

# **Meadow Lake Airport Association**

13625 Judge Orr Road, Meadow Lake Airport (kFLY), Peyton, CO 80831-6051

Date: November 28, 2024

To: El Paso County Planning and Community Development Department

Subj: **Request for Variance of Use**

Ref: (a) VA 247: 8242/8244 Cessna Dr, Lot 3 Blk 1 Meadow Lake Airport Fil No 2, 43040-02-047

(b) ACRP Report 114: "Guidebook for Through-the-Fence Operations"

Owner: TTW Properties LLC

Zoning: R-4 GA-O [see Land Development Code para 4.4.4. and 4.3.2.(F)(1)]

The Meadow Lake Airport Association cannot support this application.

1. Background. This property was originally developed in the 1990's by the Raisner family (dba: "Leading Edge Airfoils") as an ultralight aircraft manufacturing, sales, training, and maintenance business. The main production building included seven "T-hangers" leased to aircraft customers and other airplanes. The property included two older outlying buildings that also hangared aircraft. (aeronautical use)

After Bill's death in an ultralight accident, the Johnston family purchased the property in 2001 to manufacture target simulators for military air-to-ground training ranges ("EW Systems"). One hangar was used by Mr. Johnston for his personal airplane, and the other eight continued with aircraft tenants. (aeronautical use)

In 2021, TTW Properties, LLC purchased the property and converted the main building into a vehicle modification business ("Watts Upfitting"). Through the past three years, this business has progressively evicted the tenant aircraft from most of the hangars to provide room for growth of this non-aeronautical business.

2. General Discussion. The Meadow Lake Airport Development Corporation was formed in 1969 by the Renneberger and Conover families to develop and market the properties adjacent to their Meadow Lake Estate subdivision. Meadow Lake Airport was created as a "Through-the-Fence" model; i.e. all hangars and support facilities are on private property with access "through-the-fence" to the runway complex. Meadow Lake Airport Filing No. 1 (1970) and subsequent filings, formalized this concept with the platted subdivisions, and envisioned aeronautical uses of the properties (plat notes). This intent was formalized with El Paso County in the 1970s and 80's with establishment of a General Aviation Overlay zoning within the County Land Development Code.

The Meadow Lake Airport Association was established in 1972 to maintain and operate the Meadow Lake Airport runway complex, but has no authority over the TTF hangar complex. Only El Paso County has zoning or Code Enforcement jurisdiction over these privately properties. This is exactly the basis for concern and contention with the FAA over "Through-the Fence" operations, as expressed in Reference (b), page 14:

*"A non-commercial aeronautical TTF development being used strictly for aeronautical activities typically creates minimal operational issues. The primary issue arises when a non-commercial aeronautical TTF entity engages in commercial non-aeronautical activities on*

*the TTF property (e.g., non-aeronautical office and customer space, etc.) as the employees and customers of the TTF entity are typically unfamiliar with airport and aircraft operations which, in turn, can create safety, utility, and efficiency issues for the airport - much like the guests of homeowners at a residential TTF property."*

At a previous Planning Commission hearing for the Sund/Acufix variance request, one commissioner noted that "it's quite a mess out there, but it's not our job to clean it up." We disagree. Neither the FAA, CDOT/Aeronautics, nor the MLAA have "authority" over these properties. We rely on El Paso County to exercise control, with coordination of the MLAA, as expressed in the County Master Plan.

### 3. Counterpoints (to applicant's submittals):

This business is an obvious asset to the community and County, but there is NO aeronautical benefit to its presence in the hangar complex at Meadow Lake Airport and it does not belong on an airport due to the safety issues caused by the traffic it generates through the frequent delivery of vehicles and parts which have to pass through active taxiways. Unlike the previous applicant (Sund/Accufix) who purchased a property not currently suitable for aviation use, this applicant has evicted long-standing aircraft tenants to use the nine aircraft hangars for their vehicle repair operations.

