



## Planning Commission Agenda

Thursday, July 15, 2021

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 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/93066212212?pwd=aXd1d2lmeUpkellGRldkV2sxSDRNZz09>

Meeting ID: 930 6621 2212

Passcode: 920539

One tap mobile

+13126266799,,93066212212#,,,,,0#,,920539# US (Chicago)

+13462487799,,93066212212#,,,,,0#,,920539# US (Houston)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 929 436 2866 US (New York)

+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Germantown)

Meeting ID: 930 6621 2212

Passcode: 920539

Find your local number: <https://zoom.us/u/acVuvELAP>

Please contact Town Clerk Meghan Martinez for questions regarding the meeting. 720-382-5500 or [mmartinez@frederickco.gov](mailto:mmartinez@frederickco.gov)

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Call to Order – Roll Call

Additions to the Agenda

Action Agenda

A. Approval of minutes from the June 17, 2021 meeting

Public Meeting

- A. Consideration of McDonald Farms ReZone - Planner Welsh

Other Business

- A. Upcoming Meetings – August 5, 2021



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

[WWW.FREDERICKCO.GOV](http://WWW.FREDERICKCO.GOV)

MINUTES  
TOWN OF FREDERICK  
PLANNING COMMISSION  
VIRTUAL MEETING CONDUCTED VIA ZOOM  
JUNE 17, 2021  
6:00 PM

CALL TO ORDER: At 6:01 p.m. Chairperson Moe called the meeting to order and requested roll call.

ROLL CALL:

- Present: Chairperson Moe, and Commissioners Conroy, Scott, and Stark
- Staff: Planning Director Jennifer Simmons, Planner Maureen Welsh, Land Use Attorney Todd Messenger, Engineer Sarah Watson, and Deputy Town Clerk Taylor Kittilson.

Vice Chair teVelde joined the meeting at 6:02 after the roll call.

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

APPROVAL OF MAY 6, 2021 MINUTES: Motion by Commissioner Scott and seconded by Commissioner Conroy to approve the May 6, 2021 Minutes. Upon roll call vote, motion passed unanimously.

APPROVAL OF JUNE 3, 2021 MINUTES: Motion by Commissioner Stark and seconded by Commissioner Conroy to approve the June 3, 2021 Minutes. Upon roll call vote, motion passed unanimously.

CONSIDERATION OF ASTON COMMONS MINOR SUBDIVISION FILING 1:

Planner Maureen Welsh presented the proposed subdivision.

The applicant, Shelby Madrid, addressed the commission with a short presentation.

At 6:16 Chairperson Moe opened the public hearing.

At 6:20 Chairperson Moe closed the public hearing.

Motion by Commissioner Stark and seconded by Commissioner Conroy to approve PCR-2021-13A. Upon roll call vote, motion passed unanimously.

OTHER BUSINESS:

**Built on What Matters.**

There was discussion regarding the 25/52 East Subarea Plan Update and the preliminary land use concept.  
Chairperson Moe adjourned the meeting at 7:13 PM.

Approved by the Planning Commission:

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Tracy Moe, Chairperson

ATTEST:

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Meghan Martinez, Town Clerk



# TOWN OF FREDERICK PLANNING COMMISSION

Tracy Moe, Chairman

Alan Blair, Alternate Commissioner  
William Mahoney, Alternate Commissioner  
Dennis Stark, Commissioner

Kristin Conroy, Commissioner  
Nathan Scott, Commissioner  
Chad teVelde, Vice Chairman

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## CONSIDERATION OF THE MCDONALD FARMS REZONE

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**Agenda Date:** July 15, 2021

**Attachments:**  
A. Zoning Map  
B. PCR-2021-15A  
C. PCR-2021-15B  
D. PCR-2021-15C  
E. Letter of Intent

**Submitted by:** Maureen Welsh  
Staff Planner

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**Summary Statement:** This is a request to consider the zoning of two parcels at 14.52 acres. The proposed zoning for both parcels is Industrial (I).

