



PLANNING AND ZONING COMMISSION

**Minutes
January 25, 2016**

Meeting Summary

PZ Resolution No. 2016-1, was approved by unanimous vote (6-0) of the commission. The Resolution recommends approval of the Rezoning from Restricted Commercial District (Jefferson County Legacy Code) to Planned Unit Development, a Site Development Plan/Urban Renewal Site Plan and Use By Special Review for Empire Petroleum located at 6910 West 120th Avenue, with the following conditions: 1) The applicant work with staff and the south property owner to add a fence along the area where the retaining wall is to be built in order to separate the properties; 2) The applicant provide information about a spillage retention plan prior to going before Council; 3) The applicant/property owner add a note on the cover sheet of the plan stating they will work with the property to the west, should there be a desire for cross vehicular connection; and 4) The applicant consider the addition of bike racks.

Roll Call – 7:00 P.M.

Chairman Silvers called the meeting to order at 7:00 p.m.

Commission Members Present: Susan Barkman
Chuck Hastings
Archie Lind
Benjamin Maresca
David Milender
Tom Silvers

Commission Members Absent: Kathryn Turner

Staff Members Present: John Hilgers, Planning Director
Erika Delaney Lew; Assistant City Attorney
Michael Sutherland, Senior Planner
Diana Kjelshus, Recording Secretary

Disposition of Minutes

The minutes of the regular Planning and Zoning Commission meeting of November 16, 2015, were approved as presented.

Petitions and Communications - None

Public Hearing – PZ Resolution No. 2016-1

A Resolution Recommending Approval of the Rezoning from Restricted Commercial District (Jefferson County Legacy Code) to Planned Unit Development, a Site Development Plan/Urban Renewal Site Plan and Use By Special Review for Empire Petroleum Located at 6910 West 120th Avenue

Chairman Silvers opened the public hearing at 7:02 p.m.

Michael Sutherland, Senior Planner, summarized the staff report and asked that the memo be made part of the record. The public notice requirements for the hearing have been met.

EPP-Colorado Acquisition, LLC requests approval of a Rezoning, Planned Unit Development Plan, Site Development Plan, Urban Renewal Site Plan and Use by Special Review to redevelop their gas station at 6910 West 120th Avenue at the southwest corner of Quay Street and West 120th Avenue. The application meets the requirements of Chapter 17 of the Municipal Code. The notification requirements of the Municipal Code have been met.

Staff received two telephone calls from persons notified through the public hearing process. Basic questions about the development project were answered. Staff received no written or verbal comments about the proposed development.

The applicant's 0.45 acre property and Diamond Shamrock Gas Station Business at 6910 West 120th Avenue is zoned Restricted Commercial in the Jefferson County legacy code and is also located in the Original Broomfield Urban Renewal Area. The Jefferson County Legacy Code and other county legacy codes were adopted in 2001 so residents and businesses in those newly incorporated areas could develop their land with the zoning rules they were used to. When development of those properties exceeds the legacy zoning code parameters, the property owners need to rezone to a Broomfield zoning district. In this case, the existing gas station, built in Jefferson County prior to annexation, does not meet the lot size or setback requirements of the legacy code.

The Original Broomfield Urban Renewal Area Plan requires a Use by Special Review for gas stations. In order to redevelop the gas station, the applicant is requesting approval of a rezoning, a Planned Unit Development Plan, a Site Development plan, an Urban Renewal Site Plan and a Use By Special Review. In order to streamline the process for the applicant, all of these requests are combined into a single document.

The existing Diamond Shamrock site has a fuel canopy and a 1,052 square foot convenience store on the south side of the canopy. The applicant plans to refurbish the existing fuel canopy, remove the existing convenience store, and replace it with a new 3,025 square foot convenience store. The proposed PUD Plan establishes building setbacks, lot size requirements and uses for the property. The uses shown on the proposed PUD are based on the Limited Business zoning district and include gas stations as a use by special review. The proposed uses are consistent with the Urban Renewal Area Plan.

