

Commerce City

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



Meeting Minutes - Draft

Tuesday, February 2, 2021

6:00 PM

Electronically 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, by contacting staff at 303.289.3679, or 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.

Call to Order

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

Present 6 - Vice Chair Andrew Amador, Commissioner Andrew Amador, Commissioner David Yost, Commissioner Dennis Cammack, Chair Jonathan Popiel, and Commissioner Jordan Ingram

Roll Call

Alexa Ullom called roll. All present affirmed.

Staff in attendance:

Matt Hader, Deputy City Attorney
Brian Swann, Assistant City Attorney
Steve Timms, Planning Manager
Jennifer Jones, Principal Planner
Jenny Axmacher, Principal Planner
Stacy Wasinger, Planner
Domenic Martinelli, Planner
Harry Brennan, Planner
Omar Yusef, Planner
Tricia Mason, Community Development Manager
Alexa Ullom, Administrative Specialist

Approval of Minutes:

[Min 21-15](#) January 5, 2021 Draft Minutes

Attachments: [January 5, 2021 Draft Minutes](#)

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

Aye: 6 - Vice Chair Amador, Commissioner Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

Case(s):[Pres 21-73](#)

CU-120-21: Crystal Packaging, Inc. is requesting a Conditional Use Permit, and associated Development Plan approval, for operations including existing/modified tank farm exceeding 48,000 gallon aboveground capacity; chemical manufacturing/blending; storage and processing of hazardous materials; petroleum product manufacturing; and an existing/modified rail spur for the property located at 9155 Boston Street, zoned I-3 (Heavy Intensity Industrial District).

Attachments: [Staff Report CU-120-21](#)
[Vmap CU-120-21](#)
[Applicant Narrative](#)
[Development Plan](#)
[Drainage Conformance Letter](#)
[Staff Presentation](#)
[Applicant Presentation Photos](#)

Brian Swann, Assistant City Attorney, introduced the case and introduced staff presenting the case.

Stacy Wasinger, Planner, presented case CU-120-21 and noted all information pertinent to noticing and publication is in the record and DRT recommendation of approval subject to the following conditions:

A. The applicant shall install all proposed site improvements associated with the Conditional Use Permit within 12 months of approval of this CUP. These improvements include, but are not limited to, new construction of tanks, fencing, and landscaping as identified in the approved Development Plan dated 11/12/19.

B. Tanks within the existing fenced tank farm area may be repaired or replaced without revision to this Conditional Use Permit, subject to the following:

a. In no case shall the total storage tank capacity on the property exceed 2,500,000 gallons.

b. All new or replaced storage tanks shall be colored beige or tan.

C. Any changes to the Emergency Response Plan shall be provided to the City's Police Department no later than 90 days after a change is made.

Discussion from the Commission involved increase of gallon maximum, history of spillage, emergency response plan and fire mitigation inspection, South Adams Fire Department approval, hazardous material within gallons, and process of 12-month conditional requirements time frame and follow-up. Commissioners also discussed request five including the rail-spur and potential expansions.

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

Connor Gilman

Applicant discussed 108-thousand gallon vessel of hazardous material, and time frame of replacing structures and vessels.

Hank Jenkins

Applicant discussed monitoring of tanks and replacement of tanks.

Scott Vincent, Owner of Crystal Packaging

Applicant discussed the zero-spillage history of the site and products and materials produced. Commission discussed spill containment procedures, and fire emergency plans and procedures.

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

Kristi Douglas, 10970 Unity Pkwy

Thanked the Commission for serving and stated potential impacts of oil and gas development. Discussed concerns over toxins and potential health and safety issues.

Steve Douglas, 10970 Unity Pkwy

Discussed spur line, spacing of tanks, increase in tank size, monitoring of tank, and year of site ownership.

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

Further discussion involved clarification of the capacity of flammable and hazardous materials, state guidelines, containment areas, and process of increasing tank sizes. Concerns were addressed and cleared.