**Detail of Issue/Request:**

**Applicant:** Kerri Crawford, Rule Engineering

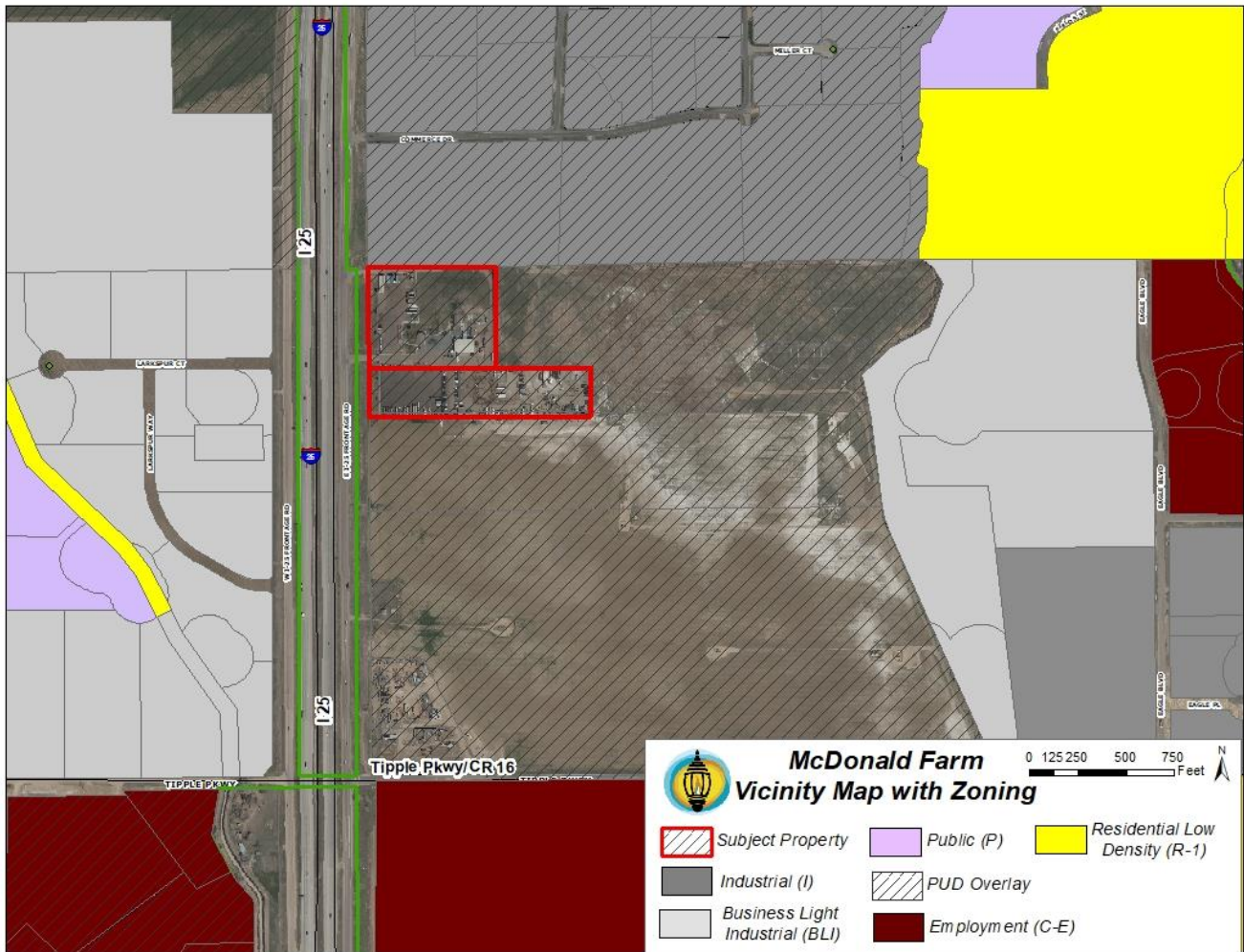
**Owner:** Douglas and Marjorie McDonald

**Location and Zoning:** The properties are located at 7440 East I-25 Frontage Road. Located in the south half of Section 26, Township 2 North, Range 68 West of the 6<sup>th</sup> P.M.

