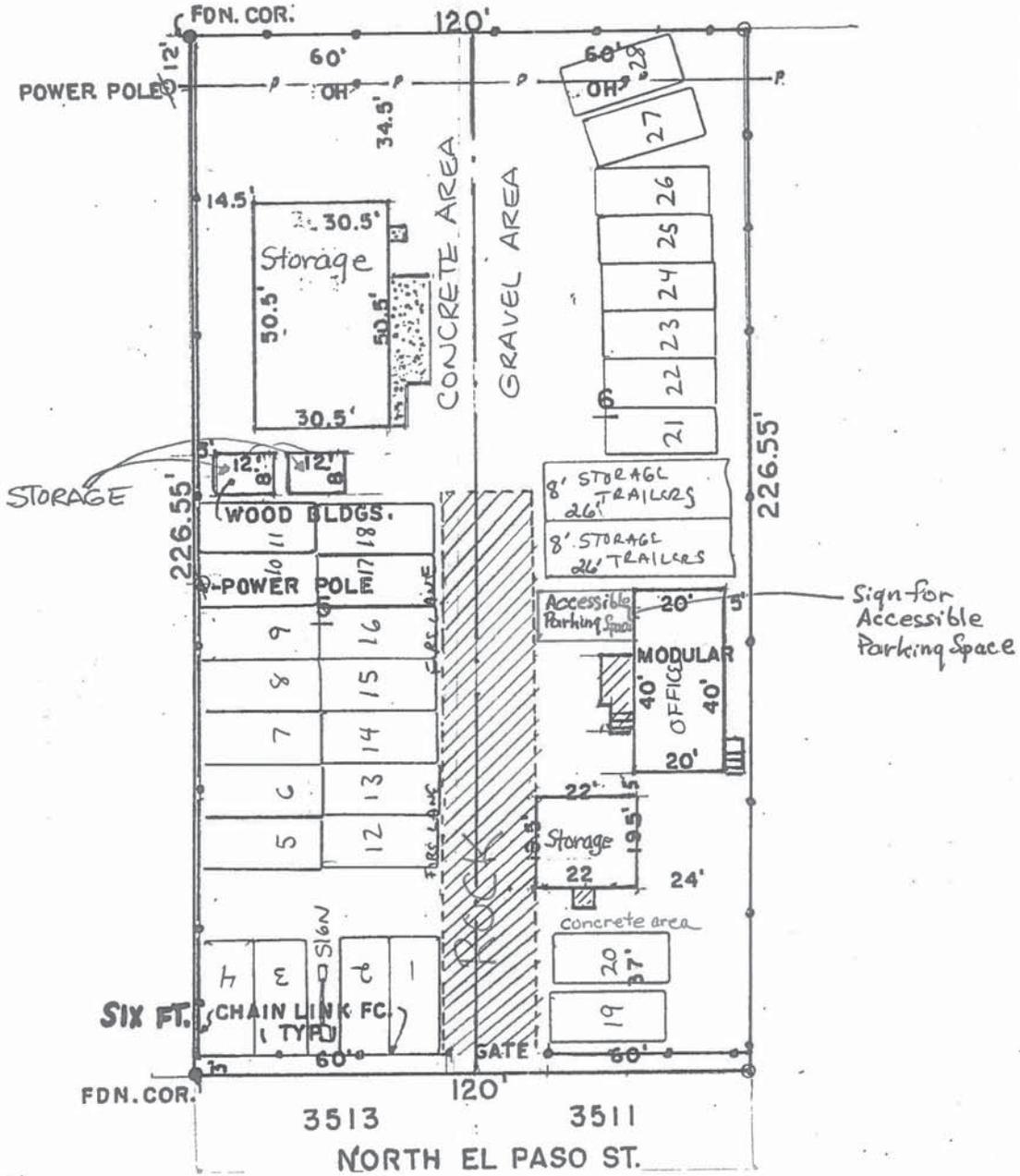


FIGURE 1

IMPROVEMENT LOCATION CERTIFICATE



SCALE: 1" = 30'



DATE - 1-29-2014



CPC CU 14-00036

SHEET 2 OF 2

FIGURE 1

Penze's Properties LLC

Project Statement/Justification Statement

March 19, 2014

Penze's Properties LLC and Patriot Motors Inc are located at 3511/3513 N. El Paso Street on the East side of the street, just south of at the corner of Winters and N. El Paso. We are just south of the old greyhound dog park as well. The Property is zoned M-1 and is platted into two lots addressed as 3513 and 3511. This application requests a conditional use permit for Automotive sales as required by 7.2.302 C.2.c. This section states that an "Automotive Sales establishment consisting of buildings and yards used for display and sale or rental of automobiles, noncommercial trucks, motorcycles, recreational vehicles or boats with a GVWR of fifteen thousand pounds or less, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships and motorcycle dealerships "is not an approved use without a conditional use permit as stated in 7.3.203.

The proposed conditional use for Auto Sales will be for Penze's Properties to continue leasing said property to Patriot Motors Inc for the purpose of selling used cars, trucks, recreational vehicles. This use is very similar to the long history of over 25 years of selling and servicing mobile homes and mobile home parts to the public from the same location. Auto sales from this location are a great fit for the local business and current traffic along this particular part of N. El Paso Street. Within 500 yards of this address 10 plus automotive type repair facilities including but not limited to, tire retailers, impound lots, glass installers, body shops, machine shops, auto transporter and even auto retail sales. Additionally the property neighbors a liquor store, truss manufacturer, Goodwill, large underground construction company, commercial linen service, snowplow landscaping company, Service Master, and mobile home Park. Auto sales are very light impact on the area considering it is already servicing the automotive needs of the community in many other aspects.

Access to the project will be from one gate located at 3513 and 3511 N. El Paso. The entrance will also be used as an unmarked fire zone per request of the Fire Department and is marked on the site plan. Cars will parked inside the fenced area primarily in the front half the property for about 20 units and room in the back half of property for about ten more units including any RV's. This used car operation does not do car repair or detailing onsite. Dealership will do retail sales only. The sales office is a 2 person office with room for 2 sales staff.

The project is not making any proposed changes to the property for this use. The property will remain in the same configuration using existing entrance and exit and current signage.

Review Criteria- Conditional Use

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured. ***This project will provide an automotive use that is congruent and supports surrounding business that will be supported by the local residential parts of the overall neighborhood. The value and quality of the neighborhood will be maintained.***

- B. Intent of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning code to promote public health, safety, and general welfare. ***This application is consistent with the regulations of the Code.***

- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the city. ***A primary goal of the Comprehensive Plan, supported by numerous policies, is the promotion of mixed use. By adding an automotive retail component to the existing commercial fabric of the area, the goals and policies of the Comprehensive Plan are met.***

CITY PLANNING COMMISSION AGENDA

ITEM NOS: B.1, B.2

STAFF: STEVE TUCK

FILE NOS:

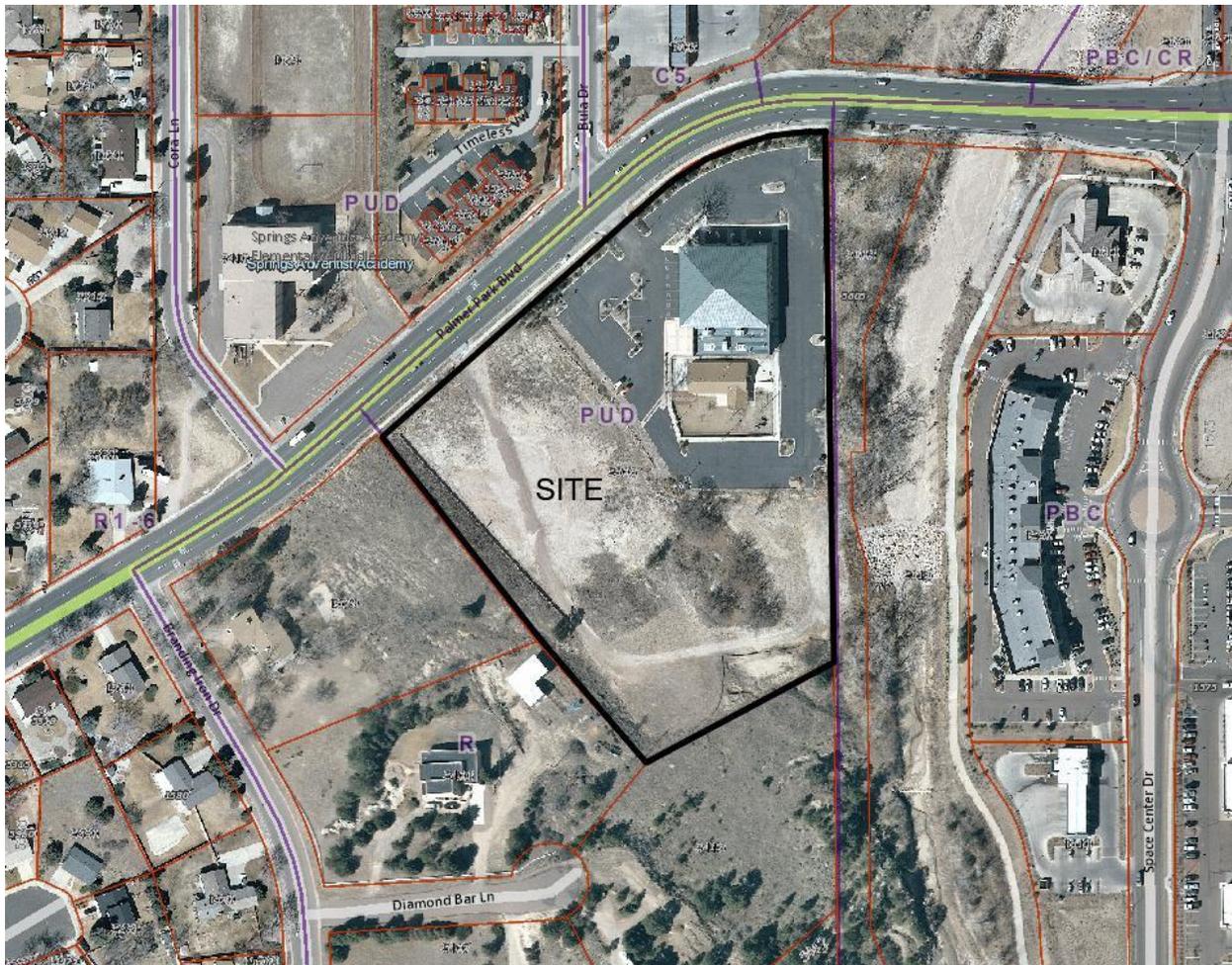
CPC PUZ 14-00040 – QUASI-JUDICIAL

CPC PUD 14-00041 – QUASI JUDICIAL

PROJECT: SWAN HOUSE MANOR WEDDING & EVENT CENTER

APPLICANT: MILLIE CARLTON

OWNER: INTERNATIONAL CHURCH OF FOURSQUARE GOSPEL



PROJECT SUMMARY:

1. **Project Description:** The applications propose rezoning a 6.99-acre, platted lot from PUD/AO/SS (Planned Unit Development for a religious institution, with a 32-foot maximum building height and Airport and Streamside Overlays) to PUD/AO/SS (Planned Unit Development for a religious institution and/or public assembly, with a 32-foot maximum building height and Airport and Streamside Overlays) and the approval of a development plan (**FIGURE 1**) to permit the inclusion of a wedding and event center (public assembly) within the existing church while continuing to allow for religious functions.
2. **Applicant's Project Statement:** **FIGURE 2**
3. **Planning & Development Team's Recommendation:** Approve both the zone change to PUD/AO/SS and the development plan for the Swan House Manor Wedding & Event Center subject to the revisions identified in the technical and/or informational modifications to the development plan.

BACKGROUND:

1. **Site Address:** 5505 and 5515 Palmer Park Boulevard
2. **Existing Zoning/Land Use:** PUD/AO/SS (2000, Ordinance No. 00-81)/religious institution
3. **Surrounding Zoning/Land Use:** North: PUD/AO, C-5/AO/private school, townhomes, car wash
South: R/AO/SS/single-family residence
East: PBC/AO/SS/Sand Creek with commercial further east
West: R/AO/two single-family residences
4. **Comprehensive Plan/Designated 2020 Land Use:** General Residential
5. **Annexation:** 1963, Smartt's Addition No. 9
6. **Master Plan/Designated Master Plan Land Use:** The property is not within an area master plan.
7. **Subdivision:** 2000, Summit Christian Fellowship Subdivision
8. **Zoning Enforcement Action:** None
9. **Physical Characteristics:** The 6.99-acre site is developed with a two-story, 19,700 square-foot church constructed in 2001 and a one story, 3,100 square-foot building constructed in 1981 used for church offices (**FIGURE 1**). Vehicular access is provided from a single driveway onto Palmer Park Boulevard with on-site parking for 177 vehicles. Sand Creek is located along the easterly boundary of the site with mature cottonwood trees along the bank. The westerly and southerly portions of the site have been graded but are undeveloped.

STAKEHOLDER PROCESS AND INVOLVEMENT:

Public notification consisting of an on-site poster and 214 postcards mailed to property owners within 1,000 feet of the property were provided: 1) for a neighborhood meeting at the pre-application stage, 2) after the receipt of the applications, and 3) prior to the Planning Commission meeting.

Fifteen people attended the neighborhood meeting held on March 11, 2014. Issues discussed included the operational aspects of the wedding and event center and the possibility of expansion (none proposed at this time). No comments were received in response to the public notice sent after the applications were submitted.

Agency review comments on the initial development plan were addressed with the submittal of a revised development plan (**FIGURE 1**).

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria/Design & Development Issues:

The property was initially platted in 1964 with Rustic Hills Subdivision No. 3 as three large, single-family lots and a public street (Mountain Greenery Lane which was vacated with Ordinance 00-99). Homes were not built but instead the property was used as a garden center and nursery (Iver's Mountain Greenery) until 1993. In 1998 the property was rezoned to PUD for a townhome development (9.57 dwelling units per acre, 30-foot maximum building height, 64 dwelling units). This project was opposed by the neighbors. The townhome project was not constructed. In 2000 the property was rezoned to PUD with a religious institution as the only permitted use. The church was built in 2001. The applicant has a contract to purchase the property from the church ownership.

The proposed applications request to expand the use from only a religious institution to also include public assembly, which is the use necessary to permit a wedding and event center. The existing buildings and parking areas are to remain as developed with only cosmetic changes to the outside of the buildings and interior remodeling on the inside. No expansion plans to the buildings or grounds are proposed with these applications. Operation characteristics of the wedding and event center are similar to a religious institution, as the greatest concentration of activity is expected to occur on the weekends.

The site is somewhat isolated from the surrounding properties. This separation tends to minimize potential impacts that may occur from the proposed use. The properties to the north are across Palmer Park Boulevard, a principal arterial. Sand Creek borders the east property line between the property and commercial uses to the east, which includes a Wal-Mart store. To the south and east are three single-family homes; however the homes are separated from the existing church by both vertical differences (the building is approximately 40 feet below the grade of the homes) and horizontal differences (the closest home is over 500 feet away). The proposed use appears to result in no significant adverse impacts to the neighboring properties. The project satisfies the review criteria for both the zone change and the PUD development plan.

2. Conformance with the City Comprehensive Plan:

The 2020 Land Use Plan in the Comprehensive Plan shows the property within a General Residential area. Public assembly is shown as an anticipated use within the General Residential category on the 2020 Land Use Map and Master Plan Matrix table in the Comprehensive Plan. The applications are consistent with and conform to the Comprehensive Plan.

3. Conformance with the Area's Master Plan:

This property is not located within an area master plan.

STAFF RECOMMENDATION:

Item No: B.1 CPC PUZ 14-00040 – Zone Change

Approve the zone change from PUD/AO/SS to PUD/AO/SS (Planned Unit Development for a religious institution and/or public assembly with a 32-foot maximum building height with Airport and Streamside Overlays), based on the finding the request complies with the review criteria in City Code Section 7.5.603.B (Establishment or Change of Zone District Boundaries).

Item No: B.2 CPC PUD 14-00041 – Development Plan

Approve the development plan for Swan House Manor Wedding & Event Center, based on the finding the plan complies with the review criteria in City Code Section 7.3.606 (Review Criteria for PUD Development Plan) subject to compliance with the following technical and/or informational modifications to the development plan:

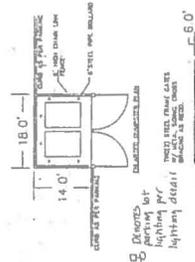
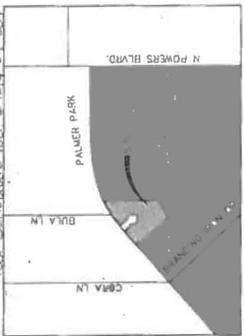
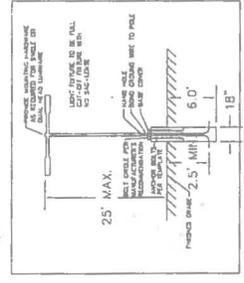
Technical and/or Informational Modifications to the Development Plan:

1. Note the City file number of CPC PUD 14-00041 and the sheet number (7 of 7) in the lower right corner of sheet 7.
 2. Revise the note regarding the avigation easement to indicate the easement was recorded at reception no. 200070104. Delete the information that indicates the easement shall be granted.
 3. Show and identify on sheet 1 the public utility and drainage easements as shown on the plat of the Summit Christian Fellowship Subdivision.
 4. On the drawing on sheet 1 accurately show the location of the existing retaining near the west property line. The wall appears to be approximately 330 feet in length but is drawn on the plan with a length of 560 feet.
 5. On the drawing on sheet 1 either revise the contour intervals to correctly reflect the existing contours for the area west and south of the parking area or provide a note describing the topography in this area. The area has been graded and does not match the drawing.
 6. Identify on the drawing on sheet 1 the street addresses for the 2 buildings (5505 and 5515 Palmer Park Boulevard). Delete the reference to 1610 Mountain Greenery Lane.
-
-

and 1410 Mountain
 Gravelly
 Address

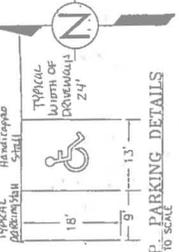
AMENDED DEVELOPMENT PLAN FOR
 SWAN HOUSE MANOR
 WEDDING & EVENT CENTER

5515 and 5505 PALMER PARK BLVD. and 1410 Mountain
 UPDATED-March 19, 2014
 Originally Prepared by: Cornerstone Design & Drafting, Inc.
 320 N. Academy Blvd-Colorado Springs, CO 80909 719-637-0447
 Updated by: Willie Carlton, Phase One Business Development
 5424 Sunshade Point-Colorado Springs, CO 80923 719-238-2687
 TAX SCHEDULE NO. 6404-04-004

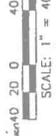


PRIOR TO FILING THE FINAL PLAN, AN AVIGATION EASEMENT SHALL BE OBTAINED FROM THE COUNTY CLERK AND RECORDED IN A FORM ACCEPTABLE TO THE AIRPORT AUTHORITY. THIS EASEMENT SHALL REFERENCE THE AVIGATION EASEMENT RECORDS OF THE AIRPORT AUTHORITY. THE EASEMENT SHALL BE DETERMINED BY THE FLOOD INSURANCE RATE MAP NO. 0804/C0751 EFFECTIVE DATE 3/17/1987.

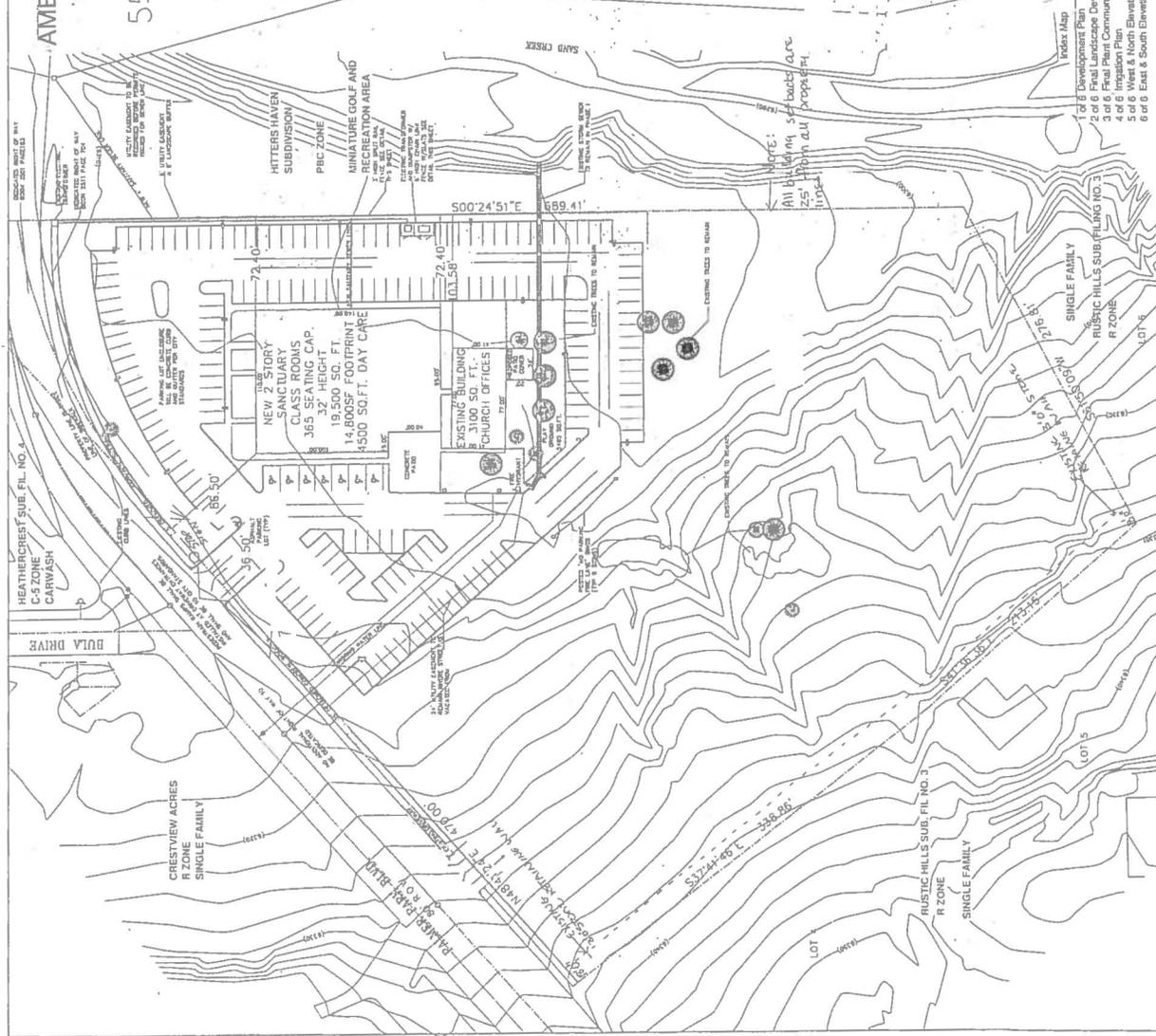
NOTE: EMPTING ZONING PUB/AD/SS ORDINANCE NO. 00-81/RELIGIOUS INSTITUTION W/ 32' MAX. BLDG. HT. Note: Proposed Zoning PUB/AD/SS for religious institution and/or public assembly w/ 32' max bldg. ht.



155 TOTAL SEATING CAPACITY
 170 STANDARD SPACES PROVIDED
 7 HANDICAP SPACES PROVIDED
 177 TOTAL SPACES PROVIDED



LEGAL DESCRIPTION: LOT 1, Summit Christian Fellowship Subdivision D 20 0 40 80 PURCHASERS, Main Canon
 TOTAL SITE ACRES: 7.85 ACRES (286,875 SQ. FT.) INCLUDING VACATED STREET
 BUILDING FOOTPRINT: 18,000 SQ. FT.
 TOTAL ASPHALT: 28,000 SQ. FT.
 TOTAL IMPERVIOUS COVERAGE: 78,895 SQ. FT.
 PERCENTAGE OF IMPERVIOUS COVERAGE: 25%



NOTE: All building setbacks are 25' from all property lines.

