

# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
c3gov.com



## Meeting Minutes - Draft

Tuesday, June 1, 2021

6:00 PM

Regular Meeting via Zoom

**Planning Commission**

This meeting will be conducted electronically via Zoom. There will be no physical meeting. The public can access this meeting through the Zoom platform via the internet or phone for public input/testimony or as a witness; pre-registration is required through [www.c3gov.com/PC](http://www.c3gov.com/PC), by contacting staff at 303.289.3679, or [aullom@c3gov.com](mailto:aullom@c3gov.com). For more information, visit <http://www.c3gov.com/government/city-council/virtual-meetings>. The meeting will also be live on Channel 8 and [c3gov.com/video](http://c3gov.com/video).

## Call to Order

Chairman Popiel called the meeting to order at 6:00 p.m.

## Roll Call

Alexa Ullom called roll. All present affirmed.

**Present** 5 - Commissioner Andrew Amador, Alternate Commissioner Angela VanDijk, Commissioner David Yost, Commissioner Dennis Cammack, and Chair Jonathan Popiel  
**Excused** 1 - Jordan Ingram

### Staff in attendance:

Matt Hader, Deputy City Attorney  
Steve Timms, Planning Manager  
Jenny Axmacher, Principal Planner  
Andrew Baker, Planner  
Domenic Martinelli, Environmental Planner  
Tricia Mason, Community Development Manager  
Alexa Ullom, Administrative Specialist  
And Alternate Commissioners Steve Douglas and Garret Biltoft

## Approval of Minutes:

[Min 21-120](#)

April 6, 2021 Meeting Minutes Draft

**Attachments:** [April 6 2021 Minutes draft](#)

A motion was made by Commissioner Cammack, seconded by Commissioner Yost that these minutes be approved. VOTE:

**Aye:** 4 - Commissioner Amador, Commissioner Yost, Commissioner Cammack and Chair Popiel

**Abstained:** 1 - Alternate Commissioner VanDijk

**Case(s):**[Pres 21-320](#)

**Z-761-03-21:** Carlson Associates is requesting the approval of the PUD zone document amendment, Buckley Crossing PUD Amendment #1, to update residential densities and adjust permitted land use areas, for the property located at southeast corner of 120th Ave and Buckley Rd, zoned (Planned Unit Development District).

**Attachments:**     [Staff Report](#)  
                              [V-Map](#)  
                              [Project Narrative](#)  
                              [Existing PUD](#)  
                              [Proposed PUD](#)  
                              [Staff Presentation](#)  
                              [Applicant Presentation](#)

*Matt Hader, Deputy City Attorney, introduced the case and introduced staff presenting the case.*

*Andrew Baker, Planner, presented case Z-761-03-21 and noted all information pertinent to noticing, publication and the presentation is in the record and DRT recommendation of approval.*

*Commission discussed acres requested by school district, future improvements for the intersection of 120th and Buckley, mixed-use commercial zoning allowable uses, and zoning code change process.*

*Seeing no further discussion, Chairman Popiel invited the applicant to speak.*

*Scott Carlson, Carlson Associates  
Applicant introduced themselves and discussed road alignment and school adjustments. Commissioners discussed boundary of school district/sketch plat, and thanked the applicant for their efforts.*

*Seeing no further comments, Chairman Popiel invited the public to speak.*

*Steve Douglas, 10970 Unity Pkwy  
Discussed allowable uses on mixed-use parcels and status of existing home on property.*

*Seeing no further verbal or written comments, Chairman Popiel called for a motion.*

*Further discussion included a statement that most PUDs in the northern range have restricted any allowable uses of marijuana which is a detriment to City revenue; this development and its zoning would be helpful for revenue. Discussion also included praise for this development as long as improvements on 120th and Buckley occur.*

**A motion was made by Vice Chairman Amador:**

**I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property located on the southeast corner of East 120th Avenue and Buckley Road, contained in case Z-761-03-21 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.**

**Seconded by Commissioner Cammack. VOTE:**

**Aye:** 5 - Commissioner Amador, Alternate Commissioner VanDijk, Commissioner Yost, Commissioner Cammack and Chair Popiel

[Pres 21-321](#)

**Z-941-17-19-21:** The Commerce City Urban Renewal Authority (CCURA) is requesting approval of an amendment to the existing Mile High Greyhound Park PUD zone document, to update the commercial and institutional uses on the western portion of the site (Tracts A and B) , for the property located between E 64th Ave and E 62nd Ave and between Holly St and Hwy 2, zoned PUD (Planned Unit Development District).

