Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
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Meeting Minutes - Draft

Planning Commission

Tuesday, November 3, 2026 **6:00 PM** **Council Chambers, 7887 E. 60th Ave Commerce City, CO 80022. This hybrid meeting can be viewed on the cities YouTube Channel and the public can participate by registering at: https://c3gov.zoom.us/webinar/register/WN_NSOFhti2QVC_mM_Zme83Mg**

Regular Meeting.
All times given are estimates only.
Agenda has been revised 10/28/2026 at 3:22 PM.

1. Call to Order/Roll Call

A regular meeting of the Planning Commission was called to order at 6:21 PM.

Present 5 - Commissioner Robb Shecter, Commissioner Debra Eggleston, Commissioner Tyrel Nelson, Commissioner Scott VanHeusen, and Alternate Commissioner Ryan Keefer

Excused 1 - Commissioner David Sanchez

Commissioner Absence

A motion was made by Commissioner Tyrel Nelson, seconded by Commissioner Scott VanHeusen, that the absence of Commissioner Sanchez is recorded as EXCUSED. VOTE:

Ayes: 5 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson, Commissioner VanHeusen and Alternate Commissioner Keefer

Excused: 1 - Commissioner Sanchez

2. Pledge of Allegiance

3. Approval of Agenda

A motion was made by Commissioner Scott VanHeusen, seconded by Commissioner Tyrel Nelson, that the Planning Commission approve the November 3rd, 2026, Meeting Agenda. VOTE:

Ayes: 5 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson, Commissioner VanHeusen and Alternate Commissioner Keefer

Excused: 1 - Commissioner Sanchez

4. Approval of Minutes

Min 26-178 September 1, 2026, Meeting Minutes

Attachments: PC Minutes 9.1.26

A motion was made by Commissioner Nelson, seconded by Alternate Commissioner Keefer, that the Planning Commission approve the September 1st, 2026, Meeting Minutes. VOTE:

Ayes: 5 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson, Commissioner VanHeusen and Alternate Commissioner Keefer

Excused: 1 - Commissioner Sanchez

5. Public Hearings

Pres 26-775 AN26-0004: SOUTH PLATTE 2, LLC IS REQUESTING TO INCORPORATE THE 0.61-ACRE PROPERTY AT 7110 COLORADO BLVD INTO COMMERCE CITY. THIS APPLICATION IS ASSOCIATED WITH ZONING MAP AMENDMENT ZON26-0005.

Attachments: Staff Report
Attachment 1 - Vicinity Map
Attachment 2 - Annexation Map
Attachment 3 - Annexation Information Sheet
Attachment 4 - Petition for Annexation
Attachment 5 - Applicant's Narrative
Attachment 6 - Staff Presentation

Kathleen Taylor, City Planner, introduced the case and presented on behalf of staff.

No questions were raised by the Commission.

No public comment was received.

A motion was made by Commissioner VanHeusen, seconded by Commissioner Nelson, that the Planning Commission enter a finding that the requested Annexation for the property located at 7110 Colorado Boulevard contained in case AN26-0004 meets the criteria of the Land Development Code and based upon such finding, recommend approval of the Annexation to City Council. VOTE:

Ayes: 5 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson, Commissioner VanHeusen and Alternate Commissioner Keefer

Excused: 1 - Commissioner Sanchez

Pres 26-776 ZON26-0005: SOUTH PLATTE 2, LLC IS REQUESTING A ZONING MAP AMENDMENT APPROVAL OF ONE PARCEL FROM ADAMS COUNTY LOW DENSITY RESIDENTIAL (R-1-C) TO COMMERCE CITY MULTI-UNIT DWELLING (R-3). THE 0.61-ACRE SITE IS LOCATED AT 7110 COLORADO BLVD.

Attachments: Staff Report
Attachment 1 - Vicintiy Map
Attachment 2 - Proposed Zoning Map
Attachment 3 - Applicant Narrative
Attachment 4 - Staff Presentation

Kathleen Taylor, City Planner, introduced the case and presented on behalf of staff.

Commissioner Van Heusen asked why R-3 zoning was being requested rather than extending the existing South Platte Crossing PUD zoning.

