

## Concerns with Commerce City Growth and Development:

I wanted to write in today to provide public comments on the general growth and development concerns that I have for Commerce City. I apologize for not being there in person, but had other family obligations that would not allow for it. I want to outline some broad concerns regarding the rapid growth of Commerce City.

### **Speed/Rate of Growth**

The speed or rate of growth and development for Commerce City has drastically increased over the past several years. I believe that the Land Development Code needs to be updated to allow the City Council flexibility regarding associated timelines for voting and decision-making. The City Council agendas are very robust and contain several development applications in each meeting. The meeting for June 20, 2022 has over 160 attachments that should be thoroughly reviewed prior to the meeting. It is simply not realistic to presume that City Council members have adequate time to review the highly detailed information contained in each application prior to meetings.

The growth and development process for Commerce City needs to be at a more slow, steady pace that allows City Councilmembers to extend timelines if needed to ensure that all information is provided for informed decision-making. The existing timelines do not allow for that.

For example, at the previous City Council meeting on June 6, 2022, Mayor Huseman had a desire to request additional time to provide an opportunity for public notice and comment on a zoning decision, but due to associated timelines (required to have a vote on the item within a specific number of days) he was not provided that opportunity. Therefore, a decision was required to be made without all relevant information provided.

Commerce City is growing at an expedited rate and though there are pressures from developers to make decisions quickly, it is essential that the Mayor and City Councilmembers be allowed the opportunity to slow down the process and make thoughtful decisions that have a positive impact on the quality of life of residents. It is critical that the needs of residents be placed ahead of profits for developers.

### **City Staff Administration of Program**

I have shared concerns regarding the Commerce City staff administration of the program. There have been several administrative errors (likely due to the rate of growth and received applications having to be processed quickly due to the timelines described above). The Commerce City staff having numerous errors presents an additional issue for the Mayor and City Councilmembers to be informed when voting.

For example, at the June 6, 2022 meeting it was discussed that there were issues with city personnel obtaining a vendor to build more permanent signage for public meeting notices. Councilmember Noble stated that she had previously spoken with city personnel regarding the status of improved signage and the city assured her that the larger, more permanent signage would be in place by the end of April 2022. However, due to vendor issues the city was not able to implement the improvements and therefore public meetings had inadequate signage for multiple months.

A second example is regarding application Z-964-21-22. A public hearing was held on May 16, 2022 with inadequate public notice. On Friday, June 3, 2022, an agenda for the upcoming City Council meeting on June 6, 2022 was posted. The application agenda item was identified as an item within the Consent

Agenda as opposed to a public hearing. On Monday, June 6, 2022 an updated agenda was published at 1 pm wherein the application agenda item was moved from the Consent Agenda to a Second Public Hearing. However, the public comment opportunity period closed at 12 pm on June 6, 2022. I believe that there would have been a higher level of public involvement had this egregious administrative error not been made.

A third example is regarding the upcoming meeting on June 20, 2022. Currently there is an agenda items regarding Case S-787-22. On the Commerce City website, the case is listed as below:

|          |                              |                                      |                |                              |   |
|----------|------------------------------|--------------------------------------|----------------|------------------------------|---|
| S-787-22 | CanAm Filing 1<br>Final Plat | SW corner of 112th<br>Ave and Hwy 85 | Posting Review | <a href="#">Andrew Baker</a> | <a href="#">Vicinity Map</a><br><a href="#">Plat</a><br><a href="#">Council</a><br><a href="#">Communications</a> |
|----------|------------------------------|--------------------------------------|----------------|------------------------------|---|

When a citizen clicks on Council Communications to better understand the Plat, the following is posted:

MEMO

COMMUNITY DEVELOPMENT

**To:** Honorable Mayor and Members of City Council

**From:** Harry Brennan, City Planner

**Subject:** Administrative Subdivision Plat - Settlers Crossing Filing #3 Subdivision Plat

**Date:** December 3, 2021

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**Case:**    **S-782-21**

96 Tower, LLC is requesting approval of the Settlers Crossing Filing No. 3 Subdivision Final Plat to create 154 residential lots & 11 tracts for the property located at the northeast corner of E. 96th Ave & Tower Rd, zoned PUD (Planned Unit Development District).

**Summary and Background Information:**

This communication is to provide information about the application for Council’s review and notice of the comment deadline. The subject property is located roughly at the northeast corner of E. 96<sup>th</sup> Avenue and Tower Road and contains a total of approximately 14 acres. The property is zoned PUD and is included in the Settlers Crossing Planned Unit Development. The proposed plat will create 154 single-family attached-residential lots, along with 11 tracts containing open space and private alleyways. Access to the proposed

As you can see, the incorrect supporting document is contained on the website and is related to S-782-21. This does not allow citizens to remain informed of what is going on within the city.

