



Planning Commission Agenda

Thursday, February 3, 2022

Regular Meeting – 6:00 P.M.

Frederick Town Hall

401 Locust St.

Built On What Matters

In order to promote social distancing and to protect the health and safety of our Commission members, staff, and community this meeting will be hybrid and conducted via Zoom and in person.

Interested parties are encouraged to access the meeting via Zoom or in person at Town Hall.

The meeting information is as follows:

Join Zoom Meeting

<https://zoom.us/j/94063773463?pwd=aXg1M1d3V0VTKytRWnpPWHc3S2VDZz09>

Meeting ID: 940 6377 3463

Passcode: 24689

One tap mobile

+16699006833,,94063773463# US (San Jose)

+12532158782,,94063773463# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 940 6377 3463

Find your local number: <https://zoom.us/j/94063773463>

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or mmartinez@frederickco.gov

Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the January 20, 2022 meeting

Public Hearing

- A. Consideration of McDonald Farms Conditional Use – Planner Welsh

Other Business

Upcoming Meeting – February 17, 2022



401 Locust Street • P.O. Box 435 • Frederick, CO 80530-0435

Phone: (720) 382-5500 • Fax: (720) 382-5520

www.frederickco.gov

MINUTES
TOWN OF FREDERICK
PLANNING COMMISSION
MEETING CONDUCTED IN PERSON AND VIA ZOOM
JANUARY 20, 2022
6:00 PM

CALL TO ORDER: At 6:05 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, Vice Chair TeVelde, Commissioner Conroy, and Commissioner Scott.
 - Commissioner Stark joined the meeting at 6:11 P.M.
- Staff: Planner Ali van Deutekom, Planner Maureen Welsh, and Deputy Town Clerk Taylor Kittilson.

APPROVAL OF AGENDA: There were no changes to the agenda as presented.

APPROVAL OF DECEMBER 16, 2021 MINUTES: Motion by Commissioner Conroy and seconded by Vice Chair TeVelde to approve the December 16, 2021 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF 3 MILE PLAN:

Planner Ali van Deutekom presented the proposed plan.

At 6:11 Chairperson Moe opened the public hearing.

At 6:12 Chairperson Moe closed the public hearing.

Motioned by Commissioner Scott and seconded by Vice Chair TeVelde to approve PCR-2022-01A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF BEAR INDUSTRIAL REPLAT 1 BLOCK 2 LOT 2 CONDITIONAL USE FOR CRUISE AMAERICA:

Planner Maureen Welsh presented the proposed conditional use.

The applicant, Callan Miller (5660 Iris Parkway, Frederick, CO, 80504) was present and addressed the commission.

At 6:26 Chairperson Moe opened the public hearing.

At 6:27 Chairperson Moe closed the public hearing.

Built on What Matters.

Motioned by Vice Chair TeVelde and seconded by Commissioner Stark to approve PCR-2022-02A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF AN EMERGENCY ORDINANCE RELATED TO THE COMPREHENSIVE PLAN:

Planner Ali van Deutekom presented the proposed ordinance.

The applicant, Christine Francescani (1801 California Street, Suite 2600, Denver, CO 80202) was present and addressed the commission with a short presentation.

Motioned Commissioner Conroy and seconded by Commissioner Stark to approve PCR-2022-04A. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF CLEARVIEW VILLAGES:

Planner Ali van Deutekom presented the proposed.

Planner Ali van Deutekom read a letter of opposition that was received from a neighbor.

The applicant, Jennifer Carpenter with LAI Design Group (88 Inverness Circle E, Building J, Suite 101, Englewood, CO) was present and addressed the commission with a short presentation.

The developer, Louis Conrad (9075 Gaylord Street, Houston, TX, 77024) was present and addressed the commission.

Motioned by Commissioner Conroy and seconded by Vice Chair TeVelde to approve PCR-2022-03A. Upon roll call vote, motion passed unanimously.

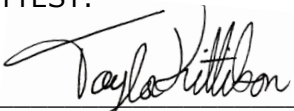
OTHER BUSINESS:

There being no further business of the Planning Commission, Chairperson Moe adjourned the meeting at 7:18 PM.

