



# Commerce City

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

## Meeting Minutes

### Planning Commission

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Tuesday, May 3, 2022

6:00PM Council Chambers, 7887 E. 60th Ave Commerce City, CO 80022. The meeting will be live on Channel 8 and c3gov.com/video. Zoom Registration: [https://c3gov.zoom.us/webinar/register/WN\\_Gd2BAnMETnKXGpy9wipLHg](https://c3gov.zoom.us/webinar/register/WN_Gd2BAnMETnKXGpy9wipLHg)

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**This meeting will be held in person in the City Council Chambers (location above). There will be general public physical access to this meeting or virtual participation by using the Zoom link above.**

#### Call to Order

*Meeting was called to order at 6:05pm.*

#### Roll Call

**Present** 5 - Commissioner Andrew Amador, Commissioner David Yost, Chair Jonathan Popiel, Commissioner Jordan Ingram, and Alternate Commissioner Steven J. Douglas

*Staff in Attendance:*

*Sarah Geiger, Deputy City Attorney*

*Steve Timms, Planning Manager*

*Tricia Mason, Community Development Manager*

*Anita Riley, Principal Planner*

*Andrew Baker, Planner*

*Jenna Lowery, Management Analyst*

*Lee Alverson, Development Review & Coordination Engineer*

*Chris Hodyl, Development Review Manager*

*Michael Renk, Transportation Engineer*

*Katelyn Memmer, Planning Commission Liaison*

#### Pledge of Allegiance

#### Approval of Minutes:

[Min 22-101](#)

Approval of Minutes from April 05, 2022 Planning Commission Meeting

**Attachments:** [Minutes](#)

**A Motion was made that the Minutes be approved VOTE:**

**Ayes:** 4 - Commissioner Yost, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

**Abstentions:** 1 - Commissioner Amador

**Case(s):**

[Z -971-21-22](#)

UDC Miller LLC is requesting an annexation zone change from ADCO A-3 (Adams County Agricultural-3) to Commerce City PUD (Planned Unit Development) to allow for the development of a single-family residential subdivision called Eberly Place, located at 10070 Potomac Street

**Attachments:** [Staff Report](#)  
[Vicinity Map](#)  
[Applicant Narrative](#)  
[Eberly Place PUD Zone Document](#)  
[Neighborhood Meeting Summary](#)  
[Traffic Impact Study](#)  
[27J Letter](#)  
[Eberly Farm Request Letter](#)  
[Applicant Presentation](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Andrew Baker, Planner, presented the case Z-971-21-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Mr. Baker reviewed the staff report and presentation.*

*Daniel Jennings, Associate Planner, Applicant, presented the Eberly Place Annexation and Zoning Presentation.*

*Commissioners asked questions about future roadway plans for Potomac Street and Blackhawk Street.*

*Commissioner Yost, suggested a space where water could collect and also have an open space.*

*Craig Campbell, 23365 East Pickadilo Drive, Aurora  
Mr. Campbell was speaking on behalf of the Eberly family. He expressed this development fits very well into the other subdivisions and the Eberly family is in full support.*

*Nancy Lapointe, 14131 East 102nd Avenue  
Ms. Lapointe expressed feeling like they are boxed in where she lives currently. And, this is the 3rd proposal that has happened.*

*Commissioner Douglas expressed that it was interesting there were three proposals of how the lot was laid out as the Commissioners are only seeing one of them.*

*Commissioner Yost said he currently lives in Foxton village and deals with having to*

turn West frequently. This development will allow access to Potomac to go East or West.

**A motion was made by Commissioner Yost: I move the Planning Commission enter the findings that subject to the requested PUD zone document for the property located at 10070 Potomac Street contained in case Z-971-21-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the PUD zone document. And seconded by Commissioner Ingram, that this Zoning Ordinance was recommended for approval VOTE:**

**Ayes:** 4 - Commissioner Amador, Commissioner Yost, Chair Popiel and Commissioner Ingram

**Nays:** 1 - Alternate Commissioner Douglas

[Z- 964 -21-22](#)

QuikTrip Corporation is requesting an annexation zone change from ADCO I-1 (Adams County Industrial-1) to Commerce City PUD (Planned Unit Development) zone district to allow for the development of QuikTrip, and other future commercial and residential uses on the remainder of the site, located at the Southwest Corner of US Highway 85 & E. 112th Avenue. In addition, QuikTrip is requesting a zone change from previously vacated railroad right of way, zoned Commerce City I-1 (Light Intensity Industrial) to Commerce City PUD zone district