### Support of Developers as a Potential Citizen Concern:

An additional element of concern that I have is the potential conflict of interest for City Councilmembers that have accepted contributions from Real Estate individuals and/or firms, Development firms, as well as private landowners that seek to rezone and develop properties. I do not believe it is appropriate for City Councilmembers to vote on growth and development applications wherein they have accepted contributions from individuals or corporations tied to the applications.

For example, below is information obtained from the Report of Contributions and Expenditures for Councilmember Rick Davis. Councilmember Davis has received contributions from developers as well as private landowners seeking to rezone and develop properties. The "Murray Farms" application is currently going through an informal review/feedback process with the city and was an agenda item at the last Planning and Zoning Meeting on June 7, 2022 (Application Z-978-22). Based on the contributions identified below, I believe that it would be inappropriate for Councilmember Davis to vote on the application when it enters the City Council agenda due to the potential conflict of interest. As you can see below Glen and Patty Murray are identified as contributing to Councilmember Rick Davis' election and is also identified as the landowner for the application identified above (Z-978-22).

### **Councilmember Rick Davis**

| Date     | Contributor   | Contributor's Address                                    | Description of Contribution | Occupation & Employer* | Amount   |
|----------|---|--|-----------------------------|------------------------|----------|
| 8-24-21  | Rick and Donna Davis                                    | 10556 Wheeling St<br>Commerce City, CO 80022             | check                       | Self Employed          | 100.00   |
| 10-20-21 | Consemer Fireworks Safety Assn                          | P.O. Box 1936<br>Tacoma, WA 98401                        | check                       | PAC                    | 250.00   |
| 10-20-21 | Glen P. Murray<br>Patty K. Murray                       | 10550 E. 116th St<br>Commerce City, CO 80022             | check                       | Farmer                 | 200.00   |
| 10-22-21 | Concord Partners LLC                                    | 905 W. 124th Ave.<br>Suite 210<br>Westminster, CO 80234  | check                       | Builder                | 300.00   |
| 10-25-21 | Russell N Watterson                                     | 905 W. 124th Ave<br>Westminster, CO 80234                | check                       | Retired                | 1,500.00 |
| 10-29-21 | Ryan Lantz<br>13773 E. Caley Dr.<br>Englewood, CO 80111 | 13773 E. Caley Dr<br>Englewood, CO 80111                 | check                       | Builder                | 1,500.00 |
| 10-29-21 | Elizabeth A Talarico<br>Joseph A Talarico               | 4000 W. 103rd Ave<br>Westminster, CO 80031               | check                       | Consulting Firm        | 100.00   |
| 10-22-21 | Palestra Investments                                    | 8900 E. Belknap Ave. #300<br>Greenwood Village, CO 80111 | check                       | Investor/Developer     | 2,000.00 |
| 10-25-21 | Lloyd Land<br>Eileen Land                               | 12501 Riverdale Rd<br>Brighton, CO 80602                 | check                       | Farmer                 | 500.00   |

As you will see below, there are several City Councilmembers that are in the same position as Councilmember Davis. As a private citizen and Commerce City resident, I have concerns with the contributions tied to the election and the decisions currently being made at City Council. For example, Councilmember Oscar Madera received contributions from Karis Real Estate, who is also identified on the application Z-978-22. Councilmember Sean Ford has also accepted donations from Glen Murray and Karis Real Estate. I believe it is inappropriate and a conflict of interest for all of the above-mentioned Councilmembers to vote on the application when the case is presented to City Council. The contributions were made in October 2021 and the application was submitted in November 2021 which is highly concerning.

## Z-978-22 Application

### DEVELOPMENT REVIEW APPLICATION

|                           |       |
|---------------------------|-------|
| TOTAL APPLICATION FEE(S): | _____ |
| MISCELLANEOUS FEE(S):     | _____ |
|                           | 0     |

|                 |       |
|-----------------|-------|
| CASE NUMBER(S): | _____ |
|                 | _____ |

PLEASE TYPE OR PRINT LEGIBLY

|  |   |                    |                       |
|--|---|--------------------|-----------------------|
| Applicant:                               | Karis Acquisitions, LLC                             | Person to Contact: | Jake Finley           |
| Address:                                 | 10 N. Martingale Rd Schaumburg, Suite 450, IL 60173 | E-Mail:            | jfinley@kariscold.com |
|  | <small>Street Number City State Zip Code</small>    |                    |                       |
| Telephone:                               | 630-703-9499  | Fax #:             | _____                 |
|  |   | Cell or Work #:    | _____                 |
| Company Website Address (if applicable): | www.kariscold.com                                   |                    |                       |

|                                    |                                     |
|------------------------------------|-------------------------------------|
| Property Address/General Location: | 11010 Havana St., Commerce City, CO |
| Area of Property:                  | 92.5 Acres/Sq.Ft.                   |

|  |  |                    |                       |
|--|--|--------------------|-----------------------|
| Property Owner:                          | Murray Family Farms Limited Liability            | Person to Contact: | Glen Murray           |
| Address:                                 | 11010 Havana Street, Brighton, CO 80601          | E-Mail:            | Murray.Farms@yahoo.co |
|  | <small>Street Number City State Zip Code</small> |                    |                       |
| Telephone:                               | Call 303-548-3518                                | Fax #              | 303-288-0370          |
|  |  | Cell or Work #:    | 303-288-2998          |
| Company Website Address (if applicable): | murray.farms@yahoo.com                           |                    |                       |