The proposed PUD Plan allows parking spaces in this district to be nine feet wide by eighteen feet long and allows a minimum of twenty percent open lands on the development site. The proposed Site Development Plan, Urban Renewal Site Plan and Use by Special Review shows the site layout, landscape plans and architectural elevations of the new and refurbished structures. Any elements of construction not shown in the proposed site plans, including signs, will meet the requirements of the Broomfield Municipal Code for limited business uses.

Staff identified no key issues for the proposed application.

Gregg Burnett, representative of the applicant, was present and spoke of the existing gas station and the need to update the facility. The current canopy, pumps and underground tanks will not be changed.

Public comment was requested.

Nathan Anderson, owner of the property at 11971 Quay Street, expressed concern about the impacts to his property. His concerns were with safety of individuals relating to the retaining wall; the need for fencing on the property line between the two properties; additional landscaping with taller trees and additional buffering; and the burying of power lines.

Commissioner's comments and questions were:

- Fencing to be added on the top of the retaining wall;
- Landscaping and the location of the retaining wall;
- Need for a cross access agreement for adjacent property;
- Signage;
- Location of vacuum and air station for customers use;
- Is there an existing sidewalk on the north side of the property?
- Gas spill on site retention;
- Placement of a bicycle rack;
- Lighting plan should be added to the packet before it goes to Council.
- The setback on the property.
- On page 6 and 7, the elevations both say south and west elevations and needs to be corrected prior to going to Council.

Greg Barnett, representative of the applicant responded to some of the questions and comments:

- The applicant would not object to add fencing to the south property line near the proposed retaining wall. Both the fence and retaining wall would need to be allowed by code.
- There are no proposed changes to the power lines.
- There has been no discussion with adjacent property owners for cross access.
- Currently there is no sidewalk on the north side of the property.
- The vacuum and air station would be on the back area.
- The applicant intends to put a sidewalk on their property and when the property to the west develops, be willing to have a vehicular connection internally between the two properties.
- The applicant will check further into provisions of retainage of a spill.
- The applicant will look into placement of a bicycle rack.

Mr. Sutherland, Senior Planner, said the lighting plan had been submitted and reviewed. Staff had requested the lighting be removed from the plans so changes may be reviewed administratively. There is no existing sidewalk on the applicant's property or the property to the west. The setback on the PUD is a minimum 5.2 feet and would apply to any future development on this site and any redevelopment would have to meet the minimum standards too. The maximum sign area allowed on the site is based upon the frontage of the building would be 82 ½ square feet of sign area, to be divided up between building canopy and free standing sign.

Assistant City Attorney Erika Delaney Lew said a note could be included on the site plan that says when the property to the west develops the applicant would be willing to allow a cross vehicular connection between the two properties.

Chairman Silvers closed the public hearing at 7:42 p.m.

PZ RESOLUTION 2015-29 WAS READ BY TITLE.

Commissioner Hastings moved for approval of PZ Resolution No. 2016-1, a Resolution Recommending approval of the Rezoning from Restricted Commercial District (Jefferson County Legacy Code) to Planned Unit Development, a Site Development Plan/Urban Renewal Site Plan and Use By Special Review for Empire Petroleum located at 6910 West 120th Avenue, with the following conditions:

1. The applicant work with staff and the south property owner to add a fence along the area where the retaining wall is to be built in order to separate the properties;
2. The applicant provide information about a spillage retention plan prior to going before Council;
3. The applicant/property owner add a note on the cover sheet of the plan stating they will work with the property to the west, should there be a desire for cross vehicular connection; and
4. The applicant consider the addition of bike racks.

Commissioner Maresca seconded the motion.

Discussion of the motion was called for, there was none.

The motion passed by unanimous consent (6-0).

Special Report

There is a Concept Review meeting tomorrow evening, January 26, 2016. The next meeting of the Planning and Zoning Commission will be February 8, 2016.

Adjournment – 7:45 p.m.

Approval

Minutes Prepared by:

Diana Kjelshus, Recording Secretary

Approved by:

Chairman