Approved by the Planning Commission:

Tracy Moe, Chairperson

ATTEST:



Taylor Kittilson, Deputy Town Clerk



TOWN OF FREDERICK

PLANNING COMMISSION

Tracy Moe, Chairman

Alan Blair, Alternate Commissioner
Dennis Stark, Commissioner
Vacant, Commissioner

Kristin Conroy, Commissioner
Chad teVelde, Vice Chairman
Vacant, Alternate Commissioner

CONSIDERATION OF MCDONALD FARMS CONDITIONAL USE

Agenda Date: February 3, 2022

Attachments:

- A. Site Plan
- B. Letter of Intent
- C. PCR-2022-05A
- D. PCR-2022-05B
- E. PCR-2022-05C

Submitted by: Maureen Welsh
Planner

Summary Statement: This is a request to consider a conditional use for McDonald Farms' non-hazardous material recycling processing operation.

Detail of Issue/Request:

Applicant: Douglas and Marjorie McDonald

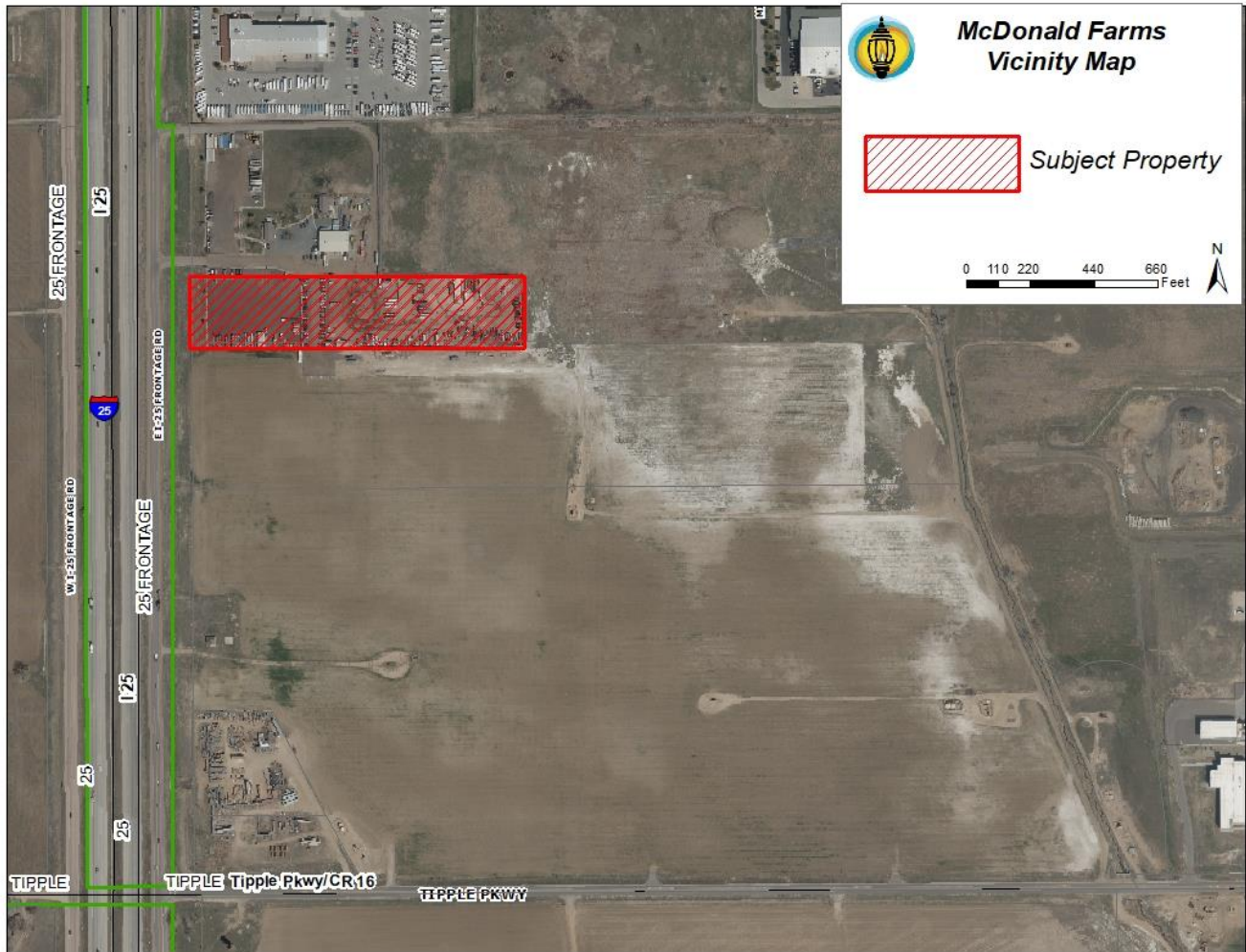
Owner: Tracy Loftus, Rule Engineering

Location and Zoning: This property is located at 7440 East I-25 Frontage Road. Located in the south half of Section 26, Township 2 North, Range 68 West of the 6th P.M. The property is zoned Industrial (I).

Surrounding Land Uses and Zoning:

North	Land use: Transwest Truck, Trailer and RV and vacant property Zoning: Industrial (I) with a PUD Overlay
South	Land use: Vacant (HCT Annexation) Zoning: To Be Determined (TBD) with PUD Overlay
West	Land use: I-25 Frontage Road Zoning: N/A
East	Land use: Light Industrial Zoning: Business Light Industrial (BLI)

Vicinity Map:



Background Information:

The McDonald's have conducted their trucking, hauling, and rental businesses at this location for more than twenty-five years. The trucking, hauling and rental businesses occupy 90% of the site. The remaining 10% is utilized for non-hazardous recycling operations. The non-hazardous recycling operations is done on the far east side of the property. The eastern edge of the property under review today, and the remaining ten percent of the property, is currently utilized for their non-hazardous recycling operations. The recycling business was established prior to the property being annexed into the Town, more than twenty years ago. In recent years, the McDonalds had been approached by the Colorado Department of Public Health and Environment (CDPHE) regarding their required Certificate of Designation to continue their recycling operations. In order to receive this Certificate of Designation from the state, the McDonalds must first receive approval from the Town, through a Conditional Use request. The Land Use Code designates recycling facilities as conditionally permitted.

The McDonalds current operation involves collecting organic waste from entities such as grocery stores and landscaping businesses. The waste includes organic materials such as; leaves, twigs, and food grease collected from commercial kitchens and grocery stores. The organic waste materials are hauled to the designated recycling area on site, and are deposited on a curbed concrete pad. Any liquids discharged from the waste are drained to the pad which then drains into an underground sump for daily transfer to a

