

# COMMERCE CITY PLANNING COMMISSION

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March 7, 2017

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**CALL TO ORDER:** Acting Chairman Joseph Dreiling called the meeting to order at 6:00 p.m.

**PLEDGE:** Acting Chairman Joseph Dreiling led the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL:** Lorena Ruiz called roll. **Present:** Dreiling, Cammack, Frank, Herrera, Jones. **Absent:** Popiel

**OTHERS PRESENT:** Robin Kerns, Planner  
Paul Workman, Planner  
Chris Cramer, Director of Community Development  
Matt Hader, Deputy City Attorney  
Maria D'Andrea, Director of Public Works  
Candice Alexander, Administrative Specialist  
Lorena Ruiz, Administrative Specialist

Nicole Frank and Aaron Herrera were welcomed as new members to the commission.

**MINUTES:** Commissioners Frank and Herrera abstained from voting on the minutes because they were not present at the February 7, 2017 meeting.

Commissioner Jones made a motion to approve the minutes of the February 7, 2017 meeting. The motion was seconded by Commissioner Cammack.

|          |           |                         |
|----------|-----------|-------------------------|
| Jones    | Yes       |                         |
| Cammack  | Yes       |                         |
| Dreiling | Yes       |                         |
| Frank    | Abstained |                         |
| Herrera  | Abstained | 3 – Yes, motion passed. |

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

Commissioner Frank abstained from voting on Case D-305-17 because she was not present at the August 2016 meeting and was not able to review the record of the meeting. The applicant decided to move forward with the case.

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### **Case D-305-17: Crown Enterprises Inc. is requesting approval of a development plan for a transportation terminal located at 10251 Newark Street, zoned I-2.**

Mr. Hader introduced the case and asked that the record reflect the files contained the relevant notification and publication information. Mr. Kerns reviewed the staff report and presentation. He noted the case was continued from the August 2016 meeting due to a request for additional information related to the truck traffic analysis. As a result, the City undertook a traffic signal warrant study and found that based on the existing volumes; the intersection meets warrants for installation of a traffic signal. Mr. Kerns stated that two responses were received from the public, one in support and one in opposition of the request.

In response to a question by the commission, Staff explained the installation of the traffic signal would be considered as part of the annual Capital Improvement Program through the City's 2018 budgeting process.

Mr. Daniel Onifer, 12225 Stephens Road, Warren Michigan, agreed with staff's presentation. He stated the proposal is a truck terminal to be used for freight services. Since the previous public hearing, the applicant has worked with staff to find a resolution for the installation of a traffic signal at the intersection of 104<sup>th</sup> Avenue and Peoria Parkway. The applicant has agreed to contribute funds to the installation of the signal.

The Commission asked questions about the traffic signal installation timeline and if other alternative routes were identified in order to re-route and reduce traffic in the area.

Acting Chairman Dreiling opened the public hearing.

Jason Jones, 11451 Ironton Way, introduced a petition with over 300 signatures in opposition of the request. The petition was entered as an exhibit in the case file. Mr. Jones was worried of the negative impacts that would affect adjacent property owners as a result of the transportation terminal.

Abram Jewell, 10084 Quintero Street, expressed his opposition to the request. Mr. Jewell was concerned with the potential increase in traffic and crime in the area due to the proximity of the truck transportation to residential neighborhoods. He made a recommendation to re-route truck traffic south of the site to relieve traffic congestion.

In response, Mr. Onifer stated the tenant is very sensitive to being victimized by crime and will be installing access controlled gates and adding additional safety measures to protect freight.

### **Motion:**

Commission Jones made the following motion "I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Development Plan for the

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property located at 10251 Newark Street contained in case D-305-17 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Development Plan subject to the following condition:

- A. The applicant shall pay a percentage of the costs of design and installation of a traffic signal, reflecting the percent change in traffic caused by the development, at the intersection of East 104th Avenue and Peoria Parkway.”

Commissioner Herrera seconded the motion.

Jones Yes

Herrera Yes

Dreiling No

Cammack No

Frank Abstained

Vote: 2 yes, 2 no – motion failed.

The Commission stated they are not opposed to the development. They believe the site is not the most suitable location for the development. There was also concern that the traffic issues have not been fully resolved to reduce traffic congestion in the area.

Commissioner Cammack made the following motion “I move that the Planning Commission continue the requested Development Plan for the property located at 10251 Newark Street contained in case D-305-17 to a future Planning Commission agenda.”

The motion was not seconded; motion failed.