- 1 of 8 Development Plan
- 2 of 6 Final Landscape Dev Plan
- 3 of 6 Final Plant Communities & Hydro Plan
- 4 of 6 Final Plant Communities & Hydro Plan
- 5 of 6 Final Plant Communities & Hydro Plan
- 6 of 6 East & South Elevation Plan

FIGURE 1

PROJECT STATEMENT:

Millie Carlton
5515 Palmer Park Blvd.
Colorado Springs, CO 80905
(REZONE of above address)

1. A clear description of the proposed zone change:

Ms. Carlton is proposing a change in zoning status for property located at 5515 Palmer Park Boulevard. The property is currently zoned - PUD/SS/AO/CU and is used exclusively for church activities.

Ms. Carlton is requesting a zone change to include the same current zone status - PUD/SS/AO/CU but with the additional use for church **and** event center status.

Summary: Rezone from church only to church **and** event center use.

2. A justification based on the review criteria why the proposed zone change should be approved:

There will be little noticeable change in traffic, parking, and other activities in and around the building due to the fact that zoning will not change. It will still be PUD/SS/AO/CU with the conditional use being a religious facility **but** will also allow for event center activities.

The current zoning allows for gatherings of 345 people for religious purposes. Most religious activities occur on Sunday leaving the building mostly unoccupied during the week. Ms. Carlton will be facilitating community events which generally occur on Fridays and Saturdays. The primary events to take place at the facility will be weddings which occur on Friday and Saturday. The average wedding guest list is 127 guests so there will be little change in what has already been deemed as acceptable.

Summary: The justification for the zone change is there will be little difference in activities between already approved church activities and event activities. The facility is ideal for both PUD allowances.

3. ...issue list stating...pre-application issues... On February 19, 2014, Ms. Carlton met with the LDTC. (Land Development Technical Committee) The following issues were addressed:

- a. Lydia Maring - Civil Engineer II / No need for drainage information if less than 1 acre is disturbed. Will address phase II construction in the future.
- b. Stacy Salvatore - Engineering Specialist / Show existing drive to remain. Add stop sign at existing unused entrance. Keep trees out of line of sight. Gate must be at least 20' from road entrance into the property. Any new fence must be behind the trees in the landscaping so that the line of sight is not disturbed. Show stone wall on the west of property on phase II plans. Fence on the east side of property must be see through.

c. Steven Smith - Fire Protection Eng. / Must use Knox lock on gate. Fire department already has master key. Any tent for events must be 2400 square feet or smaller or a permit will be required.

d. Connie Perry - Landscape Architect / 15' buffer in surrounding property for utility easements. Will address other landscape issues when phase II commences.

e. Other attendees had no comments at the time.

Mr. Steve Tuck - Senior Planner, City of CS facilitated the meeting. After the LDTC meeting, Ms. Carlton then met with Mr. Tuck to discuss scheduling requirements, posting requirements, and other necessary time sensitive events. Mr. Tuck also gave Ms. Carlton the necessary documents to complete for the City Planning meeting.

Attachment:

PROJECT SUMMARY: (Briefly describe the proposed project...)

The current developed property consists of two buildings totaling 22265 square feet on 6.99 acres zoned PUD/SS/AO/CU and is used as a church.

The proposed commercial use is dual purpose. (No change in zoning status) PUD/SS/AO/CU with church *and* event center use.

CONTACT INFORMATION

Owner: International Church of Foursquare Gospel
Address: P.O. Box 26902
Los Angeles, CA 90026

Owner Representative / Contact: (Selling / Leasing Broker)

Mr. Jim Spittler, Jr., SIOR
Business line: 719-577-0044
Direct line: 719-667-6877
Cell: 719-332-6528

spittler@highlandcommercial.com

NAI Highland, LLC
Commercial Real Estate Services, Worldwide
Two North Cascade Avenue, Suite 300
Colorado Springs, CO 80903

NEW BUSINESS CALENDAR

ITEM NO: 4

STAFF: LONNA THELEN

FILE NO:
CPC DP 14-00054 – QUASI-JUDICIAL

PROJECT: HEALTHCARE MEDICAL WASTE SERVICES FACILITY – 4325 SINTON RD.

APPLICANT: HEALTHCARE MEDICAL WASTE SYSTEMS

OWNER: SINTON PROPERTY LLC



PROJECT SUMMARY:

1. Project Description: This project is a request for a Certificate of Designation for a medical waste treatment facility. The site is located at 4325 Sinton Road, contains 2.0 acres and is zoned M-1 (Light Industrial). A Certificate of Designation is required by City Code section __6.3.105__ and Colorado Revised Statutes section 30-20-104. No land use review applications are necessary given the M-1 zoning of the property and the classification of the use as “light industrial”.
2. Applicant’s Project Statement: **(FIGURE 1)**
3. Planning and Development Department’s Recommendation: Approve the certificate of designation for a medical waste treatment facility.

BACKGROUND:

1. Site Address: 4325 Sinton Road
2. Existing Zoning/Land Use: M-1 / Industrial
3. Surrounding Zoning/Land Use:
North: M-1 / commercial
South: M-1 / office
East: M-1 / office/warehouse
West: M-1 / I-25
4. Comprehensive Plan/Designated 2020 Land Use: Employment Center
5. Annexation: Holland Park Addition #4, 1961
6. Master Plan/Designated Master Plan Land Use: No master plan exists for this site.
7. Subdivision: Max-Don North Subdivision Filing No. 1
8. Zoning Enforcement Action: No enforcement actions.
9. Physical Characteristics: The site is fully developed with an existing structure and parking.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved with the review of this application included posting the property and the City administrative offices building thirty (30) days prior to the City Planning Commission meeting. Postcards were sent to property owners within 500 feet of the property ten (10) days prior to the City Planning Commission meeting. The notice was also published in the Gazette. The public notice requirements were in compliance with City Code § 6.3.105, the City Zoning Code in Chapter 7, and Colorado Revised Statutes (“C.R.S.”) § 30-20-104.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

The site under review is located at 4325 Sinton Road and currently has a 30,195 square foot building used for office, warehouse, and distribution. The medical waste processing facility (“MWPF”) is proposing the use of 5,900 square feet of the structure for their operations. The MWPF use is considered to be a light industrial use and is permitted in the M-1 zone district. Because the proposed change of use is to a use permitted in the zone district and the site does not have an existing development plan, Chapter 7 of the City Code allows the applicant to proceed to building permit without an amendment to the development plan. Chapter 6 of the City Code, however, requires that any user processing solid waste follow the requirements of C.R.S. § 30-20-101, et seq., **(FIGURE 2)** and City Code § 6.3.101, et seq. **(FIGURE 3)**.

Under City Code § 6.3.105, review of a Certificate of Designation for any operation processing solid waste within the 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 (**FIGURE 4**) and has received recommendation of approval from the State with three conditions. The three conditions are to provide a financial assurance, complete onsite verification testing, and to receive approval by the City Planning Commission for their Certificate of Designation (**FIGURE 5**).

The MWPF will sterilize and convert infectious medical waste into a product that can be disposed of at a landfill. The medical waste will arrive via collection vehicles and tractor-trailer vans from medical facilities around the state. Once at the facility, the waste will be offloaded into the site via plastic containers with a liner inside that contain the medical waste to be processed. The medical waste will be placed into a large container that is connected to the Sti Biosafe machine for processing (a video is available at <http://stibiosafe.com/62> to view this process). The processing includes sterilization of the infectious medical waste by mechanical and thermal means. The sterilized material is then placed in a 35 yard self-contained compactor similar to the compactors used at grocery stores. Once the compactor is full, the sterilized waste is taken to the landfill.

City Code § 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 located within an industrial area and is surrounded by industrial and commercial users. The operation consists of transportation of medical waste to the facility and processing of the medical waste to a product that is no longer contaminated. The processing is completed by a machine that is totally enclosed within the building. The only external by-product is steam. 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 site location is centrally located within the City. It has easy access to Garden of the Gods Road and to I-25. The site is easily accessible for all users.

- 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 5**)

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 6)**

2. Conformance with the City Comprehensive Plan:
Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Objective LU 8: Integrate Employment Centers into the Wider City Land Use Pattern

Colorado Springs has been successful at attracting and retaining major employers and growing small businesses, which has led to a healthy, thriving economy. However, the needs of employers, such as land requirements, location considerations, and availability of housing, must be balanced with overall quality of life issues. Employment activities that are not integrated into the community lead to higher infrastructure costs, increase traffic and congestion, and create a sense of separation from the community. Employment centers should be developed so they meet the needs of the employers, while at the same time contributing to the quality of life in Colorado Springs. The City's efforts should focus on creating opportunities for quality employment at various economic levels for its residents, and on environmentally responsible industries that make a positive contribution to the community.

The location of the proposed use is within an industrial area, but is very close to Garden of the Gods which provides a mix of uses to support this use. The site does not have intense industrial emissions, the only bi-product is steam.

3. Conformance with the Area's Master Plan:
There is not a master plan for this area.

STAFF RECOMMENDATION:

ITEM NO: 4 CPC DP 14-00054 – CERTIFICATE OF DESIGNATION

Approve a Certificate of Designation for a medical waste treatment facility located at 4325 Sinton Road.

**ENGINEERING DESIGN AND OPERATIONS PLAN
HEALTHCARE MEDICAL WASTE SERVICES
FACILITY
4325 SINTON ROAD
COLORADO SPRINGS, COLORADO**



Prepared for:

**Healthcare Medical Waste Services, LLC
6 N. Tejon
Suite 501
Colorado Springs, CO
80903**

Prepared By:

**American Environmental Consulting LLC
6885 South Marshall St., Suite 3
Littleton, CO 80128**

August 2013

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- APPENDIX B: STANDARD OPERATING PROCEDURES
- APPENDIX C: STARTUP/SHUTDOWN/MALFUNCTION PLAN
- APPENDIX D: BLOODBORN PATHOGEN CONTROL & PPC PLAN
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- APPENDIX H: OPERATIONS AND MAINTENANCE PLAN
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- APPENDIX J: COLORADO SPRINGS UTILITIES LETTER

1.0 GENERAL INFORMATION

This Engineering Design and Operations Plan (EDOP) provides background information, design details and operating protocols for the proposed Healthcare Medical Waste Services, LLC (HMWS) medical waste treatment facility in the city limits of Colorado Springs in El Paso County, Colorado. The primary purpose of the document is to provide a single source that includes all of the information required in the Colorado Springs regulations as well as the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) necessary to granting a Certificate of Designation. Sections 1 and 2 of the CDPHE Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) are general and govern all solid waste sites and facilities. Section 13 of those regulations, Infectious Waste Disposal, is specific to any solid waste facility that stores, treats, processes, or disposes of infectious waste.

The property is located within the City of Colorado Springs and is zoned M-1, which is an approved land use for a medical waste facility. The building is not anticipated to require any exterior modifications so there is no requirement to amend the City Development Plan.

The remainder of this section provides background information and permitting requirements for the proposed facility. Section 2 generally introduces and explains the plates included in the submittal. Section 3 provides the engineering design information for the treatment process as well as the grading and drainage requirements. Section 4 includes the information on how the proposed facility will be operated. Finally, Chapter 5 describes the proposed closure scheme and the notification requirements.

The following provides contact information for the facility:

Owner/Operator: Healthcare Medical Waste Services, LLC
Facility Location: 4325 Sinton Rd
Colorado Springs, CO 80907
Corporate Contact: Dominick DiVello (719) 240-8603
Corporate Location: 6 N. Tejon, Suite 501
Colorado Springs, CO 80903
719-445-5044 (office)
dominick.divello@hcmws.com (email)

Mr. DiVello is also currently the principal facility owner and operator as well as the person of authority in the event of an emergency. As this changes in the future, the Department and City of Colorado Springs will be notified.

The Division and the City of Colorado Springs shall be notified in writing of the anticipated date of initial start-up of the facility not more than 60 days or less than 30 days prior to such date and shall be notified in writing of the actual date of commencement of start-up within 15 days after such date.

AEC

1.1 General Facility Description

The HMWS facility will provide state-of-the art infectious waste treatment services to the health care industry primarily along the front range of Colorado. The facility will be located in the easternmost unit of 4325 Sinton Rd Colorado Springs, CO 80907 in El Paso County, Colorado (Plate 1) and is located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 30, Township 13 South, Range 66 West of the Sixth Principal Meridian. The facility will accept all infectious wastes as defined in 25-15-401 of the Colorado Revised Statutes (CRS). The facility will not accept any hazardous waste as defined in 25-15-101(9) of the CRS.

The facility is located in an industrial warehouse building on an approximate 2.0 acre lot. All treatment operations will be performed inside the easternmost unit of a one-story building. The unit is approximately 5,900 square feet with dimensions of 123 feet by 61 feet by approximately 22-feet high above floor level. Figure 1A shows the building location with traffic access, Figure 1B shows the surrounding area within a $\frac{1}{2}$ mile radius, and Figure 2 shows the proposed layout of the eastern unit that will house the operations.

The operations that will be conducted include:

- Direct unloading of the wastes from collection vehicles and tractor-trailer vans;
- Temporary storage of the untreated waste (generally less than 48 hours);
- Treatment (sterilization) of the infectious wastes by mechanical and thermal means;
- Compaction of the treated (sterilized) wastes for off-site disposal at a suitable facility.

Treatment (sterilization) will be completed using a BioSAFE STI Series 2000. The STI system, designed by BioSAFE Engineering, uses shredding technology to change the looks of the waste and then steam treatment to eliminate the infectious organisms in waste. This treats medical waste in a manner that meets the minimum standards in Section 13 of 6 CCR 1007-2, Part 1. Complete treatment is verified by the testing as described in Section 4.1.3 of this EDOP. The treated wastes will be compacted and disposed of at a suitable, permitted disposal facility.

The land is currently zoned M-1 and, according to the City of Colorado Springs, is suitable for use as a medical waste facility. Surrounding immediate land uses and zoning are indicated in Figure 3.

1.2 Service Area

The probable service area includes the entire Rocky Mountain Front Range region but the facility may receive waste from outside the region. The facility was designed with sufficient capacity to service the area governed by reasonable direct transportation or shipping charges based upon market conditions.

AEC

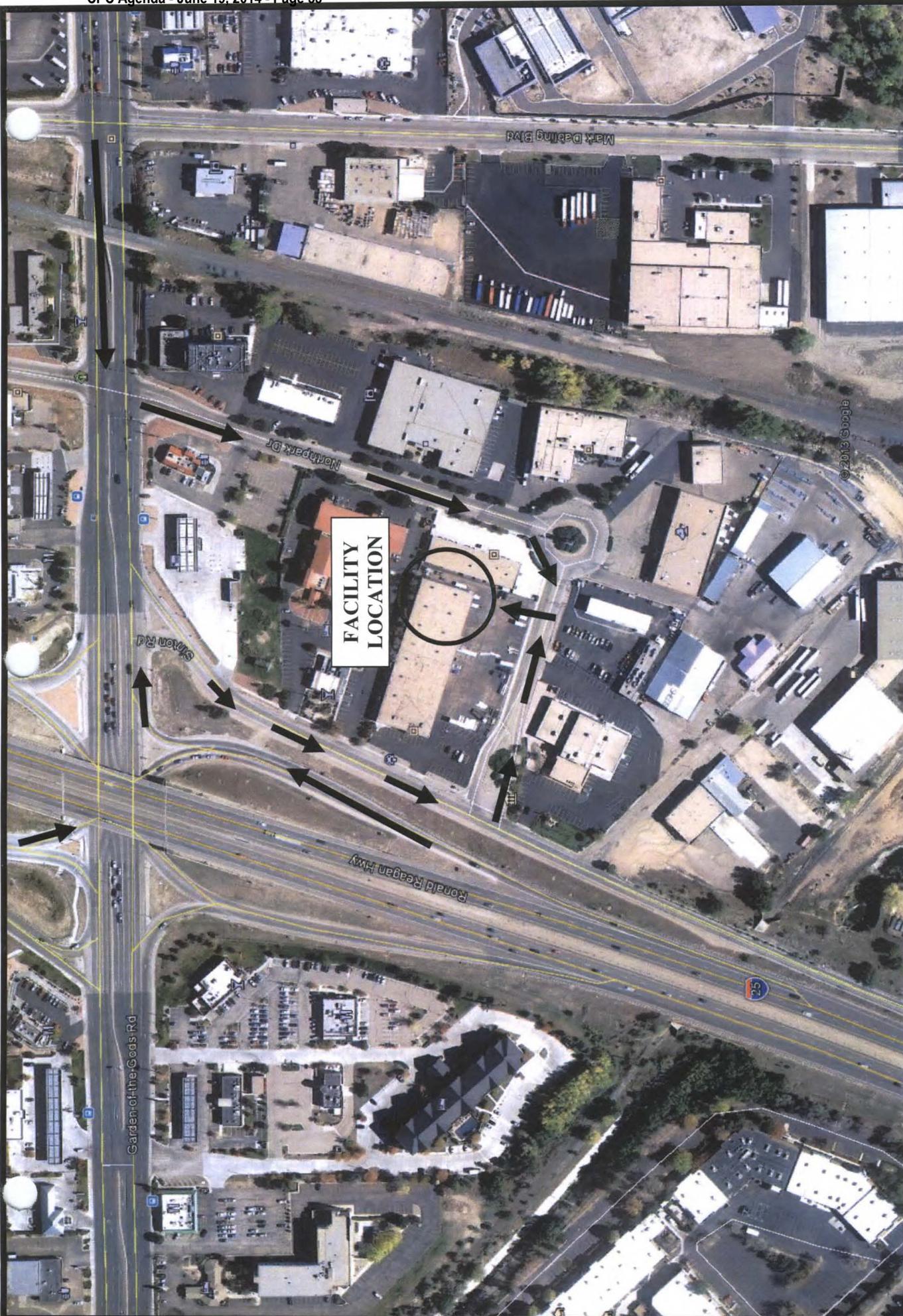


FIGURE 1A
LOCATION MAP
ACCESS ROUTES
HEALTHCARE MEDICAL WASTE FACILITY

AMERICAN
ENVIRONMENTAL
CONSULTING, LLC

AEC

Proj: Healthcare Medical Waste Services
Medical Waste Treatment Facility

Date: July 22, 2013
Drawn by: CJA

File: vicinity map
Reviewed by: CJA

FIGURE 1



FIGURE 1B
LOCATION MAP
AREA WITHIN 1/2 MILE OF FACILITY
HEALTHCARE MEDICAL WASTE

AMERICAN
ENVIRONMENTAL
CONSULTING, LLC

AEC

Proj: Healthcare Medical Waste Services
 Medical Waste Treatment Facility

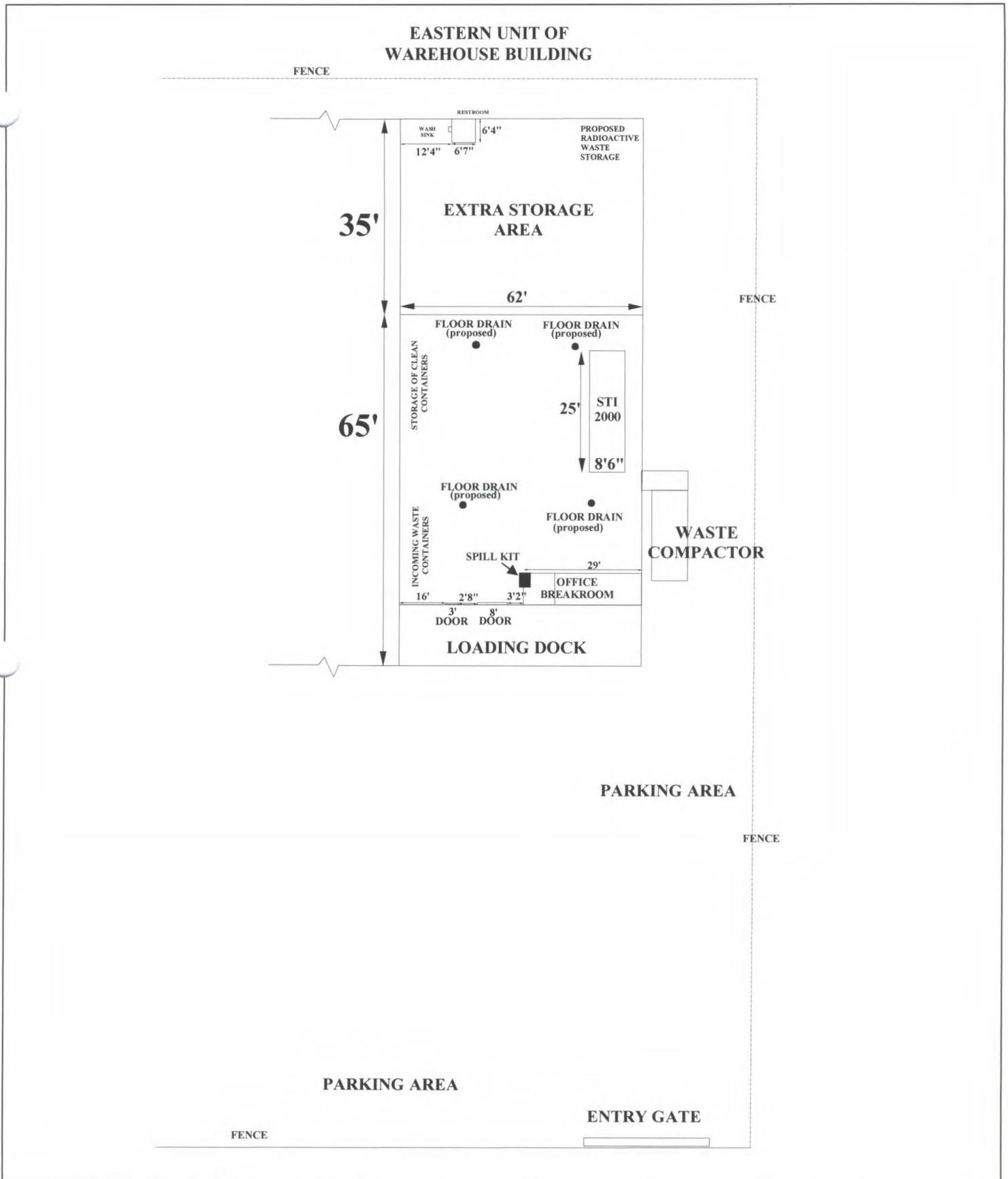
Date: July 22, 2013

File: vicinity map

Drawn by: CJA

Reviewed by: CJA

FIGURE 1



Proj: Healthcare Medical Waste Services Medical Waste Treatment Facility	
Date: August, 2013 Rev: February 2014	Drawn by: CJA
File: Facility Layout	Reviewed by: CJA



