

Commerce City

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Commerce City, CO 80022
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Meeting Minutes - Draft

Tuesday, September 7, 2021

6:00 PM

This is an in person meeting that will be held in City

Council Chambers

Planning Commission

Call to Order

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

Pledge of Allegiance

Roll Call

Commissioner's present:

Chairman Popiel

Vice-Chairman Amador

Chairman Cammack

Chairman Yost

Chairman Ingram

Alternate members on the floor:

Steve Douglas

Angela VanDijk

Garret Biltoft

Kim Adame called roll. All present and affirmed.

Approval of Minutes:

Com [Min 21-191](#)
m

Attachments: [August 24, 2021 Draft Minutes](#)

A motion was made by Commissioner Cammack, seconded by Commissioner Yost that the August 24, 2021 draft minutes be approved. VOICE VOTE: all (5) members affirmed

Case(s):

[Z-964-20-21](#)

Attachments: [Staff Report](#)
[Vmap](#)
[Applicant Narrative](#)
[PUD Zone Document](#)
[QuikTrip Draft Site Plan](#)
[QuikTrip Sample Elevations](#)
[Neighborhood Meeting Summary](#)
[Traffic Study](#)
[Citizen Comment](#)

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

Andrew Baker, presented case Z-964-20-21 and noted all information pertinent to noticing, publication and the presentation is in the record.

Vice Chairman Amador asked for clarification about home values, and the PUD Marijuana businesses.

Commissioner Cammack pointed out that the original intent of the Commerce City Comprehensive Plan was to be a residential area, and asked if the proposed plan meets the requirements of local residential area.

Commissioner Yost asked how large of an area will the applicant sit on and if there was a final builder in mind.

Chairman Popiel expressed his concerns with area D by asking if it's a conditional use for Oil & Gas operations. Asked how involved the City was with developing said conditional use.

Vice Chairman Amador suggested there should be a possible rezoning as there is too much flexibility onsite and asked the city attorney about previous PUDs were allowed use of the provisions of Cannabis and Marijuana retail store and wanted to know if there was a commercial use for this or if it's still being excluded from PUDS.

There was further discussion from the board regarding the Comprehensive Plan's intent being high density housing and concern of the annexation from Adams County can become an undevelopable site.

Chairman Popiel invited the applicant to speak.

Daniel Jennings, 1101 Bannock St Denver, CO. The applicant presented and expressed how it would be a great addition to Commerce City. Further spoke of the overview of the site, spoke of the Comprehensive Plan and want to balance residential and commercial use to achieve both residential high as well as local commercial center. Also mentioned the proposed plat that would establish parcels for future development.

Dan Sheldon, 6900 E Belleview Avenue Greenwood Village, CO 80111. Applicant addressed commercial use concerns from the board and was willing to limit the commercial to a square footage amount of building gross leasible area. Sheldon further spoke that there will be high density on the North, sprinkled down to have transitional density on the South to make it more appealing to the Belle Creek subdivision. Sheldon noted of an update of the building structure, also how Cannabis was not noted in the PUD zone categories, and wanted to move forward with condition of Planning Area A to Planning Area B be restricted to residential and commercial uses and Planning Area C and Planning Area D restricted to residential only.

Chairman Cammack expressed his issue that it this not the plan that the Comprehensive Plan had and suggests to resubmit plan to the Planning Department to restrict the other 3 areas to residential while still putting fuel center in.

Commissioner Amador mentioned that his concern that Zoning is being asked from high density to PUD and PUD adds too much flexibility at this point. Felt uncomfortable negotiating terms without it being written down.

Commissioner Yost wanted to share that he's good with the original proposal of A being commercial, B being mixed use and commercial, and C and D residential.

Chairman Popiel asked if there was further questions for the applicant. Seeing none, he invited the public to speak.

Valerie Ladwig, 9890 E 112th Dr- Spoke of the roads are not wide enough for heavy truck traffic adjacent to her home and wants the original proposal to stay residential with affordable housing. Mentioned that the site was contaminated before and suggested moving to another location for a better spot.

Mary Flores, 11205 Florence St-Spoke that the notices and sign posting need to be more inclusive for the Latino community, the heavy traffic is dangerous for children and want other types of business.

Adam Kunda, 11250 Florence St Unit 8A- Talked how there are other locations better for the project and gathered 100 signatures from neighbors that don't want this project to pass, and want other type of businesses.

Laurie Sprague, 10217 E 112th Way- Spoke that she's been a resident of Commerce City for 6 years, and asked if an environmental study on the underground tanks that will be proposed and that Denver water was unaware of the proposal. She also expressed her concern with the prairie dog populations. Lastly mentioned that contacting people within 500 ft is not many neighbors.

Steve Douglas, 1970 Unity Pkwy-thanked commission of letting public speak about this. Wanted to know if there have been any soil samples and spoke that there was a

previous project from the same applicant on Tower Road and HWY 85. Also spoke how mixed use zone means there is too much flexibility and asked commission to deny this.

Marissa Kirby, 11250 Florence St Unit 8A-Asked why a gas station is needed as they already have plenty in surrounding areas, wants local services provided, and spoke of prairie dog mitigation.

Brian Sprague, 10217 E 112nd Way- Spoke how the trucks have ruined the roads on HWY 82 and how adding the truck stop will worsen the road. Adding a truck stop will worsen the roads leaving tax payers to pay for road repair. Proposed to have more homes and small and local businesses.

Seeing no further comments from the public, Chairman Popiel closed the public portion of the meeting and invited the applicant to speak.

Mike Talcott, 1172 Hannibal St-applicant addressed that this is a short term stop for trucks and comments about traffic study, lighting ordinance, prairie dog mitigation, and more defined paths with larger sidewalks to ensure the safety of pedestrians.

Chairman Popiel asked about continuing the case and working closely with City Staff of the City of Denver with the table of allowable uses to refine to the condition.

Commissioner Cammack talked of the heavy traffic diesel pumps would bring and if he would be open to preventing diesel being sold there.

Seeing no further questions from the commissioners, Chairman Popiel asked for a motion of the case.

A motion was made by Commissioner Cammack:

I moved that the Planning Commission enter a finding that the requested Annexation Zoning for the property located at PINs 172110109002 & 172110100002 contained in case Z-964-21 does not meet the criteria of the Land Development Code and, based upon such findings, recommend that the City Council approve the Annexation Zoning: It does not meet the Land Development Code and is not what the original Comprehensive Plan intended. Seconded by Commissioner Ingram. VOTE:

Aye: 3 - Commissioner Amador, Commissioner Yost and Commissioner Cammack

Nay: 2 - Chair Popiel and Commissioner Ingram

Excused: 3 - Alternate Commissioner VanDijk, Alternate Commissioner Biltoft and Alternate Commissioner Douglas

Board Business:

Board requested to have electronic version of the packet during the meeting as well as the physical packet.

Attorney Business:

None

Staff Business:

Principal Planner, Jennifer Jones, stated there they are unsure at this time if there will be an October Planning Commission meeting.

Adjournment

The meeting was adjourned at 7:55pm