

RECORD OF PROCEEDINGS

Commerce City Planning Commission
August 7, 2012

Commerce City Civic Center
Page 3

Cases Z-902-12, S-588-12, and CU-98-12:

Ms. Stevens introduced cases Z-902-12, S-588-12, and CU-98-12, noted that the files contained the relevant notice information. Ms. Stevens stated that the cases would be presented together and introduced Jared Draper.

Mr. Draper explained that the applicant was requesting a zone change from I-1 to I-3 for two parcels, approval of a consolidation plat of three parcels into one lot, and a conditional use permit for the expansion of an automobile staging facility and rail yard for the property approximately located at 9101 Yosemite Street. Mr. Draper stated that the staging facility is currently operated on the parcel with an I-3 zone designation. The adjacent parcels are currently zoned I-1, one parcel is vacant and the other is used for storm water drainage. The applicant wishes to rezone both parcels to be consistent with the parcel zoned I-3. The zone change of the two parcels would allow the expansion of the existing staging facility with an appropriate zone designation. In addition, Mr. Draper explained that the consolidation of the three parcels would allow the expansion to occur in conformity with the City's Subdivision regulations. Furthermore, Mr. Draper stated that the conditional use permit was required by the Land Development Code (LDC) for the operation of the automobile staging facility and rail yard. As a result, the drainage pond would be brought to current standards and would not negatively impact the adjacent properties. Mr. Draper concluded by stating that the DRT determined each request met its respective criteria and therefore, recommended approval for cases Z-902-12 and S-588-12. The DRT recommended approval with conditions for Case CU-98-12.

Ms. Stevens informed the Planning Commission that Staff met with the applicant before the public hearing to discuss the conditions for case CU-98-12. As a result, the conditions were amended to the following:

- A. In the future, if the use of the subject property is changed from the current use as a transloading facility, the city and the railroad shall jointly determine if a new development plan is appropriate.
- B. The detention area identified on the development plan dated July 25, 2012 shall only be used for storm water detention purposes.
- C. All trash, debris, and illegal dumping shall be removed from the drainage area prior to issuance of a building permit.
- D. Any future outdoor storage on the site shall be screened in accordance with the standards set forth in the Land Development Code.

Mr. Cammack inquired about the ownership of the railroad crossing on Yosemite Street. In response, Staff confirmed that the crossing was under the jurisdiction of the Public Utility Commission (PUC) and that the City does not have authority to enforce maintenance of the crossing. Mr. McFarlin questioned if the topography change would increase the drainage pond onsite. In response, Staff confirmed that the Public Works Department is working with the applicant to submit a drainage plan that will ensure sufficient drainage will be available. The

RECORD OF PROCEEDINGS

Commerce City Planning Commission
August 7, 2012

Commerce City Civic Center
Page 4

applicant was satisfied with Staff's presentation and was available for questions. There being no further discussion on the requests, Mr. McFarlin requested three separate motions.

Z-902-12 Motion:

Mr. Jones made the following motion "I move that the Planning Commission enter a finding that the requested Zone Change for the property located at approximately 9101 Yosemite Street with (PIN 172121401002 and 172121005015) contained in case Z-902-12 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change."

Mr. Cammack seconded the motion. Voice Vote: All Voting Affirmed.

S-588-12 Motion:

Mr. Robertson made the following motion "I move that the Planning Commission enter a finding that the requested Final Plat for the property located at 9101 Yosemite street contained in case #S-588-12 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat."

Mr. Jones seconded the motion. Voice Vote: All Voting Affirmed.

CU-98-12 Motion:

Mr. Robertson made the following motion "I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at 9101 Yosemite Street contained in case **CU-98-12** meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the conditions read by the City Attorney during the meeting."

Mr. Dreiling seconded the motion. Voice Vote: All Voting Affirmed.

ADJOURN: There being no further business to discuss, Mr. McFarlin adjourned the meeting at 6:34 p.m.

J.E. "Mac" McFarlin, Chairman