

Commerce City

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



Meeting Minutes - Final

Wednesday, July 1, 2020

4:30 PM

Virtual

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 or by phone; registration is required through www.c3gov.com/PC or by contacting staff at 303.227.8818 or jmain@c3gov.com. For more information, visit <http://www.c3gov.com/government/city-council/virtual-meetings>. Video of the meeting will also be available after the meeting at [c3gov.com/video](http://www.c3gov.com/video).

Call to Order

Vice Chairman Amador called the meeting to order at 4:31 p.m.

Roll Call

Alexa Ullom called roll. All present affirmed.

Present 5 - Vice Chair Andrew Amador, Commissioner Dennis Cammack, Commissioner Karen Anderson, Commissioner L. Warren Jones, and Alternate Commissioner David Yost

Staff in attendance:

Jason Rogers, Community Development Director
Matt Hader, Deputy City Attorney
Steve Timms, Planning Manager
Jennifer Jones, Principal Planner
Brayan Marin, Planner
Jenna Lowery, Management Analyst
Tricia Mason, Community Development Manager
Alexa Ullom, Administrative Specialist

Approval of Minutes:

[Min 20-86](#)

May 12, 2020 PC Minutes

Attachments: [May 12, 2020 Draft](#)

A motion was made by Commissioner Cammack, seconded by Commissioner Anderson that this Minutes be approved. VOTE:

Aye: 4 - Vice Chair Amador, Commissioner Cammack, Commissioner Anderson and Commissioner Jones

Abstained: 1 - Alternate Commissioner Yost

Case(s):

[Pres 20-210](#)

Z-692-98-20: Nativity Lutheran Church is requesting to rezone from AG (Agricultural) to C-3 (Regional Commercial District), to make the existing use legal conforming and to allow the construction of a concealed telecommunications facility located at 12500 E 104th Avenue.

Attachments: [V-map](#)
 [Staff Report](#)
 [Applicant Narrative](#)
 [Site Plan](#)
 [Staff Presentation](#)

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

Brayan Marin, Planner, presented Z-692-98-20 and noted DRT recommendation of approval and all information pertinent to noticing and publication is in the record.

Discussion from the commission involved what the tower would look like.

Seeing no further questions, Vice Chairman Amador invited the applicant to speak.

*Michael Bieniek, 10700 W Higgins Rd Suite 240
Applicant (church representative) discussed the representation of the tower, leasing of the parcel, and materials used to make the tower.*

*Rev. Richard Gianzero
Applicant (pastor) thanked the city for the easy process for this case.*

Seeing no further questions, Vice Chairman Amador invited the public to speak.

Seeing no public comment, Vice Chairman Amador called for a motion.

A motion was made by Commissioner Cammack:

I move that the Planning Commission enter a finding that the requested zone change for the property located at 12500 E. 104th Avenue, contained in case Z-692-98-20, meets the criteria of the Land Development Code and based upon such finding, recommend that City Council approve the zone change.

Seconded by Alternate Commissioner Yost. VOTE:

Aye: 5 - Vice Chair Amador, Commissioner Cammack, Commissioner Anderson, Commissioner Jones and Alternate Commissioner Yost

[Pres 20-211](#)

CU-124-20: Stadium Auto Parts is requesting a Conditional Use Permit to develop a salvage yard located at 9750 E. 96th Avenue, zoned I-3 (Heavy Intensity Industrial District).

Attachments: [V-Map](#)
[Staff Report](#)
[Applicant Narrative](#)
[Development Plan](#)
[E-comments](#)
[PC Powerpoint](#)
[Applicant Presentation](#)
[Applicant Condition Memo](#)

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

Brayan Marin, Planner, presented CU-124-20 and noted DRT recommendation of approval subject to three conditions and all information pertinent to noticing and publication is in the record.

Discussion from the commission involved who and how complaints for the property would be handled and how the approval process will be handled at the 5-year mark.

Seeing no further questions, Vice Chairman Amador invited the applicant to speak.

*Mark Delgado and Norman Wright
Applicants gave a presentation and were available for questions.*

Discussion from the commission involved conditions that the applicants must adopt, fence height, the merging of the applicants' two locations into this one location, jobs the site will bring to Commerce City, and if the employees reside within Commerce City.