wastewater treatment plant. The employees sort the non-recyclable material from the pile prior to loading it onto their truck, which is then transferred to a composter. Non-recyclable materials can include large tree limbs, and other inorganic material like countertops and bowling balls. These items are transferred to a landfill. All waste on site is removed daily to prevent any offensive odors or pest issues. The area in which these recycling operations occur is approximately 420 square feet.

Request:

This is a request to consider the Conditional Use request for a recycling facility to be permitted by the Town. Pending the approval of this request, the McDonalds will then receive all required permitting through the state in order to compliantly continue their business operations.

Conditional Use Review Criteria:

Section 4.9.4 of the Town of Frederick Land Use Code, sets forth the following review criteria for the proposed planning action.

The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

1. The conditional use will satisfy all applicable provisions of this Code and subdivision regulations unless a variance is being requested.

Staff Comment: No variance is being requested with this application.

2. The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

Staff Comment: Both the Comprehensive Plan and pending 25/52 Subarea Plan designate this property for industrial land uses. Recycling Facilities are conditionally permitted in the Industrial zone district.

3. The conditional use will be adequately served with public utilities, services and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

Staff Comment: This site is currently in operation and is served by all necessary utilities. It will not require any increased or additional services.

4. The conditional use will not substantially alter the basic character of the district in which it is located or jeopardize the development or redevelopment potential of the district.

Staff Comment: This application's approval will not substantially alter the basic character of the district as no changes to the property or existing operations are being requested.

5. The conditional use will result in efficient on-and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.

Staff Comment: The traffic generated from the site will not increase with the approval of this request. The site and the existing road improvements, adequately serve this business' uses.

6. Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
- b. Activity levels;

Staff Comment: Traffic will not be changed nor directly impacted with the approval of this conditional use request. This conditional use request will not increase the daily traffic trips and overall activity levels.

