

Commerce City

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



Meeting Minutes - Draft

Tuesday, October 6, 2020

6:00 PM

Virtual 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 303.227.8818, or jmain@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 6:01 p.m.

Roll Call

Jessica Main called roll. All present affirmed.

Present 5 - Chair Jonathan Popiel, Vice Chair Andrew Amador, Commissioner Dennis Cammack, Commissioner Karen Anderson, and Alternate Commissioner Jordan Ingram

Staff in attendance:

Jason Rogers, Community Development Director
Matt Hader, Deputy City Attorney
Steve Timms, Planning Manager
Jennifer Jones, Principal Planner
Andrew Baker, Planner
Domenic Martinelli, Planner
Brent Soderlin, City Engineer
Tricia Mason, Community Development Manager
Jessica Main Administrative Specialist

Approval of Minutes:

[Min 20-154](#)

August 4, 2020 Minutes

Attachments: [August 4, 2020 - Draft](#)

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

Aye: 4 - Chair Popiel, Vice Chair Amador, Commissioner Cammack and Commissioner Anderson

Abstained: 1 - Alternate Commissioner Ingram

Case(s):[Pres 20-336](#)

Z-965-20: Daniel Sheldon is requesting an annexation zone change from ADCO R-1-C (Adams County Residential) to Commerce City R-1 (Single-Family Detached Residential District) to construct a single-family residential subdivision called Platte Place located at PIN # 0172109400015 and PIN # 0172109400016 (Approximately 10550 Brighton Road).

Attachments: [Staff Report](#)
 [V-Map](#)
 [Project Narrative](#)
 [Staff Presentation](#)
 [Applicant Presentation](#)
 [Written Comments](#)

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

Andrew Baker, Planner, presented case Z-965-20 and noted DRT recommendation of approval and all information pertinent to noticing and publication is in the record..

Discussion from the commission involved the right in, right out on Brighton Rd, how residents would be able to go southbound on Brighton Rd, and connecting to Belle Creek Blvd.

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

Dan Sheldon - United Development Companies

Mr. Sheldon explained what his company does, why they chose the site and introduced other staff available for questions.

Mitch Black - Norris Design

Mr. Black presented the applicant PowerPoint and made himself available for questions.

Discussion from the commission involved access to 104th and South bound Brighton Rd.

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

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

A motion was made by Vice Chairman Amador:

I move that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at Pins 0172109400015 & 0172109400016 contained in case Z-965-20 meets the criteria of the LAnd Development Code and based upon such finding, recommend that the City

Council approve the Annexation Zoning.

Seconded by Commissioner Anderson. VOTE:

Aye: 5 - Chair Popiel, Vice Chair Amador, Commissioner Cammack, Commissioner Anderson and Alternate Commissioner Ingram

[Pres 20-328](#)

CU-127-20: Monroe Street Partners West is requesting a Conditional Use Permit to develop a metal recycling facility located at 5400 Monroe Street, zoned I-3 (Heavy Intensity Industrial District).

Attachments: [Staff Report](#)
 [V-map](#)
 [Applicant Narrative](#)
 [Development Plan](#)
 [Subdivision](#)
 [EPA Superfund Case History](#)
 [Staff Presentation](#)
 [Applicant Presentation](#)

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

Domenic Martinelli, Planner, presented case CU-127-20 & CU-128-20 simultaneously and noted DRT recommendation of approval with conditions and all information pertinent to noticing and publication is in the record..

Discussion from the commission involved vehicle access on site, public access and operation hours, open access to both sides of the lot and allowing crushed cars on site.

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

*Ed Dolan - RCI Disposal & Specialty Metals Company
Mr. Dolan presented the applicant PowerPoint and made himself available for questions.*

Discussion from the commission involved current land ownership, transferring of CUP, asbestos screening and handling of other hazardous materials, and staff training.

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

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

A motion was made by Commissioner Anderson:

I move that the Planning Commission enter a finding that subject to certain conditions the requested conditional use permit and associated Development Plan for the property located at 5400 Monroe Street, contained in case CU-127-20, meets the criteria of the Land Development Code and based upon

such findings recommend that the City Council approve the Conditional Use Permit and Development Plan subject to the following conditions:

