



## PLANNING AND ZONING COMMISSION

*Minutes*  
*February 22, 2016*

### Meeting Summary

PZ Resolution 2016-4, Hansen's Corner Planned Unit Development Plan, Hansen's Corner Filing No. 1 Final Plat and Hansen's Corner Filing No. 1 – Storage and Retail Site Development Plan with the following modification: 1) That the drive through, as a use by right, be modified to a use by special review; 2) A gas station, tattoo parlor, and hotel and motel would be required as a use by special review; 3) The applicant will work with staff to improve pedestrian access to the lot; and 4) The applicant will work on improving the architectural elements to the upper level of the interior two story building to provide better visual interest; was approved by a 4-1 vote.

The following two resolutions were approved by a unanimous vote (5-0) of the Commission: 1) PZ Resolution 2016-5, A Resolution Recommending Approval of MidCities Filing No. 21, Lot 1 (Residence Inn and Fairfield Inn & Suites by Marriott) Site Development Plan, with the following condition: 1) That the applicant work with staff relative to the lighting in the auxiliary parking area and path to the auxiliary parking; and 2) PZ Resolution 2016-6, a Resolution Recommending Approval of Palisade Park Filing No. 1 Replat B, Final Plat and Palisade Park Filing No. 1 Replat B, Lot 2 (Retail) Site Development Plan/Urban Renewal Site Plan.

### Roll Call – 7:00 P.M.

Vice Chairman Archie Lind called the meeting to order at 7:00 p.m.

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

Commission Members Absent: Tom Silvers  
Kathryn Turner

Staff Members Present: John Hilgers, Planning Director  
Erika Delaney Lew; Assistant City Attorney  
Lynn Merwin, Principal Planner  
Alice Hanson, Senior Planner  
Anna Bertanzetti, Principal Planner  
Diana Kjelshus Recording Secretary

Vice Chairman Archie Lind said there was a quorum present.

### Disposition of Minutes

The minutes of the regular Planning and Zoning Commission meeting of February 8, 2016, were approved as presented.

**Petitions and Communications - None**

**Public Hearing – PZ Resolution No. 2016-4  
Hansen’s Corner Filing No. 1 Planned Unit Development Plan, Site Development Plan and Final Plat**  
**Property Location: Southwest corner of the intersection of Lowell Blvd. and Midway Blvd.**  
**Applicant: Compson of Colorado, LLC**  
**Planner: Lynn Merwin**

Vice Chairman Lind opened the public hearing at 7:05 p.m.

Lynn Merwin, Principal Planner, asked that the staff report and the e mail from Matthew Buchanan, Director of Finance, Legend Senior Living, which was received this afternoon by e mail, be entered into the public record. Ms. Merwin summarized the staff report.

The applicant, Compson of Colorado, LLC, is under contract to purchase approximately 5.3 acres of the 5.9 acre Hansen Living Trust property at the southwest corner of Lowell Boulevard and East Midway Boulevard. The property was annexed into Broomfield in 1971 and the existing residence was built in 1974. In 1982 the property was zoned B-1 (PUD) for limited business uses. The balance of the property has remained undeveloped. The proposed PUD plan is the first for the property and covers the overall 5.9 acres. The PUD plan sets forth the customized zoning details for the property such as the minimum setbacks, the maximum building height and the permitted uses.

The Broomfield Comprehensive Plan designations for the property are “Neighborhood Center” and “Village Residential Area.” The proposed retail use is consistent with the Neighborhood Center designation. The proposed self-storage use is not a typical use in a Neighborhood Center; however, leasing of self-storage units would provide a service to area residents which is consistent with a portion of the land use description.

The surrounding area is currently characterized by a mix of uses including established, single-family residential properties such as the Brandywine neighborhood to the west, limited commercial development adjacent to the east side of Lowell Boulevard, Broomfield open lands to the north, and undeveloped properties to the east. Broomfield’s Capital Improvement Program is currently working on the \$9.6 million Lowell South roadway improvement project between West 120<sup>th</sup> Avenue and Midway Boulevard. The project is expected to be complete later this year.

The subject proposal for consideration this evening is for a Planned Unit Development Plan, a Final Plat and a Site Development Plan. The proposed development is for: 1) a 12,913 square foot multi-tenant retail building on Lot 1 adjacent to Midway Boulevard; 2) a 98,408 square foot self-storage facility including an approximately 1,400 square foot office and a 1,000 square foot manager’s residence on Lot 2 adjacent to Lowell Boulevard, and 3) an existing single-family residence and accessory outbuildings are proposed to remain on Lot 3 at the south end of the property.

