

## COMMERCE CITY PLANNING COMMISSION

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**CALL TO ORDER:** Chairman J.E. "Mac" McFarlin called the meeting to order at 6:00 p.m.

**PLEDGE:** Chairman McFarlin led the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL:** Lorena Ruiz called roll. **Present:** McFarlin, Dreiling, Cammack Jones, and Robertson.

**OTHERS PRESENT:** Steve Timms, Planning Manager  
Jared Draper, Planner  
Caitlin Hasenbalg-Long, Planner  
Karen Stevens, Deputy City Attorney  
Kerry Romero, Administrative Supervisor  
Lorena Ruiz, Administrative Specialist  
Rebecca Skinner, Administrative Specialist

**MINUTES:** Commissioner Jones was not present at the June 2, 2015 meeting; therefore, he abstained from voting on the approval of minutes.

Commissioner Cammack made a motion to approve the minutes of the June 2, 2015 meeting. Commissioner Dreiling seconded the motion.

Cammack	Yes
Dreiling	Yes
Jones	Abstain
McFarlin	Yes
Robertson	Yes 4 Yes, Motion passed.

**CASES:** The Planning Commission heard the following case.  
*Proceedings continued on the following pages.*

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**Z-925-15: Old Dominion Freight Line, Inc. - Zone Change from I-2 to I-1 - Property with PIN 182307400027.**

**S-638-15: Consolidation of Four Lots into One Lot – 5601 Holly Street.**

**CU-106-14-15: Conditional Use Permit for Expansion of Transportation Terminal – 5601 Holly Street.**

Ms. Stevens introduced the cases and asked that the record reflect that the files contained the relevant notification and publication information. Ms. Hasenbalg-Long reviewed the staff reports and presentation, including the Development Review Team's recommendations for approval, subject to six conditions for the Conditional Use Permit only. She noted two concurrent Minor Modification cases were under administrate review.

In response to questions by the commission, staff explained the Tri-County Health Department provided comments to the applicant regarding regulation compliance for the new fuel station. The removal of storage tanks is required by the Colorado Department of Public Health and Environment.

Brian Norbury, Manager of Operations for Old Dominion Freight Lines at 5601 Holly Street, was available for questions. He stated no additional traffic would be created by the expansion. Chairman McFarlin opened the hearing to the public. Noting that no person indicated a desire to testify, he closed the hearing and requested three separate motions.

**Z-925-15 Motion:**

Commissioner Robertson made the following motion "I move that the Planning Commission enter a finding that the requested Zone Change for the property located at 5171 East 56<sup>th</sup> Avenue contained in case Z-925-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change."

Commissioner Jones seconded the motion.

Cammack Yes

Dreiling Yes

Jones Yes

McFarlin Yes

Robertson Yes 5 Yes, Motion passed.

**S-638-15 Motion:**

Commissioner Robertson made the following motion "I move that the Planning Commission enter a finding that the requested Final Plat for the property located at 5601 Holly Street contained in case S-638-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat."

Commissioner Jones seconded the motion.

Cammack Yes

Dreiling Yes

Jones Yes

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McFarlin Yes  
Robertson Yes 5 Yes, Motion passed.

### **CU-106-14-15 Motion:**

Commissioner Robertson moved that the Planning Commission enter a finding that, subject to the conditions listed on the revised suggested motion that was distributed prior to the hearing, the requested Amendment to the existing Conditional Use Permit for the property located at 5601 Holly Street contained in case CU-106-14-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Amended Conditional Use Permit subject to the those conditions. The following are the conditions that were contained in the distributed motion:

- A. Landscaping shown as part of Phase 1 on the approved landscape plan for CU-106-14 shall be installed prior to issuance of a Certificate of Occupancy for the IT room addition.
- B. A landscape escrow shall be paid for landscaping shown as part of Phase 2 for CU-106-14 prior to issuance of a Certificate of Occupancy for the IT room addition.
- C. The landscaping shown as part of Phase 2 on the landscape plan submitted in conjunction with CU-106-14 shall be installed within 18 months of the date of approval of CU-106-14-15, unless this condition is waived by the Community Development Director because the construction of the proposed terminal expansion submitted in conjunction with CU-106-14-15 is substantially underway. In that event, the landscaping shown on the landscape plan submitted in conjunction with CU-106-14-15 shall be installed prior to the issuance of a Certificate of Occupancy for the expanded terminal.
- D. A site investigation plan addressing flammable gas, the nature and extent of solid waste, and contaminated soils and groundwater shall be completed and submitted to Tri-County Health Department and the Solid Waste Section of the Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) for review and approval prior to the issuance of any building permits for the proposed expansion.
- E. A traffic study for the subject property shall be approved by the Public Works Department prior to issuance of any building permits for the proposed expansion.
- F. A drainage report for the subject property shall be approved by the Public Works Department prior to issuance of any building permits for the proposed expansion.