**Attachments:**    [Staff Report](#)  
                          [Vicinity Map](#)  
                          [Applicant Narrative](#)  
                          [CanAm PUD Zone Document](#)  
                          [Concept Plan](#)  
                          [Neighborhood Meeting Summary](#)  
                          [Traffic Study](#)  
                          [27J Letter](#)  
                          [Comment Letters](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Andrew Baker, Planner, presented the case Z-964-21-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Mr. Baker reviewed the staff report and presentation.*

*Dan Sheldon, Applicant, presented the CanAm Annexation and Zoning Presentation.*

*Commissioners asked questions about the Use Table permissions, roadway alignments, CDOT improvements, and if diesel fuel should be sold at the gas station.*

*Matthew Paul, 9803 E 113th Avenue  
Mr. Paul had concerns about traffic and safety is already an issue.*

*Emily Walsh, 9825 E 113th Avenue  
She expressed concern about how this will effect tax payers and did not feel the*

*neighborhood meetings were accurately portrayed.*

*Mary Flores, 11250 Florence Street*

*Expressed concern about how QuikTrip would you inform commercial vehicles they cannot go there to pump gas.*

*Alex Payan, 11250 Florence Street*

*Mr. Payan Mentioned there is a lot of traffic currently on US 85, and sometimes it takes 2-3 traffic lights to make it into the neighborhood.*

*Leslie Holmes, 11250 Florence Street Unit 23A*

*Ms. Holmes is concerned about safety, traffic, and noise.*

*Jim Warfield, 9947 E 113th Avenue*

*Mr. Warfield said he has seen several accidents, and people are always running red lights.*

*Monica Scafuro, 11250 Florence Street Unit 16B*

*Ms. Scafuro is concerned about safety at night.*

*Mariah Eagan, 11250 Florence Street Unit 16A*

*Ms. Eagan expressed that truckers will make their way into the gas station, they do not care if they are supposed to fuel there or not.*

*Chairman Popiel asked about the lighting that will be coming from the gas station.*

*Andrew, Planner explained that no off site bleeding with occur, landscaping and site furnishings will also help with that.*

*Dan Sheldon, mentioned that the Tail Feathers gas station at US 85 and 120th will be going away, so that is one less gas station along US 85. He also mentioned that the buildings next to the Quiktrip could be a bagel shop, pizzeria, etc.*

*Mike Talcott, Applicant, addressed the security concerns from the public, pointing out that cameras will cover every square inch of the store. And, employees have wireless remotes, buttons around store that alerts the authorities and they are trained to use them.*

*Shelby Madrid, Kimley Horn, Traffic Engineer, addressed the increase in traffic concern saying that 60% of fuel station traffic is pass by traffic and is already existing traffic. The City and CDOT plan to put a 4-way stop at 112th and Florence street. And, this site is designed for standard vehicles, not commercial.*

*Sarah Geiger pointed out that this case is two requests. One motion for the land already in City, and one motion for the land that is in the County.*

*The Commissioners called for an executive session for clarification on motions from 9:35pm to 9:45pm.*

*Commissioner Ingram mentioned this plot of land is designed to be a local commercial center. But, that does not mean it has to be a gas station.*

*The Commissioners called for an executive session for clarification on motions from 9:55 pm to 10:00pm.*

**A motion was made by Commissioner Douglas for the annexed portion: I move**

the Planning Commission enter the findings that subject to the requested PUD zone document for the property located at the South West Corner 112th Avenue and Highway 85 contained in case Z-964-21-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the PUD zone document, subject to the following condition. I make a motion to not have a gas station as a condition. And seconded by Commissioner Ingram, that this Zoning Ordinance was recommended for approval VOTE:

**Ayes:** 4 - Commissioner Amador, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

**Nays:** 1 - Commissioner Yost

A motion was made by Commissioner Douglas for the unannexed portion: I move the Planning Commission enter the findings that subject to the requested PUD zone document for the property located at the South West Corner 112th Avenue and Highway 85 contained in case Z-964-21-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the PUD zone document, subject to the following condition. I make a motion to not have a gas station as a condition. And seconded by Commissioner Amador, that this Zoning Ordinance was recommended for approval VOTE:

