

Commerce City

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Commerce City, CO 80022
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Meeting Minutes - Final

Tuesday, February 5, 2019

6:00 PM

Council Chambers

Planning Commission

Call to Order

Chairman Popiel called the meeting to order at 6:14 p.m.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Chairman Popiel asked commissioners to click attendance button, rather than voice roll call.

Present 4 - Chair Jonathan Popiel, Vice Chair Andrew Amador, Commissioner L. Warren Jones, Commissioner Dennis Cammack and Alternate Commissioner David Yost

Excused 1 - Commissioner Karen Anderson

Approval of Minutes:

[Pres 19-69](#)

January 9, 2019

Attachments: [Minutes](#)

Chairperson Popiel made a motion to approve the January 9, 2019 meeting minutes. Commissioner Jones seconded the motion.

Yes: Popiel, Amador, Jones, Cammack

Abstained: Yost

4 Yes, motion passed.

Case(s):

[Pres 19-70](#)

Z-945-17-19: Schuck Communities, Inc. is requesting approval to rezone the property located generally on the southeast corner of Buckley Road and E. 88th Avenue from ADCO (Unincorporated Adams County) to PUD (Planned Unit Development).

Attachments: [Staff Report](#)
 [V-Map](#)
 [Narrative](#)
 [PUD Zone Document](#)
 [Design Standards and Guidelines](#)
 [Traffic Study](#)

Z-945-17-19: Schuck Communities, Inc. is requesting approval to rezone the property located generally on the southeast corner of Buckley Road and E. 88th Avenue from ADCO (Unincorporated Adams County) to PUD (Planned Unit Development).

Mr. Hader introduced the case and asked that the record reflect the file contained the relevant notification and publication information. Planner Axmacher reviewed the staff report and presentation including the DRT recommendation.

Applicant, Brock Chapman, Schuck Communities 2 N Cascade Ave, Ste. 1280, Colorado Springs, CO 80903, addressed the commission and provided an overview of the proposal. Mr. Brock is in full support of staff report without any changes. Mr. Brock request that the staff report be entered into a public record. Mr. Brock provided several highlights, this includes the fifty-foot buffer which would allow a nice transition between the wildlife refuge prairie into the community. As requested prior, additional uses were added to the land use table, these include; research facilities, biomedical research, government conference center uses. All uses within planning areas will funnel through the project into 83rd Ave connect to Tower and 81st Ave and connect to Tower, these are signalized intersections. All minimum approval criteria have been met and have provided enhancement beyond minimum city requirements. PUD designation offers opportunity of less intense uses over the whole property.

The Commission asked about development of the area North of 84th Ave and East of Telluride, access to 88th to the north, designed standards for Nexus North vs Nexus at DIA, limited traffic access into the Wildlife preserve and traffic concerns from North of I-76.

In response to a question by the board, Mr. Cramer commented that there is capacity along 104th Ave and along Tower Road, for future expansions to allow new economic development.

The meeting was opened to the public, but there were no public comments.

Meeting was closed to the public and there being no further discussion on the request, a motion was requested.

Commissioner Cammack made the following motion: "I move that the Planning Commission enter a finding that the requested PUD Zone Document for the property located on the southeast corner of Buckley Road and East 88th Avenue, contained in case Z-945-17-19 meets the criteria of the Land Development Code and, based upon

such finding, recommend that the City Council approve the PUD Zone Document."

Commissioner Jones seconded the motion.

Yes: 5 - Popiel, Amador, Cammack, Jones, Yost

5 Yes, motion passed.

[Pres 19-71](#)

CUP-121-19: A1 Organics is requesting approval of a Conditional Use Permit (CUP) to allow for the outdoor storage of mulch piles up to 25' in height for the property located at 9109 Monaco Street, zoned I-2 (Medium Intensity Industrial District).

Attachments: [Amended Staff Report](#)
[V-Map](#)
[Narrative Part 1](#)
[Narrative Part 2](#)
[Neighborhood Meeting Summary](#)
[Exhibit A Dust Control Plan](#)
[Development Plan](#)

CUP-121-19: A1 Organics is requesting approval of a Conditional Use Permit (CUP) to allow for the outdoor storage of mulch piles up to 25' in height for the property located at 9109 Monaco Street, zoned I-2 (Medium Intensity Industrial District).

Mr. Hader introduced the case and asked that the record reflect the file contained the relevant notification and publication information.

Commissioner Yost stated he is related in blood to Bob Yost, the CTO of A-1 Organics. Commissioner Yost states he has no financial gain and that there have been no conversations between he and Mr. Bob Yost about the proposal. Commissioner Yost states he adheres to being impartial in his judgement.

Mr. Hader made several clarifying statements/questions to Commissioner Yost to ensure there would be no conflict of interest. Mr. Yost continued his participation. Additionally, a clarification was made that Bob Yost was the CTO and not the owner.

Planner Martinelli reviewed the staff report and presentation, including the DRT recommendation subject to 12 conditions found in the staff report, he and the applicant made themselves available to address questions/concerns.

The commission asked about requirements for a fire suppression system, fire code compliance, shutting down operations due to wind, wind monitoring/systems, 18 month-CUP expiration date, 3rd party code enforcement monitoring, setbacks from the fence line to the road, effectiveness of 8' fence vs 25' mulch piles, bulk vs. bagging operations, history of code violations,

Ryan McBreen, 1101 Bannock Denver, CO 80204, Landscape Architect, addressed the commission. Mr. McBreen reviewed presentation to review operations, fire compliance standards, wind/weather tracker, project site, development plan, best management practices, conditional use permit details, conditions, CUP criteria approval and job growth. Mr. McBreen requested the following edits to the conditions: A) Set initial trial period to 36-months vs 18-months and B) set minimum setback from residential properties to 75' March through September.