**Surrounding Land Uses and Zoning:**

North	Land use: Transwest Truck, Trailer and RV and vacant property Zoning: Industrial (I) and PUD Overlay
South	Land use: Vacant (HCT Annexation) Zoning: To Be Determined (TBD) with PUD Overlay
West	Land use: Vacant (Wildflower Subdivision) Zoning: Business Light Industrial (BLI)
East	Land use: Light Industrial Zoning: Business Light Industrial (BLI)

## Vicinity Map with Zoning:



## Background Information:

The McDonald family owns the four parcels located at the northeast corner of Tipple Parkway and I-25. These parcels were originally annexed into the Town in 1989. All four of the McDonald's parcels were originally zoned as To Be Determined with a PUD Overlay while strictly following the Town's Land Use Code restrictions. McDonald Farms has conducted industrial, commercial and agricultural land uses on these properties since 1994. Following the process to zone the properties, the property owners will submit an application for a Conditional Use Permit to continue the McDonald Farms business activities on the two north most parcels that are being considered for rezone today. The applicant has requested the two northmost parcels be zoned as Industrial. The requested zoning complies with the Town's Comprehensive Plan.

## Request:

This is a request to consider the zoning of approximately 14.52 acres of land as Industrial (I) to accommodate industrial and commercial land uses. The two northmost parcels will remain as light industrial and commercial land uses and a conditional use application will follow this request.

The Comprehensive Plan lists these parcels within the Light Industrial/Business Park land use boundary. This rezoning request complies with the Town's 2016 Comprehensive Plan.

**Review Criteria:**

The assignment of zoning is subject to review against the following criteria. Only one of the following criteria must be met for the proposed zoning to be approved:

- (1) To correct a manifest error in an ordinance establishing the zoning for a specific property;
- (2) To rezone an area or extend the boundary of an existing district because of changed or changing conditions in a particular area or in the Town generally;
- (3) The land to be rezoned was zoned in error and as presently zoned is inconsistent with the policies and goals of the Comprehensive Plan;
- (4) The proposed rezoning is necessary to provide land for a community-related use that was not anticipated at the time of the adoption of the Comprehensive Plan, and the rezoning will be consistent with the policies and goals of the Comprehensive Plan;
- (5) The area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of the area; or
- (6) A rezoning to Planned Unit Development overlay district is requested to encourage innovative and creative design and to promote a mix of land uses in the development.

Staff Comment: Review Criteria 1 and 3 are met. These parcels are currently not zoned which is inconsistent with the policies and goals of the Comprehensive Plan. By zoning this property Industrial, it will comply with the Town's Comprehensive Plan.

**Public Notice:** This project was properly noticed according to the requirements of Section 4.5 of the Frederick Land Use Code.

**Legal/Political Considerations:** The application has been reviewed by the Town 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 consider approving PCR-2021-15A which recommends approval of this request without conditions.

1 **PCR-2021-15A**

2 **A Resolution of the Planning Commission**

3 **Recommending Approval of McDonald Farms Rezone**

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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 Rezone 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 hearing held July 15, 2021.
- 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 4.7.2 of the  
13 Frederick Land Use Code.

14 **Section 2.** This resolution constitutes the written report, findings and decision of the Town  
15 of Frederick Planning Commission.

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

18  
19 This resolution approved this 15 day of July, 2021 by a vote of \_\_\_ to \_\_\_.

20  
21 \_\_\_\_\_  
22 Tracy Moe, Chairperson, Planning Commission



1 **PCR-2021-15B**

2 **A Resolution of the Planning Commission**

3 **Recommending Denial of McDonald Farms Rezone**

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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 Rezone 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 hearing held July 15, 2021.
- 11 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- 12 1.5 Said application does not conform to the applicable requirements of section 4.7.2
- 13 of the Frederick Land Use Code.