**Ayes:** 4 - Commissioner Amador, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

**Nays:** 1 - Commissioner Yost

### [Z- 984-22](#)

Prospect, LLC is requesting an annexation zone change from ADCO A-1 (Adams County Agricultural-1) to Commerce City R-3 (Multi-Family Residential) zone district to allow for the development of a multi-family residential development, located at 7001 Colorado Boulevard

**Attachments:** [Staff Report](#)  
[Vicinity Map](#)  
[Narrative](#)  
[Concept Site Plan](#)  
[Neighborhood Meeting Summary](#)  
[Traffic Study](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Anita Riley, Planner, presented the case Z-984-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Ms. Riley reviewed the staff report and presentation.*

*Chairman Popiel invited the applicant to come forward for questions from the Commissioners.*

*Commissioner Douglas pointed out that this area was contemplated to have retail and*

*asked the applicant if they would consider that.*

*Marcus Pachner, The Pachner Company, replied that by doing this it would attract more retail on the 72nd corridor.*

*Vice-Chair Amador asked if only Commerce City residents were notified of this case.*

*Anita Riley, Planner said that all residents were notified within the 500 foot radius whether or not they were considered Adams county.*

*Jacklyn Valdez, 6796 Albian Street*

*Ms. Valdez expressed concern that Colorado Boulevard is a main road for construction and big trucks, and is concerned about children crossing Colorado Boulevard with the new construction.*

**A motion was made by Commissioner Amador for the annexed portion: I move the Planning Commission enter the findings that subject to the requested annexation zone change for the property located at 7001 Colorado Boulevard contained in case Z-984-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the annexation zone change. And seconded by Commissioner Yost, that this Zoning Ordinances was recommended for approval VOTE:**

**Ayes:** 5 - Commissioner Amador, Commissioner Yost, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

[Pres 22-300](#)

V-94-22: Prospect, LLC is requesting approval of the 7001 Colorado Vacation Plat, a request to vacate .08-acre portion of Colorado Boulevard right-of-way and a .078-acre unrecorded easement, located at 7001 Colorado Blvd, zoned R-3

**Attachments:**     [Staff Report](#)  
                              [Vicinity Map](#)  
                              [Narrative](#)  
                              [Vacation Plat](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Anita Riley, Planner, presented the case V-94-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Ms. Riley reviewed the staff report and presentation.*

*Chairman Popiel invited the applicant to come forward for questions from the Commissioners.*

*Commissioner Douglas pointed out that this area was contemplated to have retail and asked the applicant if they would consider that.*

*Marcus Pachner, The Pachner Company, replied that by doing this it would attract more retail on the 72nd corridor.*

*Vice-Chair Amador asked if only Commerce City residents were notified of this case.*

*Anita Riley, Planner said that all residents were notified within the 500 foot radius whether or not they were considered Adams county.*

**A motion was made by Commissioner Douglas for the annexed portion: I move the Planning Commission enter the findings that subject to the requested**

vacation for a portion for a portion of the right of way for the property located at 7001 Colorado Boulevard contained in case V-94-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the vacation. And seconded by Commissioner Yost, that this Zoning Ordinances was recommended for approval VOTE:

**Ayes:** 5 - Commissioner Amador, Commissioner Yost, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

[S-772-20-22](#)

Cohen Denver Airport, LLC is requesting approval of the Legato West Filing No. 1 Final Plat to create 181 lots and 7 tracts on approximately 34.84 acres for future single-family detached residential homes, for the property generally located between Tower Rd and E-470, south of 96th Avenue, west of Himalaya Parkway, and between E. 93rd Place and E. 95th Avenue (Tract D), zoned Legato PUD (Planned Unit Development District)

**Attachments:**     [Staff Report](#)  
                              [Vicinity Map](#)  
                              [Narrative](#)  
                              [Final Plat](#)  
                              [Traffic Study](#)  
                              [27J Letter](#)  
                              [Development Agreement](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Anita Riley, Planner, presented the case S-772-20-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Ms. Riley reviewed the staff report and presentation.*

*Chairman Popiel invited the applicant to come forward for questions from the Commissioners.*

*Chairman Popiel asked if the utility plat went through staff approval.  
Anita Riley, Planner said the infrastructure plat was approved administratively.*

*Chairman Popiel asked why the plat is not being taken through tract A and B.  
Brad Burns, Applicant, replied they are different density's and will be a part of their plan at a later date.*

*Commissioner Douglas expressed concern about school capacity and also worried about dust mitigation*

