

Commerce City

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



Meeting Minutes - Draft

Tuesday, March 2, 2021

6:00 PM

Regular Meeting via Zoom

Planning Commission

This meeting will be conducted electronically via Zoom. There will be no physical meeting. The public can access this meeting through the Zoom platform via the internet or phone for public input/testimony or as a witness; pre-registration is required through www.c3gov.com/PC, by contacting staff at 303.289.3679, or aullom@c3gov.com. For more information, visit <http://www.c3gov.com/government/city-council/virtual-meetings>. The meeting will also be live on Channel 8 and c3gov.com/video.

Call to Order

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

Roll Call

Kim Adame called roll. All present affirmed.

Present 5 - Commissioner Andrew Amador, Commissioner David Yost, Commissioner Dennis Cammack, Chair Jonathan Popiel, and Commissioner Jordan Ingram

Staff in attendance:

Matt Hader, Deputy City Attorney

Steve Timms, Planning Manager

Jenny Axmacher, Principal Planner

Domenic Martinelli, Planner

Tricia Mason, Community Development Manager

Kim Adame, Administrative Specialist

And alternate commissioners Steve Douglas, Angela VanDijk, and Garret Biltoft

Approval of Minutes:

[Min 21-40](#)

February 2, 2021 Meeting Minutes Draft

Attachments: [February 2, 2021 Minutes Draft](#)

A motion was made by Commissioner Cammack, seconded by Commissioner Ingram that these minutes be approved. **VOTE:**

Aye: 5 - Commissioner Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

Case(s):

[Pres 21-133](#)

CU-121-19-21: A-1 Organics is requesting a renewal of a Conditional Use Permit, which allows for the storage of wood chips and mulch piles

up to 25', for the property located at 9109 Monaco Street, zoned I-2 (Medium Intensity Industrial District). The existing Conditional Use Permit was granted in June 2019 for a term of 18 months.

Attachments: [Staff Report](#)
 [Applicant Narrative](#)
 [Dust Control Plan](#)
 [Weather Reports](#)
 [Approved Development Plan \(For Reference\)](#)
 [PC Presentation](#)
 [Applicant Presentation](#)

Matt Hader, Deputy City Attorney, introduced the case and introduced staff presenting the case.

Domenic Martinelli, Planner, presented case CU-121-19-21 and noted all information pertinent to noticing and publication is in the record and DRT recommendation of approval subject to following conditions:

- A. This approval applies to the Development Plan dated 7/1/2019 associated with this Conditional Use Permit.*
- B. This conditional use permit shall expire 5 years 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.*
- C. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, soil, 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.*
- D. All mulch piles shall be a minimum of 100' from adjacent residential properties at any given time, measured from the property line.*
- E. A minimum setback of 500' for grinding and screening operations shall apply from adjacent residential properties, measured from the property line.*
- F. Grinding operations will not occur on the site when wind speeds exceed 15 miles per hour for a duration of at least 10 minutes.*
- G. The applicant shall maintain a minimum of an 8' high net on the east property boundary to prevent any wood chips from blowing onto neighboring properties.*
- H. The applicant shall maintain a 25' demarcation pole on the subject property, in order to assist with ongoing compliance of the 25' high pile restriction.*
- I. 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.*
- J. Water trucks shall be kept and utilized on site during business hours for the spraying of mulch piles and drive aisles.*
- K. The property shall act in accordance with the Dust Control and Mitigation plan, included as exhibit A.*
- L. Due to the nature of the operations, the applicant will maintain the premises to be free of garbage, trash, and excessive wood chip debris at all times.*

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

The Commission discussed new timeline of CUP, electronic loading improvements, and addressed citizen comments on previous CUP. Discussion also involved topographical survey, drop off near site, and how deep the excavation has gone on the aggregate mining facility south of the subject property.

Seeing no further discussion, Chairman Popiel invited the applicant to speak.

Ryan McBreen, 288 Clayton St STE 204, Denver, CO 80204

Applicant introduced themselves and presented. Discussion involved lack of digging on the site.

Travis Bahnsen, 16350 WCR 76, Eaton, CO 80615

Applicant discussed electronic loading system, setbacks, fencing, and resolved concerns from neighboring property. Commission discussed storage of soil and compost, manufacturing of soil, dust control plans from previous recommendations, adherence of previous recommendations, and recycling days. Discussion also involved retail and wholesale sales.

Seeing no further comments, Chairman Popiel invited the public to speak.

Steve Douglas, 10970 Unity Pkwy

Discussed possible increase of piles on site, start date of five years, and process of handling windy conditions in regards to the neighboring property.

Seeing no further verbal or written comments, Chairman Popiel called for a motion.

Further discussion consisted of the five year renewal and clarification that this site did not utilize any type of digging into the ground, but any and all digging and depressions into the ground were from the dirt and gravel quarry next door located in unincorporated Adams. Concerns were resolved.

A motion was made by Commissioner Cammack:

I move that the Planning Commission enter a finding that, subject to certain conditions, the requested Conditional Use Permit and associated development plan for the property located at 9109 Monaco Street contained in case CU-121-19-21 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 approval applies to the Development Plan dated 7/1/2019 associated with this Conditional Use Permit.

B. This conditional use permit shall expire 5 years 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.

C. The conditional use permit is granted only for the storage of dyed mulch chips, inbound recyclable wood product, soil, 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.

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

E. A minimum setback of 500' for grinding and screening operations shall apply

from adjacent residential properties, measured from the property line.

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

G. The applicant shall maintain a minimum of an 8' high net on the east property boundary to prevent any wood chips from blowing onto neighboring properties.

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

I. 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.

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

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

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

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

Seconded by Commissioner Ingram.

Aye: 5 - Commissioner Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

Board Business:

None

Attorney Business:

None

Staff Business:

Staff introduced two new alternate commissioners, Angela VanDijk and Garret Biltoft. Staff stated there will be a Planning Commission meeting in April with at least two cases.

Adjournment

The meeting was adjourned at 6:50 p.m.