There was no recommendation on the request or additional discussion on the vote. The case is scheduled for City Council on Monday, March 20, 2017.

**CU-21-91-94-97-17: L.G. Everist, Inc. is requesting to amend previous conditions associated with their conditional use permit for the property located at 7321 East 88<sup>th</sup> Avenue, zoned I-3.** Mr. Hader introduced the case and asked that the record reflect the files contained the relevant notification and publication information. Mr. Workman reviewed the staff report and presentation. The Development Review team determined the conditions are no longer necessary because they are now requirements by the LDC. Staff has not received any inquiries from the public.

Mr. Dennis Fields, 7321 East 88<sup>th</sup> Avenue, stated the business has been in operation in Commerce City for 26 years. He agreed with staff's presentation. The commission thanked the applicant for the upkeep of the property.

There being no persons present to testify, the public hearing was closed and a motion was requested.

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### Motion:

Commissioner Cammack made the following motion “I move that the Planning Commission enter a finding that, subject to certain conditions, the request contained in this Conditional Use Permit for the property located at 7321 E. 88th Avenue contained in case CU-21-91-94-96-97-17 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit subject to the conditions contained in Exhibit 2.” Commissioner Jones seconded the motion.

|          |     |                             |
|----------|-----|-----------------------------|
| Cammack  | Yes |                             |
| Jones    | Yes |                             |
| Dreiling | Yes |                             |
| Frank    | Yes |                             |
| Herrera  | Yes | Vote: 5 yes – motion passed |

**Case Z-660-97-9-00-03(02)-17: B&W Construction Co. is requesting to amend the existing PUD to allow I-1 uses as well as retail on 3 specific lots located north of E. 96<sup>th</sup> Avenue and east and west of Havana Street.** Mr. Hader introduced the case and asked that the record reflect the files contained the relevant notification and publication information. Mr. Kerns reviewed the staff report and presentation, including the Development Review Team’s recommendation for approval.

Mr. Cory Miller, 1950 Ford Street Golden, Colorado, addressed the commission on behalf of the applicant. The meeting was opened to the public. There being no persons present to testify, the public hearing was closed and a motion was requested

### Motion:

Commissioner Jones made the following motion “I move that the Planning Commission enter a finding that the requested PUD Zone Document Amendment for the properties located north of E. 96th Ave., east and west of Havana St. contained in case Z-660-97-99-00-03(2)-17 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the PUD Zone Document Amendment.” Commissioner Frank seconded the motion.

|          |     |                             |
|----------|-----|-----------------------------|
| Jones    | Yes |                             |
| Frank    | Yes |                             |
| Cammack  | Yes |                             |
| Dreiling | Yes |                             |
| Herrera  | Yes | Vote: 5 yes – motion passed |

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**Z-940-17: Laurel LaFramboise is requesting Planning Commission review of a PUD Concept Schematic for the property located at 6525 Olive Street.** Mr. Hader introduced the case and noted it would be a presentation item only. Mr. Kerns reviewed the presentation. He stated a PUD concept schematic is the first step in the PUD zoning process that allows early and informal input. The applicant is requesting a level of agricultural use typically associated with an agricultural property in a rural area and a commercial farm, in an urban residential neighborhood. A neighbor meeting was held where residents raised concerns regarding security, agricultural operations, horse riding on streets, and level of greenhouse development.

Ms. Laurel LaFambroise, 5395 Uinta Way, Denver discussed the configuration of the site, improvements to the home, previous experience with similar projects, the importance of urban farm, and potential partnership with a local urban farmer seeking land. Ms. LaFambroise stated only three horses would be allowed for riding sessions on site. She stated the reason for the proposal is to have the opportunity to expose grandchildren to the experience to the urban farm lifestyle.

The commission asked questions regarding, setbacks, noise, parking, and traffic. They expressed concerns with the location for the proposal, horse riding on streets, removal of manure, outstanding issues raised by the Tri-County Health Department and The Commerce City Police Department. The Commission believed the size of the property would not allow the proposed operations and therefore they had strong reservations about the location.

### **Commission Business:**

A motion was made by Commissioner Jones to hold the election of officers at the next scheduled meeting. Commissioner Cammack seconded the motion. Vote: 5 yes – motion passed

### **Adjournment:**

There being no further business to discuss, Acting Chairman Dreiling adjourned the meeting at 8:12 p.m.

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Joseph Dreiling  
Acting Chairman

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Lorena Ruiz,  
Administrative Specialist