*Mr. Burns said they have been working on dust mitigation with Public Works.*

**A motion was made by Commissioner Ingram for the annexed portion: I move the Planning Commission enter the findings that subject to the requested final plat for Legato Filing 2 for the property located between Tower Road and E-470, south of 96th Ave, West of Himalaya Parkway, and between Cathay Court and Argonine Street contained in case S-772-20-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the final plat. And seconded by Commissioner Yost,**

that this final plat was recommended for approval VOTE:

**Ayes:** 4 - Commissioner Amador, Commissioner Yost, Chair Popiel and Commissioner Ingram

**Nayes:** 1 - Alternate Commissioner Douglas

[S-771-20-22](#)

Cohen Denver Airport, LLC is requesting approval of the Legato Filing No. 2 Final Plat to create 131 lots and 7 tracts on approximately 32.38 acres for future single-family detached residential homes, for the property generally located between Tower Rd and E-470 and south of 96th Avenue, west of Himalaya Parkway, and between Cathay Court and Argonine Street (Tract D2), zoned Legato PUD (Planned Unit Development District)

**Attachments:** [Staff Report](#)  
[Vicinity Map](#)  
[Narrative](#)  
[Final Plat](#)  
[Traffic Study](#)  
[27J Letter](#)  
[Development Agreement](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Anita Riley, Planner, presented the case S-771-20-22 and noted all information pertinent to noticing, publication and the presentation is in the record. Ms. Riley reviewed the staff report and presentation.*

*Chairman Popiel invited the applicant to come forward for questions from the Commissioners.*

*Chairman Popiel asked if the utility plat went through staff approval.  
Anita Riley, Planner said the infrastructure plat was approved administratively.*

*Chairman Popiel asked why the plat is not being taken through tract A and B.  
Brad Burns, Applicant, replied they are different density's and will be a part of their plan at a later date.*

*Commissioner Douglas expressed concern about school capacity and also worried about dust mitigation*

*Mr. Burns said they have been working on dust mitigation with Public Works.*

**A motion was made by Commissioner Ingram for the annexed portion: I move the Planning Commission enter the findings that subject to the requested final plat for Legato Filing 2 for the property located between Tower Road and E-470, south of 96th Ave, West of Himalaya Parkway, and between Cathay Court and Argonine Street contained in case S-771-20-22 meets the criteria of the Land Development Code and based upon such findings recommend that the City Council approve the final plat. And seconded by Commissioner Yost, that this final plat was recommended for approval VOTE:**



**Ayes:** 4 - Commissioner Amador, Commissioner Yost, Chair Popiel and Commissioner Ingram

**Nayes:** 1 - Alternate Commissioner Douglas

**Action Items:**

[Pres 22-301](#)

URP-006-22: The City of Commerce City is requesting adoption of the Urban Renewal Plan for the East 48th Avenue and Ivy Street Development. This property is located at the Northwest and Northeast Corners of East 48th Avenue and Ivy Street and is approximately ~65 acres

**Attachments:** [Staff Memo](#)  
[Sand Creek Business Area Urban Renewal Plan Presentation](#)

*Sarah Geiger, Deputy City Attorney, introduced the case and staff presenting the case.*

*Jenna Lowery, Senior Management Analyst, presented the case URP-006-22.*

*Commissioners asked questions about how the flex and industrial space generates revenue to pay back the TIF, as well as what uses would make sense to be put on that site.*

*Ms. Lowery highlighted that there are 6 different TIF agreements with different tax entities for 25 years. Any sales tax generated on the site that any future developer generates, a portion of that goes to the taxing entity.*

**A motion was made by Commissioner Ingram: I move the Planning Commission enter the findings that the Sand Creek Urban Renewal Plan URP-006-22, is consistent with the cities approved comprehensive plan and authorize the Planning Commission Chair to provide City Council with the Planning Commission's findings in writing. And seconded by Commissioner Douglas, that this Urban Renewal Plan was recommended for approval VOTE:**

**Ayes:** 5 - Commissioner Amador, Commissioner Yost, Chair Popiel, Commissioner Ingram and Alternate Commissioner Douglas

**Board Business:**

*Commissioner Ingram asked if there should be a maximum number of cases for Planning Commission meetings.*

**Attorney Business:**

**Staff Business: May 9: Joint Planning Commission and City Council Workshop on Comp Plan Key Choices and Updated Vision Statement and Core Principles**

**May Special Meeting**

## Adjournment

*Meeting was adjourned at 12:09pm.*