FIGURE 2
BUILDING LAYOUT
HEALTHCARE MEDICAL WASTE FACILITY

FIGURE 1

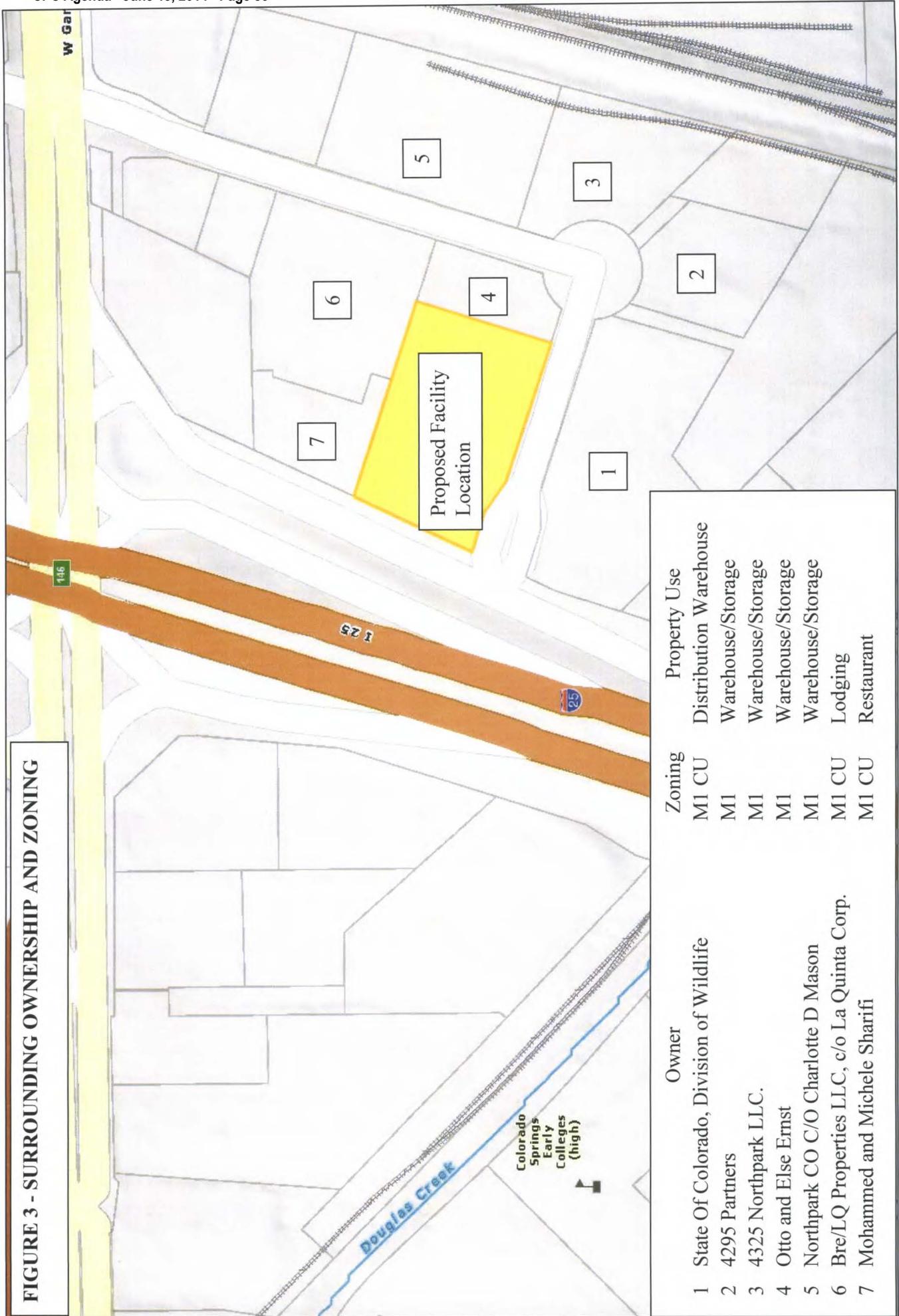


FIGURE 1

1.3 Transportation Corridors

The facility is located off of Colorado Interstate 25 just southeast of the Garden of the Gods Road interchange (Figure 1). Access to the site will typically be from Sinton Road with most vehicles arriving at the facility from southbound Sinton Road and turning east onto Northpark Drive then into the facility. Some traffic will access the facility from the northeast on Northpark Drive. Figure 1A shows the vicinity of the facility and surrounding area, including local traffic access routes into the facility. HMWS anticipates that 2 to 20 commercial vehicles will access the site on a daily basis along with approximately 10 vehicles of employees expected to be on site full time and HMWS anticipates that the impact of the additional minor volume of traffic from this facility is minimal. Commercial vehicles will be operated both by facility employees and others contracted either to the facility or the medical services provider.

Based on the maximum regular anticipated traffic volume, it would be expected that the facility would add a maximum of approximately 10 vehicles (5 round trips) per day, with a minimum of 25 percent of these occurring during peak morning and afternoon hours when employees are arriving or leaving work. All vehicles destined for the HMWS facility will comply with all road restrictions and load limits.

The materials for treatment will be transported to the facility in special box trucks (straight frame truck) and tractor trailers. Treated waste will be compacted into a container and transported from the facility to a permitted solid waste disposal facility by truck, generally ones that are used to transport roll-off containers.

1.4 Vicinity Surface Water Features and Flood Plain Identification

There are no surface water features on the site or bordering the site. The facility is in an industrial area and all treatment activities will take place inside the facility. The parking lots and surrounding properties are paved. A small reservoir is located approximately 1,300 feet east of the property as shown on Figure 4.

The Federal Emergency Management Agency (FEMA) has mapped the 100-Year floodplain, that which has a 1 percent chance of occurring every 100 years, in the area of the site. Panel 514 of the Flood Insurance Rate Map (FIRM) produced by FEMA indicates that the nearest 100-year floodplain to the site is over 600 feet south of the property. According to this information, the site will not be inundated during the 100-year flood event. A copy of the FIRM map showing this floodplain is included as Figure 5.

1.5 Geology and Hydrogeology

The property is developed and zoned for the proposed use. No geologic or hydrogeologic information is required.

AEC



**FACILITY
LOCATION**

**FIGURE 4
VICINITY MAP
SURFACE WATER
HEALTHCARE MEDICAL WASTE FACILITY**

**AMERICAN
ENVIRONMENTAL
CONSULTING, LLC**

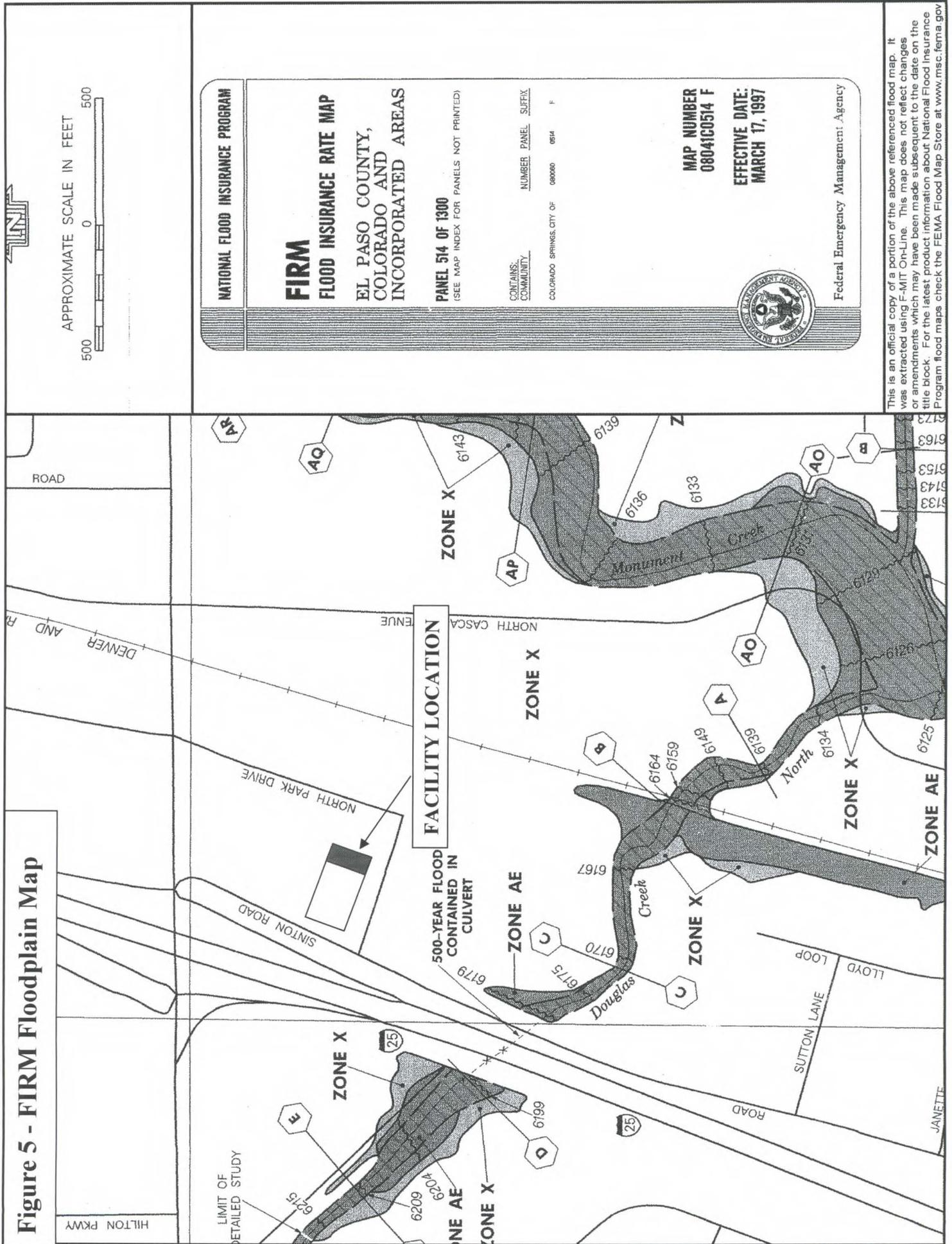
AEC

Proj: Healthcare Medical Waste Services
Medical Waste Treatment Facility

Date: July 22, 2013 Drawn by: CJA

File: vicinity map Reviewed by: CJA

FIGURE 1



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

FIGURE 1

1.6 Utilities

Power will be provided to the facility by the Colorado Springs Utilities (CSU). Water and sanitary services will also be provided by the CSU. CSU was contacted regarding the location of the property and was told it is within the service area of the CSU.

1.7 List of Permits and Approvals

The following permits may be necessary for this facility:

- | | |
|---|--|
| • Certificate of Designation: | Required |
| • Wastewater Discharge: | If necessary |
| • Stormwater Management Plan: | If classified heavy industrial and potential for off-site storm water runoff |
| • CDPHE Air Permits: | If necessary |
| • City Building and Operating Permits | As necessary |
| • Utility Permits and Access Agreements | As necessary |

2.0 FACILITY DRAWINGS

The following information is included on the figures and plates that are part of this EDOP. Each required item is listed and then followed by the appropriate reference.

Required Item	Reference
Facility Floor Plan	Figure 2
Site location	Figure 1A, 1B, 4
Present land owners	Figure 3
Property boundaries	Figure 1, 4
Surrounding Surface Water	Figure 4
Flood Zone Map	Figure 5
Waste Storage and loading areas	Figure 2
Building location, size, and alignment	Figure 1,3
Equipment Information	Plate 1
Equipment Schematic and Layout	Plate 2

3.0 ENGINEERING DESIGN INFORMATION

This section provides the detail design information and its associated infrastructure for the STI Series 2000 with the capacity to treat a minimum of 300 pounds per hour (pph) and up to as much as 600 pph of medical waste. The sources for the waste are discussed first. The BioSAFE Engineering STI Series 2000™ design information then follows. The final sections discuss the auxiliary components such as the building, access, parking, etc.

3.1 Waste Stream Sources, Estimated Volumes and Waste Flow

The proposed facility will provide a critical, competitive, and much-needed service to the healthcare providers primarily located in the Front Range Corridor from Cheyenne, Wyoming to Trinidad, Colorado. This facility would also eliminate unnecessary and excess transportation costs to transport regulated medical waste that is treated and disposed of at other locations far from the city center. Currently, there are very few treatment facilities of this (or similar) kind located in a seven-state area (Arizona, Colorado, Kansas, Nebraska, Wyoming, New Mexico, and Utah). Consequently, this facility will provide competition in the collection, transportation, and treatment of regulated medical waste giving local healthcare providers options for such services. HMWS has an aggressive marketing program and may receive waste for treatment from any facility or location.

All non-household healthcare facilities that generate infectious waste must develop and implement an on-site infectious waste management plan appropriate for their particular facility. This plan must be available to the hauler of the waste, to the disposal facility, and to the licensing or regulatory agency. The plan must include the designation of infectious waste, provisions for the handling of that waste, staff training, contingency planning for spills or loss of containment, the designation of a person responsible for implementation of the plan, and provisions for appropriate on and off-site treatment or final disposal.

Colorado classifies wastes generated by health care facilities into four main categories:

1. **Hazardous wastes.** This refers to a class of wastes specifically defined in a federal law (the Resource Conservation and Recovery Act, or RCRA). These wastes contain certain toxic chemicals or have certain characteristics that cause them to be a significant risk to the environment and/or human health. Some types of chemotherapy waste are classified as hazardous waste.
2. **Medical waste:** Medical waste means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research, or in the production or testing of biologicals. It does not include any hazardous waste, radioactive waste, or household waste.
3. **Infectious waste (IW):** These are a special subcategory of medical wastes that present significant health risks such as the potential for infectious disease transmission, and special rules apply to them.

4. **Municipal solid waste:** These wastes present fewer environmental or health risks than medical wastes. Municipal solid waste can be disposed of into dumpsters.

In Colorado, infectious waste is defined as any waste capable of producing an infectious disease in a susceptible person. Generally recognized infectious wastes include, but are not limited to: isolation wastes from persons having a disease requiring Biosafety Level IV containment; cultures and stocks of infectious agents and biologicals; human blood, blood products and other body fluids; human pathological or anatomical waste consisting of tissues and body parts; contaminated sharps; and contaminated research animals and bedding. Recognizable human anatomical remains must be either incinerated or interred.

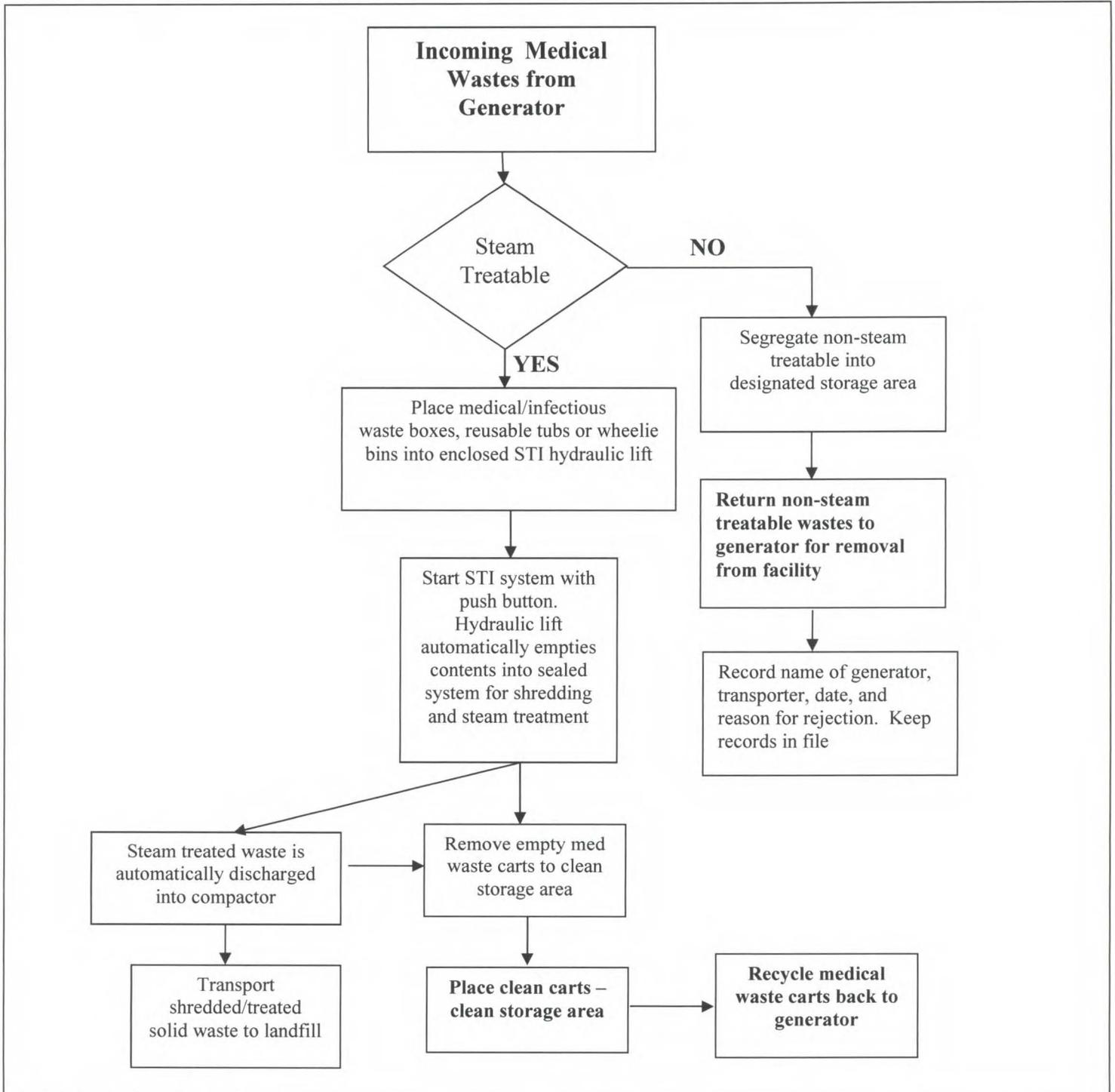
The volume of treated waste is governed by the facility's treatment capacity. That information is provided in Section 3.2, Treatment System Design, immediately below.

3.2 Treatment System Design

A decision flow chart for the waste streams is included as Figure 6. The proposed floor plan is shown on Figure 2 and details of the treatment equipment are shown on Plate 2. Additionally, the Operations and Maintenance Plan is included as Appendix H. The treatment (sterilization) process is summarized below:

1. The infectious wastes are primarily transported in special collection box trucks (straight frame trucks) that comply with all applicable transportation regulations. A limited amount from more distant sources may be brought to the site in tractor-trailers. The wastes will be directly unloaded via the loading dock on the south side of the building (Figure 2).
2. The untreated wastes will be stored inside the building pending treatment. Wastes are typically treated the day of receipt.
3. Depending upon the primary containers used by the generator sites, the wastes will be placed into properly-labeled boxes, bins/tubs that are placed and treated in the continuous feed STI Series 2000™. All properly-labeled bins will have the biohazard symbol and the words "infectious waste" on them. Some wastes may arrive at the facility in wheelie bins suitable for steam treatment in the STI process.
4. The treated (sterilized) wastes will be automatically unloaded from the STI Series 2000™ and deposited in a top loading, self-contained compactor on the east side of the facility until it is full. The innocuous wastes are then transported to a properly-permitted disposal facility or to a regional recycling facility if available. The waste material will be required to meet the waste acceptance plan of the specific disposal facility (landfill) including meeting the paint filter test requirements. It is not anticipated that the material will pose any particular problem since the material is shredded and treated. Test results including the Paint Filter results are included in Appendix I. No free liquids were detected in the sample.

AEC



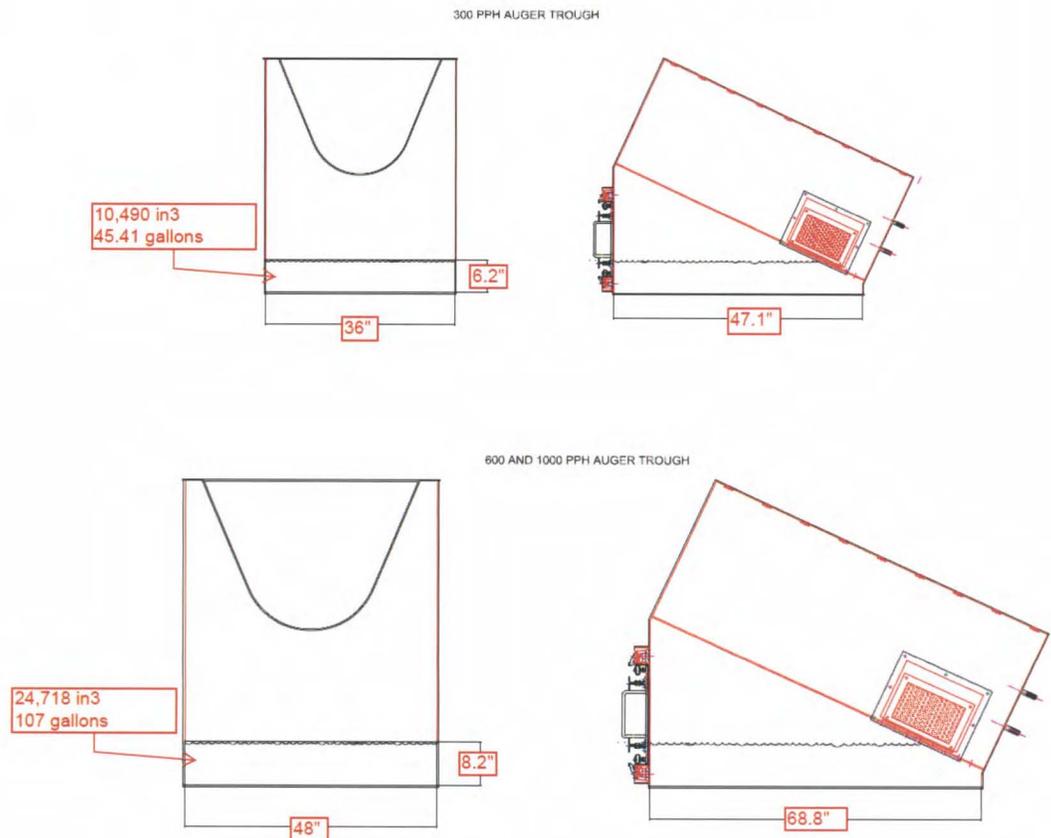
Proj: Healthcare Medical Waste Services Treatment Facility		AEC	AMERICAN ENVIRONMENTAL CONSULTING, LLC	FIGURE 6 DECISION/PROCESS FLOW DIAGRAM
Date: July 30, 2013	Drawn by: RM			
File: Process Flow	Reviewed by: CJA			

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- The re-usable medical waste containers that have been introduced to the STI Series 2000™ process are typically washed as a part of the disposal process within the facility building. After decontamination and washing they are placed in a staging area and then loaded on to the collection vehicle for future use. Any remaining water from the washing process is contained in the machine sump for reuse with subsequent treatment batches.

Reusable containers are cleaned within the STI process via pressurized application of high temperature water onto the soiled surfaces of the reusable container. A steam powered heat exchanger tempers the wash water to a nominal 180°F. The wash water is next absorbed by the solid wastes within the system and is dehydrated via the patented dehydration chamber and released into the atmosphere as sterile water vapor. The system treatment auger contains an integral sump at the base of the auger which is capable of capturing and holding 30 gallons of water/liquids. An integral pump draws water from the integral sump and automatically re-applies the water to the absorbent shredded solid waste materials, which in turn are dehydrated by the integral patented dehydration chamber, releasing sterile water vapor to atmosphere after the process. A technical design drawing including dimensions of both the 300 pph and 600 pph equipment and associated capacity of the integral STI equipment sumps is seen below for reference.

Figure 7 - STI Series 2000 Sump Configuration



6. The waste water from the washing process and facility cleaning is collected in a sump in the equipment and introduced back into the system where it is absorbed into the waste during the sterilization process. No wastewater is anticipated to be discharged to the sanitary sewer system. In the event small amounts of wash waters are discharged, the Colorado Springs Utility (CSU) Department has approved this discharge. A letter from the CSU is included in Appendix J.
7. Any unacceptable wastes will be immediately returned to the generator or otherwise arrange for lawfully disposition of the waste in compliance with regulations. This is generally done at the waste generation source but could be done at the facility in rare cases.

3.3 STI Series 2000 Process Flow Summary

The STI SERIES 2000 medical waste treatment system combines the best attributes of mechanical and thermal (steam) destruction technologies. This Series 2000 unit is manufactured to meet the HMWS commercial throughput, space location and material handling needs. An optional chemical subsystem using (Sodium Hypochlorite solution) (NaOCl) is used to control odors during treatment. The chemical is not needed to treat the infectious waste. The process solid residue is safe to the public and classified as Municipal Solid Waste.