- c. Light;
- d. Noise;

Staff Comment: Adequate lighting for the site has been reviewed and approved per the Land Use Code. The recycling facility operations are set back from the right of way and adjacent properties. There is also an eight-foot wooden screen fence that provides both a noise and visual barrier.

- e. Odor;

Staff Comment: This conditional use request provides the community a means of decreasing noxious odors by removing waste from populated areas.

- f. Building type, style and scale;

Staff Comment: All buildings on site are existing and are not proposed to change with this conditional use request.

- g. Hours of operation;

Staff Comment: The hours of operation are from 7 AM to 7 PM.

- h. Dust; and
- i. Erosion control.

Staff Comment: There is no dust created with the recycling operation. There are no erosion control concerns. The site is also annually inspected by a CDPHE Erosion Control Specialist.

7. The applicant has submitted evidence that all applicable local, state, and federal permits have been or will be obtained.

Staff Comment: McDonald Farms has expressed their commitment to comply with all regulatory requirements. Pending the approval of this conditional use request from the Town, the recycling area has been determined by the CDPHE to require a Certificate of Designation. The Planning Department has been frequently updating the CDPHE on the status of this application so that if

approved, the Certificate of Designation can be applied for directly after. The CDPHE has rigorous requirements for obtaining a Certificate of Designation and have stated that they will be working closely with the McDonalds to ensure compliance.

Public Notice: This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code. Staff received no comments on the project.

Legal/Political Considerations: The application has been reviewed by the Town's Land Use Attorney, whose comments have been incorporated accordingly.

Alternatives/Options: Planning Commission may recommend approval of the request, denial of the request, or approval of the request with conditions.

Staff Recommendation: Staff recommends that the Planning Commission approval the request with PCR-2022-05A

CONDITIONAL USE

LOCATED IN THE SOUTH HALF OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF WELD, STATE OF COLORADO

Certificate of Ownership.

Know all men by these presents *The McDonald Family Limited Liability Limited Partnership* being the Owner(s), Mortgagee or Lien-holder of certain lands in Frederick, Colorado, described herein, has caused a Conditional Use Map as an amendment to the permitted uses within the applicable zoning district to be prepared for said land to show how the lot, parcel or tract will be developed:

REMAINDER OF PARCEL NO. 131326000074 AS RECORDED IN BOOK 1477, PAGE 541 S RECEPTION NO. 2424282;
PART OF LOT B OF RECORDED EXEMPTION NO. 1313 26 3 RE 865, LESS C.D.O.T. UNIT 5 TAKINGS TRACT NO. 506 REV., PROJECT NO. NH IRCX 025 3(109), BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 26 AND CONSIDERING THE WEST LINE OF SAID SOUTHWEST 1/4 AS BEARING S00°00'00"E WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE S00°00'00"E ALONG SAID WEST LINE, A DISTANCE OF 543.85 FEET; THENCE N89°12'25"E, A DISTANCE OF 117.39 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD OF INTERSTATE 25, SAID POINT ALSO BEING THE POINT OF BEGINNING, THENCE N89°12'25"E, A DISTANCE OF 1153.47 FEET; THENCE S00°00'00"E, A DISTANCE OF 239.85 FEET TO A JOG POINT ON THE NORTH LINE OF A PARCEL AS RECORDED AS RECEPTION NO. 2888680 OF THE WELD COUNTY RECORDS; THENCE S89°12'25"W, ALONG THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 1152.77 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD OF INTERSTATE 25, THENCE N00°00'00"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 239.85 FEET TO THE POINT OF BEGINNING, SAID REMAINDER CONTAINS AN AREA OF 276,706 SQ. FT. OR 6.4 ACRES, +/-.

COUNTY OF WELD, STATE OF COLORADO

Thus described Conditional Use Site Plan Map contains 6.4 acres more or less, together with and subject to all easements and rights-of-way existing and/or of public record. All conditions, terms, and specifications designated or described herein shall be binding on the owner, its heirs, successors, and assigns. The signature of any representative of any partnership or corporate entity indicates that all required partnership or corporate approvals have been obtained.

Executed this _____ day of _____, 20____.

Owners:

BY: _____
Douglas L. McDonald
General Partner
The McDonald Family Limited Liability Limited Partnership

State of Colorado)
County of) ss

The foregoing certificate of ownership was acknowledged before me by Douglas L. McDonald, acting in his capacity as General Partner of The McDonald Family Limited Liability Limited Partnership, this _____ day of _____, 20____.