The full spectrum of permitted uses are listed on sheet 1 of the PUD Plan. The proposed list of uses are customarily permitted in the B-1 zoning district as uses permitted by right or as uses permitted by special review.

The proposed site layout depicted in the Site Development Plan is for four new buildings including: 1) a single story, multi-tenant retail building with drive through capability on Lot 1 at the north end of the property; and 2) three self-storage buildings on Lot 2. The three self-storage buildings are referred to as Building A, B and C. Buildings A and C are on the perimeter of the site and limited to one story. Building B is planned on the interior and will be two stories in height.

Bruce Jordan, representative of the applicant was present to answer questions from the applicant. He spoke of the neighborhood meetings and that they have addressed the concerns of the neighbors. The applicant has added architectural details also requested by the neighborhood. Robert Bishop was present and several of the development team members were also present.

The site is about a neighborhood center. Self-storage is the fabric of the community and the local neighbor will use it. Retail on the corner is proposed. The rear setback area behind the self-storage is twenty-five feet plus the gap. The size of the trees has been increased to provide more screening for the neighborhood.

Self-storage is not an industrial use, it is treated like a retail use. The need for self-storage is growing all the time. The two story self-storage building is twenty-five feet high and there are no windows facing the neighborhood. Self-storage has low levels of traffic and is closed at night. There is no impact to the neighbors.

Public comment was requested, the following people spoke.

Nolan Faul, 12614 Meade Street, expressed his concern about the negative impacts of the storage use to the neighborhood.

Owen Cross, 12706 Meade Street, spoke in opposition to the storage use and the impacts on the value to his home. He was also concerned about the windows on the development and the ability to see into his home.

Andrew Toof, 12648 Meade Street, expressed concern about the impacts on the property values and the type of people the business brings to the neighborhood. He spoke also about the ditch between the properties and how the drainage is negatively affecting the neighbors fences.

The applicant responded to some of the public comments:

- The property has been actively marketed for the past five years.
- A project like this does not bring problems to the neighborhood or a bad element to the area.
- The business is not open at night and there is a high degree of security with cameras (may be up to thirty security cameras).
- There are no windows; there are false windows on the face of the self-storage.
- Extra Space is the management company and has a great reputation.
- The two uses, retail and self-storage, are both neighborhood serving.

Commissioner's comments and questions were:

- The number of neighborhood meetings?
- Did the residents in attendance receive notice of the meetings?
  - Andrew Toof, 12648 Meade Street, received notice of one of the neighborhood meeting and this evenings meeting.
  - Nolan Faul, 12614 Meade Street, said he did not receive notice of any of the meetings.
  - Owen Toof, 12648 Meade Street, did not receive notice of any of the meetings until the notice went out for this meeting (February 22).
- Drive through lane, when did that come about?
- Are there any windows on the wall where the drive through is?
- Concerns about the lack of lighting at the pedestrian crosswalk.
- Concerned about the height of the two story building.
- Lack of architectural interest.
- Lighting on the two story building.
- Timing of the construction of the retail versus the self-storage building.

- Concerned about the uses listed for the retail.
- Removal of the uses from the PUD plan for a gas station, tattoo parlor, and hotel and motel.
- Long term financial impacts of this property.
- Location of the elevator.
- Location of bus stops.
- Circulation through the self-storage area.
- Deceleration lane and level of service during prime time.
- A drive through use could be required to go through use by special review process.
- Drainage and also the problems the neighbors are having with the fences.
- Fence around the self-storage area.
- Concerned about the building elevations.