MLAA has expressed concerns to the applicant about vehicles blocking taxiways of adjoining property hangars, delivery transports blocking the private road Cessna Drive and creating damage to the roadway surface that was not designed for heavy traffic.

The following documents were included in the Applicant's submission:

Additional Exhibits. Court Case. This case was about restrictions to an ingress/egress easement and application of the avigation easement to restrictions to aircraft operation. It has no bearing on zoning or use of property.

#### Letter of Intent.

- ***The variance of use is generally consistent with applicable Master Plan:*** see comments at Enclosure (1). It should be noted that the Meadow Lake Airport Association and the Colorado Division of Aeronautics strongly objected to the County Master Plan lack of "compatible land use" planning for the airport area. We were ignored and this application is an example of our concerns.
- ***The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping:***

Applicant states "a condition on the site plan limiting the total number of vehicles being stored onsite to 40, and limited to those areas depicted." We counted many more onsite this week. See photos at Enclosure (2).

The FAA has determined that vehicle parking lots are a "non-aeronautical activity", which puts the adjacent lot described in the parking plan also in violation the County GA-O zoning allowances.

In addition, Cessna Drive, a private roadway owned and maintained by the MLAA, was not designed for the traffic resulting from this business. We have seen significant increased erosion of the pavement and increase stress on the access gate due to the employee and customer traffic resulting from this business.



- **Your El Paso County Master Plan Analysis:** Throughout the Master Plan there are discussions of encouraging light industry adjacent to and in the vicinity of Meadow Lake Airport (pages 68, 71, 88, 154, 155). We agree that these goals and activities would be consistent with “compatible land use” adjacent to the airport, but are definitely NOT consistent with guidelines and zoning for properties on the airport or with TTF access; i.e. the hangar complex at Meadow Lake.

The Introduction to the County Master Plan states: *“Your El Paso Master Plan is general in nature—it cannot tackle every issue in sufficient detail to determine every type of necessary action. The Plan’s intent is to identify key areas of focus, define a vision for future growth and development, and provide guidance for County actions and investments over the next 20 years. In areas where more detailed information and recommendations are needed, the plan may identify additional steps or actions to address those needs.”*

The airport (with aeronautical businesses) may be consistent with objectives of the Employment Center placetype, but an industrial park in a hangar complex is contrary to federal objectives for operations, safety and security on an airport. Reference (b), page 73:

*“Incompatible land use can threaten the safety, utility, and efficiency of an airport and the health, safety, and general welfare of the public. As part of the assessment process, a determination needs to be made as to whether or not the TTF operation is compatible with adjacent land uses.”*

Adoption of the layered approach to zoning of the Meadow Lake Airport Influence Area above would bring the County Land Development Code into compliance with federal guidelines.

Area of Change Analysis. We disagree with the consultant’s analysis that approval of the application “matches the commercial and industrial character of Meadow Lake Airport.” This is an aeronautical facility with aeronautical zoning guidance. Only through the reluctance of Code Enforcement to enforce the platted and codified zoning have non-aeronautical uses been overlooked.

Placetype Analysis. The consultant states that the Employment Center placetype identifies commercial and industrial as acceptable uses of land in the area. While true in the generic sense, Reference (b), pages 78-80 further qualify that *“Depending on the proximity of the TTF operation, impacts relating to safety, security, noise, odors, fumes, dirt, dust, and glare should be considered as well.”* As expressed above, this operation has created many incompatible effects on the airport community.

Lease Agreement. The FAA has determined that vehicle parking lots are a “non-aeronautical activity”, which puts this lot also in violation of the County GA-O zoning allowances.

#### Proof of Payment for MLA Road Upgrade.

- Transaction List 1 is not for MLAA maintenance. It may have been for the private ingress/egress easement used by Watts Upfitting or their ramp areas.
- Transaction List 2 is for annual assessments paid to the MLAA that all properties pay. These funds are used for administration of the Association, which includes

operation and maintenance of airport and association facilities including Cessna Drive and its access control gate.