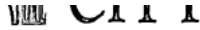
|  |  |
|--|--|
| Person or Firm Representing Applicant/Owner: | Norris Design                                    |
| Address:                                     | 1101 Bannock Street Denver, CO 80204             |
|  | <small>Street Number City State Zip Code</small> |
| Telephone:                                   | 303-892-1166                                     |
|  | Fax #: _____ Cell or Work #: _____               |
|  | E-Mail: spollmiller@norris-design                |

|                   |  |                    |                       |
|-------------------|--|--------------------|-----------------------|
| Engineering Firm: | CAGE Civil Engineering                           | Person to Contact: | Eric Pearson          |
| Address:          | 999 18th Street, Suite 2110, Denver, CO 80202    |                    |                       |
|                   | <small>Street Number City State Zip Code</small> |                    |                       |
| Telephone:        | 630-598-0007                                     | Fax #:             | _____                 |
|                   |  | E-Mail:            | epearson@cagecivil.cc |

**Councilmember Oscar Madera**

| Date      | Contributor                               | Contributor's Address                                  | Description of Contribution | Occupation & Employer*   | Amount |
|-----------|---|--|-----------------------------|--|--------|
| 7/30/2021 | Oscar Madera                              | 6656 Albion St<br>Commerce City, CO 80022              | Cash                        | Senior SEC Research and Reporting Specialist - Tri-State Generation and Transmission Association | 100    |
| 9/10/2021 | Faraci Government Relations, LLC          | 242 S. Forest St<br>Denver, CO 80202                   | Check                       |  | 150    |
| 9/10/2021 | Metro Housing Coalition PAC               | 9033 E. Easter Pl<br>Centennial, CO 80112              | Check                       |  | 1,500  |
| 9/10/2021 | Oscar Madera                              | 6656 Albion St<br>Commerce City, CO 80022              | Check                       | Senior SEC Research and Reporting Specialist - Tri-State Generation and Transmission Association | 600    |
| 9/10/2021 | Apartment Association of Metro Denver PAC | 7100 E. Belleview Ave.,<br>Greenwood Village, CO 80111 | Check                       |  | 500    |

303-221-8191

Full Name of Committee/Person: **Madera for Ward I**

Please print/type

| Date       | Contributor            | Contributor's Address                        | Description of Contribution | Occupation & Employer* | Amount |
|------------|------------------------|--|-----------------------------|------------------------|--------|
| 10/14/2021 | Karis Real Estate, LLC | 10 N. Martingale Rd<br>Schaumburg, IL 60173  | Check                       |                        | 500.00 |
| 10/19/2021 | Adam Gubbels           | 2974 Merry Rest Way<br>Castle Rock, CO 80109 | Venmo                       |                        | 50.00  |



Councilmember Sean Ford

| Date                | Contributor   | Contributor's Address                                     | Description of Contribution | Occupation & Employer*        | Amount                               |
|---------------------|---|---|-----------------------------|-------------------------------|--------------------------------------|
| 10-6-21             | Joseph Henry  | 8230 E. 64 <sup>th</sup> Ave<br>Denver, CO 80230-7047     | check                       | Self Owner                    | 250. <sup>00</sup>                   |
| 10-10-21            | Villano Farms LLC                                       | 13050 W.C. Rd 10<br>Ft. Lupton, CO 80621-8308             | check                       | Farmer owner                  | 300. <sup>00</sup> LLC               |
| 10-13-21            | Glen Murray   | 16550 E. 116 <sup>th</sup> Ct<br>Commerce City, CO 80022  | check                       | Farmer Self                   | 300. <sup>00</sup>                   |
| <del>10-13-21</del> | <del>Ken Construction LLC</del>                         | <del>7500 W. Hampden Ave<br/>#300, Denver, CO 80231</del> | <del>check</del>            | <del>owner construction</del> | <del>2000.<sup>00</sup></del> Return |
| 10-13-21            | Enrique Rosales   | 21247 E. Rowland Dr<br>Aurora, CO 80016                   | check                       | Realtor                       | 500. <sup>00</sup>                   |
| 10-13-21            | Seward Hanfling<br>1045 Lincoln St.<br>Denver, CO 80203 | 3032 <sup>nd</sup> " "                                    | check                       | Public Affairs LLC            | 500. <sup>00</sup> LLC               |
| 10-13-21            | Stere O'Dorisio   | 7403 Race St<br>Wetby, CO 80229                           | check                       | Adams County Commissioner     | 100. <sup>00</sup>                   |
| 10-13-21            | Jim Hayes   | 18703 E. 54 <sup>th</sup> Ave<br>Denver, CO 80249         | check                       | developer<br>Dakwood          | 200. <sup>00</sup>                   |