Seeing no further questions, Vice Chairman Amador invited the public to speak.

*Wes Gardner - Adjacent land owner
Stated that they are satisfied with the use of the property.*

*Tim McManus - Owner of property across the street from applicant's property
Stated that they intended to object to the case as they were concerned about the use, however they became very impressed with what the applicants do. They do not object, and applaud the methods the applicants use as well as the placement and landscape/screening blocking what they do.*

Seeing no more public comments, Vice Chairman Amador read aloud written comments from Scott White.

In response to Scott White's comments, staff and applicants discussed equipment used, processes used to protect the environment, automobile stacking, fence height, and property values.

Seeing no more written comments, Vice Chairman Amador called for a motion.

**A motion was made by Vice Chair Amador:
I move that the Planning Commission enter a finding that the requested
Conditional Use Permit for the property located at 9750 E. 96th Ave. contained**

in case CU-124-20 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 conditions:

A. This Conditional Use Permit is for the storage and salvage of vehicles to include passenger cars, single axle trucks, one-ton trucks, vans, delivery vans, class C RV's and small type shuttle buses; all such vehicles not to exceed 22 feet in length. No other types of vehicles, including but not limited to tractor trailers, semi-trucks, full size buses, boats, heavy construction vehicles, or mobile homes as defined in the LDC, are permitted. The storage or salvage of any other type of vehicle requires an amendment to this CUP.

B. All work performed on vehicles, including repair, draining of fluids, and dismantling, shall occur entirely within the building. Applicant can perform dismantling of additional pieces from car shells in the outdoor storage so long as it does not require the drainage of fluids prior to removing the additional pieces.

C. Following the commencement of the use, and in the interest of maintaining harmony with adjoining land uses, the applicant will provide the director with a report detailing all complaints the applicant has received from adjoining landowners during the preceding calendar year, as well as the manner in which the applicant disposed of those complaints. The first report will be due on or before January 31 of the year following the commencement of the use (e.g., if the use commences on August 1, 2021, the first report will be due January 31, 2022 and will encompass the period between August 1, 2021 and December 31, 2021) and subsequent reports will be due on or before January 31 of every year thereafter.

On or after August 30, 2025, the director will review the applicant's reports, as well as any violations reported to the city. If the reports and reported violations, if any, indicate that the use is not compliant with the Conditional Use Permit approval criteria, the director may submit the Conditional Use Permit to the Planning Commission and City Council for review at duly noticed public hearings. This review will be for the limited purpose of identifying and imposing conditions reasonably necessary to address the complaints demonstrating noncompliance with the Conditional Use Permit approval criteria and will be rationally related to the Conditional Use Permit approval criteria.

Seconded by Commissioner Cammack. VOTE:

Aye: 5 - Vice Chair Amador, Commissioner Cammack, Commissioner Anderson, Commissioner Jones and Alternate Commissioner Yost

Action Items:

[Pres 20-216](#)

Exemption of Subdivision Requirement for Transfer of City owned land for a 5-acre portion of land along the eastern side of parcel #172305213017, located at 11698 Chambers Road.

Attachments: [Villages East School Memo](#)
[Presentation](#)

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

Jenna Lowery, Management Analyst, presented Villages at Buffalo Run Land Conveyance and Subdivision Exemption and noted staff recommendation of approval to allow this subdivision exemption.

Discussion from the commission involved the contract of the land, size of the land, and what the what happens once the city re-conveys the land.

Seeing no further questions, Vice Chairman Amador called for a motion.

A motion was made by Commissioner Anderson:

I move that the Commission recommend exempting the division of land described as the 5-acre site at approximately 11698 Chambers Road from the subdivision standards as the division at issue is not within the purpose of the regulations and the exemption is in the best interests of the city.

Seconded by Commissioner Jones. VOTE:

Aye: 5 - Vice Chair Amador, Commissioner Cammack, Commissioner Anderson, Commissioner Jones and Alternate Commissioner Yost

Board Business:

None

Attorney Business:

None

Staff Business:

Planning Manager, Steve Timms, announced we would be having a July Planning Commission meeting on July 21st and an August Planning Commission meeting, date TBD.

Adjournment

The meeting adjourned at 6:14 p.m.