A motion was made by Commissioner Cammack:

I move that the Planning Commission enter a finding that, subject to certain conditions and contingent on the associated Development Plan, the five Conditional Use Permit requests and associated Development Plan request for the property located at 9155 Boston Street contained in case CU-120-21 meet the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve all five Conditional Use Permit requests and associated Development Plan subject to the following conditions:

A. The applicant shall install all proposed site improvements associated with the Conditional Use Permit within 12 months of approval of this CUP. These improvements include, but are not limited to, new construction of tanks, fencing, and landscaping as identified in the approved Development Plan dated 11/12/19.

B. Tanks within the existing fenced tank farm area may be repaired or replaced without revision to this Conditional Use Permit, subject to the following:

a. In no case shall the total storage tank capacity on the property exceed 2,500,000 gallons.

b. All new or replaced storage tanks shall be colored beige or tan.

C. Any changes to the Emergency Response Plan shall be provided to the City's Police Department no later than 90 days after a change is made.

Seconded by Vice Chairman Amador.

Aye: 6 - Vice Chair Amador, Commissioner Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

[Pres 21-74](#)

Z-774-04-21: Second Creek Holdings, LLC is requesting the approval of

the PUD zone document amendment, Second Creek Farm PUD Zone Document 1st Amendment, to modify allowed uses and planning area boundaries, and other development standards for the property bounded generally by E 96th Ave to the North, Tower Rd to the East, E 88th Ave to the South, and Telluride St to the West, zoned PUD (Planned Unit Development District).

Attachments: [Staff Report Z-774](#)
 [Vmap](#)
 [Proposed Second Creek Farm PUD Amendment 1](#)
 [Existing Z-774-04 PUD Zone Document](#)
 [Existing Z-774-04 Ordinance](#)
 [Proposed Filing 3 Plat](#)
 [Filing 3 Drainage Report](#)
 [Proposed Filing 3 PUD Permit](#)
 [PC Presentation](#)
 [PC Applicant Presentation](#)

Brian Swann, Assistant City Attorney, introduced the case and introduced staff presenting the case.

Domenic Martinelli, Planner, presented case Z-774-04-21 and noted DRT recommendation of approval and all information pertinent to noticing and publication is in the record.

Commission discussed reverse setbacks, grandfather clauses, alignment of Filing 1, updates to the PUD zone document, and aspects the applicant and City looked into when updating the document. Commissioners commended the efforts made by Mr. Martinelli. Commissioners discussed the school site.

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

David Foster

Applicant thanked Mr. Martinelli for his efforts. Discussed the annexation and original PUD, the purpose of the use of the land, updates to the original PUD zone document, and open space. Further discussion included the National Heritage school site, thought process of balance of retail and residential, plug-and-abandon timelines, interactions with Economic Development of City of Commerce City, and fiber optics.

Chris Shandor

Discussed preliminary discussions involving infrastructure.

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

Kristi Douglas, 10970 Unity Pkwy

Discussed excitement over development in the area, and concerns over grandfather clauses which could affect health and safety, cluster homes, and National Heritage Academy.

*Steve Douglas, 10970 Unity Pkwy
Discussed DIA Noise Mitigation, number of lot adjustment, existing pipes, cluster homes, and charter schools.*

Commission discussed City purchased lots, procedures of well plugging and abandonment.

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

Commissioners commended Planner Martinelli, noted the benefits of this case, and acknowledged the concerns of the public speakers.

A motion was made by Vice Chairman Amador:

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested PUD Zone Document for the property bounded by East 96th Avenue, E-470, East 88th Avenue, and Tower Road, contained in case Z-774-04-21 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document.

Seconded by Commissioner Cammack.

Board Business:

Commission discussed Vice Chairman Amador's reappointment and newly appointed alternates. Commissioner Yost discussed technical issues over viewing heavy packet files, suggested sending it in separate parts.

Attorney Business:

None

Staff Business:

Steve Timms introduced new planners, Harry Brennan and Omar Yusef. Tricia Mason introduced new administrative staff, Kim Adame.

Adjournment

The meeting was adjourned at 7:49 p.m.