Staff responded:
- *The applicant ultimately intends to amend the existing South Platte Crossing PUD to include the site.*
- *Due to affordable housing funding deadlines, staff recommended R-3 zoning as a quicker interim approach.*

The applicant, Eric Nesbitt, confirmed:
- *The long-term goal is to amend the South Platte Crossing PUD and incorporate the second phase into the larger affordable housing development.*
- *Timing associated with affordable housing tax credit applications necessitated the R-3 zoning request.*

No public comment was received.

A motion was made by Commissioner Shecter, seconded by Commissioner Nelson, that the Planning Commission enter a finding that the requested R-3 (Multi-Unit Dwelling) Zoning for the property located at 7110 Colorado Boulevard contained in case ZON26-0005 meets the criteria of the Land Development Code and based upon such finding, recommend approval of the R-3 (Multi-Unit Dwelling) Zoning. VOTE:

Ayes: 5 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson, Commissioner VanHeusen and Alternate Commissioner Keefer

Excused: 1 - Commissioner Sanchez

Pres 26-778 APPEAL26-0001: MONAGHAN FARMS INC IS APPEALING A DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR REGARDING THE STATUS OF A NONCONFORMITY. THE SUBJECT PROPERTIES ARE 6075 AND 6085 EAST 64TH AVENUE AND CONSIST OF APPROXIMATELY 0.74 ACRES COMBINED.

Attachments: Appeal Staff Report
Attachment 1 - Applicant Letter of Appeal
Attachment 2 - Nonconforming Use Determination Letter
Attachment 3 - Notice of Violation
Attachment 4 - Timelines (A)
Attachment 5 - Applicant Response to Aerial Images (AA)
Attachment 6 - Applicant Response to Street View (BB)
Attachment 7 - Business License 24613 (B)
Attachment 8 - Business License 26954 (C)
Attachment 9 - Wholesale License- 6085 (H)
Attachment 10 - Lease Agreement-Byus (CC)
Attachment 11 - Lease Agreement La Costa (EE)
Attachment 12 - Lease Agreement- Rana (FF)
Attachment 13 - Lease Agreement-LMUM (DD)
Attachment 14 - Building Permit BLD96-0018 (F)
Attachment 15 - Certificate of Occupancy BLD98-0018 (F)
Attachment 16 - Sign Permit
Attachment 17 - Building Permit History 6085 (G)
Attachment 18 - Building Permit Exhibits 6085 (G)
Attachment 19 - Certificate of Occupancy- MECH2001-0007 (G)
Attachment 20 - Assessor Records 6075 (II)
Attachment 21 - Assessor Records 6085 (JJ)
Attachment 22 - Historical Site Photos (GG)
Attachment 23 - Historical Photo (HH)
Attachment 24 - Applicant Affidavits (KK)
Attachment 25 - Building Permit Inspection Records
Attachment 26 - Side Side Variance A-724-84 (D)
Attachment 27 - Sign Variance- A-1364-1997 (E)
Attachment 28 - Applicant Presentation
Attachment 29 - Staff Presentation
Attachment 30 - Site Photos Taken October 26, 2026

Nic Berry, City Planner, introduced the case.

Elizabeth Williams, Monaghan Farms Inc., presented on behalf of the appellant and concluded:

- *The properties have been owned and operated by the same family since the 1940s.*
- *Uses of the property have continuously included office operations, indoor storage, and outdoor storage.*
- *The City's determination relied too heavily on aerial photography and lacked consideration of operational history and supporting documentation.*

- *The requested uses should be recognized either as permitted accessory uses or legal nonconforming uses.*

Nic Berry, City Planner, presented on behalf of staff and concluded the applicant did not satisfy the burden of proof required under the Land Development Code.

Commissioners discussed:
- *The burden of proof associated with legal nonconforming use determinations.*
- *Whether aerial photography sufficiently demonstrated discontinuance of the claimed uses.*
- *The distinction between vehicles used in business operations and outdoor storage.*
- *The relationship between warehouse activities, office operations, and accessory storage uses.*
- *Whether historical evidence and affidavits were sufficient to establish continuity.*

Ernesto Galvan Marquez, Neighborhood Services Manager, provided additional context regarding the original code enforcement investigation involving the storage of a boat at 6085 East 64th Avenue.