Regulated Medical Waste (RMW) transported to the facility in bags, boxes, plastic tubs, or sharps containers is loaded onto the feed conveyor or into the lift/dumping unit for movement to the feed hopper. If a hydraulic lift/dumper is used as the material handling system, it allows various collection carts to be used. If a feed conveyor is used to load the system, the boxes, bags, round plastic containers and other packaging are loaded onto the continuous feed conveyor which moves the waste into the feed hopper. The loading system is under negative pressure created by a negative pressure blower. Room air is drawn through a 99.97% efficient @ 0.3 micron HEPA (High Efficiency Particulate Air) filter chamber prior to exhausting to the atmosphere. An interlock prevents the introduction of untreated Medical Waste unless the negative pressure system is functional. The lift/feed mechanism is controlled by the integrated process controller (computer) that turns the loading device on and off as required to maintain design throughput. The design throughput capacity is initially 300 pph and may be increased up to 600 pph through the use of a larger machine or a second, smaller machine.

The feed conveyor or the hydraulic lift automatically empties the waste contents into the sealed hopper above the shredding "tower" where steam is applied directly to the outside of the containers of medical waste prior to opening. The materials are automatically shredded to a generally unrecognizable state and drop into the steam conveyor where low-pressure steam is scalded directly onto the waste through a system of multiple injection ports. The steam conveyor slowly transports the waste to the discharge end of the steam auger, where the waste exits under gravity into the self-contained compactor. The residence time in the steam treatment conveyor is ≥ 60 (sixty) minutes. The steam conveyor has integral thermocouples that are used to maintain operational temperatures in the range of 195-240 degrees Fahrenheit. The steam treatment auger/conveyor will not convey the waste unless all parametric monitoring of the waste

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temperatures are within the appropriate temperature range. The steam conveyor mixes the waste enhancing permeation of steam into the shredded materials. A steam powered oven surrounds the auger to ensure that the waste is treated with the proper heat. The steam jacket causes dehydration of the waste. The STI system operates on 'LOW PRESSURE' steam and consumes only a very limited amount of steam. A vent installed at the end of the conveyor allows for dehydration of the treated waste material as moisture is exhausted to atmosphere as sterile distillate. The treated waste exits the distant end of the auger into a self-contained compactor or roll-off type container (supplied by others) for transport to a sanitary landfill as ordinary municipal solid waste. A schematic of the operations is included as Figure 8. A more detailed schematic is included as Plate 2.

Figure 8 - Schematic of the STI System Operations



The floor in both the storage and treatment area will be gently sloped toward one of three to four floor drains to facilitate routine cleaning of the containers and facility (Figure 2). The floor drain will flow to a single discharge point. The wastewater will be discharged into the CSU Water and Sanitation wastewater system. A letter from the CSU Department is included in Appendix J. If necessary, HMWS will obtain a discharge permit from CSU and comply with CSU requirements.

3.4 Treatment Volume and Waste Storage

This section provides treatment volume and untreated waste storage information. The treatment capacity will be discussed first. Untreated waste storage will then be discussed.

3.4.1 Treatment Capacity

The STI Series 2000 referenced in Section 3.4 has the capacity to treat a minimum of 300 pounds of medical waste per hour or 2,400 pounds per 8-hour day and 7,200 pound in a 24-hour day. It is possible that the capacity of the plant would be increased to 600 pph in the future. The STI system is a continuous feed steam treatment process with integral shredding to reduce the bulk density of the waste materials by up to 90%, exposing enormous surface areas to the steam treatment. The system treatment process retains the waste for a minimum of 60 minutes prior to discharge into an automatic top loading self-contained compactor (no manual unloading is necessary) with the STI system. The annual capacity of the system is rated at 2,500,000 pounds.

3.4.2 Waste Storage

This section describes the storage of both untreated and treated waste. Untreated waste is discussed first. Storage of treated waste then follows.

3.4.2.1 Untreated Waste Storage

The northern portion of the building (adjacent to the STI treatment equipment) will be used for the storage of untreated infectious waste (Figure 2). The building unit has approximately 5,900 square feet of space of which approximately half is available for untreated waste storage. The STI SERIES 2000 medical waste treatment system is capable of handling a variety of containers. A typical medical waste container with dimensions of 18"x 24"x 18" high averages between 20-22 lbs net weight. Each container represents an average of 0.01% of the daily (8-hour day) capacity of the system. The STI Series 2000, at maximum capacity, can process an average of 109 of these containers per each 8-hour day. These containers can be stacked four high so the approximate maximum storage capacity is 3540 containers or 32 days of storage.

In the event that infectious waste that must be stored longer than 48 hours, it will be stored in a refrigerated van and maintained at a temperature at or less than 45 degrees Fahrenheit. HMWS will use additional refrigerated vans and/or refrigerated tractor-trailers if additional capacity is needed. All waste shall be treated within 2-weeks of receipt or it must be sent to another approved facility for treatment and disposal.

3.4.2.2 Treated Waste Storage

Treated (sterilized) waste is automatically deposited into a top loading self-contained compactor located outside the east wall of the building where it is stored in a receiver box with a 10-13-ton

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capacity. At full capacity (assuming a normal 8-hour work day), HMWS will fill the compactor approximately every 8 to 10 days of the STI system operating at near full capacity. The compactor boxes are completely enclosed, preventing blowing of the sterilized shredded waste materials. Access to the compactors will be locked to prevent unauthorized access. There is sufficient space outside the east portion of the facility to house the self-contained compactor.

Ordinarily, only one compactor will be stored at the site. Should weather conditions dictate, an additional empty compactor may also be stored on the east side of the building so it may be utilized if the full compactor is unable to be transported for disposal. The full boxes will be shipped off for disposal when full unless transportation is prohibited due to road closures. The HMWS facility shall provide written documentation to the transporter and disposal facility that the infectious waste has been treated according to the requirements of the Solid Waste Regulations and the facility's approved EDOP and that the waste is no longer infectious.

3.4.2.3 Signage and Labels

All exterior doors, gates or lids to medical waste storage areas shall be marked with the biohazard symbol, if applicable, and the words "Caution – Medical Waste Storage Area – Unauthorized Persons Keep Out". Letters on the signs shall be at least two inches in height and legible.

Additionally, the compactor and storage units for the treated waste shall be labeled as "Treated Medical Waste". Letters on the labels shall be at least two inches in height and legible.

3.5 Detailed Engineering Description

HMWS proposes to initially install one STI Series 2000, 300-pound per hour system manufactured by BioSAFE Engineering, LLC. HMWS may install a larger unit in the future depending upon need. Site-specific specifications for this device, its control systems (operational and warning), its auxiliary components (like a compactor and steam boiler), the plumbing/electrical requirements, and equipment dimensions are included in Appendix A. Operation requirements are included in Appendix B. The equipment configuration is shown on Plate 2 and details of the STI Series 2000 are on Plates 1 and 2.

3.6 Site Drainage Plan

The facility is located in a building and surrounded by developed industrial buildings. The areas are paved and all runoff from the site flows to the storm sewers.

3.6.1 Surface Water Control

All of the surface water on the subject site flows to storm sewers on the eastern side of the property. Since all operations will take place inside, no runoff calculations are necessary.

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3.6.2 Access, Parking and Paving

Access to the facility is provided as shown on Figure 1. Incoming waste vehicles will drive to the loading docks where there is room to back up to offload medical waste containers.

Parking spaces are provided for employees and are shown on Figure 1. All employees and visitors parking will be on the south side of the building near the fence.

The loading docks are paved with concrete. The remainder of the property is covered with a combination of concrete and asphalt. Long-term empty van parking and clean container storage is provided nearer the road but inside the security fence.

3.6.3 Utilities

Electrical, water and sewer are all already present in the building. Figure 2 shows the sanitary facility location and the proposed location of floor drains to be installed.

3.6.4 Fencing

The facility has a six-foot high fence and locking gates. Fencing is placed along the south, west, and east sides of the facility for security purposes also. The site will be locked during non-operating hours.

4.0 FACILITY OPERATING PLAN

This section provides information on how the facility will be operated. More detailed information is provided as necessary in the referenced appendices.

4.1 General Operating Considerations

This section describes the operating hours, start-up and maintenance protocol, and reporting requirements.

4.1.1 Operating Hours and Startup-Shutdown Considerations

The site will generally be open to receive wastes from 8 am to 5 pm Monday through Friday including a one-hour lunch break. These hours may change in the future if the volume of waste expands. Start-up and shut-down operations are included in Appendix C.

The STI Series 2000 has a design treatment capacity of 300 pounds/hour as described above in Section 3.3.1. Both standard and emergency operating procedures are detailed in Appendix B. The procedure includes, but is not limited to, the following information:

- Acceptable wastes;
- Minimum treatment time;
- Treatment temperature (minimum 195° F for 1 hour);
- Minimum treatment pressure;
- Acceptable containers;
- Loading weight restrictions and pattern; and
- Water/liquid content is not an issue for the STI Series 2000 systems.

4.1.2 Staffing

HMWS anticipates employing approximately 14 personnel when the facility becomes fully operational. The table below summarizes the HMWS personnel, the number of required parking spaces, and whether the personnel will be at the site full time when working:

Job Description	Parking Spaces	Full Time on Premise
General Manager	1	No
Supervisors	1	Yes
Plant operations	1	Yes
Administrative staff	2	No
Sales	5	No
Van Drivers	4	No
Visitors	3	No
Total Projected Parking Spaces	10	

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4.1.3 Treatment Performance Monitoring

The STI Series 2000 has been tested to verify the destruction of pathogens. These test results are included in Appendix I. To ensure the continued destructive capability, the STI Series 2000 is equipped with a programmable controller that continuously monitors operational parameters including: waste temperature; negative pressure HEPA filter operation; steam delivery; equipment operation and sub-component status. Temperature sensors provide the programmable controller with continuous data reflecting the environment within the STI Series 2000. Manual processing of medical waste is not allowed by system controls. The plant operators do not have authorized access to the programmable controller.

HMWS will monitor the waste treatment performance by placing biological indicators (*Bacillus atrophaeus* spores) into the shredded waste below the system shredder at least once per disposal rolloff in accordance with the CDPHE Sec. 13.6.1 (A) (1). This testing will use a Biological Indicator (BI) such as Bioci or equivalent that has an incubation period of 24 hours. The BI testing will be conducted to allow a full 24-hour incubation and evaluation period before the challenged load is verified and shipped off site for disposal. After steam treatment, the biological indicators are incubated and monitored for microbiological growth in accordance with the manufacturer's instructions (i.e. no-growth indicates that effective waste treatment has been achieved). The infectious waste will be treated to achieve at least a 4 Log₁₀ reduction in *Bacillus stearothermophilus*, *Bacillus subtilis* or *Bacillus atrophaeus* endospores and at least a 6 Log₁₀ reduction in *Mycobacterium phlei* or *Mycobacterium bovis*. The biological ampoules are inspected and signed off by the supervisor in charge before they are discarded for treatment in the STI system.

STI equipment is parametric in operation. Operating parameters are constantly monitored and verified by the on-board computer and are system qualifiers for operation. Should any given parameter fall outside of the factory pre-sets for operation, the entire system will halt operation and will not resume operation until all systems have once again been verified as correct. Verifications include temperature monitoring, negative pressure monitoring, equipment safety switches monitoring, and actual steam flow verification. Waste treatment dwell times within the system are fixed at a minimum of sixty (60) minutes minimum dwell time at temperature. Quality assurance Validation and testing protocols including identification of self-contained biological indicators (SCBI's), testing procedures/protocols, and contingency measures are included in the new STI Operation and Maintenance Manual supplied. The SCBI testing procedure is both validation and verification of system operational parameters.

In the highly unlikely event of an equipment efficacy failure during treatment, HCMWS will either (a) repair the equipment and re-test/validate the equipment via spore testing then re-process the previously treated waste in the waste compactor; or (b) re-package and ship these materials off-site for 3rd party treatment per the contingency plan.

HMWS will maintain the STI Series 2000 production and quality assurance records on file at the processing site for a minimum of three (3) years in accordance with 6 CCR 1007-2 Section 13.5. These records will be made readily available for inspection upon request by authorized regulatory personnel.

4.1.4 Alternative Waste Handling

The STI Series 2000 treatment system is a proven, reliable system with a long record of reliability and performance with systems now having processed in excess of 1.5 billion pounds in the USA and abroad. HMWS generally limits scheduled daily waste delivery to approximate the treatment capacity. If necessary, HMWS can expand short-term treatment capacity by treating additional waste materials during an operating day or on a weekend day, if necessary.

The HMWS facility has the capacity to provide on-site storage inside the building in the event of preventive maintenance or short-term equipment malfunctions. HMWS can also provide medium-term onsite parking for any transportation vans that arrive at the site but have not yet unloaded; however, the waste must be treated within 48 hours unless stored in an enclosed structure and maintained at a temperature of 45 degrees F or less. HMWS owns a refrigeration trailer and keeps it onsite and operational in the event the waste must be stored at 45 degrees or less.

During breakdowns, no additional waste will be unloaded until the system is repaired, tested and fully functional again. If necessary, HMWS will arrange for alternative treatment and disposal for all unloaded waste materials should a longer-term problem be encountered. Finally, if necessary, HMWS will keep the waste in cold storage should the shut-down period exceed two days. In no case will waste be stored onsite for a period exceeding 14 days as per 13.7.2 (C) (6) (iii).

4.2 Operational Plans

Healthcare Medical Waste Solutions is committed to operating a facility that is protective of the environment and the safety of its workers. HMWS has developed a Bloodborn Pathogen Exposure and Control Plan that includes procedures and protocols to ensure worker knowledge of the operations and the potential hazards involved. The Bloodborn Pathogen Exposure and Control Plan is included in Appendix D.

HMWS has also developed a Fire Prevention and Protection Systems Plan that puts in place procedures and protocol for minimizing the risk of fires, employee training, and emergency action procedures in the case of a fire. The Fire Prevention and Protection Systems Plan and the Inspection Checklist is included in Appendix E. HMWS will comply with all local fire codes and regulations and will revised the Fire Prevention and Protection Systems Plan as necessary.

In the event of a spill, a spill kit will be located near the entrance to the facility. All employees will be trained as to the location and use of the spill kit.

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4.3 Nuisance Conditions

The potential for nuisance conditions is considered minimal since all operations will be completed inside the building. HMWS will complete the following activities to minimize extraneous nuisance concerns;

- The interior of the building will be inspected and cleaned on a daily basis;
- HMWS personnel will inspect the property on a daily basis and remove any litter and debris;
- HMWS personnel will maintain the fence and landscaping to maintain site aesthetics; and
- HMWS personnel or its landlord will maintain the exterior lighting.

Nuisance odors associated with the thermal treatment of medical wastes: HMWS will take the following action:

1. Adjust the patented automatic odor control system within the STI Series 2000 Commercial Medical Waste Treatment System. This normally controls any nuisance odor due to waste make-up. This system is fully adjustable and normally controls foul odors during the treatment process.
2. Further action depends on the source or cause of the odor;
 - If the odor is due to a specific waste arriving at the facility, methods to eliminate nuisance odors from that particular waste may be implemented, including but not limited to, pre-treatment of the waste at the generation point, or prohibiting that particular waste from the facility.
 - Nuisance odors could be caused by a number of different conditions unrelated to a particular waste, including improper storage or refrigeration at the point of generation. If the odor is attributed to storage or refrigeration factors, the storage protocol and refrigeration equipment and protocol will be reviewed to determine if the equipment is working properly or if revisions to the protocol and procedures are warranted.

4.4 Personnel Training

Personnel will receive training when beginning as a new employee at the facility, when changing job functions that include different duties, and on an annual basis. HMWS and BioSafe will provide general training on the following topics:

- Administrative procedures (employee handbook);
- Proper use and operation of the STI Series 2000 equipment;
- Contacting emergency providers;
- General safety training including location and use of spill kits; and

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- Facility wide contingency plan (emergency procedures, site evacuation, etc.)
- Hazardous and prohibited waste recognition and screening for all employees that handle medical waste at the facility.

Specific training will be provided on an as needed basis on topic such as hazardous and infectious waste classification and identification, waste unloading and storage procedures, STI Series 2000 startup, operation and shut down, spill response, etc.

4.5 Waste Acceptance Protocol

The HMWS waste acceptance protocols and procedures are included in the Standard Operating Procedures (SOP) in Appendix B.

The facility will only accept waste that requires steam treatment prior to disposal in a permitted solid waste disposal facility, and is amenable to the STI Series 2000 treatment process, from commercial medical service providers. All waste generators served by the facility will be required to enter into a contract with HMWS and must either use HMWS vans or transport the waste to the facility using another carrier on a pre-arranged schedule or frequency. All waste shipments to the facility will be accompanied by a manifest, bill of lading, or similar document that, at a minimum, will include information on the waste generator, transporter, and volume of waste transported. These procedures will provide confidence that only acceptable wastes will arrive at the facility for treatment and provide a record of all wastes received should the transporter or generator need to be contacted after leaving the facility. All treated waste shipped off-site for disposal will be documented and include information on the name, location, and dates of the final disposal site and maintained onsite at the treatment facility for a minimum of three years.

Human anatomical remains shall not be accepted at the facility. Recognizable human anatomical remains are prohibited for disposal at a landfill facility and must be disposed of by incineration or interment.

The facility shall not accept any hazardous wastes as defined in Section 25-15-101(9) of the Colorado Hazardous Waste Act. Employees will screen the waste to preclude any hazardous, chemotherapy, or other unacceptable waste from entering the facility. Additionally, the facility will not accept radioactive materials and controlled substances for treatment and disposal.

Upon arrival of waste, facility personnel will examine the accompanying documentation to ensure the generator and waste is on record with the facility. Prior to offloading the transport vehicle, the waste will be inspected insofar that it can be done safely without danger to facility personnel, to verify that the waste is appropriate and approved for acceptance. If any unacceptable wastes are discovered, they will not be offloaded and the transporter will be required to remove the waste from the facility or HMWS will otherwise arrange for lawful disposition of the waste in compliance with regulations. HMWS will assist the transporter or

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generator with identifying alternative options for disposal. The facility will maintain records of any unauthorized waste received at the facility and returned to the generator or source.

4.6 Equipment Inspections and Preventative Maintenance Schedule

HMWS will implement a number of routine inspections and checks to ensure continued safe facility operation as discussed elsewhere in this document. HMWS has also developed a Preventative Maintenance Schedule of the equipment in conformance with the system manufacturer in an effort to minimize downtime and ensure the equipment and process continues to operate safely and in the manner intended. A copy of the Preventative Maintenance Schedule is included in Appendix G and the Fire Prevention Checklist is included in Appendix E.

4.7 Operating Record

The operating record, as required on Section 13.5, will include the following components and will be maintained on site for a minimum of three (3) years:

1. Generator name and contact information for each waste stream;
2. Transporter name(s) for each waste stream;
3. Container type(s) used for each waste stream;
4. Treatment run information such as, digital weights, dates, times and temperatures are recorded real time by the STI process equipment. This information is further validated by monthly biological indicator destruction records.
5. Waste screening documentation for each load delivered to the facility for treatment:
 - a. Waste stream cross referenced to generator;
 - b. Date waste accepted;
 - c. Date waste treated;
 - d. Date and disposal method for treated waste;
 - e. Correlation to treatment run information describe above;
 - f. Any waste rejected for treatment and the disposition of the waste from the facility.
6. Daily logs that include, but are not limited to: hours of operation; volumes wastes received, treated and transported off-site for disposal;
7. Summary of treatment runs completed including digital weight & temperature records;
8. Equipment maintenance and repair forms;
9. Inspection forms;
10. Descriptions of variances from any operating procedures and the steps taken to correct them;
11. Deviations from the operating permit and the steps taken to correct them;
12. Summary of accidents, spills, fires or other unanticipated situations;
13. Training records; and
14. Monitoring records for applicable permits.

5.0 CLOSURE AND POST CLOSURE

Site closure will be straightforward since no onsite waste disposal will occur. The following procedures will be completed to close the site:

1. Any remaining treated and untreated waste will be loaded in appropriate vehicles and transported for treatment and/or disposal to properly permitted, commercial facilities.
2. The STI Series 2000 will be disinfected, steam cleaned and removed for use at another location, recycling or disposal at an approved facility.
3. All properly-labeled bins/tubs will be thoroughly cleaned, disinfected and removed from the site for use at another location, recycling or disposal at an approved facility.
4. The compactor will be thoroughly cleaned, disinfected and removed from the site.
5. All floors in the waste storage area, the treatment area and the compactor will be disinfected and steam-cleaned.
6. The storage area, treatment area and compactor area will be subjected to verification sampling as applicable.

No post-closure activities will be necessary since: 1) there was no onsite waste disposal; 2) all of the treatment equipment must be removed as part of the closure process; and 3) the building will be cleaned and disinfected as described in the closure activities above.

The following actions will be taken at the time of final facility closure:

- (1) The Department, the local governing body having jurisdiction, and customers serviced by the facility shall be notified in writing at least sixty (60) calendar days in advance of the proposed closure date. If applicable, signs of a suitable size notifying drop-off customers (if appropriate) of the site closure shall be placed in a conspicuous area at the entrances to the facility at least sixty (60) calendar days in advance of the proposed closure date.
- (2) The facility shall not accept new or additional waste shipments for storage and/or treatment fourteen (14) calendar days prior to the date of anticipated closure.
- (3) All wastes shall be transported offsite to an approved solid waste site or facility within fourteen (14) calendar days of receipt of the final waste load.
- (4) Within thirty (30) calendar days of completing closure activities, HMWS shall provide written notification to the Department and the local governing body having jurisdiction to document that proper treatment and disposal of all wastes has taken place in accordance with the approved closure plan and that facility closure standards have been achieved.

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30-20-104. Factors to be considered.

(1) In considering an application for a proposed solid wastes disposal site and facility, the governing body having jurisdiction shall take into account:

(a) The effect that the solid wastes disposal site and 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;

(b) The convenience and accessibility of the solid wastes disposal site and facility to potential users;

(c) The ability of the applicant to comply with the health standards and operating procedures provided for in this part 1 and such rules and regulations as may be prescribed by the department;

(d) Recommendations by county, district, or municipal public health agencies.

(2) Except as provided in this part 1, designation of approved solid wastes disposal sites and facilities shall be discretionary with the governing body having jurisdiction, subject to judicial review by the district court of appropriate jurisdiction.

(3) (a) Prior to the issuance of a certificate of designation, the governing body having jurisdiction shall require that the report, which shall be submitted by the applicant under section 30-20-103, be reviewed and a recommendation as to approval or disapproval be made by the department and shall be satisfied that the proposed solid wastes disposal site and facility conforms to the local government's comprehensive land use plan and zoning restrictions, if any. Any technical conditions of approval made by the department in its final report shall be incorporated as requirements in the certificate of designation. The application, report of the department, comprehensive land use plan, relevant zoning ordinances, and other pertinent information shall be presented to the governing body having jurisdiction at a public hearing to be held after notice. Such notice shall contain the time and place of the hearing, shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, shall provide a description of such proposed site and facility, and shall provide a description of the geographic area that is within three miles of such proposed site and facility. The notice shall be published in a newspaper having general circulation in the county or municipality in which the proposed solid wastes disposal site and facility is located at least ten but no more than thirty days prior to the date of the hearing. In addition, the notice of such public hearing shall be posted at a conspicuous point in at least one location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. Such notice shall be posted for a period beginning at least thirty days before the public hearing and continuing through the date of such hearing.

(b) At the public hearing held pursuant to the provisions of this subsection (3), the governing body shall hear any written or oral testimony presented by governmental entities and residents concerning such proposed site or facility. All such testimony shall be considered by the governing body having jurisdiction in making a decision concerning such application. For the purposes of this subsection (3), "residents" means all individuals who reside within the geographic area controlled by the governing body having jurisdiction or within three miles of the proposed site and facility or who own property which lies within three miles of such proposed site and facility without regard to which county or municipality such individuals reside within.