**Attachments:**    [Staff Report](#)  
[Vmap](#)  
[PUD Amendment](#)  
[Land Use Schematic - Conceptual](#)  
[PC Presentation](#)

*Matt Hader, Deputy City Attorney, introduced the case and introduced staff presenting the case.*

*Jenny Axmacher, Principal Planner, presented case Z-941-17-19-21 and noted all information pertinent to noticing, publication and the presentation is in the record and DRT recommendation of approval.*

*Discussion from the Commission included potential tenants for these leases, examples of vocational institutional uses, and activity to find tenants over the past several years.*

*Seeing no further comments, Chairman Popiel invited the public to speak.*

*Steve Douglas, 10970 Unity Pkwy  
Questioned why there was a need to flip the zoning between parcels as there are more residents to the north thus less noise decibels allowed and limited commercial development. Commission clarified that the mission is to allow more flexible uses than what was previously stated.*

*Seeing no further verbal or written comments, Chairman Popiel called for a motion.*

*Further discussion included approval of the potential this project has for the City.*

**A motion was made by Commissioner Cammack:**

I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the property generally bound by E. 64th Avenue on the north, Holly Street on the east, E. 62nd Avenue on the south, and State Highways 2 and 85 on the west contained in case Z-941-17-19-21 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.

Seconded by Commissioner Yost. VOTE:

Aye: 5 - Commissioner Amador, Alternate Commissioner VanDijk, Commissioner Yost, Commissioner Cammack and Chair Popiel

[Pres 21-322](#)

**CU-129-21:** Public Service Company of Colorado is requesting approval of a Conditional Use Permit, which allows for the replacement of approximately one mile of existing 10" high-pressure natural gas pipeline from the existing alignment corridor from Brighton Blvd to approximately E 104th Ave and Interstate 76, zoned Right of Way, R-1 (Single-Family Attached Residential District), PUD (Planned Unit Development District), and I-3 (Heavy-Intensity Industrial District).

**Attachments:** [Staff Report](#)  
[Vmap](#)  
[Exhibit A \(Applicant's Narrative\)](#)  
[Exhibit B \(Development Plan\)](#)  
[Exhibit C \(Neighborhood Meeting Notes and Materials\)](#)  
[Exhibit D \(Traffic Control Plans\)](#)  
[Exhibit E \(Property Owners and Impacted Properties\)](#)  
[PC Presentation](#)

*Matt Hader, Deputy City Attorney, introduced the case and introduced staff presenting the case.*

*Domenic Martinelli, Environmental Planner, presented case CU-129-21 and noted all information pertinent to noticing, publication and the presentation is in the record and DRT recommendation of approval subject to the following conditions and advisories: CONDITIONS:*

- A. Permit holder will comply with its development plans dated 3/9/21 included as Exhibit B, to be consistent with the City Code and the conditions of approval.*
- B. Alterations to the route of this pipeline outside of the approved easements, or any modification requiring raising the pipeline or its components above-grade (except as currently approved) will require an amendment to this Conditional Use Permit.*
- C. The applicant shall be required to obtain a floodplain permit, prior to commencing construction of portions of the pipeline construction that lie within Zone A, consistent with Land Development Code Section 21-4440(3b).*
- D. The permit holder shall repair any open space, trail, road, and right-of-way areas that may be damaged during construction or maintenance.*
- E. The permit holder shall notify all property owners by mail within 500-feet of the pipeline 7 days prior to beginning construction within the Commerce City boundaries.*
- F. The permit holder shall restore any land disturbance as soon as possible. Revegetation will be conducted as soon as possible.*

G. The applicant will maintain the premises to be free of garbage, trash, and excessive debris at all times.

H. Watering of dirt access roads, stockpiles, and other disturbed areas shall occur regularly during construction, for the purposes of dust suppression.

I. The operation shall comply with all applicable rules and regulations of the state and federal agencies and the Commerce City Municipal Code and Land Development Code.

J. The permit holder shall to meet directly with the applicable school districts and coordinate the timing of construction to occur during a time when school is not in session, to the extent practicable.