14 Section 2. This resolution constitutes the written report, findings and decision of the Town  
15 of Frederick Planning Commission.

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

18  
19 This resolution approved this 15 day of July, 2021 by a vote of \_\_\_ to \_\_\_.

20  
21 \_\_\_\_\_  
22 Tracy Moe, Chairperson, Planning Commission

2 A Resolution of the Planning Commission

3 Recommending Conditional Approval of McDonald Farms Rezone

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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 Rezone 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 hearing held July 15, 2021.
- 11 1.4 Proper notice was given according to Section 4.5 of the Frederick Land Use Code.
- 12 1.5 Said application does conform to the applicable requirements of section 4.7.2 of
- 13 the Frederick Land Use Code, provided that the conditions set forth in this
- 14 resolution are satisfied.

15 Section 2. This resolution constitutes the written report, findings and decision of the Town  
16 of Frederick Planning Commission.

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

- 19 1.
- 20 2.

21  
22 This resolution approved this 15 day of July, 2021 by a vote of \_\_\_ to \_\_\_.

23  
24 \_\_\_\_\_  
25 Tracy Moe, Chairperson, Planning Commission



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

April 8, 2021

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

RE: Letter of Intent for McDonald Farms Re-Zoning Project Rev. 2

Dear Ms. Simmons:

Douglas L. McDonald and Marjorie R. McDonald, owners of 2 parcels that are the subject of this letter (i.e., REMAINDER OF PARCEL NO. 131326000060 AS RECORDED IN BOOK 1466, PAGE 823 AS RECEPTION NO. 2414611, and REMAINDER OF PARCEL NO. 131326000074 AS RECORDED IN BOOK 1477, PAGE 541 AS RECEPTION NO. 2424282) intend to revise the zoning of said parcels from Planned Urban Development Unit (PUD) to Industrial. We are requesting that a Conditional Use Permit be granted for a portion of parcel 131326000074 to allow continued recycling and non-hazardous waste processing, subject to state approval. This area is represented on the attached 24" by 36" drawings.

We are incorporating by this reference the attached zoning application, including a survey, maps designating current uses and features, and the descriptions of the historical uses as required by the Frederick Zoning Application process. Frederick Planning and Engineering departments' comments have been incorporated into this revised application.

NOTE: Parcel 3, encompassing Weld County parcels 131326000073 and 131326000075, is not included in this zoning application. It is to be reviewed during the town's comprehensive planning process.

Every effort has been made to use consistent labeling and parcel identification. Nevertheless, the various entities preparing parts of this application alternately refer to "tracts" or "parcels", which may or may not combine Weld County parcels (as identified by parcel number). These entities have declined to further align their labeling with Weld County's system. Where possible, we have added notes to their documents to clarify which parcel numbers are being referred to.

# MCDONALD FARMS ENTERPRISES, INC.

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

McDonald Farms will be pursuing a Certificate of Designation through Frederick and the Colorado Department of Public Health and the Environment on successful zoning amendment.

We have conducted industrial, commercial, and waste recycling/processing activities on these properties since 1994. Our intention is to continue with these activities as discussed in meetings with Frederick on April 22, June 11, and December 17, 2019, and subsequent meetings, and at the Neighborhood Meeting on July 18, 2019.

Please insert this letter and attachments into our zoning application file. If there are any questions, feel free to call me at the above number or email me at [smcdonald@mcdonaldfarmsinc.com](mailto:smcdonald@mcdonaldfarmsinc.com).

Yours truly,



Scott McDonald  
Owners' Son and Vice President McDonald Farms Enterprises Inc.



ATT: 5 hard copies McDonald Farms Re-Zoning Project Application, Rev. 2  
1 digital copy McDonald Farms Re-Zoning Project Application, Rev. 2

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