Following a recess, Commissioners discussed:
- *The applicant's longstanding use of the properties.*
- *Challenges associated with proving continuous use through periodic aerial photography.*
- *The applicability of the burden of proof standards contained within the Land Development Code.*

A motion was made by Commissioner VanHeusen, seconded by Alternate Commissioner Keefer, that the Planning Commission make a recommendation to City Council to reverse the Community Development Director's decision and determine that outdoor storage and warehouse uses are allowed at 6075 and 6085 East 64th Avenue as legal non-conforming uses providing that the storage areas are screened from public view. VOTE:

Ayes:	4 -	Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson and Commissioner VanHeusen
Nayes:	1 -	Alternate Commissioner Keefer
Excused:	1 -	Commissioner Sanchez

The public hearings will be conducted in a hybrid format in person and via Zoom. There will be an opportunity to testify live during the meeting or in advance via email or regular mail. The deadline to register to comment and to submit written comments is noon on Tuesday, November 3rd. Please contact the Community Development Department to request paper copies of materials.

6. Legislative Rezone

Pres 26-808 ORD 2811: AN ORDINANCE REPEALING AND REENACTING THE CITY OF COMMERCE CITY OFFICIAL ZONING MAP AND REZONING PROPERTIES THEREBY.

Attachments: Staff Report

Attachment 1 - Ordinance No. 2811

Attachment 2 - 2025 Official Zoning Map

Attachment 3 - Property Owner Feedback

Attachment 4 - Staff Presentation

Sung won Hon, Long Range Planning Supervisor, and Allyson Olson-Carty, City Planner, presented on behalf of staff.

Staff reviewed:

- *The purpose and implementation of the 2025 Land Development Code.*
- *Legislative rezoning methodology and project goals.*
- *Community engagement efforts, including public meetings, office hours, mailings, and digital outreach.*
- *Proposed zoning conversions and updates to legacy zoning districts and PUD properties.*

Staff discussed a requested modification affecting properties near 104th Avenue and Tower Road:

- *The property owner requested base zoning changes from MU-1 and CC to R-3 while retaining the PUD overlay.*
- *Staff found the request consistent with the Comprehensive Plan and updated the proposed zoning map accordingly.*

Commissioners asked questions regarding:

- *Loss of commercial entitlement associated with the proposed R-3 zoning.*
- *Differences between MU-1, CC, and R-3 zoning districts.*
- *Residential uses permitted in each zoning district.*

Jim Harmon, Aberdeen Properties, spoke in support of the legislative rezoning effort and commended staff for their outreach and communication. He also expressed support for maintaining flexibility within the MU-1 district.

A motion was made by Commissioner VanHeusen, seconded by Commissioner Nelson, that the Planning Commission recommends City Council to adopt the new 2025 Land Development Code Zoning Map. VOTE:

Ayes: 4 - Commissioner Shecter, Commissioner Eggleston, Commissioner Nelson and Commissioner VanHeusen

Nayes: 1 - Alternate Commissioner Keefer

Absent: 1 - Commissioner Sanchez

7. Administrative Business

COMMISSION BUSINESS

ATTORNEY REPORT

COMMUNITY DEVELOPMENT REPORT

Frank Magdaleno, Planning Commission Liaison, provided a reminder regarding the liaison dinner scheduled for November 18 at the Bison Ridge Recreation Center and encouraged commissioners to RSVP. The event will also include a collection drive for canned food, nonperishable items, and winter clothing.

8. Adjournment

The meeting adjourned at 9:16 PM.

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Frank Magdaleno, Planning Commission Liaison

Any member of the public requesting accommodations, with respect to rights under the Americans with Disabilities Act, to attend or participate in any public meeting, and/or to obtain this notice in alternate formats, is asked to please contact 303-289-3611 at least 48 hours before the meeting. Para servicios de traducción al español, llame al 303-289-3611.