Watts Upfitting Current Client List. This illustrates value of the business to the County, but does not justify location on an airport.

4. Summary.

El Paso County established the GA-O zoning requirements for Meadow Lake Airport in the 1970 and 80's.

In 1989, Meadow Lake Airport was designated by the FAA as a General Aviation Reliever Airport, subject to FAA regulations, policies, and guidelines. FAA guidelines provide requirements for aeronautical use of airport properties, and guidance for compatible land use adjacent to the airport as part of FAR part 77.

CRS 43-10-113. Safe Operating Areas Around Airports requires "2. *Government entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77.*"

Continued approval of non-aeronautical activities at Meadow Lake Airport is directly contrary to State and Federal guidelines and the investment that over 200 private parties have made in this airport.

The Request for Variance of Use of Reference (a) must be denied in accordance with properly established and documented Meadow Lake Airport Filing No 2 Plat Notes, El Paso County Land Development Code GA-O zoning restrictions and Colorado Revised Statutes.

Respectfully,



David E. Elliott  
President, MLAA Board of Directors  
cell: (719) 339-0928 email: [falcon20flier@msn.com](mailto:falcon20flier@msn.com)

Encl: (1) Variance of Use Application – Meadow Lake Airport Commercial Uses  
(2) Photos of 8242/8244 Cessna Drive

Copy: Nina Ruiz, Vertex Consulting Services  
FAA Denver Airport District Office  
Colorado Division of Aeronautics  
Justin Walker, MLAA attorney



(Enclosure 1)

Variance of Use Application – 8242/8244 Cessna Drive  
Exhibit - “Meadow Lake Airport Commercial Uses”

The following comments are noted to the “commercial uses” listed:

1. **Tire King of Falcon** commercial vehicle repair ... non-aeronautical use - no complaints received ... preliminary discussions to build additional hangar structures on property (dependent on reroute of Blue Gill Drive)
2. **Smith Farms** agritainment .. not an airport property or airport access
3. **EAA Chapter 72** 501c3 social organization leasing the MLAA hangar for aviation activities ... not a commercial business
4. **Springs Aviation** flight school / contract FBO (Fixed Base Operator) leasing MLAA hangar ... serves transient aircraft visiting the airport and community
5. **Freeflight Composites** aircraft maintenance ...
6. **The Flight School at Colorado Springs** flight school ... 1 airplane, 1 instructor
7. **Pearce Aircraft** aircraft maintenance ...
8. **Avionics Upgrades** aircraft maintenance ...
9. **GZ Customs** vehicle repair ... non-aeronautical use - no complaints received
10. **Structural Steel Solutions** light manufacturing ... hangar & hangar door construction & repair
11. **Falcon Ultralight** aircraft repair/flight school ... 1 aircraft, 1 instructor
12. **Verlin’s Aviation** aircraft maintenance (not a flight school) ... 1 partially retired mechanic
13. **Pro Trans Plus** vehicle repair ... 1 mechanic, multiple t-hangars ... non-aeronautical use ... numerous complaints about customers blocking taxiways and hazardous speeding on Cessna Drive
14. **Blue Line Print & Design** sign shop ... unknown entity ?
15. **Precision Repair Works** contractor equipment yard ... unknown entity ?
16. **Walker Metal Works** light manufacturing ... provides sheet metal products for hangars ... reported to have been evicted by Watts Upfitting
17. **RV Builder** aircraft manufacturing & repair ...
18. **Watts Upfitting** vehicle repair/modification ... non-aeronautical use - numerous complaints about blocking hangar ramps and taxiways, evicting aircraft to expand their business, hazardous operation of vehicles
19. **Hangar Open Performance** vehicle repair ... non-aeronautical use ... complaints received about speeding on roads, taxiways, runway

