



# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
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## Meeting Minutes - Final City Council

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Monday, January 6, 2014

6:00 PM

Council Chambers

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### 1. Call to Order/Roll Call

*A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Ford on January 6, 2014, at 6:04 PM.*

**Present:** 9 - Mayor Sean Ford , Council Member Jim Benson, Council Member Rick A. Teter, Council Member Crystal Elliott, Council Member Steven J. Douglas, Council Member Andrew Amador, Council Member Jadie Carson, Council Member Jason McEldowney and Mayor Pro Tem René Bullock

### 2. Pledge of Allegiance

*The Pledge of Allegiance was recited.*

### 3. Audience Introduction

*The audience introduced themselves.*

### 4. Citizen Communication

*No one appeared to speak under Citizen Communication.*

### 5. Approval of Minutes

#### [Min 14-107](#)

Regular Meeting Minutes of December 16, 2013

**A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the minutes be approved. VOICE VOTE: Unanimous, all present affirmed.**

#### [Min 14-108](#)

Meeting Minutes of November 4, 2013

*Council members McEldowney and Amador moved and seconded to allow Mayor Ford to abstain from voting on the minutes of November 4, 2013, because of his excused absence.*

*ROLL CALL VOTE: 8 aye, 1 abstain (Ford)*

**A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the minutes be approved. VOTE:**

**Aye:** 8 - Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

**Abstained:** 1 - Mayor Ford

## 6. Consent Agenda

**A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the consent agenda be approved as amended. VOTE:**

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Res 2014-03](#) RESOLUTION APPOINTING AND REAPPOINTING MEMBERS TO DESIGNATED BOARDS AND COMMISSIONS OF COMMERCE CITY

[Ord 1981](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$25,000 FOR THE RESTORATION OF TWO PROPERTIES ALONG SAND CREEK AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1982](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$25,000 FOR LOS VALIENTES PARK IMPROVEMENTS AND THE AUTHORIZATION OF THE EXPENDITURE THEREOF.

[Ord 1983](#) AN ORDINANCE AMENDING THE 2014 BUDGET OF THE CITY OF COMMERCE CITY, COLORADO BY THE RECOGNITION OF THE ADAMS COUNTY OPEN SPACE GRANT FUNDS IN THE AMOUNT OF \$5,000 FOR INTERPRETIVE SIGNAGE AT FAIRFAX PARK AND THE AUTHORIZATION FOR THE EXPENDITURE THEREOF.

[Z-885-13](#) AN ORDINANCE REZONING FROM AG TO I-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, COMMONLY KNOWN AS 8600 VERBENA STREET, COMMERCE CITY, COLORADO, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

[Res 2014-04](#) RESOLUTION APPROVING AGREEMENT FOR REAPPOINTMENT OF MUNICIPAL COURT JUDGE

*City Attorney Gehler stated that the agreement was re-drafted to provide golf amenities in lieu of a pay increase. Judge Juarez is entitled to a foursome without charge while employed with the city, and a twosome without charge for life after he*

*leaves city employment.*

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that the resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**

## 7. Public Hearings - 6:30

### [CU-103-14](#)

#### CONDITIONAL USE PERMIT FOR AN ABOVE GROUND PROPANE TANK CASE #CU-103-14

*Mayor Ford opened the public hearing.*

*Planner Paul Workman presented the case. The applicant, TMac II Enterprises, LLC has applied for a conditional use permit in order to have a propane tank on their property that exceeds 10,000 cubic feet. The applicant represents a national home and garden retailer and is proposing to develop the subject property with retail uses that are complimentary to the existing commercial uses. The planning commission held a public hearing and voted unanimously to forward the case to council with a favorable recommendation.*

*In response to questions from Council regarding security concerns, Drake Real Estate Services Representative John Houser stated that propane is a very important part of the operations of Ace Hardware. The design and location is consistent with 50 other locations throughout the Metro Denver area and the propane industry is heavily regulated. The tank site will be well lit and controlled by a monitoring system.*

*Interested Parties:*

*Guillermo Serna, 14122 E. 102nd Pl.*

*There were no further comments and the public hearing portion was closed.*

*Councilman McEldowney and Mayor Pro Tem Bullock moved and seconded to accept the findings and recommendations of the planning commission with an additional condition of two additional ballards for a total of four ballards surrounding the site.*

*VOICE VOTE: 6 aye, 3 nay (Benson, Douglas, Amador)*

*Councilman McEldowney moved to approve CU-103-4.*

*Councilman Amador moved to do the findings and fact, the alternate to also do the four ballards and also an 8' chain link fence.*