K. At the conclusion of the construction of the pipeline, the permit holder shall provide copies of 'as built' surveys, drawings, geotechnical data, and materials testing results to the city's Planning Division.

L. The permit holder shall notify the Commerce City Planning Division if and when any permanent discontinuation of the use of this pipeline takes place. The permit holder shall be required to furnish a mitigation plan for the pipeline at that time.

Advisory:

A. A license agreement with the City shall be required prior to any construction on property within Commerce City Rights-of-Way.

B. This project is subject to Chapter 22 of the Commerce City Revised Municipal Code.

Commission discussed combination of open trenching and boring, existing easements, federal regulations, and difficulty of obtaining additional easements.

Seeing no further discussion, Chairman Popiel invited the applicant to speak.

Randy Blank, Project Manager of Xcel Energy

Applicant introduced themselves and thank the Commission for their time. Discussed reason for replacing this specific location of pipeline, maintenance of pipeline, Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations and mandates, and current alignment and easements. Applicant also discussed the outcome of the neighborhood meeting held prior, and process of how the pipeline will be installed. The Commission discussed the material of the existing pipeline versus the future pipeline and the explanation of tunneling and horizontal directional drilling.

Seeing no further comments, Chairman Popiel invited the public to speak.

Steve Douglas, 10970 Unity Pkwy

Discussed potential topographical changes of floodplain, requirement for floodplain permit, and the un-developable aspect of the floodplain.

Seeing no further verbal or written comments, Chairman Popiel called for a motion.

**A motion was made by Commissioner Yost:**

**I move that the Planning Commission enter a finding that, subject to conditions, the requested Conditional Use Permit and associated development plan for the project alignment, contained in case CU-129-21 meets the criteria of the Land Development Code and, based upon such finding, recommend that the Planning Commission forward the request to the City Council with a recommendation of approval, subject to the following conditions and advisories:**

**CONDITIONS:**

**A. Permit holder will comply with its development plans dated 3/9/21 included as Exhibit B, to be consistent with the City Code and the conditions of approval.**

B. Alterations to the route of this pipeline outside of the approved easements, or any modification requiring raising the pipeline or its components above-grade (except as currently approved) will require an amendment to this Conditional Use Permit.

C. The applicant shall be required to obtain a floodplain permit, prior to commencing construction of portions of the pipeline construction that lie within Zone A, consistent with Land Development Code Section 21-4440(3b).

D. The permit holder shall repair any open space, trail, road, and right-of-way areas that may be damaged during construction or maintenance.

E. The permit holder shall notify all property owners by mail within 500-feet of the pipeline 7 days prior to beginning construction within the Commerce City boundaries.

F. The permit holder shall restore any land disturbance as soon as possible. Revegetation will be conducted as soon as possible.

G. The applicant will maintain the premises to be free of garbage, trash, and excessive debris at all times.

H. Watering of dirt access roads, stockpiles, and other disturbed areas shall occur regularly during construction, for the purposes of dust suppression.

I. The operation shall comply with all applicable rules and regulations of the state and federal agencies and the Commerce City Municipal Code and Land Development Code.

J. The permit holder shall to meet directly with the applicable school districts and coordinate the timing of construction to occur during a time when school is not in session, to the extent practicable.

K. At the conclusion of the construction of the pipeline, the permit holder shall provide copies of 'as built' surveys, drawings, geotechnical data, and materials testing results to the city's Planning Division.

L. The permit holder shall notify the Commerce City Planning Division if and when any permanent discontinuation of the use of this pipeline takes place. The permit holder shall be required to furnish a mitigation plan for the pipeline at that time.

Advisory:

A. A license agreement with the City shall be required prior to any construction on property within Commerce City Rights-of-Way.

B. This project is subject to Chapter 22 of the Commerce City Revised Municipal Code.

Seconded by Commissioner Cammack.

Aye: 5 - Commissioner Amador, Alternate Commissioner VanDijk, Commissioner Yost, Commissioner Cammack and Chair Popiel

**Board Business:**

None

**Attorney Business:**

None

**Staff Business:**

Planning Commission may go back in person in late August or September. Staff will keep commissioners informed on if a July meeting will be held. The City may hold a city-wide tour in the fall.

## **Adjournment**

The meeting was adjourned at 7:51 p.m.