



# Commerce City

7887 E. 60th Ave.  
Commerce City, CO 80022  
c3gov.com

## Meeting Minutes - Draft

### Planning Commission

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Tuesday, May 1, 2018

6:00 PM

Council Chambers

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#### Call to Order

*Chairman Popiel called the meeting to order at 6:00 p.m.*

#### Pledge of Allegiance

*The Pledge of Allegiance was recited.*

#### Roll Call

**Present** 5 - Chair Jonathan Popiel, Vice Chair Andrew Amador, Commissioner Karen Anderson, Commissioner Dennis Cammack, and Commissioner L. Warren Jones

#### Approval of Minutes:

Minutes

**Attachments:** [April 3, 2018](#)

**A motion was made by Commissioner Jones, seconded by Commissioner Anderson, that the minutes be approved. VOTE:**

**Aye:** 5 - Vice Chair Amador, Commissioner Cammack, Chair Popiel, Commissioner Anderson and Commissioner Jones

#### Case(s):

CONDITIONAL USE PERMIT FOR THE OPERATION OF A  
PETROLEUM STORAGE FACILITY

**Attachments:** [Conditional Use Permit](#)  
[Planning Commission Minutes](#)  
[Staff Report](#)  
[Vicinity Map](#)  
[Narrative](#)  
[Development Plan](#)  
[Presentation](#)

*Mr. Hader introduced the cases and asked that the record reflect the files contained*

*the relevant notification and publication information. Mr. Timms presented the staff report and presentation including the DRT recommendation for approval, subject to three conditions.*

*The Commission asked about landscaping requirements, total amount of tanks proposed, and the timeline to install proposed tanks.*

*The Applicant, Mr. Bill Halterman, 8581 East 96th Avenue, Henderson, addressed the commission. He stated they were only interested in adding tank #27 at this time. In the last 16 years there have been no reportable spills or hazmat violations. A periodic rotation of tank inspections is in place to prevent issues. No additional employees will be added other than a temporary summer position.*

*The hearing was opened to the public. There being no further discussion on the request, the public hearing was closed and a motion was requested.*

**Commissioner Jones 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 amendment for the property located at 8581 E. 96th Avenue contained in case CU-105-14-18 meets the criteria of the Land Development Code and, based upon such finding, recommend that the City Council approve the Conditional Use Permit amendment subject to the following conditions:**

**A. The applicant shall remain compliant with all standards regulating their operations.**

**B. The applicant shall provide any updates to the Emergency Response and Management Manual to the City with 30 days of a change.**

**C. This Conditional Use Permit approves the bulk storage of petroleum products. Any change in either of the following shall require an amendment to this Conditional Use Permit:**

- i. The storage of any other product that requires a Conditional Use Permit as identified in the Land Development Code as it may be amended.**
- ii. The bulk storage of any product at this property that is in excess of the latest approved development plan." Commissioner Amador seconded the motion.**

**Aye:** 5 - Vice Chair Amador, Commissioner Cammack, Chair Popiel, Commissioner Anderson and Commissioner Jones

**Z-952-18:** James Herbst is requesting approval to rezone the property located at 7225 East 60th Way from C-3 (Regional Commercial District) to R-2 (Two-Family Residential District).

**Attachments:**     [Staff Report](#)  
                              [Vicinity Map](#)  
                              [Comp Plan Map](#)  
                              [Narrative](#)

*Mr. Hader introduced the case and asked that the record reflect the file contained the relevant notification and publication information. Mr. Timms presented the staff report*

and presentation including the DRT recommendation for approval.

The Commission asked about the future comprehensive plan identification for the area, the property's legal nonconforming status, the minimum lot size requirements for R-2 and C-3 zone designations, and if the applicant considered rezoning to an R-3 zone designation.

Mr. James Herbst, 1047 South Downing Street, Denver, addressed the commission. He stated significant upgrades have been made to the property since the time of purchase and he has no desire to increase the density.

The hearing was opened to the Public. Mr. Harvest Thomas, 7110 East 60th Way, was concerned with potential increased traffic as a result of the R-2 zoning and expressed his opposition to the request. There being no further discussion on the request, the public hearing was closed and a motion was requested.

Commissioner Jones motioned that the Planning Commission should recommend approval based upon the information received and was second by Commissioner Anderson.

VOTE: 2 aye, 3 nay (Amador, Cammack, Popiel)  
Motion failed.

Discussion on the vote:

Commissioner Cammack was not in favor of easily allowing property owners to purchase homes for the sole purpose of resale for profit without intent to make them their primary residence. In addition, the commissioner believed an R-2 zone designation would not be ideal for the area because it does not align with the comprehensive plan.

**Commissioner Amador made the following motion "I move that the Planning Commission enter a finding that the requested Zone Change for the property located at 7225 E. 60th Way, contained in case Z-952-18 fails to meet the criteria of the Land Development Code. I further move that, based upon this finding, the Planning Commission recommend that the City Council deny the Zone Change". The motion was seconded by Commissioner Cammack.**

**Motion to deny was approved.**

**Aye:** 3 - Vice Chair Amador, Commissioner Cammack and Chair Popiel

**Nay:** 2 - Commissioner Anderson and Commissioner Jones

## **Presentation Item(s):**

**Z-946-18:** Cowley Companies request Planning Commission review of a PUD Concept Schematic for future residential and commercial development for the property located at the northeast corner of East 104th Avenue and E-470.

**Attachments:**     [Staff Report](#)  
                              [Vicinity Map](#)  
                              [Narrative](#)  
                              [Concept Plan](#)

*Mr. Hader introduced the case. Planner Robin Kerns reviewed the staff report and presentation. He stated the request is the first step in the PUD zoning process which would allow an early and informal evaluation to assist the applicant in a future PUD Zone Document submittal. No formal action is required by the Planning Commission at this time.*

*Mr. David Foster, 360 South Garfield Street, Denver addressed the commission on behalf of the applicant. He stated their feedback is appreciated. He wanted Commerce City to benefit and be a part of the development that is happening around DIA.*

*Commissioner Cammack inquired about Power lines and building spacing; total land acres and timeline for 3rd creek; employment and spin off development. In response, Mr. Foster stated the first phase could begin within a few years but the total build out could take several more years. He also pointed out that Commerce City is outside of the noise area which makes it desirable for residential and mixed use development. He stated that inquiries and interest has been received from developers.*

*Commissioner Amador asked about the Commerce City and Adams County IGA. He also asked the applicant to explain development in the area closer to E-470. Mr. Foster stated that residential surrounds it currently and they plan to develop with larger lots but plans are still developing.*

*Commissioner Popiel asked about a potential light rail in the area. Staff explained that there are no current plans or funding but the area was identified as a future transit area.*

*Commissioner Jones asked about Himalaya and the required maintenance. Mr. Foster said the road would remain for those few that use it but it would not be a main collector. Commissioner Jones also asked if it would be a similar development to that of Northfield. Mr. Foster stated that as the project develops so will the plans.*

*Planner Kerns explained the next phase of the project would include neighborhood meeting to allow input from surrounding residents.*

### **Commission Business:**

*None.*

### **Staff Business:**

*Staff requested input on areas of interest for the annual city tour. The commission suggested the tour focus on the following areas: Irondale, 96th and 104th corridors, DIA and developing northern area.*

*Commissioner Amador requested fee study that was distributed to Council a couple years ago.*

### **Adjournment**

*The meeting adjourned at 8:00 p.m.*