

COMMERCE CITY PLANNING COMMISSION

February 3, 2015

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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, Cammack, Montano, Robertson, and Thomas.

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

MINUTES: Commissioners Montano and Thomas were not present at the December 3, 2014; therefore, they both abstained from voting on the approval of minutes.

Commissioner Robertson made a motion to approve the minutes of the December 3, 2014 meeting. Commissioner Cammack seconded the motion.

Cammack	Yes
McFarlin	Yes
Montano	Abstained
Robertson	Yes
Thomas	Abstained

3 Yes, Motion passed.

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

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Z-911-15: D&L Leasing is requesting an annexation zoning from ADCO C-4 to Commence City C-3 for the property located at 10655 E. 120th Ct. Ms. Stevens introduced the case and asked that the record reflect that the file contained the relevant notification and publication information. Mr. Kerns reviewed the staff report and the presentation, including the Development Review Team's recommendation for approval. He noted that a concurrent annexation case AN-233-15 was being considered by City Council.

The Planning Commission had no questions and Chairman McFarlin opened the hearing to the public. Noting that no person indicated a desire to testify, he closed the hearing and requested a motion.

Motion:

Commissioner Cammack made the following motion: "I move that the Planning Commission enter a finding that the requested annexation zoning for the property located at 10655 E. 120th Ct. (Pin: 172102206001 & 172102206002) contained in case Z-911-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Annexation zoning." Commissioner Thomas seconded the motion.

Cammack	Yes
McFarlin	Yes
Montano	Yes
Robertson	Yes
Thomas	Yes

5 Yes, Motion passed.

Z-915-15: OS Rosemary LLC is requesting to rezone from I-1 to I-2 for the property located at 8350 Rosemary St. Ms. Stevens introduced the case and asked that the record reflect that the file contained the relevant notification and publication information. Ms. Long reviewed the staff report and the presentation, including the Development Review Team's recommendation for approval, subject to two conditions.

Mr. John Lowe, 383 Corona Street, Denver, Colorado, was present on behalf of the applicant. He stated the dirt, grading, and access details would be included as part of the development plan application.

Testimony from the Public:

Mr. John Flaherty, 7701 E. 83rd Avenue, Commerce City, Colorado expressed concerns regarding the high intensity industrial uses proposed to be adjacent to his residence. He felt the proposal would not be consistent with other residential properties in the area.

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Motion:

Commissioner Robertson made the following motion: "I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Zone Change for the property located at 8350 Rosemary Street contained in case Z-915-15 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Zone Change subject to the following conditions and advisories:

Conditions:

1. No vehicular access shall be allowed from Rosemary Street. Since the property is bordered on all sides by existing or future right-of-way, vehicular access from Rosemary Street will not be permitted; however, access from the north and south of the property is still possible via East 83rd and 84th Avenues, as well as from the east via the future Syracuse Street.
2. Due to the property having multiple frontages, and the desire to increase building presence and a commercial appearance along Rosemary Street, the side of the property fronting Rosemary Street shall be considered the front of the property, the sides fronting East 83rd and 84th Avenues shall be considered the sides of the property, and the side fronting the future Syracuse Street shall be considered the rear of the property. In the event that the property is subdivided, those lots with frontage along Rosemary Street shall consider Rosemary Street to be the front of the properties.

Advisories:

1. A Public Improvements Agreement (PIA) for future infrastructure improvements must be signed prior to issuance of any building permits or recording of any subdivision plats.
2. A traffic study must be completed prior to issuance of any building permits.
3. A development plan must be approved by the Community Development Department prior to issuance of any building permits."

Commissioner Thomas seconded the motion.

Cammack Yes
McFarlin Yes
Montano Yes
Robertson Yes
Thomas Yes

5 Yes, Motion passed.

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Z-918-15: J. Connie McWhirt is requesting to rezone from I-2 to R-2 for the property located at 5360 Monaco Street. Ms. Stevens introduced the case and asked that the record reflect that the file contained the relevant notification and publication information. Ms. Long reviewed the staff report and the presentation. Although the property was zoned I-2 in 1964 in anticipation of the construction of Highway 270, the use has since remained residential. The DRT determined that the application does not meet the criteria for a zone change set forth in the Land Development Code due to the Comprehensive Plan land use designation and therefore, recommend denial of the request.

Ms. Connie McWhirt, 8382 Sheridan Court, Arvada, Colorado, stated that home was constructed in 1950's and has been lived in by the family since the time of construction. She stated that her brother would like to purchase the property but has struggled to obtain a mortgage loan and home owners insurance due to the non-conforming status of the property. In the case of a fire or damage caused by a natural disaster, it would be impossible to obtain permits for the reconstruction of the home.

Mr. John Ray, 5360 Monaco Street, Commerce City, Colorado, stated that he grew up in Commerce City and would like to continue living in the home constructed by his father for years to come.

Ms. Donna Farris, 8294 Gaylord Street, Denver, Colorado, stated the family was not made aware of the rezone to I-2 in the 1960's. Contrary to the vision of the Comprehensive Plan for the property, she does not believe much change will occur that would transform the property to an industrial area. In addition, she believes the residential zone designation will prevent a future eye sore for the city.

Discussion on the Vote:

Commissioner Cammack explained that the future vision of the area was identified by the Comprehensive Plan as industrial and expressed concern that exceptions to the plan would delay implementation of that long term vision. He provided information on the existence of special insurance plans which may resolve the applicant's concerns.

Chairman McFarlin disagreed with staff's analysis of the criterion regarding adequate public uses. He believes that the parks, schools, and open space in that area are adequate. In addition he felt that major change may not occur in the area for decades since there has not been significant change in the neighborhood since the construction of the home.

Motion:

Commission Cammack made the following motion: "I move that the Planning Commission enter a finding that the requested Zone Change for the property located at 5360 Monaco Street contained in case Z-918-15 fails to meet the following criteria of the Land Development Code:

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1. The change is consistent with the goals and policies of the Comprehensive Plan;
2. There are adequate public uses (parks, schools, and open space) within the immediate area;
3. The area for which the change is requested has changed or is changing and it is in the public interest to allow a new use or density.

I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Zone Change.” Commissioner Robertson seconded the motion.

Cammack	Yes	
McFarlin	No	
Montano	Yes	
Robertson	Yes	
Thomas	No	3 Yes, 2 No, Motion passed.

Commission Business:

The commission discussed the election of officers which would be held at the next scheduled meeting after the two reappointments are approved by Council.

A motion was made by Commissioner Robertson and seconded by Commissioner Thomas to change the meeting dates to the first Wednesday in November and December of 2015.

Voice vote. Motion passed unanimously.

Staff Business:

Staff provided an update regarding recreational marijuana licensing options discussed a City Council study session. More information will be presented to City Council at a study session scheduled on February 23, 2015.

Adjournment:

There being no further business to discuss, Chairman McFarlin adjourned the meeting at 7:19pm.

J.E. “Mac” McFarlin
Chairman

Lorena Ruiz,
Administrative Specialist