- 20. **First Logistics** battery (emergency power supply) contractor ... formerly based two aircraft on the property ... non-aeronautical use - no complaints received
- 21. **Zebra Productions** storage for stage lighting and sound production ... non-aeronautical use - no complaints received
- 22. **Colorado's Finest Window Well Covers** storage and fabrication ... non-aeronautical use - no complaints received
- 23. **Gene Kear Aircraft Painting** aircraft painting ...
- 24. **Veteran's Towing** vehicle equipment storage yard ... non-aeronautical use - numerous complaints about speeding, junk auto storage, overflow onto taxiway easements & neighboring lots, unleashed guard dogs















# **Meadow Lake Airport Association**

13625 Judge Orr Road, Meadow Lake Airport (kFLY), Peyton, CO 80831-6051

Date: November 28, 2024

To: El Paso County Planning and Community Development Department

Subj: **Land Development Code Update – Meadow Lake Airport Influence Area**

Ref: (a) Land Development Code para 4.4.4. and 4.3.2.(F)(1)]  
(b) VA 245: Variance of Use - 8204/8208 Cessna Drive  
(c) VA 247: Variance of Use - 8242/8244 Cessna Drive  
(d) ACRP Report 114: “*Guidebook for Through-the-Fence Operations*”  
(e) ACRP Report 206: “*Guidebook for Effective Land Use Compatibility Planning Strategies for General Aviation Airports*”

## 1. Background.

The Meadow Lake Airport Development Corporation was formed in 1969 by the Renneberger and Conover families to develop and market the properties adjacent to their Meadow Lake Estate subdivision in Falcon, Colorado. Meadow Lake Airport was created as a “Through-the-Fence” model; i.e. all hangars and support facilities are on private property with access “through-the-fence” to the runway complex, including some residential properties. Meadow Lake Airport Filing No. 1 (1970) and subsequent filings, formalized this concept with subdivision plats and envisioned aeronautical uses of the properties (plat notes). This concept was formalized with El Paso County in the 1980’s with establishment of a General Aviation Overlay zoning within the County Land Development Code.

The Meadow Lake Airport Association (MLAA) was established in 1972 to maintain and operate the Meadow Lake Airport runway complex. The original understanding (through the 1990s) was that the MLAA Board of Directors and the Architectural Control Committee also had authority over the hangar complex at Meadow Lake. But the subdivision plats and property deeds make no mention of the MLAA or its Bylaws.

Only El Paso County actually has zoning or Code Enforcement jurisdiction over the hangar properties, even though the MLAA has responsibility to the FAA for this portion of “the airport”. This is exactly the basis for concern and contention with the FAA over “Through-the Fence” operations, as expressed in Reference (d), page 14:

*“A non-commercial aeronautical TTF development being used strictly for aeronautical activities typically creates minimal operational issues. The primary issue arises when a non-commercial aeronautical TTF entity engages in commercial non-aeronautical activities on the TTF property (e.g., non-aeronautical office and customer space, etc.) as the employees and customers of the TTF entity are typically unfamiliar with airport and aircraft operations which, in turn, can create safety, utility, and efficiency issues for the airport- much like the guests of homeowners at a residential TTF property.”*

2. General Discussion. Central to this discussion is the definition of “airport”, and accompanying land use guidelines for “through-the-fence” operations.

In the basic form, an airport is defined by its property boundaries. This commonly fenced-in property boundary contains all aeronautical operations: runways, taxiways,



ramps, terminals, hangars, and support facilities. The airport operating authority has responsibility and control over all these land areas. Lots, hangars, buildings, etc. are leased to tenants, but the airport authority maintains control of the properties. This the normal FAA model.