*City Attorney Gehler stated that the findings of fact and recommendations have been approved, but that does not preclude an attempt to change what the conditional use permit actually ends up being. He allowed the motion to amend the conditional use permit.*

*Councilman Douglas seconded the motion*

*VOICE VOTE: 3 aye, 6 nay (Teter, Carson, Bullock, McEldowney, Elliott, Ford)*

*Mayor Ford and Mayor Pro Tem Bullock moved and seconded to amend the original motion to to include four ballards and a security camera.*

VOICE VOTE: 8 aye, 1 nay (McEldowney)

**A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the conditional use permit be amended. VOTE:**

**Aye:** 7 - Mayor Ford, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

**Nay:** 2 - Council Member Benson and Council Member Teter

[Z-907-14 \(1\)](#)

AN ORDINANCE REZONING FROM I-1 TO C-2 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 5155 E. 64TH AVENUE, COMMERCE CITY, COLORADO, REMOVING FROM SAID PROPERTY ALL CONDITIONS IMPOSED VIA ORDINANCE Z-448-87, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING

*Mayor Ford opened the public hearing.*

*Planner Jared Draper presented three cases for the locations identified as 5155 E. 64th Avenue, 6430, 6450, and 6460 Highway 2. The request is to consolidate four parcels into one lot, adjust the lot lines along Highway 2, and rezone the consolidated parcel from I-1 to C-2, and the three lots along Highway 2 from I-1 to C-3.*

*Verna Cordova, appeared on behalf of the applicant*

*No one from the public came forward to speak regarding these cases, and the public hearing portion was closed.*

*Councilman McEldowney and Councilman Amador moved and seconded to accept the findings and recommendations for Case Z-907-14(1)*

VOICE VOTE: Unanimous; all present affirmed

**A motion was made by Council Member McEldowney, seconded by Council Member Amador, that the zoning ordinance be introduced by council as seated and approved on first reading. VOTE:**

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Z-907-14 \(2\)](#)

AN ORDINANCE REZONING FROM I-1 TO C-3 ZONE DISTRICT THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, LOCATED AT 6430, 6450, AND 6460 HIGHWAY 2, COMMERCE CITY, COLORADO, REMOVING FROM SAID PROPERTY ALL CONDITIONS IMPOSED VIA ORDINANCE Z-448-87, AND AMENDING THE ZONING MAP OF THE CITY OF COMMERCE CITY, COLORADO TO REFLECT SAID REZONING.

*Mayor Pro Tem Bullock and Councilman /McEldowney moved and seconded to accept the findings and recommendations of the planning commission.*

*VOICE VOTE: Unanimous; all present affirmed*

**A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the zoning ordinance be introduced by council as seated and approved on first reading. VOTE:**

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[Res 2014-02](#)

**RESOLUTION APPROVING SUBDIVISION PLAT IN CASE #S-609-14**

*Mayor Pro Tem Bullock and Councilman Amador moved and seconded to accept the findings and recommendations of the planning commission.*

*VOICE VOTE: Unanimous; all present affirmed*

**A motion was made by Mayor Pro Tem Bullock, seconded by Council Member McEldowney, that the resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.**

[Z-529-90-05-1](#)  
[4](#)

**AN ORDINANCE AMENDING ORDINANCE Z-529-90 BY DELETING ALL ZONING CONDITIONS FOR THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF, AND LOCATED AT 6496 HIGHWAY 2, COMMERCE CITY, COLORADO.**

*Mayor Ford opened the public hearing.*

*Planner Caitlin Long presented the case. The applicant, Claude Sharpless, is seeking to have all current zoning conditions removed from the property. In 1990 the property was rezoned to C-3 with four conditions. The current conditions are impeding the sales and redevelopment of the property. The planning commission held a public hearing and voted unanimously to forward the case to council with a favorable recommendation.*

*In response to Council questions, Planner Steve Timms appeared and stated that no conditional use permit is required for an event center. An event center falls under the definition of a social club and is a use by right.*

*Teresa Sharpless appeared on behalf of the applicant to address Council questions.*

*No one from the audience appeared to address Council and the public hearing portion was closed.*

*Mayor Pro Tem Bullock and Councilman McEldowney moved and seconded to accept the findings and recommendations of the planning commission.*

*VOICE VOTE: Unanimous; all present affirmed*

**A motion was made by Council Member Amador, seconded by Council Member Teter, that the zoning ordinance be introduced by council as seated and approved on first reading. VOTE:**

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

[CU-99-12-14](#)

**CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA BUSINESS CASE #CU-99-12-14**

*Mayor Ford opened the public hearing.*

*Planner Paul Workman presented the case. The applicant, iVita Wellnes, is seeking a conditional use permit for a medical marijuana dispensary. The application was originally denied because it was within 1,000 feet of a trailhead. At the time a trailhead was considered part of a park. City Council amended the LDC to remove a trailhead as a park designation. The applicant currently operates two similar businesses in Denver.*

*Attorney David Foster appeared on behalf of the applicant. There are no current plans to convert the dispensary, if approved, to a recreational store front, nor to use the facility as a grow facility.*

*Andy Weis, appeared on behalf of the applicant. He stated that the state regulates the business from seed to sale, the number of cameras installed are based on square footage.*

*Interested Parties:*

*Guillermo Serna, 14122 E. 102nd Pl.*

*In response to Council questions, Police Chief Smith stated that he cannot testify to the consequences to the community of opening this type of facility since this the first one. They are prepared to respond to emergency calls from this location.*

*No one else appeared to speak on this matter, and the public hearing portion was closed.*

*Council members McEldowney and Douglas moved and seconded to accept the findings and recommendations of the planning commission.*

*VOICE VOTE: Unanimous; all present affirmed*

**A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the conditional use permit be adopted. VOTE:**

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

## **8. Resolutions - 6:15**

*Council members Bullock and Teter moved and seconded to amend the agenda to move the resolutions before the public hearings.*

*VOICE VOTE: Unanimous; all present affirmed*

[Res 2014-05](#) RESOLUTION AMENDING SECTION D OF COUNCIL POLICY #CP-2 ENTITLED "COUNCIL COMMITTEES"

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[Res 2014-06](#) RESOLUTION APPROVING PURCHASE OF AND ACCEPTING TITLE TO CERTAIN PROPERTY AND THE CONVEYANCE OF A CONSERVATION EASEMENT THEREON

A motion was made by Council Member McEldowney, seconded by Council Member Carson, that the resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

[Res 2014-07](#) RESOLUTION APPROVING GRANT OF CONSERVATION EASEMENT IN GROSS TO ADAMS COUNTY, COLORADO

A motion was made by Mayor Pro Tem Bullock, seconded by Council Member Amador, that the resolution be adopted. VOICE VOTE: Unanimous, all present affirmed.

## 9. Ordinances on 1st Reading - 6:20

*Council members McEldowney and Amador moved and seconded to amend the agenda to move the ordinances on first and second reading before the public hearings.*

*VOICE VOTE: Unanimous; all present affirmed*

[Ord 1994](#) AN ORDINANCE AMENDING SECTION 2-2001 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING THE TIME FOR COMMENCEMENT OF REGULAR MEETINGS AND STUDY SESSIONS OF THE CITY COUNCIL

A motion was made by Council Member McEldowney, seconded by Mayor Pro Tem Bullock, that the ordinance be introduced by council as seated and approved on first reading. VOTE:

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

## 10. Ordinances on 2nd Reading - 6:22

[Ord 1989](#) AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 12 OF THE COMMERCE CITY REVISED MUNICIPAL CODE RELATING TO THEFT AND POSSESSION OF MARIJUANA

A motion was made by Council Member Douglas, seconded by Council Member Amador, that the ordinance be approved on second & final reading. VOTE:

**Aye:** 9 - Mayor Ford, Council Member Benson, Council Member Teter, Council Member Elliott, Council Member Douglas, Council Member Amador, Council Member Carson, Council Member McEldowney and Mayor Pro Tem Bullock

## 11. Administrative Council Business

*Mayor Pro Tem Bullock stated that residents are requesting ornaments light be installed in the northern area during the holiday season.*

*Mayor Ford asked that the topic of ornament lights be placed on the planning retreat agenda for discussion*

*Councilman McEldowney stated this may be an opportunity for partnerships with HOAs, developers, etc.*

*Councilman Douglas asked that team banners be added to the ornament lights discussion, Council support two tables for the CCBPA dinner, the public be allowed to provide input on design for new parks and icy conditions on Tower Road be addressed.*

*Mayor Ford stated that he has received several calls regarding the lack of maintenance on Highway 2. He asked that Highway 2 be plowed by the city while we are waiting for a maintenance agreement with CDOT.*

## 12. Reports

*City Manager McBroom provided highlights from his weekly report presented to Council earlier via email.*

*Mayor and Council reported on their attendance at various meetings and events.*

## 13. Adjourn

*The meeting adjourned at 9:45 pm*