



BOARD OF ADJUSTMENT

August 8, 2017

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- CALL TO ORDER:** Chairman Pocs called the meeting to order at 5:30 p.m.
- PLEDGE:** Board member Brinkerhoff led the Pledge of Allegiance.
- ROLL CALL:** Candice Alexander called roll. **Present:** Pocs, Leffel, Amador, Brinkerhoff, Haug **Absent:** None
- OTHERS PRESENT:** Caitlin Hasenbalg-Long, Planner
Domenic Martinelli, Planner
Steve Timms, Planning Manager
Matt Hader, Deputy City Attorney
Candice Alexander, Administrative Specialist
Lorena Ruiz, Administrative Specialist
Tricia Mason, Administrative Supervisor
- For the record, alternate board member Robert Benzel was present in the audience.
- MINUTES:** Chairman Pocs stated approval of July 11, 2017 meeting minutes will be postponed until the next meeting.
- CASES:** The Board of Adjustment proceeded with the public hearing.
Case proceedings continued on the following pages.

RECORD OF PROCEEDINGS

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AU-1744-17: DILLON COMPANIES, INC., a Kansas Corporation, dba King Soopers is requesting approval of a use-by-permit for a fueling station for the property located at approximately the southwest corner of Parkway Drive and East 62nd Avenue (PIN 182307105019), zoned C-2. Mr. Hader introduced the case and noted that the file contained the relevant notification and publication information. Ms. Long presented the staff report and presentation including the Development Review Team's recommendation for approval.

The board asked about outreach tactics, a traffic study, and shared access.

Applicant, Drew Warot, 64 Tejon Street, Denver, CO 80223 was present to answer questions from the board. The applicant stated fuel is an important business line to King Soopers and assists with the success of the store through usage of customer loyalty points. He reviewed long term success of the store, potential increase of sales, a deal with the new store owner to extend store's legal term. He also stated that the community has provided positive feedback to the store manager.

The meeting was open to the public with no responses. There being no further discussion on the request, a motion was requested.

Motion:

Board member Haug made the following motion "I move that the Board of Adjustment find that the requested Use-by-Permit for the property located at Lot 5, Commerce City Plaza Filing 2 contained in case AU-1744-17 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Use-by-Permit." Board member Brinkerhoff seconded motion.

Haug	Yes	
Brinkerhoff	Yes	
Pocs	Yes	
Amador	Yes	
Leffel	Yes	5 Yes, Motion Passed.

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AU-1745-17: Christian Brothers Automotive is requesting approval of a use-by-permit for a minor automotive repair facility for the property located at 15690 East 104th Avenue, zoned PUD. Mr. Hader introduced the case and noted that the file contained the relevant notification and publication information. Mr. Martinelli presented the staff report and presentation including the Development Review Team's recommendation for approval.

The board inquired about the number of employees, noise levels, oil storage, inoperable vehicles, parts storage and services provided by the proposed automotive service facility. The board also asked about the land uses allowed in the Hogan PUD and why minor vehicle repair facilities required a use-by-permit.

Applicant, Jonathan Wakefield, 3783 Gold Leaf Trail Drive, Houston, TX 77094 was present to answer questions from the board. The applicant stated the number of employees will max out at 7 or 8 and approximately 15-20 vehicles will be serviced per day. Inoperable vehicles will not be parked outside, extra parts will not be stored, and body work services will not be provided. Alignment and oil changes will be offered. A secondary and third fail system process is used for fluid control and all fluids are recycled every 2 weeks.

The meeting was open to the public with no responses. There being no further discussion on the request, a motion was requested.

Motion:

Board member Brinkerhoff made the following motion "I move that the Board of Adjustment find that the requested Use-by-Permit for the property located at 15690 E 104th Avenue contained in case AU-1745-17 meets the criteria of the Land Development Code and, based upon such finding, approve the Use-by-Permit". Board member Haug seconded motion.

Brinkerhoff	Yes	
Haug	Yes	
Pocs	Yes	
Amador	Yes	
Leffel	Yes	5 Yes, Motion Passed.

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BOARD BUSINESS:

Rules of Procedure

Mr. Hader reviewed the revised Rules of Procedure and noted removal of verbiage from page 70. He reviewed *Commerce City Charter - Section 10-5* and stated there is no reason to have duplicate verbiage in the Rules of Procedure.

In response to a question by the board, Mr. Hader clarified that a vote is required to accept an excuse for an absence each time there will be an absent member.

Motion:

Councilman Amador made the following motion "I move to accept the City of Commerce City's Board of Adjustment Rules of Procedure be accepted as amended on page 70". Board member Leffel seconded motion.

Voice Vote:

Amador	Yes
Leffel	Yes
Pocs	Yes
Haug	Yes
Brinkerhoff	Yes

5 Yes, Motion Passed.

Sign Postings

The board expressed concerns with sign postings. Staff requested for board members to contact the case planner if they notice any issues with sign postings.

ADJOURN: There being no further business to discuss, Chairman Pocs adjourned the meeting at 6:29 p.m.

David Pocs, Chairman

Candice Alexander,
Recording Secretary