The combined properties owned by the Meadow Lake Airport Association are now defined by Schedule No 43000-00-563 and No 43050-05-109. These two property schedules contain the runway-taxiway complex and public ramp areas. All other properties with airport access are privately owned, even though we consider these as part of the "airport". They are Meadow Lake Airport subdivision filings. Neither the FAA, CDOT/Aeronautics, nor the MLAA have "authority" over these properties. We rely on El Paso County to exercise control, with coordination of the MLAA as expressed in the County Master Plan.

MLAA will be working with County Planning and Community Development and their consultant to refine the Land Development Code zoning of the Meadow Lake Airport Influence Area. We recommend that the GA-O be defined with multiple zones. Reference (d) (page 53) and *ACRP Report 27: "Enhancing Airport Land Use Compatibility"* [Reference (e)] suggest a multi-layered approach:

- Zone A: Airport property requiring coordination with FAA to develop (County approval has already been granted with anticipated projects via the "1041 Permit".
- Zone B: TTF properties requiring County (and MLAA) coordination for development and use.
- Zone C: Properties underlying the Runway Protection Zone, Primary and Approach surfaces, with MLAA/FAA coordination.
- Zone D: Properties underlying the Horizontal and Conical surfaces, with MLAA/FAA coordination

ACRP Reports 77 and 114 provide appropriate land uses (zoning) in these areas. This would also bring El Paso County into compliance with CRS 43-10-113 and FAA Compatible Land Use planning guidelines).

***Your El Paso County Master Plan Analysis:*** Throughout the Master Plan there are discussions of encouraging light industry adjacent to and in the vicinity of Meadow Lake Airport (pages 68, 71, 88, 154, 155). We agree that these goals and activities would be consistent with "compatible land use" adjacent to the airport ("outer zone"), but are definitely NOT consistent with guidelines and zoning for ON the airport; i.e. the hangar complex at Meadow Lake ("inner zone").

The Introduction to the County Master Plan states: *"Your El Paso Master Plan is general in nature—it cannot tackle every issue in sufficient detail to determine every type of necessary action. The Plan's intent is to identify key areas of focus, define a vision for future growth and development, and provide guidance for County actions and investments over the next 20 years. In areas where more detailed information and recommendations are needed, the plan may identify additional steps or actions to address those needs."*

The airport may be consistent with objectives of the Employment Center placetype (for aeronautical businesses), but an industrial park is contrary to federal objectives for



operations, safety and security of an airport. Again, from Reference (d), page 73: *"Incompatible land use can threaten the safety, utility, and efficiency of an airport and the health, safety, and general welfare of the public. As part of the assessment process, a determination needs to be made as to whether or not the TTF operation is compatible with adjacent land uses."*

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### 3. Summary.

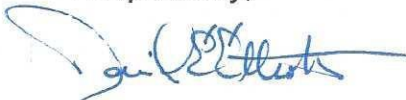
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CRS 43-10-113. Safe Operating Areas Around Airports requires *"2. Government entities with zoning and building permit authority shall adopt and enforce, at a minimum, rules and regulations to protect the land areas defined in 14 CFR part 77."*

References (d) and (e) provide a zonal approach to Compatible Land Use on and around airports [see example at Enclosure (1)]. MLAA recommends these references be used as guide for updating the El Paso County Land Development Code.