The applicant responded to some of the commissioners comments:

- There were two neighborhood meetings.
- Both neighborhood meetings were noticed and the meetings were quite well attended with approximately fifteen people at each meeting.
- The drive through has been part of the plan for a year. It was redesigned to broaden the landscape area adjacent to the homes, and is approximately seventy feet away from the homes. It is screened by a six foot wall.
- The applicant said they would be amenable to making the wall taller.
- The applicant said they would be willing to work with the City in approving the pedestrian cross walk.
- The center building will be twenty-five feet tall.
- The applicant would consider adding additional architectural interest.
- The lights are all placed down low and are off at night.
- The applicant believed the retail building is very viable and should be built. Uses expected are restaurants, offices, and cafes.
- The wireless communications references is relating to a wireless store, not relating to an antennae.
- The applicant concurred to remove from the PUD plan the uses of a hotel/motel, tattoo parlor and gas station.
- The applicant said they are not asking for a variance from the sign code, there would be a monument sign for the retail and one monument sign for the self-storage.
- The elevator is located near the covered loading area in the self-storage.
- The traffic analysis did not require deceleration lanes.
- The ditch between the properties, the 'gap' area, was an irrigation ditch that has been abandoned. There is no water flowing through ditch now but has caused problems for the residents fences.
- There was a drainage report that looked at the 100 year rainfall event which showed the storm sewer can handle the drainage and get the water into the pond. The capacity of the inlets has been analyzed and was found to be able to get the runoff into the pond.
- The fence is continuous all around the storage building. After the hours of operation the lighting is off unless there is an entry, an unauthorized person. Night vision cameras are used.
- If there is a drive through, it will probably be more of a community drive through, not a Starbucks.

Dave Shinneman, Director of Community Development, said under the PUD with B-1 uses allows a tattoo parlor, gas station, membership clubs, and hotel and motel by a use by special review. Wireless communication facilities are a use by right. Should the proposed PUD be approved those uses would be allowed. In this case when referring to the long range financial plan, it is based upon a change of land use and in this case there is no change of land use. He said he was not aware of any financial reports that would show a diminishing of values for uses.

Mark Sudval, represent of the applicant, said the gas station was proposed a site development plan would have to be submitted.

Lynn Merwin, Principal Planner, said there are no existing bus stops on the frontage of the property. There are existing bus stops across Midway Boulevard and Lowell Boulevard. There was a traffic report prepared for the overall development and our Traffic Engineer has reviewed the report. The report makes assumptions of the nature of the uses. The roadway infrastructure was found to be acceptable along Midway Boulevard and along Lowell Boulevard a median will be added for turn lanes. The traffic report addresses typical retail uses and the Traffic Engineer found the traffic report acceptable. Consideration could be given to require a drive through use to be a use by special review.

Ms. Merwin clarified the reference made to Ordinance 1977 that prohibits storage uses. Ordinance 1977 pertains to the Lowell Gateway Urban Renewal Area. The Lowell Gateway Urban Renewal Area applies to property along 120<sup>th</sup> Avenue on the north side and does not extend to this property. There is no urban renewal area over this property.

Vice Chairman Lind closed the public hearing at 8:50 p.m.

PZ RESOLUTION 2016-4 WAS READ BY TITLE.

Commissioner Maresca asked if there are options to make the drive through conditional, requiring a Use By Special Review process and removing the drive through as a use by right?

Erika Delaney Lew; Assistant City Attorney, stated that as this is a PUD document, the applicant's plan has requested certain uses, one of them being a cellular tower which would be a use by right. The others uses that would not previously have been uses by right, but were instead uses by special review, could be identified as such on the PUD. The Commission could recommend approval with the drive through being a use by special review at the time a tenant chooses to develop with that option. The Commission could also add some of the other types of uses that were discussed so the PUD would identify uses by right and anything other the Commission feels appropriate, listed as uses by special review.

Commissioner Maresca moved for approval of PZ Resolution 2016-4, Hansen's Corner Planned Unit Development Plan, Hansen's Corner Filing No. 1 Final Plat and Hansen's Corner Filing No. 1 – Storage and Retail Site Development Plan with the following modification: 1) that the drive through, as a use by right, be modified to a use by special review.

Commissioner Maresca explained his motion stating, he recognized the property is currently vacant property, it is an infill site, and it may be difficult to develop. His concern is that the justification of the storage site, by the applicant was that the storage is the highest and best use. He believes that the highest and best use would be something similar to a Starbucks or a drive through but expressed concern for safety reasons. He believes for land use purposes that if there was going to be a use there that would have a drive through, such use should come before the Commission so the traffic can be analyzed for safety reasons.

Erika Delaney Lew; Assistant City Attorney, stated the use by special review would be listed in the PUD and asked Commissioner Maresca to clarify that the site development plan for the retail use also be dependent on the individual retail wanting to have a drive through so that approval of the sitedevelopment plan would go through the public hearing process.

