

Meadow Lake Airport Association

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

Date: December 20, 2024

To: El Paso County Planning and Community Development Department

Subj: **Request for Variance of Use, Revised**

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

(b) MLAA letter dated November 28, 2024

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. The concerns and objections expressed in Reference (b) still apply. The following comments are offered in addition to Reference (b):

1. Counterpoints to applicant's revised submittals:

Letter of Intent.

- **Justification.**

Page 3, para 1: *"Over the years several other lots within the Meadow Lake subdivisions have received approval of plat note waivers, subdivision exemptions, and replats to remove the use restriction included in Meadow Lake Airport Filing 1."* MLAA is unaware of any such applications or approvals, and applicant has not offered an examples as evidence to support such a claim.

Page 3, para 2: The resolution approved by the Board of County Commissioners in 1985 was to William and Diane Raisner. As stated in Reference (b), the Raisner family (dba: *"Leading Edge Airfoils"*) developed the property 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 Mr. Raisner's death in an ultralight accident, the Johnston family purchased the property in 2001 to manufacture target simulators for military (DoD) air-to-ground training ranges (*"EW Systems"*). One hangar was used by Mr. Johnston for his personal airplane, and the other eight hangars continued with aircraft tenants. (aeronautical use)

- ***The site plan for the proposed variance of use will provide for adequate parking, traffic circulation, open space, fencing, screening, and landscaping:***

The use intended is much too large for the space available. Applicant has requested additional space from neighboring lots, and has only obtained temporary use of the lot to the south for his employee parking. Exhibit A depicts a 50' Parking Easement on the neighboring lots to the south of the subject property. This 200 foot parcel covers the north portion of Lot 7, Block 1, Meadow Lake Filing No.2. Lots 6 and 7 were merged to create the High Altitude Aero Condominiums. Ryan

Schneider, owner/developer of that hangar complex plans to build out the entire property for the condominium association. His statement attached to this variance application IS NOT a long term lease or commitment.

In addition, the revised site plan for the primary lot indicates nine "un-used" parking spaces along the north side of the "Fleet Building". Meadow Lake Airport is designed to Group 1 Airport Design Group (ADG) standards. Taxiways for Group 1 have an Object Free Area (OFA) of 89 feet (44.5' either side of the taxiway centerline). Meadow Lake was designed with easements for the east-west access taxiways to be 100 feet wide, centered on the property boundaries (50 feet inside each property). Therefore, the spaces indicated on the site plan cannot be used for parking since they would violate the FAA Object Free Area (OFA) requirements for a Group 1 taxiway.

2. General Discussion.

El Paso County established the GA-O zoning requirements for Meadow Lake Airport in the 1980's, at the request of the airport developer and in accordance with the County approved Meadow Lake Airport sub-division plats.

In 1989, the FAA designated Meadow Lake Airport a General Aviation Reliever Airport. This designation made the airport eligible for Airport Improvement Program grants and the MLAA to date has accepted twenty-nine (29) such grants. Acceptance of these grants subject the sponsor (MLAA) to comply with thirty-nine (39) Grant Assurances and FAA policies and regulations. The assurances are used by the FAA provide requirements for aeronautical use of airport properties, and guidance for compatible land use adjacent to the airport as part of FAR part 77.

In conjunction with the FAA Reliever designation, the Colorado Division of Aeronautics also provides grants to Meadow Lake Airport. CDOT grant assurances duplicate federal requirements.

In addition, CRS 43-10-113 "Safe Operating Areas Around Airports" directs requirements for protective status on to local authorities: "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.*" This requirement generated creation of Appendix B of the El Paso County Land Development Code, to wit: "Matters of State Interest", Chapter 7: Airports. Meadow Lake applied for, and El Paso County granted a 1041 Permit in February 2023. This recognizes the County's obligation to comply with state, and therefore federal guidelines with respect to Meadow Lake Airport.

Throughout the 1041 application process (2013-2022), MLAA had numerous discussions with various personnel from El Paso County Planning Department and the R-4 zoning was always dismissed as obsolete and no longer in use. We find it very interesting that those very people (now Vertex Consultants) are now attempting to use that obsolete zoning to justify a variance to established County zoning for Meadow Lake Airport.

The County zoning reference provided by applicant defines "Airport: Means a place on land or water where aircraft may land to discharge or receive cargo and passengers, make repairs or take on fuel." Although applicant's property is "Thru-The-Fence" by

FAA standards, the entire hangar complex at Meadow Lake Airport is within the County definition of Airport and therefore subject to County airport zoning restrictions.

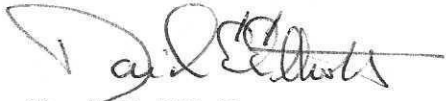
3. Summary.

The El Paso County Land Development Code already has GA-O aeronautical use restrictions for Meadow Lake Airport, based on the developers' application for same, in accordance with the County approved sub-division plat(s).

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 requiring compliance with federal regulations.

Respectfully,



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