- A. This approval applies to the Development Plan dated 8/28/20 associated with this Conditional Use Permit.
- B. Building permit issuance shall be restricted until Request for Ordinance (RFO) is approved by the City and County of Denver for sanitary sewer connection at this site.
- C. This Conditional Use Permit shall be allowed for metal recycling operations, and storage and dismantle of passenger cars, single axle trucks, one-ton trucks, vans, delivery vans, class C RV's and small type shuttle buses; all such vehicles not to exceed 22 feet in length. No other types of vehicles, including but not limited to tractor trailers, semi-trucks, full size buses, boats, heavy construction vehicles, or mobile homes as defined in the LDC, are permitted. The storage of inoperable vehicles or salvage of any other type of vehicle requires an amendment to this CUP.
- D. Whole crushed cars may be stored on site for no more than 72 hours. No vehicle crushing shall be permitted on site.
- E. All work performed on vehicles, including repair, draining of fluids, and dismantling, shall occur entirely within a defined containment area on an approved concrete surface. All materials shall be contained within an approved above ground holding tank, and disposed of at an appropriate hazardous waste disposal facility. Vehicle fluids shall not be discharged to any municipal storm system or within any public water supply source or surface water feature, or sent to a municipal landfill.
- F. The facility shall not accept hazardous materials, including but not limited to asbestos or Freon for processing, unless an amendment is made to this Conditional Use Permit.
- G. The property shall be kept clean and free of debris and dust, outside of the designated outdoor storage areas and beyond the perimeter of the screening fence.
- H. The applicant shall obtain and provide copies of any applicable state or federal regulatory agency permits to the Community Development Department, prior to commencement of operations on site.
- I. The applicant shall notify the Community Development Department in writing in the event the use as described in this Conditional Use Permit is discontinued by Monroe Partners West, LLC
- J. Between January 1 and January 31, 2022, the applicant will provide the director with a report detailing all complaints the applicant has received from adjoining landowners during the preceding calendar year, as well as the manner in which the applicant disposed of those complaints. Subsequent reports will be due on or before January 31 of every year thereafter. On or after January 1, 2026, the director will review the applicant's reports, as well as any violations reported to the city. If the reports and reported violations, if any, indicate that the use is not compliant with the Conditional Use Permit approval criteria, the director may submit the Conditional Use Permit to the Planning Commission and City Council for review at duly noticed public hearings. This review will be for the limited purpose of identifying and imposing conditions reasonably necessary to address the complaints demonstrating noncompliance with the Conditional Use Permit approval criteria and will be rationally related to the Conditional Use Permit approval criteria.

Seconded by Commissioner Cammack. VOTE:

Aye: 5 - Chair Popiel, Vice Chair Amador, Commissioner Cammack, Commissioner Anderson and Alternate Commissioner Ingram

[Pres 20-335](#)

CU-128-20: Monroe Street Partners West is requesting a Conditional Use Permit to develop a demolition debris recycling facility located at 5400 Monroe Street, zoned I-3 (Heavy Intensity Industrial District).

Attachments: [Staff Report](#)
[V-map](#)
[Applicant Narrative](#)
[Development Plan](#)
[Subdivision](#)
[EPA Superfund Case History](#)
[Staff Presentation](#)
[Applicant Presentation](#)

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

Domenic Martinelli, Planner, presented case CU-127-20 & CU-128-20 simultaneously and noted DRT recommendation of approval with conditions and all information pertinent to noticing and publication is in the record.

Discussion from the commission involved vehicle access on site, public access and operation hours, open access to both sides of the lot and allowing crushed cars on site.

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

*Ed Dolan - RCI Disposal & Specialty Metals Company
Mr. Dolan presented the applicant PowerPoint and made himself available for questions.*

Discussion from the commission involved current land ownership, transferring of CUP, asbestos screening and handling of other hazardous materials, and staff training.

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

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

A motion was made by Commissioner Ingram:

I move that the Planning Commission enter a finding that, subject to conditions, the requested Conditional Use Permit , and associated Development Plan for the property located at 5400 Monroe Street, contained in case CU-128-20, meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit and Development Plan subject to the following conditions: A. This approval applies to the Development Plan dated 8/28/20 associated with this Conditional Use Permit.

B. Building permit issuance shall be restricted until a Request For Ordinance (RFO) is approved by the City and County of Denver for sanitary sewer connection at this site.

C. All non-recyclable wastes shall be contained within the transfer facility, and all waste accepted onto the premises shall be transferred into a transfer trailer within 24 hours of receipt.

D. The facility shall not accept hazardous materials, including but not limited to asbestos or Freon for processing, unless an amendment is made to this Conditional Use Permit.

E. The property shall be generally be kept clean and free of debris, outside of the designated outdoor storage areas and beyond the perimeter of the screening fence.

F. The applicant shall obtain and provide copies of any applicable state or federal regulatory agency permits to the Community Development Department, prior to commencement of operations on site.

G. The applicant shall notify the Community Development Department in writing in the event the use as described in this Conditional Use Permit is discontinued by Monroe Partners East, LLC

H. Between January 1 and January 31, 2022, the applicant will provide the director with a report detailing all complaints the applicant has received from adjoining landowners during the preceding calendar year, as well as the manner in which the applicant disposed of those complaints. Subsequent reports will be due on or before January 31 of every year thereafter.

On or after January 1, 2026, the director will review the applicant's reports, as well as any violations reported to the city. If the reports and reported violations, if any, indicate that the use is not compliant with the Conditional Use Permit approval criteria, the director may submit the Conditional Use Permit to the Planning Commission and City Council for review at duly noticed public hearings. This review will be for the limited purpose of identifying and imposing conditions reasonably necessary to address the complaints demonstrating noncompliance with the Conditional Use Permit approval criteria and will be rationally related to the Conditional Use Permit approval criteria.

Seconded by Commissioner Cammack. VOTE:

Aye: 5 - Chair Popiel, Vice Chair Amador, Commissioner Cammack, Commissioner Anderson and Alternate Commissioner Ingram

Board Business:

None

Attorney Business:

None

Staff Business:

[20-355](#)

November Meeting Reminder & Comprehensive Plan Update - Citizens Advisory Committee Establishment

Attachments: [CAC Job Description](#)

Steve Timms, Planning Manager, discussed November Planning Commission meeting being moved to Wednesday November 4th due to election night, the Comprehensive Plan Update, the Citizens Advisory Committee and how to apply.

Adjournment

The meeting adjourned at 7:50 p.m.