Commissioner Milender seconded the motion and offered the following friendly amendments:

- 1) A gas station, tattoo parlor, and hotel and motel would be required as a use by special review;
- 2) The applicant will work with staff to improve pedestrian access to the lot; and
- 3) The applicant will work on improving the architectural elements to the upper level of the interior two story building to provide better visual interest.

Commissioner Maresca accepted the amendment offered by Commissioner Milender.

Erika Delaney Lew; Assistant City Attorney, recommended the condition be applied to both the PUD and the SDP with regards to the retail site, that it shall be a use by special review for the drive through, a gas station, hotel/motel, or tattoo parlor. The applicant will work with staff on improving pedestrian access and the applicant will work with staff to make architectural improvements to the visible second story of the two story building on the storage unit.

The applicant had concurred to these requests during the testimony.

The following vote was cast by the Commission:

Those voting Yes:	Barkman, Lind, Maresca and Milender
Those voting No"	Hastings
The motion carried.	

<b>Public Hearing – PZ Resolution No. 2016-5</b>	
<b>MidCities Filing No. 21, Lot 1 (Residence Inn and Fairfield Inn &amp; Suites by Marriott) Site Development Plan</b>	
<b>Property Location</b>	<b>Between Zang Street and Summit Boulevard (east of Walmart)</b>
<b>Applicant:</b>	<b>MB Hospitality (RIBROOM), LP</b>
<b>Owner:</b>	<b>Avenues at Flatirons LLC</b>
<b>Planner:</b>	<b>Alice Hanson</b>

Vice Chairman Archie Lind opened the public hearing at 8:26 p.m.

Senior Planner Alice Hanson summarized the staff report and asked that the staff report be entered into the public record. The request is for a site development plan for a four story 212 room hotel on a 4.58 acre property in the MidCities Subdivision, directly east of Walmart. The owner of the property is Avenues at Flatirons, LLC. The applicant is the MB Hospitality.

The site is located on the eastern side of the MidCities subdivision surrounded by Walmart to the west, a developed parking area for businesses in MidCities to the north, vacant property to the east and the Interlocken Golf Course to the south.

On September 8, 2015, the proposal was reviewed at a Council Concept Review. The developer revised the plans based on the comments made at Concept Review in the following ways: 1) The pedestrian access to the offsite parking lot has been clearly delineated by colored concrete crosswalks and a permanent parking easement from the MidCities Metropolitan District has been procured. 2) The number of handicapped spaces meet the requirements of the Broomfield Municipal Code. 3) The setbacks and landscape buffers will meet the requirements of the MidCities PUD with the exception of the setback to the parking lot from the north property line (location of the access drive). A variation to allow the edge of the parking to be 18.5 feet versus the required twenty feet is requested in the site development plan. 4) The developer has included the construction of the remaining portion of the regional trail on the property and has added a trail connection from the regional trail to the zip shuttle trail network which provides pedestrian access to the Flatirons Mall and other commercial areas.

The site development plan describes the placement of the hotel in the center of the site with parking distributed on all sides of the building. 134 of the required 222 parking spaces are located on the site and served by four access drives from the private access easement serving the property. The remaining eighty-eight spaces are located on property owned by the MidCities Metropolitan district directly north of the site. Three crosswalks delineated by colored concrete will note pedestrian access to the parking. A permanent easement has been prepared to assure the use of the parking area for hotel purposes.

Parking for bicycles is located at the front entrance of the hotel (four spaces) and within the building (five spaces).

The SDP illustrates the landscaping proposed with the development which includes 43% private open area (25% is required in the MidCities PUD).

Two variations to the PUD requirements are requested in the SDP. 1) an increase in the FAR from .7:1 to .72:1; and 2) a reduction in the setback along the north property line from the required 20 feet to 18.5 feet to the parking lot. Both variations are supported by the Flatirons ACC.

The development of the property will include the improvement of the former Zip shuttle pathway along the front of the hotel. A ten foot wide pedestrian path will be maintained adjacent to the access drive. The existing curb will remain and standards that meet the MidCities requirements will divide the pedestrian path from the driveway. Raised tree planters will be constructed between the pedestrian path and the hotel parking/building about every 30 feet.