The meeting was opened to the public.

Perry Johnson, 9225 Monaco St, Commerce City, CO addressed the commission. Mr. Johnson stated concerns regarding saw-dust contamination in the water and the air,

dust impact on the streets and causing accidents, and concerns about containment. Mr. Johnson provided 23 pictures. Mr. Hader asked for information on where the pictures were taken, in response Mr. Johnson stated these are from his property with dates ranging in 2018 and 2019. Pictures were presented to the commission.

Arla Johnson 9225 Monaco St, Commerce City, CO addressed the commission. Ms. Johnson stated concerns with A1 Organics reducing their mulch piles and their request for a condition permit.

Doug Wolf, 9241 Monaco St, Henderson, CO addressed the commission. Mr. Wolf shares a corner with A-1 Organics. He stated concerns about mulch height disclosures, discussed the history of A1 Organics location, the lot size and dust containment. Mr. Wolf provided a photograph, taken on 11/17/2017 at 4 p.m. Photo was circulated and an electronic copy was requested to be sent to planner Martinelli.

In response to a question by Mr. Wolf, the commission stated that cases presented to Planning Commission are for recommendation purposes only.

Arla Johnson, 9225 Monaco St, Commerce City, CO addressed the commission for the second time. Ms. Johnson asked A-1 Organics how they monitor product that comes in to their plant.

Keith Sabin, 8193 Counter Drive, Henderson, CO addressed the commission. Mr. Sabin stated concerns about compliance, containment of the mulch piles, air contamination, and requested a copy of the dust mitigation plan.

Patty Long, 14755 Picadilly Rd, Brighton, CO addressed the commission. Ms. Long stated concerns about mulch pile height and concerns with the water truck operations.

Applicant Travis Johnson, President A-1 Organics, 1921 Olba Court, Windsor, CO addressed the commission. Mr. Johnson discussed erosion control, containment, materials used in daily operations, fence height and the willingness to work with neighbors, following the CDPHE quality air standards and water schedule.

Kevin Northrop, 5299 E County Line Rd 42, Strasburg, CO addressed the commission. Mr. Northrop stated he was part of the team that created the dust mitigation plan. He also stated that both water and wind monitoring is recorded on site via an online log and that a consistent watering process is in effect.

Commission asked about the mulch pile width in other facilities, how often the grinder is on site and consideration of operating indoors.

Meeting was closed to the public and there being no further discussion on the request, a motion was requested.

Commissioner Amador made a motion: "I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit for the property located at 9109 Monaco Street contained in case CU-121-19 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 following conditions:

A. This conditional use permit shall expire 18 months after the date of approval. The

applicant shall be required to renew the conditional use permit prior to the expiration date in order to continue utilizing the site.

B. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, mulching material stackers, and raw wood chips at a height of no greater than 25'. All other outdoor storage on the property must comply with all outdoor storage requirements that apply to a property zoned I-2, as currently adopted or amended by the city. Any deviations from this condition will require an amendment to this application.

C. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.

D. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.

E. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.

F. The applicant shall construct and maintain a minimum of an 8' high net on the east property boundary to prevent any woodchips from blowing onto neighboring properties.

G. The applicant shall construct and maintain a 25' demarcation pole on the subject property, in order to assist with ongoing enforcement of the 25' high pile restriction.

H. Primary drive aisles of the outdoor storage area shall be paved with recycled asphalt and maintained by the applicant, as indicated in the approved development plan for case D-255-14-15-16-19.

I. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.

J. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.

K. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive woodchip debris at all times.

L. The applicant shall comply with all federal, state, and local law."

Commissioner Yost seconded the motion.

There was a discussion amongst the commission regarding the applicant coming back with a plan on dust mitigation, setbacks, practice of erosion controls, the 36-month extension and to possibly return in 18-months.

In response to a request for alternative motions, Mr. Hader stated that the commission must first vote on the pending motion.

Vote:

No: 5 - Popiel, Amador, Cammack, Jones, Yost

No: 5 - motion did not pass

There was a discussion between the staff and commission regarding options for alternative motions and how PC is a recommending body and not a final decision maker.

Commissioner Cammack made the following motion: "I move that the Planning Commission continue the requested Conditional Use Permit for the property located at 9109 Monaco Street contained in case CU-121-19 to a future Planning Commission agenda."

Commissioner Yost seconded the motion.

Yes: 1 -Yost

No: 4 - Popiel, Amador, Cammack, Jones

No: 4 - motion did not pass.

Commissioner Jones made a motion: "I move that the Planning Commission enter a finding that the requested Conditional Use Permit for the property located at 9109 Monaco Street contained in case CU-121-19 fails to meet the following criteria of the Land Development

Code: 'Inadequate assurances of continued maintenance'"

Commissioner Amador seconded the motion.

Commissioner Cammack made a motion to amend the motion: "when the proposed use does result in a substantial undue and adverse effect to adjacent properties and adverse effects have not been mitigated to the maximum extent feasible and that the use does not totally comply with general purposes, goals and objectives of standards of comprehensive plan."

Popiel seconded the motion.

Yes: 5- Popiel, Amador, Cammack, Jones, Yost motion passed.

Underlying amendment motion.

Yes: 5 - Popiel, Amador, Cammack, Jones, Yost motion passed.

This case will go to City Council with recommendation of Denial.

Commissioner Cammack thanked the residents in attendance that provided feedback so they can make the best recommendation to City Council.

Commission Business:

Attorney Business:

Staff Business:

Adjournment

Study Session

[Pres 19-72](#)

Potential changes to LDC for indoor storage facilities.

Attachments: [Memo](#)