Source: L. 67: p. 760, 4. C.R.S. 1963: 36-23-4. L. 71: p. 341, 5. L. 91: Entire section amended, p. 966, 6, effective June 5. L. 98: (3)(a) amended, p. 881, 7, effective July 1. L. 2010: (1)(d) amended, (HB 10-1422), ch. 419, p. 2119, 164, effective August 11.

ANNOTATION

Quasi-judicial action must be preceded by reasonable notice. Under the solid wastes act (30-20-101 through 30-20-116), quasi-judicial action by county commissioners must be preceded by reasonable notice. City & County of Denver v. Eggert, 647 P.2d 216 (Colo. 1982).

Proper notice of quasi-judicial agency action must reasonably describe the subject matter of the hearing, any charges to be considered, and the action contemplated. City & County of Denver v. Eggert, 647 P.2d 216 (Colo. 1982).

Solid Wastes Act provides a local government with authority to regulate disposal sites, incidental to which may be inferred the authority to delay the approval of permits for certificates of designation while guidelines and regulations are being developed. Dill v. Bd. of County Comm'rs of Lincoln County, 928 P.2d 809 (Colo. App. 1996).

Article 3

PUBLIC HEALTH AND SANITATION - SOLID WASTE DISPOSAL

6.3.101: DEFINITIONS:

The City hereby adopts by reference those definitions promulgated by the Colorado Department of Public Health and Environment pursuant to the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and published in the Code of Colorado Regulations at 6 CCR 1007.2, and any subsequent amendments thereto. (Ord. 94-21; Ord. 01-42)

6.3.102: RULES AND REGULATIONS:

The City hereby adopts by reference the part A rules and regulations relating to waiver processes and procedures and minimum standards, and the part B rules and regulations promulgated by the Colorado Department of Public Health and Environment pursuant to the "Solid Waste Disposal Sites And Facilities Act", part 1 of article 20 of title 30, Colorado Revised Statutes, and published in the Code of Colorado Regulations at 6 CCR 1007.2, and any subsequent amendments thereto. (Ord. 94-21; Ord. 01-42)

6.3.103: CERTIFICATE OF DESIGNATION; REQUIREMENT OF:

It shall be unlawful for any person to own, operate, construct, or modify a solid waste disposal site or solid waste disposal facility in the City without first having obtained a certificate of designation from the City pursuant to the requirements of this article. (Ord. 94-21; Ord. 01-42)

6.3.104: CERTIFICATE OF DESIGNATION; APPLICATION FOR:

A. Any person who proposes to own, operate, construct, or modify a solid waste disposal site or disposal facility or combination thereof shall make application or amended application to City Planning. The application or amended application shall be presented

on a form approved by the City Planning. The application or amended application shall be accompanied by a nonrefundable fee of three hundred dollars (\$300.00), and shall set forth at minimum the location and type of site or facility; the type of processing to be used, such as sanitary landfill, composting or incineration; the hours of operation; the method of supervision; the rates to be charged, if any; and other information as may be requested of the applicant by the City for purposes of evaluating compliance with the rules and regulations pertaining to the approval of an application or amended application for a certificate of designation. The application or amended application shall also include an engineering design and operations report which includes, but is not limited to, geological, hydrological, engineering, and operational data for the design, operation, closure, and postclosure of the facility. This information shall be prepared in accord with Colorado Department of Public Health and Environment regulations and all requirements of this article.

- B. City Planning shall refer the applications or amended applications to the Colorado Department of Public Health and Environment within five (5) working days for review and for recommendation as to approval or disapproval. Review by the City and the Colorado Department of Public Health and Environment shall be concurrent.

- C. City Planning shall review the application or amended application for certificate of designation, and after receiving comments from various other City departments, the City Planning shall recommend approval or denial or request additional information relating to the application or amended application based upon applicable laws, rules, and regulations. (Ord. 94-21; Ord. 01-42)

6.3.105: CERTIFICATE OF DESIGNATION; REFERRAL TO PLANNING COMMISSION:

Upon recommendation of approval by the Colorado Department of Public Health and Environment, City Planning shall refer the application or amended application to the Planning Commission. The Planning Commission, after giving public notice, shall hold a public hearing relating to the application or amended application. The Planning Commission shall comply with the notice and hearing requirements of sections 104(3)(a) and (b) of article 20 of title 30 Colorado Revised Statutes. The Planning Commission shall render its decision on the application or amended application and either approve, deny, or modify the recommendation made to it by City Planning. (Ord. 94-21; Ord. 01-42)

6.3.106: CERTIFICATE OF DESIGNATION; 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:

- 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;
- B. The convenience and accessibility of the solid waste disposal site or facility to potential users;
- 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.
- D. Recommendations by the various departments and divisions of the Health Department. (Ord. 94-21; Ord. 01-42)

6.3.107: CERTIFICATE OF DESIGNATION; POWER TO ISSUE; APPEALS:

- A. Upon favorable recommendation by the Planning Commission, the application shall be granted and the certificate of designation issued by City Planning. The certificate of designation shall not be issued by City Planning until the period for appeal under chapter 7 of this Code expires.
- B. In accord with chapter 7 of this Code, the applicant or any person may appeal to the City Council any action of the Planning Commission in relation to this article where the action was adverse to the person by filing with the City Clerk a notice of appeal.

- C. In the event that an appeal from an action of the Planning Commission to City Council is filed, City Planning shall not issue a certificate of designation unless the City Council approves the issuance of the certificate of designation.
- D. For any action appealed to the City Council, the provisions of chapter 7 of this Code, shall apply.
- E. When hearing an appeal under this section, the City Council shall include, but not limit, consideration to a review of the factors listed in section 6.3.106 of this article.
- F. City Planning shall not issue a certificate of designation if the Colorado Department of Public Health and Environment has recommended disapproval. (Ord. 94-21; Ord. 01-42)

6.3.108: EXISTING SOLID WASTE SITES AND FACILITIES:

No existing solid waste site or facility which is operating pursuant to a valid certificate of designation shall be deemed to be in violation of any provision of this article due to any failure to comply with application procedures which are enacted subsequent to the issuance of the certificate of designation. (Ord. 94-21; Ord. 01-42)

6.3.109: EXEMPTIONS:

Obtaining a certificate of designation under the provisions of this article shall not be necessary for:

- A. Those sites and facilities at which any person, other than a governmental unit, disposes of personal solid wastes on his or her own property so long as the disposal operation complies with the "Solid Waste Disposal Sites And Facilities Act" and the applicable regulations published in the Code of Colorado Regulations at 6 CCR 1007.2.
- B. Those facilities for solid waste disposal at which any person engaged in mining operations permitted by the Colorado Mined Land Reclamation Board, pursuant to the "Colorado Mined Land Reclamation Act", part 1 of article 32 of title 34, Colorado Revised



September 10, 2013

Mr. Larry Bruskin
Environmental Protection Specialist
Colorado Dept. of Public Health and Env.
4300 Cherry Creek Drive South
HMWMD-B2
Denver, CO 80246-1530

Re: Referral for Review and Recommendation
Certificate of Designation
Healthcare Medical Waste Services, LLC.

Dear Mr. Bruskin:

The City of Colorado Springs is referring this application for a Certificate of Designation for a medical waste treatment facility proposed by Healthcare Medical Waste Services, LLC (HMWS). The referral to the Colorado Department of Public Health and the Environment (CDPHE) is per Colorado statute 6 CCR 1007-2 Part 1 Solid Waste Disposal Sites And Facilities Section 1.6.1 requiring any proposed operation be applied through a municipality if it within the municipal boundaries.

The facility will be located at 4325 Sinton Road in Colorado Springs. The location is zoned M-1 and allows the light industrial use in the existing building without a zoning application. The application document will be submitted to the CDPHE by the applicant's preparer, American Environmental Consulting, LLC (AEC). The contact information is provided as follows:

Healthcare Medical Waste Services, LLC
Dominick DiVello
6 N. Tejon, Suite 501
Colorado Springs, CO 80903
719-445-5044

AEC
Curtis Ahrendsen
6885 S. Marshall St, Suite 3
Littleton, CO 80128
303-948-7733

Please let me know if there are any questions or you require additional information.

Respectfully,

Lonna Thelen, AICP, LEED AP BD&C
Planner II
Land Use Review, City of Colorado Springs

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

Certified Mail # 7012 1640 0000 0801 6020
Return Receipt Requested

January 16, 2014

Dominick DiVello
Healthcare Medical Waste Services, LLC
6 N. Tejon St, Suite 501
Colorado Springs, CO 80903

RE: Technical Review Comments
Application for Certificate of Designation
Healthcare Medical Waste Services Facility
4325 Sinton Rd
Colorado Springs, CO 80903
SW/ELP/HMSR 2.1

Dear Mr. DiVello,

The Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (Division), received from the City of Colorado Springs, Colorado, an official referral notification, dated September 10, 2013, requesting the Division's review of an Application for a Certificate of Designation (CD) (Application) for a proposed new medical waste treatment facility in Colorado Springs in El Paso County, Colorado. As described in the Application, Healthcare Medical Waste Services, LLC (HMWS) has proposed a new facility, a Medical Waste Treatment Facility (MWTF), which is housed in an existing warehouse structure, of which it will occupy one of many units. All treatment operations will be performed in the building, which has an area of approximately 5,900 square feet. Included in the Application is an *Engineering Design and Operations Plan (EDOP)* (HMWS 2013), prepared by American Environmental Consulting LLC, and dated August 2013.

The Division reviewed the Application to determine its compliance with the requirements set forth in the Solid Waste Disposal Sites and Facilities Act, Title 30, Article 20, Parts 1 and 10 (Solid Waste Act) of the Colorado Revised Statutes (CRS), as amended, and with the regulations promulgated there under: the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Solid Waste

Mr. Dominick DiVello
Technical Review Comments: Application for Certificate of Designation
Healthcare Medical Waste Services
January 16, 2014
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Regulations). In accordance with the Solid Waste Statute, CRS 30-20-103 (2), a Completeness Review of the Application is required within 30 days of receipt of the application. The Division conducted the Completeness Review and on October 8, 2013, the Division issued written notification that (1) the Division had determined the Application to be complete, and (2) it was not the intent or purpose of the Completeness Review to imply anything concerning the final approval (or disapproval) of the Application.

In accordance with the Solid Waste Statute, CRS 30-20-103 (2), a technical evaluation of the Application is required after the Completeness Review has been conducted. The Division has initiated the technical evaluation and has one hundred and fifty (150) calendar days to complete the activity. Herein the Division is requesting additional information in order to clarify aspects of the Application before completing the Technical Evaluation. During the technical evaluation, the Division initiates a written public comment period of thirty (30) calendar days following the issuance of a public notice. The Division initiated the public comment period on December 16, 2013. A formal recommendation of approval, approval with conditions, or disapproval of the Application per the Solid Waste Regulations will be made after the Division has reviewed the requested information, any additional information, as well as any public comments received.

The Division has completed its initial technical review of the Application including the *EDOP* (HMWS 2013), and requires HMWS to provide additional information and to modify the *EDOP* (HMWS 2013). Prior to submittal of any such modification, the Division recommends that HMWS respond to each comment in writing, and submit the required additional information for review and approval. We are available to meet and discuss your responses prior to formal submittal and document modification.

Presented below are the Division's technical review comments on the *EDOP* (HMWS 2013).

1. In the last sentence of Section 1.0 of the *EDOP*, please add that the local governing body as well as the Division shall be notified in writing of the anticipated date and actual date of start-up of the facility, per Section 13.8.1 of the Solid Waste Regulations.
2. In Section 1.0, Dominick DiVello is listed as the Corporate Contact for Healthcare Medical Waste Services, LLC. Section 13.7.2 (A) (1) and (2) of the Solid Waste Regulations require the names, addresses, telephone numbers, and email addresses of the facility owners and operators as well as the persons of authority in the event of an emergency. Please give the appropriate information for any persons that fit those descriptions, or specifically list Mr. DiVello as such if he is the operator and emergency contact with authority.
3. The second to last paragraph of Section 1.1 states that "Complete treatment is verified by the testing as described in Section 4.7 of this *EDOP*." Section 4.7 of the *EDOP* discusses things to be kept in the operating record, and not testing procedures. Please update the *EDOP* to reference the appropriate testing section.
4. Figure 2, Building Layout, does not meet the requirements of a site map listed in Section 13.7.2 (B) (2) of the Solid Waste Regulations. Please revise accordingly.

Mr. Dominick DiVello
Technical Review Comments: Application for Certificate of Designation
Healthcare Medical Waste Services
January 16, 2014
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5. Figure 4, Vicinity Map, does not meet the requirements of a vicinity map listed in Section 13.7.2 (B) (1) of the Solid Waste Regulations. Please revise accordingly.
6. Please update Section 1.7 if any permits have been applied for or acquired, pursuant to Section 13.7.2 (A) (5) of the Solid Waste Regulations.
7. In Section 3.1, it appears that "Municipal Solid Waste" should be item number 4 under waste categories.
8. Section 3.3 gives throughput ranges for the entire series of STI Series 2000 machines. Please update this section to only discuss throughput for the specific equipment that will be installed on-site.
9. In the EDOP it is currently unclear whether or not there is water discharge from the STI Series 2000 system. Currently the only wastewater listed is from disinfecting containers, and this waste will be collected in sumps and introduced back into the treatment process. If there is discharge to the sanitary sewer from any process associated with waste treatment HMWS will need to supply a letter from Clear Springs Utilities giving HMWS permission to discharge into their sanitary sewer system pursuant to Section 13.7.2 (A) (5) of the Solid Waste Regulations.
10. HMWS plans to accept and treat certain liquid wastes, such as blood and other bodily fluids, as well as the wastewater from their container disinfecting process. Section 3.2, item number 6 states that liquid waste will be absorbed during the sterilization process. The manufacturer's recommendations for acceptance and treatment of liquid waste must be followed, if applicable. Pursuant to Section 2.1.14 of the Solid Waste Regulations no facility may accept liquid wastes for disposal. Please add language to state that a paint filter test (United States Environmental Protection Agency [EPA] Test Method 9095B, from the EPA solid waste publication SW-846 – *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*) will be performed prior to disposal as necessary.
11. Section 4.5 lists hazardous waste, chemotherapy waste, and recognizable human anatomical remains as unacceptable waste for treatment. Pursuant to Section 13.7.1 of the Solid Waste Regulations please add radioactive materials and controlled substances to the list of prohibited wastes.
12. The EDOP alternately lists the minimum operating temperature for the STI Series 2000 system as 195°F and 205°F. The minimum operating temperature for treatment needs to be consistent throughout the EDOP. Please also be aware that the minimum operating standards for treatment need to be consistent with technology validation and technology verification testing.
13. Per Section 13.7.2 (C) (3) (d) of the Solid Waste Regulations, the waste treater must provide a detailed written operations and maintenance plan that includes the technology manufacturer's specifications and instructions. Only a maintenance schedule is currently provided.

Mr. Dominick DiVello
Technical Review Comments: Application for Certificate of Designation
Healthcare Medical Waste Services
January 16, 2014
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14. The Solid Waste Regulations require that technology validation and technology verification processes be included in an EDOP for a medical waste treatment facility. The technology validation process must include testing protocols for biological indicators, as well as results of those tests. Validation information should be provided by the technology manufacturer.

Technology verification should use the same protocols for testing that are set forth in the validation process. Additionally, prior to production startup of newly installed equipment, onsite verification must be completed and the results of verification testing must be included in the EDOP before it can be approved by the Division.

Pursuant to Sections 13.7.2 (C) (3) (i) and (ii), please update the EDOP to include both technology validation information and technology verification information.

15. The technology verification methods of the EDOP must address the steps to be taken in the event of a failed biological monitoring test, to include but not limited to re-testing, determining and correcting the error, and reprocessing waste loads as necessary.
16. In Section 3.2 it is unclear whether the re-usable medical waste containers will be cleaned within the STI Series 2000, or done as separate process. Please provide more detail on this decontamination process, including a description of any equipment to be used in the process. Additionally there is mention of a sump used to collect wastewater that is generated in this decontamination process. If a building or equipment sump is to be used, a technical design drawing including dimensions and volume needs to be included in the EDOP showing that the sump is capable of holding the potential wastewater and preventing a release to the environment.
17. Section 13.7.2 (B) (8) (iii) requires that the location of the spill kit be described or detailed. Please include the location of the spill response kit on the building layout plan, or a description of its location in the contingency plan.
18. Section 4.4 briefly describes some of the training that the Facility will provide to employees. Pursuant to Section 13.7.2 (C) (9) of the Solid Waste Regulations, please add language stating that employees will receive training when starting a new position or receiving additional duties, when new management procedures are implemented, and on an annual basis.
19. The Contingency Plan given in Appendix E references an addendum that is to be provided by the facility listing the names and numbers of its emergency coordinators, local fire company, and other emergency response personnel. Please provide this addendum and include it with the current contingency plan in order to make it complete.
20. Pursuant to Section 13.7.2 (C) (2) of the Solid Waste Regulations, please give a more detailed description of the duties, responsibilities, and training requirements of all employees who manage medical waste at the site.

Mr. Dominick DiVello
Technical Review Comments: Application for Certificate of Designation
Healthcare Medical Waste Services
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21. Section 13.7.2 (C) (6) (i) of the Solid Waste Regulations requires that all exterior doors, gates, or lids to medical waste storage areas shall be marked with the biohazard symbol, and the words "Caution – Medical Waste Storage – Unauthorized Persons Keep Out". Additionally the storage and compaction unit for treated waste must clearly be labeled as "Treated Medical Waste". Letters on signs shall be at least two inches in height and legible.
22. Section 13.7.2 (C) (10) of the Solid Waste Regulations contains information required by the facility at the time of closure. Please update the closure plan in Section 5.0 of the EDOP to contain the following:
 - The facility will notify the Department, the City of Colorado Springs, and customers sixty (60) calendar days in advance of the proposed closure
 - The facility shall not accept new waste fourteen (14) days prior to the date of anticipated closure
 - All wastes will be transported to an approved solid waste facility within fourteen (14) calendar days of receipt of the final waste load
 - Within thirty (30) calendar days of completing closure activities, the owner and operator shall provide written notification to the Department and the City of Colorado Springs to document that closure plan has been followed and closure standards have been achieved
23. Section 1.8 of the Solid Waste Regulations requires Financial Assurance for all solid waste disposal sites and facilities. Annual adjustments to financial assurance cost estimates to account for inflation or deflation is required. Additionally, closure cost estimates must be replaced every five (5) years unless otherwise required by the Division. Therefore, to avoid any unnecessary modification to the EDOP (when approved), the Division requests that HMWS submit closure cost estimates separately. Please contact Division Financial Analyst Enrique Martinez (303-691-4054, Enrique.Martinez@state.co.us) to coordinate the establishment of financial assurance.

In addition to complying with the Division's Solid Waste Regulations, HMWS must comply with all relevant federal, state, and local regulations, including but not limited to, the appropriate requirements of the Division of Water Resources, the Water Quality Control Division, the Air Pollution Control Division, City of Colorado Springs, and El Paso County.

The Division is authorized to bill for its review of technical submittals at \$125 per hour, pursuant to Section 1.7 of the Solid Waste Regulations. An invoice for the Division's review of the subject document will be sent under separate cover. You can find the Division's fees and billing ceilings at the Division's web site here:

<http://www.colorado.gov/cs/Satellite/CDPHE-Main/CBON/1251607568997>

Should you have questions, please contact Jace Driver at 303-691-4059, Jace.Driver@state.co.us, or Roger Doak at 303-692-3437, Roger.Doak@state.co.us.

Mr. Dominick DiVello
Technical Review Comments: Application for Certificate of Designation
Healthcare Medical Waste Services
January 16, 2014
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Sincerely,



Jace Driver
Solid Waste Permitting Unit
Solid Waste and Material Management Program
Hazardous Materials Waste Management Division



Roger Doak, Unit Leader
Solid Waste Permitting Unit
Solid Waste and Material Management Program
Hazardous Materials Waste Management Division

- | | | | |
|-----|-------------------------------|---|---|
| cc: | Colorado Springs City Council | - | Colorado Springs Government |
| | Lonna Thelon | - | City of Colorado Springs, Land Use Review |
| | Curtis Ahrendsen | - | AEC |
| ec: | Brian Long | - | Division Compliance Assurance |
| | Enrique Martinez | - | Division Financial Analyst |
| | Chip Hancock | - | Air Pollution Control Division |
| | Janet Kieler | - | Water Quality Control Division |



February 27, 2014

Mr. Jace Driver
Colorado Department of Public Health and Environment
4300 Cherry Creek Dr. S.
Denver, Colorado
Phone (303) 692-2000

RE: Technical Review Comment Response
Application for Certificate of Designation
Healthcare Medical Waste Services Facility
4325 Sinton Rd
Colorado Springs, CO 80903
SW/ELP/HMSR 2.1

Dear Mr. Driver,

Healthcare Medical Waste Services (HMWS) and American Environmental Consulting, LLC (AEC) have prepared this response to the Department's review comments regarding the HMWS Engineering Design and Operations Plan (EDOP). The responses are also based on discussions in our meeting of February 19. I have also included copies of the information requested as part of the responses to placed appropriately in the previously submitted document as follows:

1. Revised EDOP and Table of Contents (including Figures 1A and 1B). All other figures remain the same and are not included with this packet.
2. A revised Contingency Plan
3. Appendix H: Operation and Maintenance Plan
4. Appendix I: Equipment Testing Results
5. Appendix J: A letter from the Colorado Springs Utilities Industrial Pretreatment Department (this letter will not be available for a couple weeks and will be forwarded to you when it is received).

Two copies of each are included for your records.

Presented below are the Division's technical review comments followed by the HMWS and AEC response (in bold). Responses were incorporated into the revisions attached.

1. In the last sentence of Section 1.0 of the EDOP, please add that the local governing body as well as the Division shall be notified in writing of the anticipated date and actual date of startup of the facility, per Section 13.8.1 of the Solid Waste Regulations.

City of Colorado Springs added: Page 1

2. In Section 1.0, Dominick DiVello is listed as the Corporate Contact for Healthcare Medical Waste Services, LLC. Section 3.7.2 (A)(1) and (2) of the Solid Waste Regulations require the names, addresses, telephone numbers, and email addresses of the facility owners and operators as well as the persons of authority in the event of an emergency. Please give the appropriate information for any persons that fit those descriptions, or specifically list Mr. DiVello as such if he is the operator and emergency contact with authority.

Information added: Page 1

3. The second to last paragraph of Section 1.1 states that: "treatment is verified by the testing as described in Section 4.7 of this EDOP." Section 4.7 of the EDOP discusses things to be kept in the operating record, and not testing procedures. Please update the EDOP to reference the appropriate testing section.

Revised the text to Section 4.1.3: Page 2

4. Figure 2, Building Layout, does not meet the requirements of a site map listed in Section 13.7.2 (B)(2) of the Solid Waste Regulations. Please revise accordingly.

Revised to include building dimensions as per discussions with CDPHE.

5. Figure 4, Vicinity Map, does not meet the requirements of a vicinity map listed in Section 13.7.2 (B)(1) of the Solid Waste Regulations. Please revise accordingly.

Included a revised Figure 1A (Access and Site Location on a larger scale) and Figure 1B (area showing a radius of ½ mile around the facility location) as per discussions with CDPHE.

6. Please update Section 1.7 if any permits have been applied for or acquired, pursuant to Section 13.7.2 (A)(5) of the Solid Waste Regulations.

No additional Permits have been applied for as of this time. It is our understanding that there are no emissions to the air that require permits and no wastewater discharges. If this changes in the future, appropriate permits will be obtained.