Commissioner Jones seconded the motion.

Cammack Yes  
Dreiling Yes  
Jones Yes  
McFarlin Yes  
Robertson Yes, 5 Yes, Motion passed.

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### **CU-111-15: UPS Ground Freight, Inc. - Conditional Use Permit for Expansion of Existing Transportation Terminal - Lot 1 of the Proposed UPS Ground Freight Subdivision, zoned I-1.**

### **S-636-15: UPS Ground Freight Subdivision, a Request to Create Two Lots - 5300 East 56th Avenue.**

Ms. Stevens introduced both cases and stated that they would be presented together. She asked that the record reflect the files contained the relevant notification and publication information. Mr. Draper reviewed the staff report and presentation, including the Development Review Team's recommendation for approval.

The Commission had no questions for the applicant. Chairman McFarlin opened the hearing for public comment. There being no public comment, the public hearing was closed and two motions were requested.

#### **S-636-15 Motion:**

Commissioner Jones made the following motion "I move that the Planning Commission enter a finding that the requested Final Plat for the property located at 5300 E. 56<sup>th</sup> Avenue contained in case S-636-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Final Plat."

Commissioner Robertson seconded the motion.

Cammack	Yes
Dreiling	Yes
Jones	Yes
McFarlin	Yes
Robertson	Yes 5 Yes, motion passed

#### **CU-111-15 Motion:**

Commissioner Jones made the following motion "I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at 5300 East 56<sup>th</sup> Avenue contained in case CU-111-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit."

Commissioner Dreiling seconded the motion.

Cammack	Yes
Dreiling	Yes
Jones	Yes
McFarlin	Yes
Robertson	Yes 5 yes, Motion passed.

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### **Ordinance 2061: Electric Fence Amendment to the Land Development Code.**

Mr. Draper reviewed the staff report and presentation including the Development Review Team's recommendation for approval. The item was presented to Planning Commission in December 2014 and City Council in January 2015 as part of the annual updates to the Land Development Code. Based on City Council feedback and additional research, revisions have been made to the proposed electric fence language included in Section 21-7730(4) of the Land Development Code.

The Commission made a correction to the language of draft ordinance and requested that the ordinance be amended to require the warning signs be in both English and Spanish and include illustrations to caution children that cannot yet read.

### **Testimony from the Public:**

Will Beas, General Manager of Pacific Auction at 5450 Dahlia Street, spoke in favor of the ordinance. He stated theft in the area has increased through the years and he would like to implement higher security.

Cindy Williams, who spoke on behalf of Electric Guard Dog LLC, recommended including language in the ordinance to allow electric fences in commercial zone districts in order to protect businesses with outdoor storage.

Staff explained the LDC does not allow outdoor storage in commercial districts. Outdoor storage is limited to Agricultural and Industrial zone districts only. Staff further clarified that through numerous conversation with Electric Guard Dog LLC, all of the uses they had inquired about were classified as industrial uses.

### **Motion:**

Commissioner Jones moved that, subject to the staff making the noted language correction and the modifications related to signage, the Planning Commission recommend that City Council approve Ordinance #2061.

Commissioner Dreiling seconded the motion.

Cammack	Yes
Dreiling	Yes
Jones	Yes
McFarlin	Yes
Robertson	Yes 5 Yes, Motion passed.

### **Commission Business:**

The Commission discussed adding an alternate action in all future staff reports to include the option of continuance of cases for additional review when revisions are required or when a recommendation of denial seems likely.

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**Staff Business:**

Staff thanked the Commission for their availability in attending the special meeting.

**Adjournment:**

There being no further business to discuss, Chairman McFarlin adjourned the meeting at 7:16 pm.

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J.E. "Mac" McFarlin  
Chairman

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Lorena Ruiz,  
Administrative Specialist

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