

Commerce City

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Commerce City, CO 80022
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Meeting Minutes - Final

Tuesday, June 11, 2019

5:30 PM

Council Chambers

Zoning Board of Adjustment

Call to Order

Chairperson Leffel called the meeting to order at 5:31 p.m.

Roll Call

Candice Alexander called roll.

Present: Leffel, Haug, Huseman, Brinkerhoff, Kuhn

Alternate member Benzel was present in the audience.

Present 5 - Council Regular Benjamin Huseman, Board Member Chris Kuhn, Board Member David Brinkerhoff, Board Member Gene Leffel, and Ellen Haug

Pledge of Allegiance

The Pledge of Allegiance was recited.

Approval of Minutes:

[Min 19-85](#)

May 14, 2019

Attachments: [Minutes](#)

Vice Chairperson Haug made a motion to approve the May 14, 2019 meeting minutes. Board member Brinkerhoff seconded the motion.

Aye: 4 - Board Member Kuhn, Board Member Brinkerhoff, Board Member Leffel and Haug

Case(s):

[Pres 19-331](#)

AU-1747-19: Crown Castle, USA on behalf of T-Mobile is requesting a Use-By-Permit for a wireless telecommunication facility for the property located at 9975 E. 104th Avenue, zoned I-3 (High Intensity Industrial District).

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

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

The board discussed requirements of the Use-By –Permit as it related to an annexation in 2007, required landscaping, source of water to maintain landscaping, height requirement, and addressing issues.

Applicant, Justin Robinson, 6500 W. Mansfield Avenue #51, Denver, CO 80235

addressed the commission. Mr. Robinson clarified that the object on top of the antenna is called a lightning rod and also explained that he is open to working with the City to change the address but noted it does affect 911 calls and utility coverage. In response to a question by the board, Mr. Robinson stated the plan to water plants would probably include a slow-draining 150 gallon water drum, but agrees to zero-scape the front and sides of the property and will do their best to maintain the property.

The meeting was opened to the public. There being no public comment, Chairperson Leffel closed the meeting to the public and called for a motion.

Vice Chairperson Haug made the following recommended motion (read aloud on Vice Chair Haug's behalf by Deputy City Attorney Hader):

"I move that the Board of Adjustment find that upon satisfying the following conditions:

A. A landscape plan must be submitted, approved, and implemented within six (6) months of the date of approval of the Use-by-Permit.

The requested Use-By-Permit for the property located at 9975 E. 104th Avenue contained in case AU-1747-19 meets the criteria of the Land Development Code and, based upon such finding, approve the Use-By-Permit.

The applicant should also be aware of the following advisories:

A. Prior to the city issuing any building permits to construct the facility, the applicant will need to submit either a bond, letter of credit, or cash deposit in order to cover the cost of removal of the facility if abandoned, or deemed abandoned, pursuant to the terms of the Land Development Code.

B. All future proposed alterations and expansions shall obtain all requisite City approvals and display conformance with applicable provisions of the Commerce City Land Development Code."

Board member Brinkerhoff seconded the motion.

The board discussed not being in favor of the motion requiring landscaping, and also concerns with the submission of either a bond, letter of credit, or cash deposit advisory.

Chairperson Leffel called for a vote.

2 Yes - Brinkerhoff, Kuhn

3 No - Leffel, Huseman, Haug

Motion Failed.

Chairperson Leffel called for an alternative motion.

Councilman Huseman made the following alternative motion: "I move that the Board of Adjustment find that the Use-By-Permit for the property located at 9975 E. 104th Avenue contained in case AU- meets the criteria of the Land Development Code and, based upon such finding, approve the Use-By-Permit." Chairperson Haug seconded the motion.

There being no further discussion, Chairperson Leffel called for a vote.

5 Yes: Leffel, Haug, Huseman, Brinkerhoff, Kuhn

Motion passed.

Board Business:

Brinkerhoff stated the public agenda packet provided to the board today was too small to read.

Councilman Huseman explained to board/staff that at the last Board and Commissions Subcommittee meeting, it was decided that hardcopy packets will be available for board members to pick up at the Planning Division office, however they will not be mailed out.

Staff asked the board to notify administrative staff if they would like to have their hardcopy packet ready for pick-up prior to the meeting. Board members can request this by responding to the administrative staff's agenda packet email. If board members do not pick up their packet prior to the meeting, it will be available on the day of the meeting. Packets are ideally to be created on the next business day after the agenda packet email is distributed.

Chairperson Leffel and Alternate Benzel requested to consistently always have a hardcopy packet ready for every meeting.

In response to a request by the board, staff stated there may be times when the packets may not be available 5 days in advance, but will do their best to meet that timeframe.

Councilman Huseman stated there will be a meeting set-up between Community Development and the Chairs of Planning Commission/Board of Adjustment. This meeting will be held to review what pertinent information should be included in agenda packets. The information to be included in the packets will be based on Board and Commissions roles. There will be more information regarding this meeting forthcoming from Dylan Gibson in City Clerk's office.

In response to a question by the board, staff stated they are reviewing schedules in order to confirm a date in July for computer/Legistar training for board members.

Attorney Business:

Deputy City Attorney Hader stated he will be touching base with staff to review board procedures and will provide some legal training to the board in the near future.

Staff Business:

N/A

Adjournment

Chairperson Leffel adjourned the meeting at 6:18 p.m.