Witness My Hand and Seal _____

My commission expires _____

Notary Public _____

and

Marjorie R. McDonald
General Partner
The McDonald Family Limited Liability Limited Partnership

State of Colorado)
County of) ss

The foregoing certificate of ownership was acknowledged before me by Marjorie R. McDonald, acting in his capacity as General Partner of The McDonald Family Limited Liability Limited Partnership, this _____ day of _____, 20____.

Witness My Hand and Seal _____

My commission expires _____

Notary Public _____



0 250 500
SCALE IN FEET

- General Notes:
- Legals obtained from Title Commitment number 1428102, prepared by Stewart Title Guaranty Company, Effective date: September 28, 2021.
 - Basis of Bearings: The West line of the Southwest Quarter of Section 26 is assumed to bear South 00°00'00" West.
 - No creation of a legal non-conforming use for the existing uses on site is conferred by this rezoning application. A conditional use permit for some of the existing uses shall be required in order to continue operation.

Surveying Certificate:

I, _____, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the Conditional Use Map shown hereon is a correct delineation of the above described parcel of land.

I further certify that this Conditional Use Map and legal description were prepared under my personal supervision and in accord with applicable State of Colorado requirements on this _____ day of _____, 20____.

(SEAL)

By _____
(registered land surveyor, reg. no.)

Owner:
The McDonald Family Limited
Liability Limited Partnership
7440 E I-25 Frontage Rd
Frederick CO 80516
(303) 772-4577

Engineer
Rule Engineering, LLC.
1055 Kipling St
Lakewood, CO 80215
(303) 431-8500

Contact: Kerri Crawford

Surveyor
Intermill Land Surveying, Inc.
1301 North Cleveland Avenue
Loveland, CO 80537
(970) 669-0516

Contact: Steven John Stencel

Planning Commission Certificate:

Approved by the Frederick Planning Commission with Planning Commission Resolution 20____-____ this _____ day of _____, 20____.

Chairman _____

Planning Commission Secretary _____

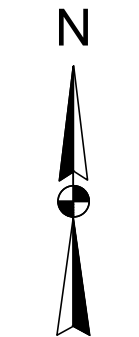
Certificate of Approval by the Board of Trustees:

This Conditional Use Site Plan Map is be known as the McDonald Farms Conditional Use Site Plan Map, and is approved and accepted by Resolution No. _____, passed and adopted at the regular meeting of the Board of Trustees of Fredrick, Colorado, held on _____, 20____. All conditions, terms, and specifications designated or described herein shall be binding on the owner, its heirs, successors and assigns.

Mayor _____

Attest:

Town Clerk _____

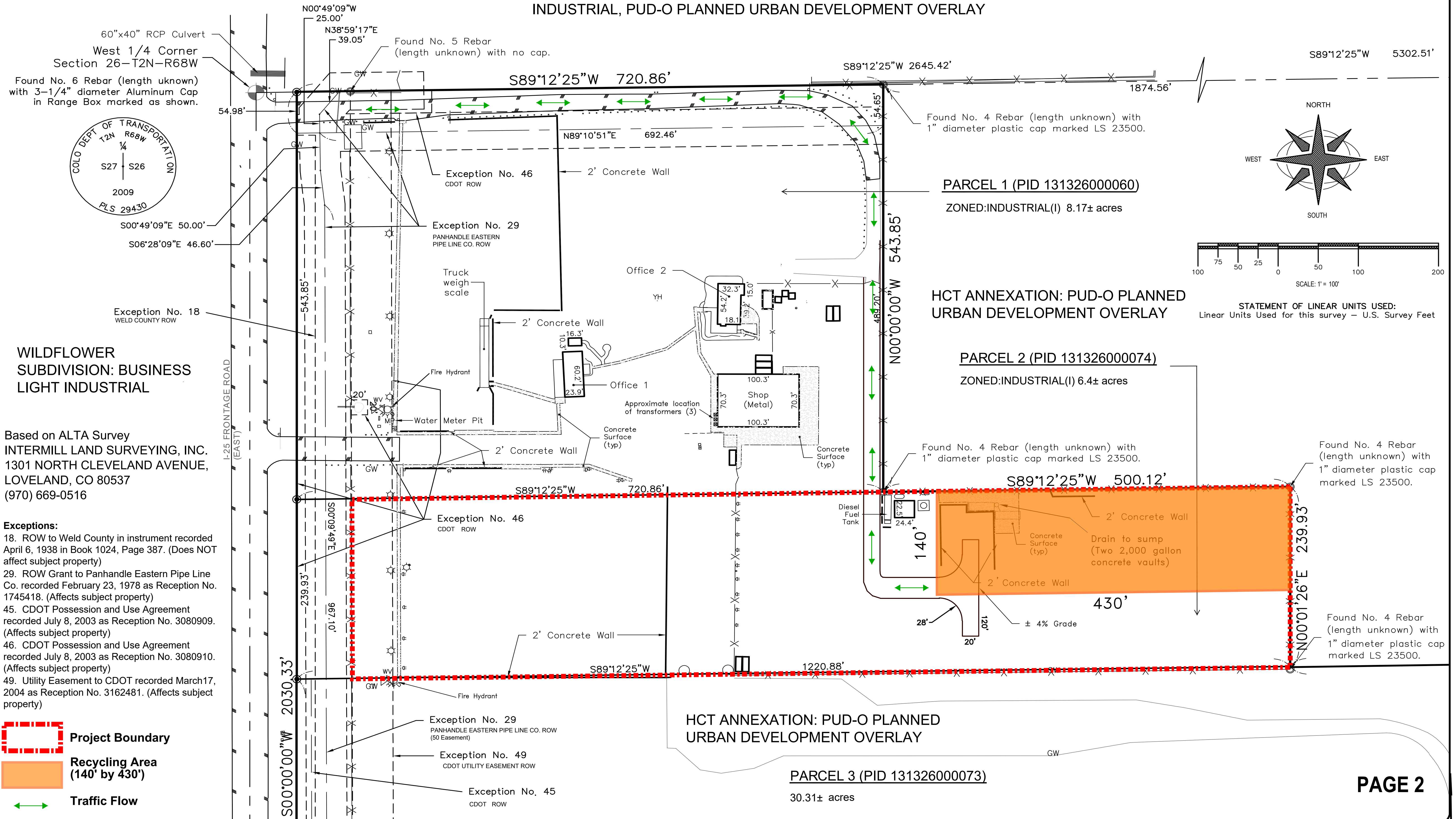


North
Arrow

CONDITIONAL USE

A PORTION OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF WELD, STATE OF COLORADO.

FREDERICK WEST BUSINESS CENTER: INDUSTRIAL, PUD-O PLANNED URBAN DEVELOPMENT OVERLAY



Letter of Intent



7440 I-25 Frontage Road Frederick, CO 80516
(303) 772-4577 Fax (303) 442-5706

September 30, 2021

Ms. Jennifer Simmons, Planning Director
Town of Frederick
401 Locust Street
Frederick, CO 80530

RE: Letter of Intent for Conditional Use (Certificate of Designation)
McDonald Family Limited Liability Limited Partnership

Dear Ms. Simmons:

As the owners of parcel 131326000074, located at 7440 East I25 Frontage Road, we want to reassure the Town of Frederick that we intend to continue the uses of the property for our trucking, hauling, and rental businesses which have operated for more than 25 years at this location. These activities dominate the 6.4+ acre parcel.

We estimate that more than 90 percent of the site is used for these business purposes and they are the only uses visible from the Frontage Road or adjacent properties. At the rear of site we use a small area - less than 10 percent of the parcel - for recycling of strictly non-hazardous materials.

Organic wastes from grocery stores and landscaping sources is hauled to our site and deposited on a curbed concrete pad. Any liquids drain to the pad which drains into an underground sump for daily transfer to a wastewater treatment plant. Employees sort inappropriate material from the pile before it is loaded for hauling to a composter. Composters cannot handle large limbs or inorganic material like countertops or bowling balls. Waste that cannot be composted is sent to a landfill as ordinary trash.

All waste is removed daily to prevent the development of offensive odor or pest problems.

Occasionally some material is wet enough to require solidification by adding sawdust, sand, cement kiln dust, or autofluff (the shredded remains of recycled vehicles) before it can be landfilled. It is also removed daily.