Respectfully,



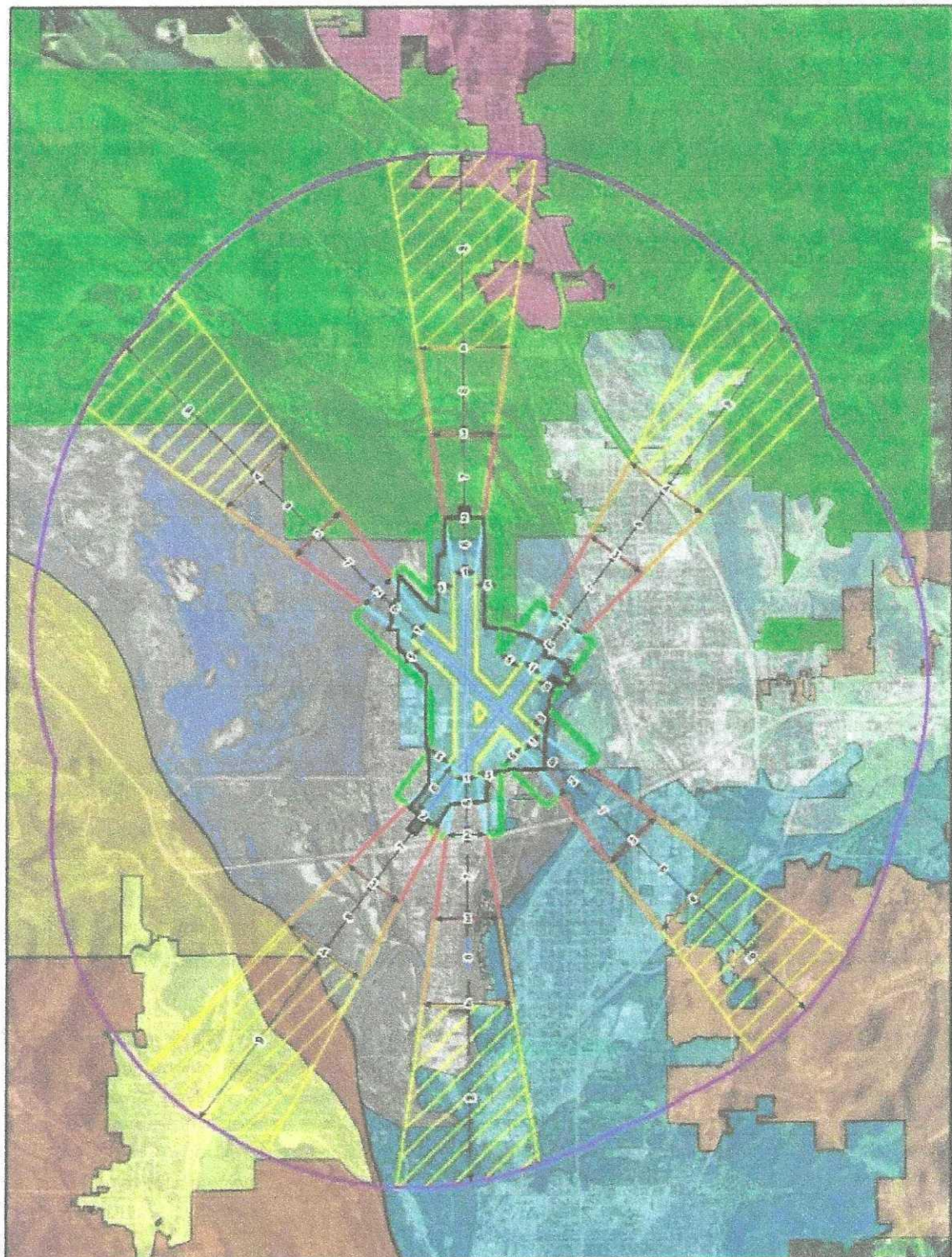
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Encl: (1) ACRP Report 114, Figure 4-3: Sample Airport Land-Use Compatibility Map

Copy: Justin Walker, MLAA attorney  
FAA Denver Airport District Office  
Colorado Division of Aeronautics



Figure 4-3: Sample Airport Land-Use Compatibility Map



**ZONING OVERLAY DISTRICT**

- Zone A
- Zone B1
- Zone B2
- Zone B3
- Zone C
- Zone D
- Primary Surface
- Runway Centerline
- Property Boundary

**WISCONSIN**

- City of La Crosse
- City of Onalaska
- Town of Campbell
- Town of Medary
- Village of Holmen
- Town of Onalaska

**MINNESOTA**

- City of La Crescent
- Town of Dresbach
- Town of La Crescent