|          |                |  |       |                              |                        |
|----------|----------------|--|-------|------------------------------|------------------------|
| 10-13-21 | Susan Frank    | 4340 E. Perry Pkwy<br>Greenwood Vlg., CO 80121-2197      | check | Realtor Self                 | 5000. <sup>00</sup>    |
| 10-13-21 | HWJ LLC        | 3535 Larimer St<br>Denver, CO 80205-2510                 | check | LLC                          | 500. <sup>00</sup> LLC |
| 10-13-21 | Russ Waterson  | 8230 E. 128 <sup>th</sup> Pl.<br>Thornton, CO 80162-8189 | check | developer Retired            | 5000. <sup>00</sup>    |
| 10-20-21 | Karm Sit       | 9311 Harrison St<br>Thornton, CO 80229-4262              | check | owner operator<br>Monaco Gas | 250. <sup>00</sup>     |
| 10-20-21 | Davinder Samra | 4143 E. 105 <sup>th</sup> Ave<br>Thornton, CO 80233      | check | Owner 7-11                   | 250. <sup>00</sup>     |

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| Date     | Contributor           | Contributor's Address                                  | Description of Contribution | Occupation & Employer* | Amount            |     |
|----------|-----------------------|--|-----------------------------|------------------------|-------------------|-----|
| 10-1-21  | Karis Real Estate LLC | 10 N. Martingale Rd #450 Schaumburg, IL 60196          | check                       | Realtor Self           | 500 <sup>00</sup> | LLC |
| 10-15-21 | Thoms Commercial Park | 11010 E. 120 <sup>th</sup> Ave #18 Henderson, Co 80640 | check                       | LLC                    | 250 <sup>00</sup> | LLC |
| 10-12-21 | Potomac Investors LLC | 7979 E. Tufts Ave #1125 Denver, Co 80231               | check                       | LLC                    | 1500              | LLC |
| 10-12-21 | SWIG-Cutler JV        | 7979 E Tufts Ave #1125 Denver, Co 80237                | check                       | LLC                    | 1000              | LLC |
| 10-15-21 | Joe Balistreri        | 6700 N Washington St Denver Co 80229                   | check                       | LLC                    | 400               | LLC |
| 10-14-21 | Realtor Candidate PAC | 309 Inverness Way S Englewood, Co 80112                | check                       | PAC                    | 1000              |     |

### Alignment with Land Development Code Purpose

In looking at the Land Development Code Purpose you will see that the main elements identified are avoiding undue concentrations of population, conserving property values, preventing overcrowding of land, and reducing congestion in the streets. Recent decisions supported by some Councilmembers are highly concerning as they seem to be placing the Developer's (or election contributors) interests above the interests of the city residents (which does not support the purpose as identified below and is not in the best interest of the city). I believe it is critical to hold as many public meetings as possible and to encourage City Council to act in the best interest of residents, not developers.

## Land Development Code Purpose

Commerce City's Land Development Code is designed to promote health, safety and the general public welfare. This includes:

- Avoiding undue concentration of population
- Conserving property values
- Encouraging diversity in land use types
- Encouraging the most appropriate use of land throughout the city
- Encouraging urban environments, where appropriate
- Ensuring a logical growth of the various physical elements of the city
- Improving housing standards
- Preventing the overcrowding of land
- Promoting economic development
- Promoting pleasing aesthetics and minimizing eyesores
- Promoting safety from fire, panic and other dangers
- Providing adequate light and air
- Reducing congestion in the streets

I ask that you take the above information into consideration to overhaul the approach to development for Commerce City. Some small steps to take in the meantime that would have a positive benefit on the city would be to vote to support a public hearing for Case S-787-22 as I believe residents should have an opportunity to learn accurate information regarding the plat case. I also believe that all decisions should

be discussed and reviewed more thoroughly which may delay profits and timelines for developers, but will help establish a more sustainable growth structure for the city focused on improved retail, commercial and open space land uses for residents. The current approach of moving quickly to require City Council to vote on applications with high levels of multi-resident housing, etc. without appropriate infrastructure or holistic strategy is not working nor is it advantageous for Commerce City.

Thank you for the opportunity to provide my thoughts.

Anna Mariotti, Commerce City Resident