7. Section 3.1, it appears that "Municipal Solid Waste" should be item number 4 under waste categories.

Revised Accordingly: Page 12

8. Section 3.3 gives throughput ranges for the entire series of STI Series 2000 machines. Please update this section to only discuss throughput for the specific equipment that will be installed on site.

The rated throughput for the machine is 300 lbs per hour. We are also reserving the right to increase the throughput to 600 pph if the market permits. The text has been revised accordingly: Page 14

9. In the EDOP it is currently unclear whether or not there is water discharge from the STI Series 2000 system. Currently the only wastewater listed is from disinfecting containers, and this waste will be collected in sumps and introduced back into the treatment process. If there is discharge to the sanitary sewer from any process associated with waste treatment HMWS will need to supply a letter from Clear Springs Utilities giving HMWS permission to discharge into their sanitary sewer system pursuant to Section 13.7.2 (A) (5) of the Solid Waste Regulations.

It is not anticipated that there will be any wastewater from the treatment processes discharged to the sanitary sewer. However, HMWS did obtain a permission letter from the Colorado Springs Utilities included in Appendix ##.

10. HMWS plans to accept and treat certain liquid wastes, such as blood and other bodily fluids, as well as the wastewater from their container disinfecting process. Section 3.2, item number 6 states that liquid waste will be absorbed during the sterilization process. The manufacturer's recommendations for acceptance and treatment of liquid waste must be followed, if applicable. Pursuant to Section 2.1.14 of the Solid Waste Regulations no facility may accept liquid wastes for disposal. Please add language to state that a paint filter test (Unites States Environmental Protection Agency [EPAJ Test Method 9095B, from the EPA solid waste publication SW-846 - Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,) will be performed prior to disposal as necessary.

Clarified that the waste to the landfill will meet the landfill's waste acceptance protocols including the Paint Filter test. Also, we included some previous waste characterization test results.

11. Section 4.5 lists hazardous waste, chemotherapy waste, and recognizable human anatomical remains as unacceptable waste for treatment. Pursuant to Section 13.7.1 of the Solid Waste Regulations please add radioactive materials and controlled substances to the list of prohibited wastes.

Language added: Page 23

12. The EDOP alternately lists the minimum operating temperature for the STI Series 2000 system as 195°F and 205°F. The minimum operating temperature for treatment needs to be consistent throughout the EDOP. Please also be aware that the minimum operating standards for treatment need to be consistent with technology validation and technology verification testing.

Changed range of 205-240 deg F to 195 – 240 deg F.

13. Per Section 13.7.2 (C) (3) (d) of the Solid Waste Regulations, the waste treater must provide a detailed written operations and maintenance plan that includes the technology manufacturer's specifications and instructions. Only a maintenance schedule is currently provided.

An Operations and Maintenance Plan is included as Appendix H.

14. The Solid Waste Regulations require that technology validation and technology verification processes be included in an EDOP for a medical waste treatment facility. The technology validation process must include testing protocols for biological indicators, as well as results of those tests. Validation information should be provided by the technology manufacturer.

Technology verification should use the same protocols for testing that are set forth in the validation process. Additionally, prior to production startup of newly installed equipment, onsite verification must be completed and the results of verification testing must be included in the EDOP before it can be approved by the Division.

Pursuant to Sections 13.7.2 (C) (3) (i) and (ii), please update the EDOP to include both technology verification information.

Text added to clarify validation and verification, Section 4.1.3. We also added a statement that HMWS will verify through testing that the equipment is operating correctly prior to the final Certificate of Designation is issued. This will be a condition of the approval.

15. The technology verification methods of the EDOP must address the steps to be taken in the event of a failed biological monitoring test, to include but not limited to re-testing, determining and correcting the error, and reprocessing waste loads as necessary.

Text added to clarify test failure procedures, Section 4.1.3

16. In Section 3.2 it is unclear whether the re-usable medical waste containers will be cleaned within the STI Series 2000, or done as separate process. Please provide more detail on this decontamination process, including a description of any equipment to be used in the process. Additionally there is mention of a sump used to collect wastewater that is generated in this decontamination process. If a building or equipment sump is to be used, a technical design drawing including dimensions and volume needs to be included in the EDOP showing that the sump is capable of holding the potential wastewater and preventing a release to the environment.

Text added in Section 3.2 clarifying the liquid use and handling. Also added a figure showing the machine sump dimensions.

17. Section 13.7.2 (B) (8) (iii) requires that the location of the spill kit be described or detailed. Please include the location of the spill response kit on the building layout plan or a description of its location in the contingency plan.

A spill kit will be located near the entrance t the facility. The text in the EDOP and Contingency Plan has been revised to include this.

18. Section 4.4 briefly describes some of the training that the Facility will provide to employees. Pursuant to Section 13.7.2 (C) (9) of the Solid Waste Regulations, please add language stating that employees will receive training when starting a new position or receiving additional duties, when new management procedures are implemented, and on an annual basis.

Language added: Page 22

19. The Contingency Plan given in Appendix E references an addendum that is to be provided by the facility listing the names and numbers of its emergency coordinators, local fire company, and other emergency response personnel. Please provide this addendum and include it with the current contingency plan in order to make it complete.

Addendum included in the back of the Contingency Plan. It will be updated as employees are hired and job functions more fully defined.

20. Pursuant to Section 13.7.2 (C) (2) of the Solid Waste Regulations, please give a more detailed description of the duties, responsibilities, and training requirements of all employees who manage medical waste at the site.

Information was added to offer more detail regarding employee training, duties and responsibilities. There are very few employees anticipated to be working in the facility.

21. Section 13.7.2 (C) (6) (J) of the Solid Waste Regulations requires that all exterior doors, gates, or lids to medical waste storage areas shall be marked with the biohazard symbol, and the words "Caution - Medical Waste Storage - Unauthorized Persons Keep Out". Additionally the storage and compaction unit for treated waste must clearly be labeled as "Treated Medical Waste". Letters on signs shall be at least two inches in height and legible.

Section 3.4.2.3 Signage and Labels has been added: Page 17

22. Section 13.7.2 (C) (10) of the Solid Waste Regulations contains information required by the facility at the time of closure. Please update the closure plan in Section 5.0 of the EDOP to contain the following:

- The facility will notify the Department, the City of Colorado Springs, and customers sixty (60) calendar days in advance of the proposed closure.
- The facility shall not accept new waste fourteen (14) days prior to the date of anticipated closure
- All wastes will be transported to an approved solid waste facility within fourteen (14) calendar days of receipt of the final waste load
- Within thirty (30) calendar days of completing closure activities, the owner and operator shall provide written notification to the Department and the City of Colorado Springs to document that closure plan has been followed and closure standards have been achieved.

Language added: Page 25

23. Section 1.8 of the Solid Waste Regulations requires Financial Assurance for all solid waste disposal sites and facilities. Annual adjustments to financial assurance cost estimates to account for inflation or deflation is required. Additionally, closure cost estimates must be replaced every five (5).years unless otherwise required by the Division. Therefore, to avoid any unnecessary modification to the EDOP (when approved), the Division requests that HMWS submit closure cost estimates separately. Please contact Division Financial Analyst Enrique Martinez (303-691-4054, Enrique.Martinez@state.co.us) to coordinate the establishment of financial assurance.

HMWS will submit Financial Assurance documents following approval of the permit. CDPHE will offer conditional approval and the final CD will not be issued before the financial assurance information is provided.

Thank you for the comments and if you have any questions regarding this response letter, please let me know.

Respectfully,



Curtis J. Ahrendsen
Principal/Project Manager

cc: Dominick DiVello, HMWS
Lonna Thelen, City of Colorado Springs

Attachments:

1. Revised EDOP text
2. Contingency Plan Addendum
3. Appendix H: Operations and Maintenance Plan
4. Appendix I: Equipment Testing Results
5. Appendix J: Colorado Springs Utilities Letter

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
www.colorado.gov/cdphe



Colorado Department
of Public Health
and Environment

April 15, 2014

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

RE: Recommendation of Approval with Conditions

Application for Certificate of Designation
Healthcare Medical Waste Services Facility
4325 Sinton Rd
Colorado Springs, CO 80903
SW/ELP/HMSR 2.1

Dear Members of City Council,

On September 12, 2013, the Colorado Department of Public Health and Environment (Department), Hazardous Materials and Waste Management Division (Division), received from the City of Colorado Springs, Colorado, an official referral notification, dated September 10, 2013, requesting the Division's review of an Application for a Certificate of Designation (CD) (Application) for a proposed new medical waste treatment facility in Colorado Springs in El Paso County, Colorado. As described in the Application, Healthcare Medical Waste Services, LLC (HMWS) has proposed a new facility, a Medical Waste Treatment Facility (MWTF), which will be housed in an existing warehouse structure to be upgraded by HMWS, of which it will occupy one of many units. All treatment operations will be performed in the building, which has an area of approximately 5,900 square feet. Included in the Application is an Engineering Design and Operations Plan (EDOP) (HMWS 2013a), prepared by American Environmental Consulting LLC, and dated August 2013.

The Division reviewed the Application to determine its compliance with the requirements set forth in the Solid Waste Disposal Sites and Facilities Act, Title 30, Article 20, Parts 1 and 10 (Solid Waste Act) of the Colorado Revised Statutes (CRS), as amended, and with the regulations promulgated there under: the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2, Part 1 (Solid Waste Regulations). In accordance with the Solid Waste Statute, CRS 30-20-103 (2), a Completeness Review

City Council

Recommendation of Approval with Conditions: Application for Certificate of Designation

Healthcare Medical Waste Services

April 15, 2014

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of the Application was required within thirty (30) days of receipt of the application. The Division conducted the Completeness Review and on October 8, 2013, the Division issued written notification that (1) the Division had determined the Application to be complete, and (2) it was not the intent or purpose of the Completeness Review to imply anything concerning the final approval (or disapproval) of the Application.

On December 16, 2013, the Division published a notice in the Colorado Springs Gazette requesting written public comments on the proposed HMWS MWTF. The public comment period ended on January 15, 2014, and the Division received no comments.

In accordance with the Solid Waste Statute, CRS 30-20-103 (2), a technical evaluation of the Application was required after the Completeness Review had been conducted. The Division conducted a comprehensive technical evaluation, and on January 16, 2014, the Division submitted technical review comments to HMWS and the City of Colorado Springs.

On February 19, 2014, the Division met with HMWS to discuss proposed comment responses and document revisions.

On March 4, 2014, the Division received for review a Revised Application including a revised EDOP (HMWS 2013b).

On April 2, 2014, the Division spoke with HMWS to discuss proposed comment responses and document revisions.

On April 3, 2014, the Division received for review a Second Revised Application including a Second Revised EDOP (HMWS 2013c).

It is the determination of the Division that the HMWS MWTF can comply with the technical, environmental, and public health standards of the Solid Waste Act and the Solid Waste Regulations if the HMWS MWTF is monitored and operated as detailed in the CD Application and with the Division's conditions of recommendation as stated below in this letter. Based on our review and determination, the Division recommends, with conditions, that the HMWS MWTF may be approved by the City of Colorado Springs based on these and any local criteria. The Final Revised HMWS MWTF Application including the Final Revised EDOP (HMWS 2013c) and final resolution concerning the CD must be placed in the HMWS MWTF's operating record. In addition to the conditions listed below, please note that the HMWS MWTF must comply with the public health and environmental laws, standards, and regulations of the Department and all other applicable state, federal, and local rules, and ordinances. Our recommendation for approval of the Final Revised Application including Final Revised EDOP (HMWS 2013c), has the following conditions that must be incorporated into the CD if issued by the City of Colorado Springs:

1. Financial Assurance as defined by Section 1.8 of the Solid Waste Regulations must be received and approved by the Division before the date on which waste is first received. The Division will consult with the City of Colorado Springs prior to accepting HMWS Financial Assurance.

City Council

Recommendation of Approval with Conditions: Application for Certificate of Designation

Healthcare Medical Waste Services

April 15, 2014

Page 3

2. Onsite verification testing as defined in Section 13.7.2 (C) (3) (ii) (a) of the Solid Waste Regulations must be completed and approved by the Division and the City of Colorado Springs before the date on which waste is first received.

For your information and use in achieving timely review/approval of this Application from all appropriate parties, (1) attached is a Solid Waste Compliance Bulletin, "Certificate of Designation (CD) as a Solid Waste Disposal Site," dated December 2010; and (2) please note that the Solid Waste Statute, CRS 30-20-104, states:

(3) (a) Prior to the issuance of a certificate of designation, the governing body having jurisdiction shall require that the report, which shall be submitted by the applicant under section 30-20-103, be reviewed and a recommendation as to approval or disapproval be made by the department and shall be satisfied that the proposed solid wastes disposal site and facility conforms to the local government's comprehensive land use plan and zoning restrictions, if any. Any technical conditions of approval made by the department in its final report shall be incorporated as requirements in the certificate of designation. The application, report of the department, comprehensive land use plan, relevant zoning ordinances, and other pertinent information shall be presented to the governing body having jurisdiction at a public hearing to be held after notice. Such notice shall contain the time and place of the hearing, shall state that the matter to be considered is the applicant's proposal for a solid wastes disposal site and facility, shall provide a description of such proposed site and facility, and shall provide a description of the geographic area that is within three miles of such proposed site and facility. The notice shall be published in a newspaper having general circulation in the county or municipality in which the proposed solid wastes disposal site and facility is located at least ten but no more than thirty days prior to the date of the hearing. In addition, the notice of such public hearing shall be posted at a conspicuous point in at least one location at the offices of the governing body having jurisdiction and in at least one location at the proposed site. Such notice shall be posted for a period beginning at least thirty days before the public hearing and continuing through the date of such hearing.

(b) At the public hearing held pursuant to the provisions of this subsection (3), the governing body shall hear any written or oral testimony presented by governmental entities and residents concerning such proposed site or facility. All such testimony shall be considered by the governing body having jurisdiction in making a decision concerning such application. For the purposes of this subsection (3), "residents" means all individuals who reside within the geographic area controlled by the governing body having jurisdiction or within three miles of the proposed site and facility or who own property which lies within three miles of such proposed site and facility without regard to which county or municipality such individuals reside within.

Upon approval of the final resolution by the City of Colorado Springs City Council concerning the CD, please forward a copy of the final resolution to the Division.

Should you have questions about this determination, please contact Jace Driver at 303-691-4059, Jace.Driver@state.co.us, or Roger Doak at 303-692-3437, Roger.Doak@state.co.us.

City Council

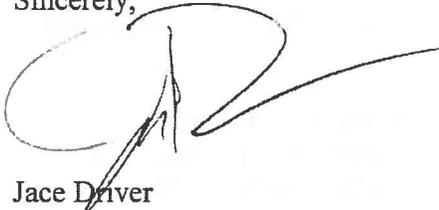
Recommendation of Approval with Conditions: Application for Certificate of Designation

Healthcare Medical Waste Services

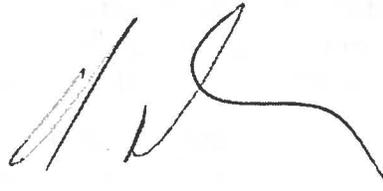
April 15, 2014

Page 4

Sincerely,



Jace Driver
Solid Waste Permitting Unit
Solid Waste and Material Management Program
Hazardous Materials Waste Management Division



Roger Doak, Unit Leader
Solid Waste Permitting Unit
Solid Waste and Material Management Program
Hazardous Materials Waste Management Division

cc: Dominick DiVello - Healthcare Medical Waste Systems
Lonna Thelon - City of Colorado Springs, Land Use Review
Curtis Ahrendsen - AEC

ec: Brian Long - Division Compliance Assurance
Enrique Martinez - Division Financial Analyst
Chip Hancock - Air Pollution Control Division
Janet Kieler - Water Quality Control Division

Attachment: Compliance Bulletin – Solid Waste: “Certificate of Designation (CD) as a Solid Waste Disposal Site,” December 2010

Thelen, Lonna

From: Mike McCarthy <MikeMcCarthy@elpasoco.com>
Sent: Tuesday, June 03, 2014 8:49 AM
To: Thelen, Lonna
Cc: Tom Gonzales
Subject: FW: Medical Waste Processing Facility - 4325 Sinton Rd
Attachments: Scanned from a Xerox multifunction device.pdf; Scanned from a Xerox multifunction device.pdf

Hi Lonna,

Tom Gonzales, the Director of Environmental Health, and I have reviewed the medical waste processing facility proposed at 4325 Sinton Road here in Colorado Springs. We do not have local regulations governing the operation, but certainly support the conditions of approval outlined by the Colorado Department of Public Health and Environment (CDPHE), Solid Waste and Material Management Program, required for the Certificate of Designation. We appreciate being made aware of the project, and you contacting El Paso County Public Health for feedback on the medical waste treatment process.

As mentioned in the CDPHE approval letter, there may be the possible need for a permit(s) from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Our only concern, which may not be an issue at all, is with possible odors generated from the process that might affect neighboring businesses. More information on that possible issue for us to look over and help us better understand the treatment process would be appreciated, but we do support the approval of the medical waste processing facility as submitted.

Respectfully,

Mike McCarthy

Environmental Health Program Manager
El Paso County Public Health
1675 West Garden of the Gods Road, Suite 2044
Colorado Springs, CO 80907
719.578.3131(O)
719.578.3188(F)
mikemccarthy@elpasoco.com
www.elpasocountyhealth.org



From: Thelen, Lonna [<mailto:Lthelen@springsgov.com>]
Sent: Monday, June 02, 2014 11:41 AM
To: Tom Gonzales
Subject: Medical Waste Processing Facility - 4325 Sinton Rd

Tom,

I was referred to you by Jim Goodwin for help with a Certificate of Designation request. I am working with Healthcare Medical Waste Systems to attain permission to operate their medical waste processing facility at 4325 Sinton Road. The applicant has been working with the Colorado Department of Public Health and Environment, specifically Jace Driver. They have been granted a recommendation of approval with conditions from the State, see the first attachment. I am preparing a staff report to ensure compliance with City Code and one of the conditions for City Code that I must ensure they comply with is to consider "recommendations by the various departments and divisions of the Health Department". I interpret this to require that I ensure the El Paso County Health Department is ok with the project.

The project application from the applicant is attached. My summary of their proposal is below. The MWPF will sterilize infection medical waste to a product that can be disposed of at the landfill. The medical waste will arrive via collection vehicles and tractor-trailer vans from medical facilities around the state. Once at the facility, the waste will be offloaded into the site via plastic containers with a liner inside that contain the medical waste to be processed. The medical waste will be placed into a large container that is connected to the Sti Biosafe machine for processing (a video is available at <http://stibiosafe.com/62> to view this process). The processing includes sterilization of the infections medical waste by mechanical and thermal means. The sterilized material is then placed in a 35 yard self-contained compactor similar to the compactors used at grocery stores. Once the compactor is full, the sterilized waste is taken to the landfill.

I would appreciate any feedback you have by noon on Wednesday so that I can include it in my staff report. If you have question or want to discuss this further, please feel free to contact me.

Thanks for your assistance,
Lonna

Lonna Thelen, AICP, LEED AP BD+C

Planner II
Land Use Review
City of Colorado Springs
30 S Nevada, Suite 155
Colorado Springs, CO 80903
(719) 385-5383



Before printing, please consider the environment

CITY PLANNING COMMISSION AGENDA

ITEM NOS: 5.A, 5.B

STAFF: RICK O'CONNOR

FILE NO(S):

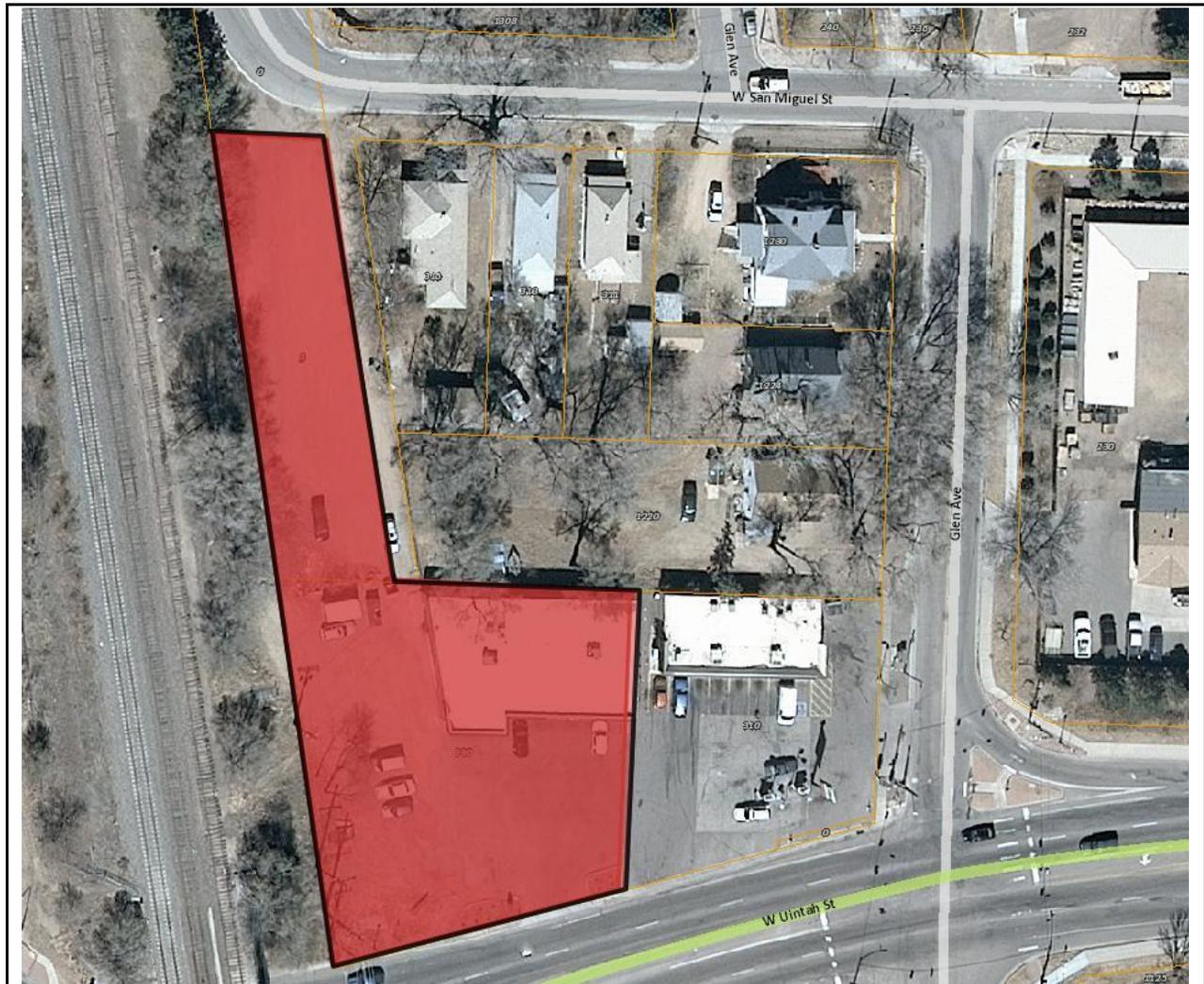
A. - CPC ZC 14-00030 – QUASI-JUDICIAL

B. - AR DP 12-00464 – QUASI-JUDICIAL

PROJECT: COAL TRAIN WINE AND LIQUOR

APPLICANT: CMG CORPORATION

OWNER: JIM LITTLE/PEGGY MCKINLAY



PROJECT SUMMARY:

1. Project Description: This project consists of two applications:
 - A rezoning of .87 acre zoned PBC (Planned Business Center) and R-2 (Two family residential) to PBC; and
 - A development plan for an addition to the existing Coal Train Liquor retail building. **(FIGURE 1).**

The existing building and adjacent property is zoned PBC **(FIGURE 2)**. The current R-2 zoned property, which is driving the rezoning request, is located within a 61-foot north/south strip within the northern most portion of the property **(FIGURE 2)** and contains approximately 7,950 square feet.