Other recycling operations, generally requiring manual separation of materials into haulable containers, may also occur. We are currently decommissioning totes to recycle the plastic and aluminum frames.

Oily water is received into lined rolloff containers where the water is recycled to the National Western Facility as organic waste water and the solids are sent to a landfill for disposal.



7440 I-25 Frontage Road Frederick, CO 80516
(303) 772-4577 Fax (303) 442-5706

These recycling activities are essential to the sustainability of our environment. We are recycling, loading, and unloading within a fenced area of only 140 feet by 430 feet.

With the Town of Frederick's approval of a Conditional Use, we plan to pursue a Certificate of Designation from the Colorado Department of Public Health and the Environment.

Please insert this letter and attachments into our Conditional Use application file. If there are any questions, feel free to contact Scott McDonald, Limited Partner, at the above number or email him at smcdonald@mcdonaldfarmsinc.com.

Yours truly,

A handwritten signature in black ink, appearing to read "Douglas L. McDonald".

Douglas L. McDonald
General Partner
McDonald Family Limited Liability Limited Partnership

A handwritten signature in black ink, appearing to read "Marjorie R. McDonald".

Marjorie R. McDonald
General Partner
McDonald Family Limited Liability Limited Partnership

ATT: Conditional Use Application files

cc wi att: Jerry Henderson, CDPHE (digital only)
Monte Stroud, CDPHE (digital only)
Michael Bankoff, CDPHE (digital only)
Robert Fickel, Esq. (digital only)
Rule Engineering LLC (digital only)
file

PCR-2022-05A
A Resolution of the Planning Commission
Recommending Approval of the McDonald Farms Conditional Use

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

- 1.1 An application for the McDonald Farms Conditional Use has been submitted.
- 1.2 Said application was found to be complete through the review process.
- 1.3 Said application was considered during a public meeting held February 3, 2022.
- 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- 1.5 Said application conforms with the applicable requirements of Section 4.9.4 of the Frederick Land Use Code.

Section 2.

- 2.1 A public hearing was held and the public was able to provide testimony.
- 2.2 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends approval of the application.

This resolution approved this 3rd day of February, 2022 by a vote of ____ to ____.

Tracy Moe, Chairperson, Planning Commission

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Recommending Denial of the McDonald Farms Conditional Use

Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

Section 1. The Frederick Planning Commission finds that:

- 1.1 An application for the McDonald Farms Conditional Use has been submitted.
- 1.2 Said application was found to be complete through the review process.
- 1.3 Said application was considered during a public meeting held February 3, 2022.
- 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- 1.5 Said application conforms with the applicable requirements of Section 4.9.4 of the Frederick Land Use Code.

Section 2.

- 2.1 A public hearing was held and the public was able to provide testimony.
- 2.2 The Planning Commission recommendation is based on competent, substantial evidence in the written record and the testimony provided at the public hearing.

Section 3. On the basis of the above, the Town of Frederick Planning Commission recommends denial of the application.

This resolution approved this 3rd day of February, 2022 by a vote of ____ to ____.

Tracy Moe, Chairperson, Planning Commission

2 A Resolution of the Planning Commission

3 Recommending Conditional Approval of the McDonald Farms Conditional Use

4
5 Be it resolved by the Planning Commission of the Town of Frederick, Colorado:

6
7 Section 1. The Frederick Planning Commission finds that:

8 1.1 An application for the McDonald Farms Conditional Use has been submitted.

9 1.2 Said application was found to be complete through the review process.

10 1.3 Said application was considered during a public meeting held February 3, 2022.

11 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.

12 1.5 Said application conforms with the applicable requirements of Section 4.9.4 of the
13 Frederick Land Use Code.

14 Section 2.

15 2.1 A public hearing was held and the public was able to provide testimony.

16
17 2.2 The Planning Commission recommendation is based on competent, substantial
18 evidence in the written record and the testimony provided at the public hearing.

19
20 Section 3. On the basis of the above, the Town of Frederick Planning Commission
21 recommends approval of the application with the following conditions:

22 1.

23 2.

24
25 This resolution approved this 3rd day of February, 2022 by a vote of ____ to ____.

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27
28 _____
Tracy Moe, Chairperson, Planning Commission