

## COMMERCE CITY BOARD OF ADJUSTMENT

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November 9, 2016

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**CALL TO ORDER:** Chairman David Pocs called the meeting to order at 5:40p.m.

**PLEDGE:** Chairman David Pocs led the Pledge of Allegiance.

**ROLL CALL:** Lorena Ruiz called roll. **Present:** Pocs, Leffel, Amador, Brinkerhoff, and Harr.

**OTHERS PRESENT:** Paul Workman, Planner  
Domenic Martinelli, Planner  
Robert Sheesley, City Attorney  
Candice Alexander, Administrative Specialist  
Lorena Ruiz, Administrative Specialist

Board member Haug was present in the audience.

**MINUTES:** Board Member Harr made a motion to approve the minutes of the May 10, 2016 meeting. Board member Amador seconded the motion.

Harr	Yes
Amador	Yes
Brinkerhoff	Yes
Leffel	Yes
Pocs	Yes

5 – Yes, Motion passed.

**CASES:** The Board of Adjustment proceeded with the public hearing.  
*Case proceedings continued on the following pages.*

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**AU-1736-16: Verizon Wireless is requesting approval of a Use-By-Permit for a 50 foot monopole for the property located at 5750 Holly Street, zoned I-1.**

Mr. Sheesley introduced the case and asked that the record reflect the file contained the relevant notification and publication information. Mr. Martinelli reviewed the staff report and presentation, including the Development Review Team's recommendation for approval.

The board had questions regarding fire access, ADA access impacts, and the incorporation of public art on the pole.

Mr. Larry Otterstein, 7093 Silver Thorne Drive, Evergreen, was present to answer questions from the Board.

Mr. William Kowalchuk, 3131 South Vaughn Way, Aurora, explained the antennas have increased in diameter to provide a larger capacity and wider range of coverage. Additional towers would be required if the existing poles reach capacity. He stated that a bond was obtained in order to cover the cost of removal of the facility if abandoned.

In response to a question by the board regarding the bond, staff explained that the advisory is not a condition on the request. It would solely advise the applicant to obtain a bond.

**Motion:**

Mr. Leffel made the following motion "I move that the Board of Adjustment find that upon satisfying the following conditions:

- A. The applicant shall ensure that two street trees along Holly St. are installed and maintained in perpetuity, in accordance with site plan Sheet Z1.0.

The requested Use-By-Permit for the property located at 5750 Holly St. contained in case AU-1736-16 meets the criteria of the Land Development Code and, based upon such finding, approve the Use-By-Permit.

The applicant should also be aware of the following advisory:

- A. Prior to the city issuing any building permits to construct the facility, the applicant will need to submit either a bond, letter of credit, or cash deposit in order to cover the cost of removal of the facility if abandoned, or deemed abandoned, pursuant to the terms of the Land Development Code."

Mr. Brinkerhoff seconded the motion.

Leffel	Yes
Brinkerhoff	Yes
Amador	Yes
Harr	Yes
Pocs	Yes

5 – Yes, Motion passed.

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### **Board Business:**

The board expressed concern with the advisory in case AU-1736-16 regarding the bond. As a result they made a recommendation that City Council review the bond provisions.

### **Attorney Business**

Mr. Sheesley stated the Planning Commission recently requested to create and approve Rules of Procedure. He asked if the Board would be interested in adopting similar bylaws.

**ADJOURN:** There being no further business to discuss, Chairman Pocs adjourned the meeting at 6:15p.m.

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David Pocs,  
Chairman

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Lorena Ruiz,  
Recording Secretary