2. Applicant's Project Statement: **(FIGURE 3)**
3. Planning and Development Team's Recommendation: Approval of the two applications subject to the modifications noted under the Staff Recommendations at the end of this report.

BACKGROUND:

1. Site Address: 330 W. Uintah Street
2. Existing Zoning/Land Use: PBC (Planned Business Center) and R-2 (Two family Residential)/commercial business and vacant (northern portion of the request).
3. Surrounding Zoning/Land Use:
 - North: PBC and R-2/single family
 - South: C-6 (General Business)/transportation facility for CC
 - East: PBC and R-2/7-11 convenience store and single family residential.
 - West: PBC and R-2/railroad.
4. Comprehensive Plan/Designated 2020 Land Use: General Residential. The General Residential Land Use Matrix of the Comprehensive Plan indicates that Neighborhood Commercial is an acceptable land use within this classification.
5. Annexation: The property was annexed as part of the Town of Colorado Springs in 1872.
6. Master Plan/Designated Master Plan Land Use: Not located within a master plan area.
7. Subdivision: the southerly portion of the property was originally platted as a part of Harrison's subdivision in 1898 and replatted as Wofford Heights Subdivision in 1980.
8. Zoning Enforcement Action: None
9. Physical Characteristics: The south half of the property has a building on it, which will undergo expansion pending approval of this request.

STAKEHOLDER PROCESS AND INVOLVEMENT: The public process involved the mailing to 23 property owners located within 500 feet of the request and to the North End HOA, three times (due to revisions to the plans) during the internal review stage and an additional mailing will be completed prior to the Planning Commission meeting. The property was posted during the internal review and will be again prior to the Planning Commission meeting. Comments were received from the Old North End Neighborhood Association (ONEN), two others within the area and one from an adjoining property owner (the Wrights) to the east. The Wrights previously indicated several concerns and the applicant has responded to those concerns. The applicant and staff met specifically with the Wrights on June 3 to attempt to address the concerns/issues. The original issue letter and latest response is provided **(FIGURE 4)**.

ANALYSIS OF REVIEW CRITERIA/MAJOR ISSUES/COMPREHENSIVE PLAN & MASTER PLAN CONFORMANCE:

1. Review Criteria / Design & Development Issues:

This request initially started with a development plan amendment to extend the existing building to the west. The City owned the northern portion of the property which is now part of the request until 2013. The city subsequently sold the northern 61-foot wide by 200-foot long parcel (12,038 square feet), which was old railroad right-of-way conveyed to the City in 1962 to the applicant. At the same time, the city relocated a 48-inch storm sewer within this parcel and the applicant relocated a non-potable water line. This parcel is now encumbered with a storm sewer, a fiber optic line and a non-potable water line/easement. Additionally the city has required an additional 8-foot access easement adjoining the existing 12-foot alley on the east side of the property for an alley/access width of 20 feet.

This northerly parcel, obtained from the city, is currently zoned R-2 and is subject to the rezoning application. As currently zoned (R-2), there is no reasonable use for the property. It is so encumbered with utilities and easements that there is no adequate buildable area available on the site (**FIGURE 5**). Additionally, it abuts the railroad tracks to the west which is a railroad main line. Therefore, the R-2 zone district/residential usage is not a reasonable zone/use for this property.

Even zoned commercial, the site is extremely limited. The applicant is proposing to utilize this area primarily for deliveries and occasional overflow parking.

The ability to provide landscaping is also limited due to all of the utilities. The adjoining property owner requested that the area of the alley and access easement be clearly separated. A fence was suggested on the west edge of this access but it was agreed by all parties that a more secure provision be provided (concrete barrier).

The zone change review criteria is found in Section 7.5.603.B of the Zoning Code. Staff has determined that the review criteria for a zone change has been met.

2. Conformance with the City Comprehensive Plan:

The General Residential Land Use Matrix of the Comprehensive Plan indicates that Neighborhood Commercial is an acceptable land use for this land use classification. Applicable Objectives and goals are as follows:

Policy LU 201: Promote a Focused, Consolidated Land Use Pattern

Locate new growth and development in well-defined contiguous areas in order to avoid leapfrog, scattered land use patterns that cannot be adequately provided with City services.

Objective LU 4: Encourage Infill and Redevelopment

Encourage infill and redevelopment projects that are in character and context with existing, surrounding development. Infill and redevelopment projects in existing neighborhoods make good use of the City's infrastructure. If properly designed, these projects can serve an important role in achieving quality, mixed-use neighborhoods. In some instances, sensitively designed, high quality infill and redevelopment projects can help stabilize and revitalize existing older neighborhoods.

Policy LU 401: Encourage Appropriate Uses and Designs for Redevelopment and Infill Projects

Work with property owners in neighborhoods, the downtown, and other existing activity centers and corridors to determine appropriate uses and criteria for redevelopment and infill projects to ensure compatibility with the surrounding area.

Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings

Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

3. Conformance with the Area's Master Plan: Does not apply.

STAFF RECOMMENDATION:

Item No: 5.A CPC ZC 14-00030 – Rezoning to PBC

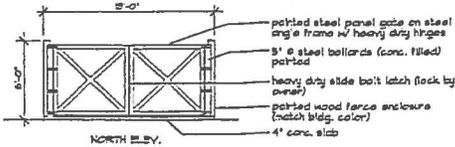
Approve the rezoning to PBC for Coal Train Wine and Liquor, based upon the finding that the rezoning complies with the rezone review criteria in City Code Section 7.5.603 B.

Item No: 5.B AR DP 12-00564 – Development Plan

Approve the Coal Train Wine and Liquor development plan, based upon the finding that the development plan complies with the development plan review criteria in City Code Section 7.5.502.E, subject to compliance with the following technical and/or informational plan modifications

Technical and Informational Modifications

1. Provide a barrier along the west side of the 8-foot access adjacent to the 12-foot alley which defines the edge of this access area.
 2. Revise the utility and landscape sheets to reflect all necessary CSU utilities and easements.
-



TRASH ENCLOSURE ELEVATIONS
 NOT TO SCALE

LEGAL DESCRIPTION

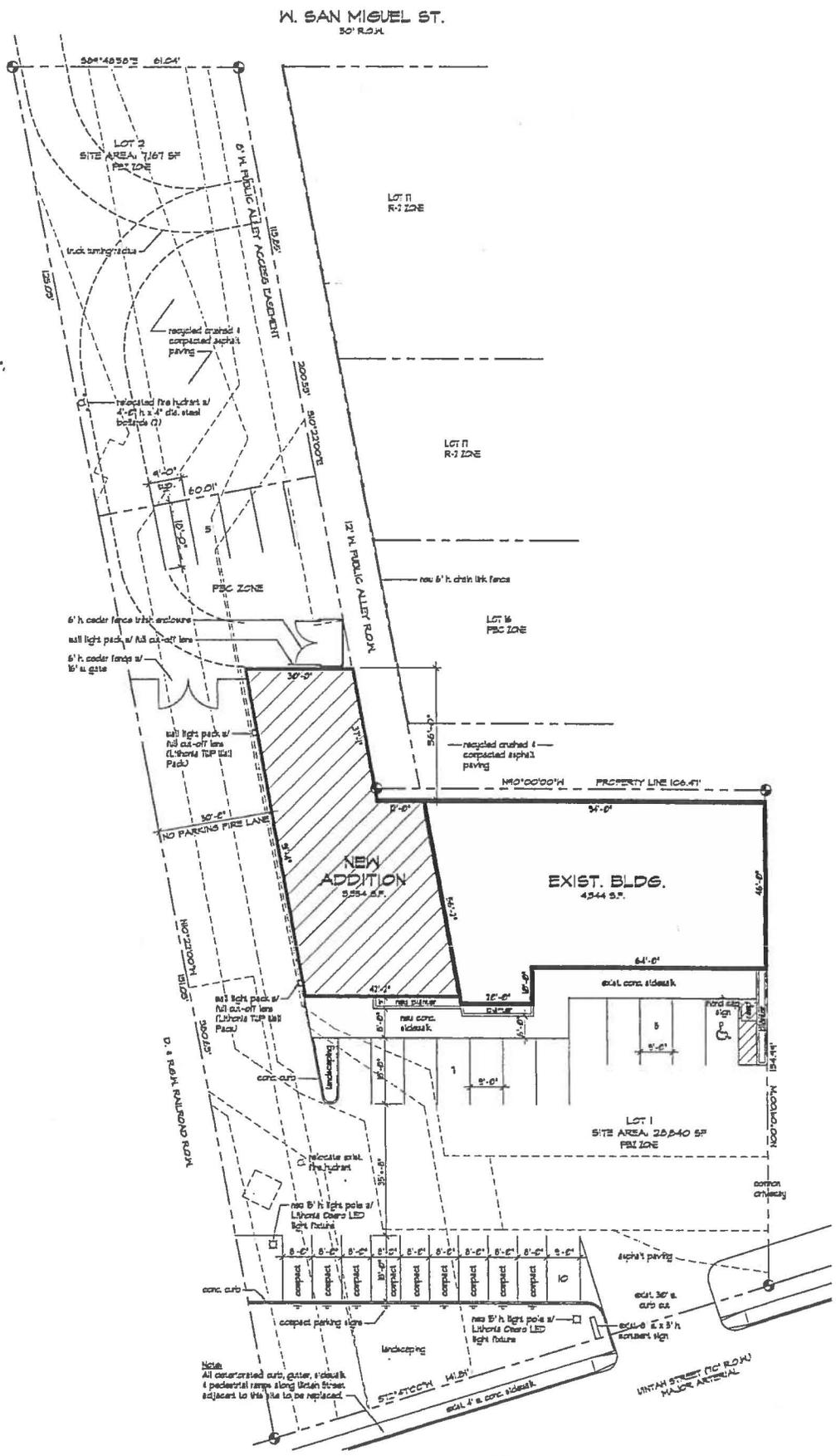
WOFFORD HEIGHTS SUBDIVISION NO. 2
 A REPLAT OF LOT 1 IN WOFFORD HEIGHTS SUBDIVISION NO. 2,
 THE ADJACENT PORTION OF THE VACATED ALLEY IN
 HARRISON'S SUBDIVISION OF A PART OF LOTS 1, 2, 3,
 4, 5, 6, AND 8 AND A PORTION OF PINE STREET, AND THAT
 PORTION OF THE NORTHWEST QUARTER OF SECTION 7,
 TOWNSHIP 14 SOUTH, RANGE 66 WEST OF THE 6TH P.M., IN
 THE CITY OF COLORADO SPRINGS, EL PASO COUNTY,
 COLORADO

OWNERSHIP DATA

COALTRAIN WINE AND SPIRITS SHOP
 590 W. WINTAH
 COLORADO SPRINGS, CO 80905
 OFFICE: 714-475-4100
 EMAIL: jmlittle25@aol.com
 CONTACT PERSON: JIM LITTLE & PEGGY MCKINLAY
 TAX SCHEDULE NUMBER: 64072-06-026

SITE DATA

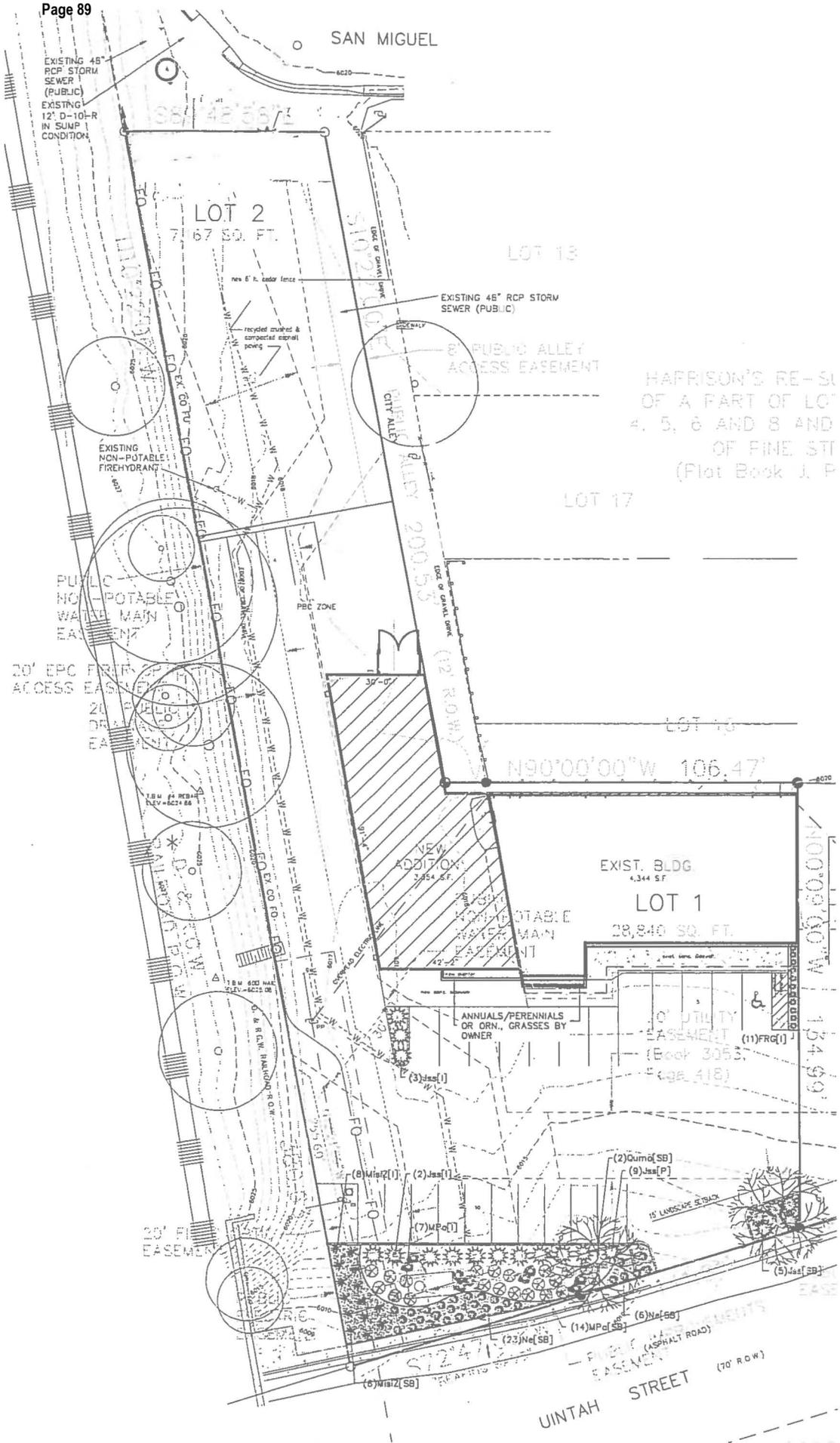
SITE AREA: .55 ACRES (23,960 SF)
 ZONE: FBC
 BUILDING AREA: 7,690 SF (MAIN LEVEL)
 4,344 S.F. (EXIST. BLDG.)
 3,346 S.F. (NEW ADDITION)
 1,481 S.F. (BASEMENT STORAGE)
 BUILDING/SITE COVERAGE: 26.5%
 BUILDING HEIGHT: 30'
 PARKING REQ'D: 27 TOTAL
 26 (7,690 ÷ 300)
 1 (1,481 ÷ 1,000) (BASEMENT STORAGE)
 PARKING PROVIDED: 27
 APPROXIMATE SCHEDULE FOR DEVELOPMENT:
 COMMENCE CONSTRUCTION: SPRING, 2014
 COMPLETE CONSTRUCTION: SUMMER, 2014



SITE PLAN
 SCALE: 1" = 20'



FIGURE 1
 AR DP 12-00464



LANDSCAPE CALCULATIONS:

ZONE-PBC
 AREA-35,958S.F.
 BLDG-7,696S.F.

SETBACK

STREET NAME OR ZONE BOUNDARY	UN
STREET CLASSIFICATION	AR
WIDTH (FT) REQUIRED/PROVIDED	15'
LINEAR FOOTAGE	141
TREE/FEET REQUIRED	1/1
NUMBER OF TREES REQUIRED/PROVIDED	5/
SHRUB SUBSTITUTES REQUIRED/PROVIDED	30
ORNAMENTAL GRASS SUBSTITUTES REQUIRED/PROVIDED	0/
PLANT ABBREVIATION DENOTED ON PLAN	SB
PERCENT GROUND PLANE VEG REQUIRED/PROVIDED	75

PARKING

NUMBER OF VEHICLE SPACES PROVIDED	26
SHADE TREES REQUIRED/PROVIDED (1/15 SPACES)	2/
VEHICLE LOT FRONTAGES	UN
LENGTH OF FRONTAGES (FT) (EXCLUDING DRIVEWAYS)	141
2/3 LENGTH OF FRONTAGES	92
MIN 3' SCREENING PLANTS REQUIRED/PROVIDED	9
EVERGREEN PLANTS REQUIRED(50%)/PROVIDED	0
LENGTH OF SCREENING WALL OR BERM PROVIDED	P
VEHICLE LOT PLANT ABBREVIATION ON PLAN	P
PERCENT GROUND PLANE VEG REQUIRED/PROVIDED	75

INTERNAL

NET SITE AREA (SF) (LESS PUBLIC R.O.W)	35
PERCENT MINIMUM INTERNAL AREA (%)	5%
INTERNAL AREA (SF) REQUIRED/PROVIDED	1,7
INTERNAL TREES (1/500 SF) REQUIRED/PROVIDED	2/
SHRUB SUBSTITUTES REQUIRED/PROVIDED	20
ORNAMENTAL GRASS SUBSTITUTES REQUIRED/PROVIDED	10
PLANT ABBREVIATION DENOTED ON PLAN	I
PERCENT GROUND PLANE VEG REQUIRED/PROVIDED	75

3/4" DIA. CIMARRON GRAVEL
 3" DEPTH MIN.

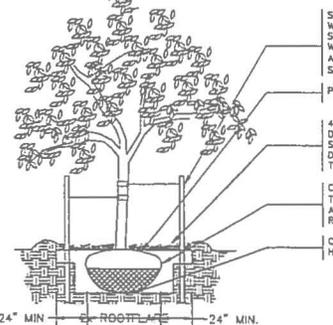


TYPICAL:
 SHREDDED CEDAR ORGANIC MULCH

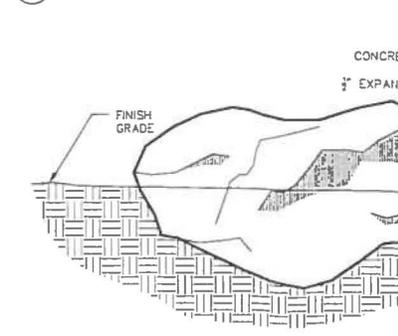


NOTES:

- DO NOT REMOVE OR CUT LEADER
- PRUNE ONLY DEAD OR BROKEN BRANCHES IMMEDIATELY PRIOR TO PLANTING.
- REMOVE ANY DOUBLE LEADER, UNLESS OTHERWISE DIRECTED BY OWNER'S RE
- KEEP PLANTS MOST AND SHADED UNTIL PLANTING.
- AVOID FALL PLANTING IF POSSIBLE.
- AMENDED BACKFILL SHALL BE BOX SOIL FROM PLANTING PIT AND 20% ORGA
- STAKING POST SHALL BE 1 1/2" DIA. TREATED WOOD STAKE. METAL POST W



DECIDUOUS TREE PLANTING



NOTE:
 1/2 TO 1/3 OF ROCK SHALL BE BURIED

FIGURE 1 LANDSCAPE

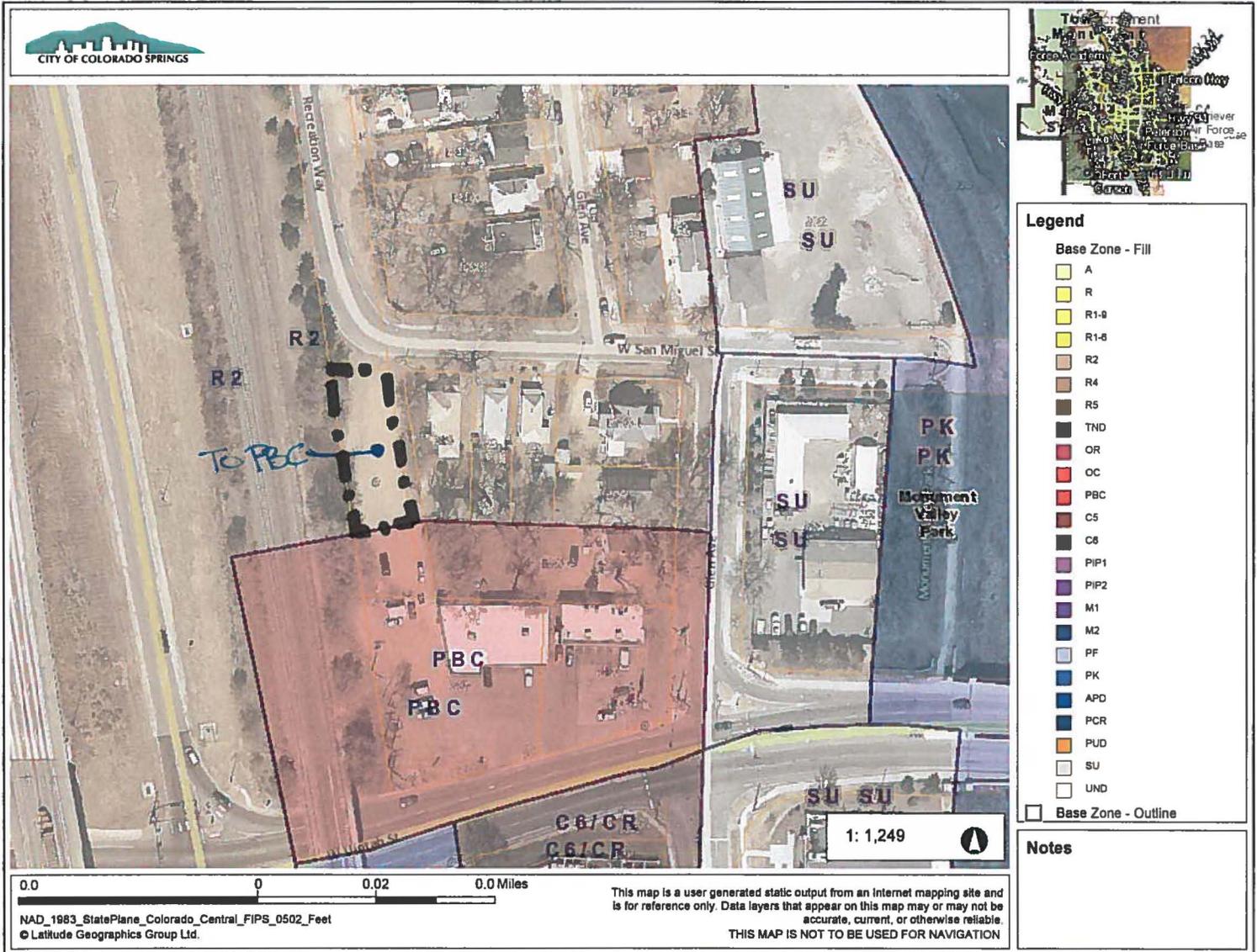


FIGURE 2

December 20, 2013

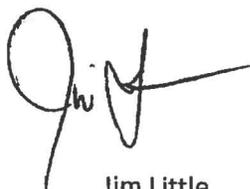
To Whom It May Concern:

This is a request to change the zoning of the property recently conveyed from the city of Colorado Springs to Jim Little and Peggy McKinlay from R2 Residential to Commercial. This property was deeded to Little and McKinlay by the city as partial compensation for costs they incurred when they started excavating for their expansion of Coaltrain Wine and Spirits, onto property they had previously purchased from the city, and discovered a four foot wide stormwater drain that no one knew about... not the Utilities Department nor any other city department. This storm drain was located under the property where the expansion to the building was to be constructed. Little and McKinlay had already incurred costs for work done by engineers, the architect, surveyor, general contractor, and excavation company. The first step in their construction process was to move a non-potable water line and replace all the pressurized pipe. That pipe had all been placed on the property by the excavators and they had spent a few days digging when the stormwater drain was discovered. At that point, the excavation had to stop and everything that had been dug out had to be filled in.

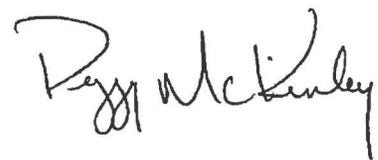
After months of negotiation with Utilities, the City and Mayor Bach's office, the City agreed to move it. To partially compensate Little and McKinlay for the costs they had incurred as a result of this unknown stormwater drain, the City deeded them some adjoining property which connected to their northern property line. About half of the property deeded to them is zoned Commercial. The other half is zoned Residential. They are now requesting that the residential parcel be rezoned as Commercial. This parcel has numerous easements for fiber optics, storm drains, electrical and the non-potable water line and, consequently, has very limited use. Little and McKinlay plan to use it for employee parking and delivery truck access.

Little and McKinlay are asking for permission to use asphalt chips (similar to what was recently used at The Round House) instead of blacktopping for the property which was deeded to them from the City. It has always just been dirt and gravel. To asphalt this entire area would be cost prohibitive. And, the maintenance of all the underground utilities will be much easier and less expensive for the City with asphalt chips than with asphalt paving. McKinlay and Little have already invested a large amount of money to insure that there is proper drainage around their building and the surrounding area.

Thank you for your consideration of this zoning request. Please feel free to contact Jim Little (303-947-4848) or Peggy McKinlay (719-633-8187) with any questions or concerns.



Jim Little



Peggy McKinlay

O'Connor, Rick

From: bobandrachels@gmail.com on behalf of Old North End Neighborhood President
<president@oldnorthend.org>
Sent: Monday, March 31, 2014 11:45 PM
To: O'Connor, Rick
Subject: AR DP 12-00464- Coal Train Expansion Comments

Rick,

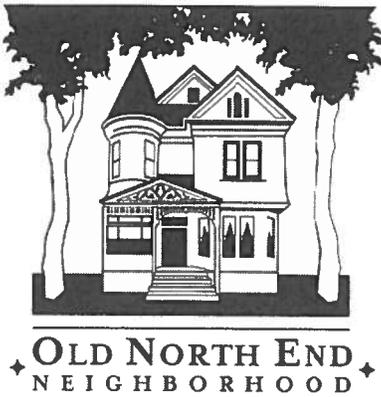
The following comments are in response to the updated plans we were sent for the expansion of Coal Train Liquor:

1. Care should be taken to ensure that the lighted signage on the north side (rear) of the property does not cause a nuisance for the residential properties located behind Coal Train. This could include limiting the size, brightness or length of time the sign is illuminated.
2. It appears the landscape plan now calls for deciduous trees along Uintah. We would encourage low water trees hardy trees – Hybrid Elm, Hawthorne, Hackberry, Oak, Kentucky Coffeetree, Filbert to increase their chance of survival.
3. Customer access should be prevented from W. San Miguel/ Recreation Way. Parking in the rear should be only for employees to minimize the traffic interruption to the homes behind Coal Train.
4. If deliveries are being made from Recreation Way/ W. San Miguel they need to be during reasonable times (~9 AM- 6 PM) to prevent further disruption to the residential homes along W. San Miguel and Recreation Way.

Thank You,

Bob Sullivan

ONEN President



[ONEN Facebook Page](#) | [ONEN Membership](#)

O'Connor, Rick

From: bobandrachels@gmail.com on behalf of Old North End Neighborhood President [president@oldnorthend.org]
Sent: Tuesday, September 03, 2013 10:10 PM
To: O'Connor, Rick
Cc: Judith Rice-Jones; Pat Doyle; Vic appugliese
Subject: AR DP 12-00464- COAL TRAIN EXPANSION

Rick,

ONEN has the following concerns about the proposed expansion of Coal Train

-Uintah St is already very dangerous near the entrance to Coal Train. The intersection of Glen and Uintah is often congested by vehicles trying to access 7-11. Combine that with the significant hill as you head to and from I-25, the confusing access to 7-11, the barely marked bike lane and the driveway for Coal Train and you have a recipe for frequent accidents or at the very least many near misses. Since traffic is likely to pick up after the business increases in size, what kind of mitigation, if any, is planned?

-How will delivery trucks access the property? It appears that access off Recreation Way and West San Miguel St is now blocked by the planter. Will trucks be entering in the parking lot on Uintah St? If so that will only add to the hazards for motorists, bikers and pedestrians

-The landscaping plan has lots of plants and shrubs but lacks any trees. This stretch of Uintah is desperately in need of trees to counteract the heat island effect of non stop pavement created by Uintah St, 7-11 and Coal Train. Trees should be planted at least every 25 feet along the roadway frontage and within the parking lot. The landscaping work that CC has done on the south side of Uintah (including over ten deciduous trees) should serve as an example of what can be done in front of Coal Train along Uintah St. Given that this is an entrance both to Colorado College and to the Old North End, both of which have made great efforts at improving the appearance of this stretch of road, it would seem reasonable that Coal Train could do as much and possibly work with the 7/11 next door to present a more continuous landscape design.

Thanks,

Bob Sullivan

ONEN President

O'Connor, Rick

From: Pat Doyle [patdoyle@mac.com]
Sent: Tuesday, September 03, 2013 9:13 AM
To: O'Connor, Rick
Subject: Coal Train

Mr. O'Connor,

This is in regards the addition to Coal Train: Where will the large trucks transfer their loads? We have concerns for the small neighborhood in the vicinity if the trucks go along the narrow road within the neighborhood to the back of the building to unload.

Bruce and Pat Doyle

O'Connor, Rick

From: Judith Rice-Jones [jricejon@gmail.com]
Sent: Sunday, September 23, 2012 1:46 PM
To: O'Connor, Rick
Cc: Vic Appugliese; George Eckhardt; Perry, Connie
Subject: Proposed Coaltrain expansion

Hello Mr. O'Connor,

As a resident of the North End and a CC alum, I am particularly attentive to what happens at this entrance to both the College and the neighborhood.

My concerns are as follows:

Title: I assume that the City has some easy way to check this. On earlier maps it appears that portions of the land between the Creek and the railroad are parts of MVP.

As long as I can remember, the landscaping at this site has been virtually non-existent. I'm assuming that the size of the addition would require them to meet landscape requirements for the entire site. Landscaping along Uintah would not be sufficient. The west side of the parking lot has been singularly unattractive for many years. It seems that landscaping should be included there as well.

Undoubtedly the major problem at this site is the traffic. I fairly frequently attend meetings at Parks and Recreation and the number of folks making what I would assume are illegal turns into and out of the 7/11 and Coaltrain are frightening. It would seem that the two business AND Colorado College which owns land on the north side of Glen could work with City Traffic to find a better solution. They MIGHT even be able to all work together toward a unified landscape plan as this is an important entrance to the City, the College and the Neighborhood. I would hope that the owner MIGHT see this as an opportunity to make a substantial amenity improvement to the area.

Thank you for your attention to my concerns.

Sincerely,

Judith Rice-Jones
M.A.,M.L.I.S.
Grad student, Geography and Environmental Studies, UCCS

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To a great extent we are a displaced people for whom our immediate places are no longer sources of food, water, livelihood, energy, materials, friends, recreation, or sacred inspiration. David Orr

O'Connor, Rick

From: Valverde, Lisa A.
Sent: Monday, September 24, 2012 1:41 PM
To: O'Connor, Rick
Subject: FW: AR DP 12-00464

Rick:

Comments from HOA.

Lisa

From: vic appugliese [<mailto:vicappugliese@yahoo.com>]
Sent: Monday, September 24, 2012 1:29 PM
To: Valverde, Lisa A.
Subject: Re: AR DP 12-00464

Lisa,

Hello there! I forwarded the buck slip to the ONEN board of directors and asked them for their responses. They all came back with these universal concerns:

1. Parking lot configuration between Coal Train & 7-11. Can there be a safer entrance in and out of the shopping plaza that would minimize accidents?
2. Curb appeal. This one comment was universal; Coal Train & 7-11's curb appeal needs badly improved.
3. Flow of traffic. It seems that expanding Coal Train would require a re-configuration of the way traffic flows in and out of the small plaza. Especially the left hand turn lane going into the parking lot from Uintah.

Thank you,

Vic Appugliese

From: "Valverde, Lisa A." <LValverde@springsgov.com>
To: "vicappugliese@yahoo.com" <vicappugliese@yahoo.com>
Sent: Friday, September 21, 2012 2:55 PM
Subject: AR DP 12-00464

Please find attached the buckslip and project statement for Coal Train Wine and Liquor.

Because you are on the Electronic Buckslip recipient list, you will no longer be receiving hard copies of the buckslip or project statement. In order to access the site needed to view the electronic version of the plans, please follow these steps:

O'Connor, Rick

latest comments

6/2 mtg with
adj property owners

From: Christian Wright <a1stav@gmail.com>
Sent: Thursday, June 05, 2014 8:57 AM
To: O'Connor, Rick
Subject: Re: File ARDP 12-00464 AR FP 12-00465 CPC ZC 14-00030

Mr. O'Connor

After the meeting with Coaltrain we have come up with some compromises that I feel will work well for all the parties involved.

1. Access to my property is of primary importance. I agree with the revised plans that show the 12' ally and 8' easement leading all the way to the planned location of the dumpster. This will allow enough room to enter and exit my garage and preform a three point turn.
2. Separation between the 12' plus 8' easement and the commercial property is of great importance. It is agreeable that some barrier, separator, island etc would suit this purpose. Jim Little and Peggy McKinlay stated that they will research this and reply with an acceptable attractive practical divider.
3. The separator should start approximately 8' from the north entrance to the property, allowing for access for vehicles.
4. The revised plans show a green space on the north end of the property. I do not appose having green space in the plans but the location would considerably hinder entrence to the property. Jim and Peggy agree.
5. Jim Little stated that he would consider not having the large trucks back into the loading area, but rather have them drive straight through. It was suggested at the meeting that a gate could be installed between the expansion and the rail road berm to prevent through traffic.

6. It was stated that the primary use for the lot would be for deliveries and occasional overflow parking. This is an agreeable use of the land. The main concern I have is future or changed use. I am very concerned that a large parking lot could be installed on the property. Since this is a liquor store that would lead to late night traffic.

7. I suggest that there be some kind of limit to the use if rezoned, I understand that Jim and Peggy do not want limitations to the lot but I have to look to the future of my property as well.

8. I request that the trees and greenery on the west side of the property remain, this provides needed shade, protection from erosion, and a sound barrier between the train tracks and the neighborhood. Jim stated that adding some additional plants in the area may discourage transients from camping in the tree area.

9. The overflow parking according to Jim Little will be at the south end of the property.

10. Jim and Peggy agreed to placing signage at the north end of the property directing the delivery trucks to the west instead of using the easement.

11. Jim and Peggy agreed to clearly mark the overflow parking area for costumers.

Thank you,

Christian Wright

719-633-7573

On Fri, May 30, 2014 at 11:57 AM, O'Connor, Rick <RKOConnor@springsgov.com> wrote:

Just a follow up to our phone conversation. All have confirmed to meet at the store on Tuesday (6/3) at 6:30 pm.

Rick

From: O'Connor, Rick
Sent: Wednesday, May 28, 2014 2:09 PM

6. It was stated that the primary use for the lot would be for deliveries and occasional overflow parking. This is an agreeable use of the land. The main concern I have is future or changed use. I am very concerned that a large parking lot could be installed on the property. Since this is a liquor store that would lead to late night traffic.

7. I suggest that there be some kind of limit to the use if rezoned, I understand that Jim and Peggy do not want limitations to the lot but I have to look to the future of my property as well.

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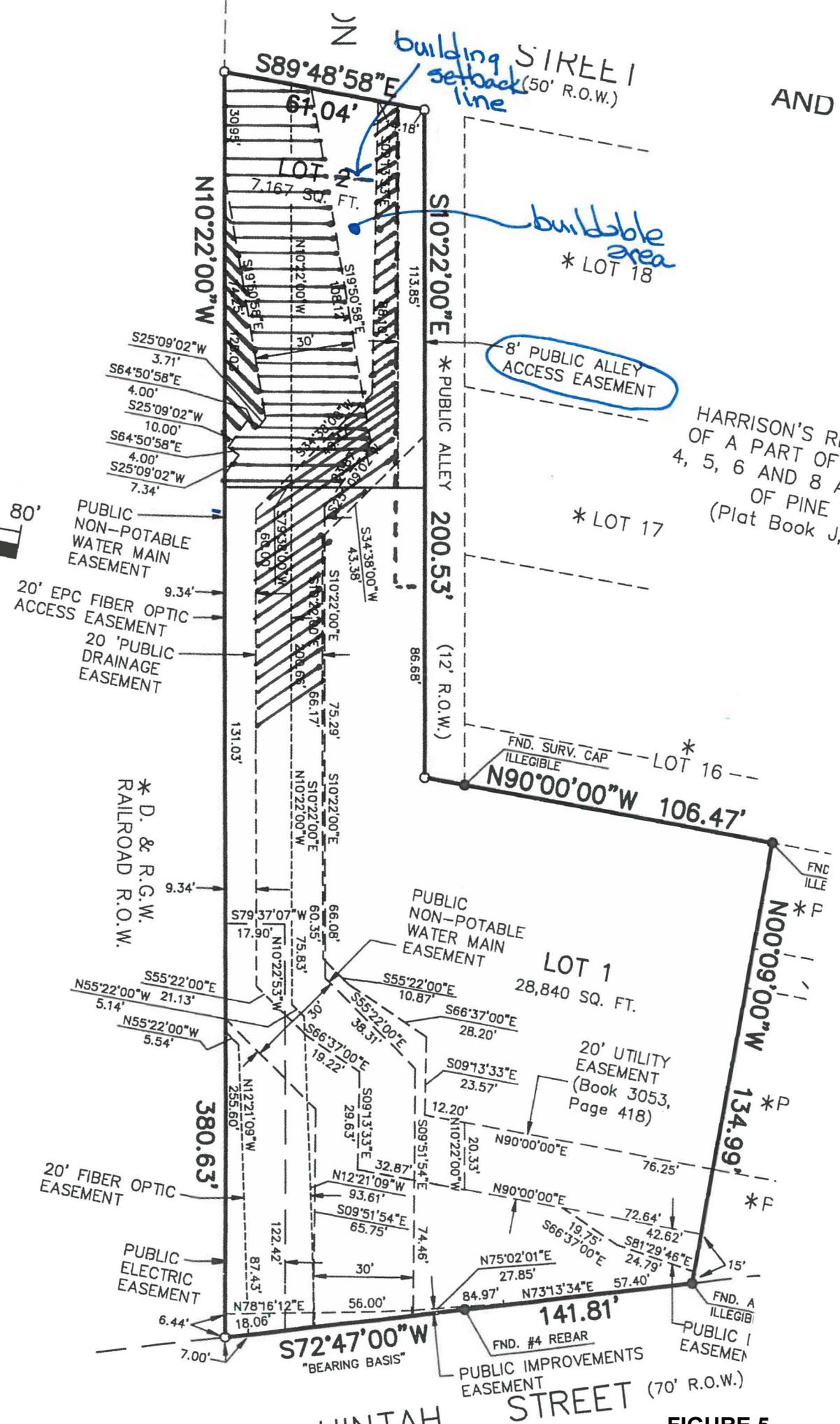
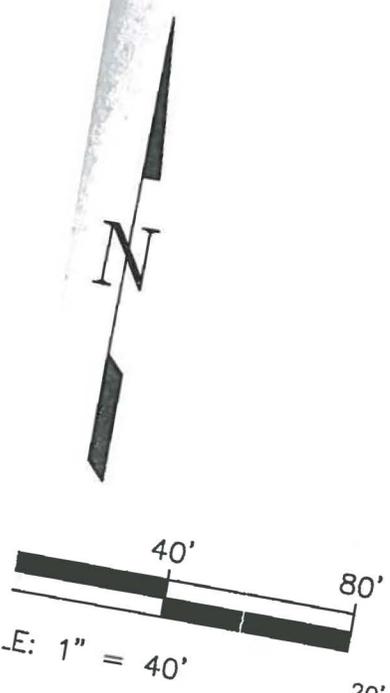
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11. Jim and Peggy agreed to clearly mark the overflow parking area for costumers.

Thank you,

Christian Wright

719-633-7573



VACATED ALLEY
Book 2055, Page 288)

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FIGURE 5

APPENDIX

Development Application Review Criteria

7.3.606: REVIEW CRITERIA FOR DEVELOPMENT PLAN:

A PUD development plan for land within a PUD zone shall be approved if it substantially conforms to the approved PUD concept plan and the PUD development plan review criteria listed below. An application for a development plan shall be submitted in accord with requirements outlined in article 5, parts 2 and 5 of this chapter. Unless otherwise specified by a development agreement, the project shall be vested by the PUD development plan in accord with section 7.9.101 and subsection 7.5.504(C)(2) of this chapter.

- A. Consistency with City Plans: Is the proposed development consistent with the Comprehensive Plan or any City approved master plan that applies to the site?
- B. Consistency with Zoning Code: Is the proposed development consistent with the intent and purposes of this Zoning Code?
- C. Compatibility Of The Site Design With The Surrounding Area:
 - 1. Does the circulation plan minimize traffic impact on the adjacent neighborhood?
 - 2. Do the design elements reduce the impact of the project's density/intensity?
 - 3. Is placement of buildings compatible with the surrounding area?
 - 4. Are landscaping and fences/walls provided to buffer adjoining properties from undesirable negative influences that may be created by the proposed development?
 - 5. Are residential units buffered from arterial traffic by the provision of adequate setbacks, grade separation, walls, landscaping and building orientation?
- D. Traffic Circulation:
 - 1. Is the circulation system designed to be safe and functional and encourage both on and off site connectivity?
 - 2. Will the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
 - 3. Will adequately sized parking areas be located to provide safe and convenient access, avoid excessive parking ratios and avoid expanses of pavement?
 - 4. Are access and movement of handicapped persons and parking of vehicles for the handicapped appropriately accommodated in the project design?
 - 5. As appropriate are provisions for transit incorporated?
- E. Overburdening Of Public Facilities: Will the proposed development overburden the capacities of existing and planned streets, utilities, parks, and other public facilities?
- F. Privacy: Is privacy provided, where appropriate, for residential units by means of staggered setbacks, courtyards, private patios, grade separation, landscaping, building orientation or other means?
- G. Pedestrian Circulation:
 - 1. Are pedestrian facilities provided, particularly those giving access to open space and recreation facilities?

2. Will pedestrian walkways be functionally separated from vehicular ways and located in areas that are not used by motor vehicles?

H. Landscaping:

1. Does the landscape design comply with the City's landscape code and the City's landscape policy manual?
2. The use of native vegetation or drought resistant species including grasses is encouraged. The City's landscape policy manual or City Planning's landscape architect can be consulted for assistance.

I. Open Space:

1. Residential Area:

A. Open Space: The provision of adequate open space shall be required to provide light, air and privacy; to buffer adjacent properties; and to provide active and passive recreation opportunities. All residential units shall include well designed private outdoor living space featuring adequate light, air and privacy where appropriate. Common open space may be used to reduce the park dedication requirements if the open space provides enough area and recreational facilities to reduce the residents' need for neighborhood parks. Recreational facilities shall reflect the needs of the type of residents and proximity to public facilities.

B. Natural Features: Significant and unique natural features, such as trees, drainage channels, slopes, and rock outcroppings, should be preserved and incorporated into the design of the open space. The Parks and Recreation Advisory Board shall have the discretion to grant park land credit for open space within a PUD development that preserves significant natural features and meets all other criteria for granting park land credit.

2. Nonresidential And Mixed Use; Natural Features: The significant natural features of the site, such as trees, drainage channels, slopes, rock outcroppings, etc., should be preserved and are to be incorporated into the design of the open space.

J. Mobile Home Parks: Does a proposed mobile home park meet the minimum standards set forth in the mobile home park development standards table in section 7.3.104 of this article? (Ord. 03-110; Ord. 03-190, Ord. 12-68)

7.5.502 (E): DEVELOPMENT PLAN REVIEW CRITERIA:

E. Development Plan Review Criteria: A development plan shall be reviewed using the criteria listed below. No development plan shall be approved unless the plan complies with all the requirements of the zone district in which it is located, is consistent with the intent and purpose of this Zoning Code and is compatible with the land uses surrounding the site. Alternate and/or additional development plan criteria may be included as a part of an FBZ regulating plan.

1. Will the project design be harmonious with the surrounding land uses and neighborhood?
2. Will the proposed land uses be compatible with the surrounding neighborhood? Will the proposed development overburden the capacities of existing streets, utilities, parks, schools and other public facilities?
3. Will the structures be located to minimize the impact of their use and bulk on adjacent properties?
4. Will landscaping, berms, fences and/or walls be provided to buffer the site from undesirable views, noise, lighting or other off site negative influences and to buffer adjacent properties from negative influences that may be created by the proposed development?
5. Will vehicular access from the project to streets outside the project be combined, limited, located, designed and controlled to channel traffic to and from such areas conveniently and safely and in such a manner which minimizes traffic friction, noise and pollution and promotes free traffic flow without excessive interruption?
6. Will all the streets and drives provide logical, safe and convenient vehicular access to the facilities within the project?
7. Will streets and drives within the project area be connected to streets outside the project area in such a way that discourages their use by through traffic?
8. Will adequately sized parking areas be located throughout the project to provide safe and convenient access to specific facilities?
9. Will safe and convenient provision for the access and movement of handicapped persons and parking of vehicles for the handicapped be accommodated in the project design?
10. Will the design of streets, drives and parking areas within the project result in a minimum of area devoted to asphalt?
11. Will pedestrian walkways be functionally separated from vehicular traffic and landscaped to accomplish this? Will pedestrian walkways be designed and located in combination with other easements that are not used by motor vehicles?
12. Does the design encourage the preservation of significant natural features such as healthy vegetation, drainage channels, steep slopes and rock outcroppings? Are these significant natural features incorporated into the project design? (Ord. 94-107; Ord. 95-125; Ord. 01-42; Ord. 02-64; Ord. 03-74; Ord. 03-157; Ord. 09-50; Ord. 09-78)

7.5.603 (B): ESTABLISHMENT OR CHANGE OF ZONE DISTRICT BOUNDARIES:

- B: A proposal for the establishment or change of zone district boundaries may be approved by the City Council only if the following findings are made:
1. The action will not be detrimental to the public interest, health, safety, convenience or general welfare.
 2. The proposal is consistent with the goals and policies of the Comprehensive Plan.
 3. Where a master plan exists, the proposal is consistent with such plan or an approved amendment to such plan. Master plans that have been classified as implemented do not have to be amended in order to be considered consistent with a zone change request.
 4. For MU zone districts the proposal is consistent with any locational criteria for the establishment of the zone district, as stated in article 3, "Land Use Zoning Districts", of this Zoning Code. (Ord. 94-107; Ord. 97-111; Ord. 01-42; Ord. 03-157)

CONDITIONAL USE REVIEW CRITERIA:
7.5.704: AUTHORIZATION AND FINDINGS:

The Planning Commission may approve and/or modify a conditional use application in whole or in part, with or without conditions, only if all three (3) of the following findings are made:

- A. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
- B. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
- C. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

The approved conditional use and development plan shall be binding on the property until an amendment is approved changing the use of the property. Except as otherwise recommended by the Planning Commission, the development of a conditional use shall conform to the applicable regulations of the district in which it is to be located. (Ord. 80-131; Ord. 82-247; Ord. 91-30; Ord. 94-107; Ord. 01-42)