The Regional Trail through MidCities (connects Superior to Interlocken) is close to completion. The portion of this trail along the south side of the property is partially constructed. With the construction of the hotel, the remainder of the ten foot wide trail on site will be constructed. The only remaining unconstructed portion of the trail is located behind the Walmart. Construction of this portion of the trail is the responsibility of the MidCities Metropolitan District and is to be completed no later than two years after the issuance of a C.O. for the hotel. The proposed plan connects the Regional Trail to the zip shuttle pathway with a nine foot sidewalk along the western edge of the property.

The building exterior is composed of stucco and plank siding finishes along with natural stone accents. A variety of wall planes and roof lines add interest to the building. The entry at the front is clearly identifiable. An amenity area shared by both hotels is located on the south side of the building. Signage for the hotels is proposed to comply with the MidCities PUD – 6<sup>th</sup> Amendment which guides the amount and design of the signage.

Staff identified no key issues with the proposed plan.

Jeff Blackman, Bedford Lodging, spoke and gave a brief history of Bedford Lodging. He showed several samples of projects that he had been a part of.

Bonnie Niziolek, Norris Design, spoke and was present to answer questions from the Commission. She spoke of the amenities shared by both hotels. The hotel requires 222 parking spaces. The development is providing 128 standard parking spaces on site and six handicapped parking spaces and eighty-eight off site spaces located to the north secured by a parking easement.

Improvements have been made to the zip path parkway. One of the missing pieces of the regional trail along the southern edge of the property will be constructed with the development. The architecture is consistent with the architectural guidelines of the area. The concerns expressed at the Concept Review meeting relating to the landscape buffer have been addressed.

Public comment was requested, there was no one wishing to speak.

Commissioner's comments and questions were:

- What happened if the district trail behind Walmart is not built within two years?
- Hotel is fine.
- Is there a division of some sort between the sport court and pool?
- There is an opportunity to provide bicycle rental.
- Lighting and security in the parking.
- Funding for the trail.

- Modify the rendering showing parking on the artists' rendering.
- Thank you for responding to the concerns expressed at Concept Review.
- Pedestrian access (lighting, pedestrian activated lighting) for the pedestrian access from the off-site parking area.
- Access to the regional trail and the addition of another access.
- The strobe lights for the access to the offsite parking is important, especially in light of this being on the north side and may be a safety concern when it is icy.

Representatives of the applicant and Alice Hanson, Planner, responded to some of the concerns and questions:

- The trail was committed so there would be some negotiation between city management and City Council. The trail was committed to in a formal agreement with no date of completion. There was a letter between Kevin Standbridge, Assistant City Manager, and the District and the District accepted the time line.
- There is a buffer between the sport court and pool.
- The applicant intends to provide bicycles for their guests.
- The applicant will be reassess the lighting in the parking area prior to going before Council.
- The applicant is building the trail within the property as required with this development; The District is not providing any funding for the trail in this development.
- The District is responsible for construction of the trail behind WalMart.
- An additional nine foot sidewalk is provided along the west side of the property and is connected to the regional trail.

Vice Chairman Lind closed the public hearing at 8:50 p.m.

PZ RESOLUTION 2016-5 WAS READ BY TITLE.

Commissioner Hastings moved for approval of PZ Resolution 2016-5, A Resolution Recommending Approval of MidCities Filing No. 21, Lot 1 (Residence Inn and Fairfield Inn & Suites by Marriott) Site Development Plan, with the following condition: 1) That the applicant work with staff relative to the lighting in the auxiliary parking area and path to the auxiliary parking.

Commissioner Barkman seconded the motion.

The motion was approved by unanimous vote (5-0) of the Commission.

<b>Public Hearing – PZ Resolution No. 2016-6</b>	
<b>Palisade Park Filing No. 1 Replat B Final Plat and Lot 2 Site Development Plan/Urban Renewal Site Plan</b>	
<b>Property Location:</b>	<b>Northwest Corner of Huron Street and State Highway 7</b>
<b>Owner/Applicant:</b>	<b>Kevamra, LLC</b>
<b>Planner:</b>	<b>Anna Bertanzetti</b>

Vice Chairman Lind opened the public hearing at 8:52 p.m.

Principal Planner Anna Bertanzetti summarized the staff report and asked that the staff report be entered into the public record. The request is for a site development plan/urban renewal site plan for a 6,960 square foot commercial building on 1.2 acres within the Palisade Park development. A final plat is requested to subdivide an existing 2.4 acre parcel into two lots to create the lot for the in-line retail business. The property is located north of State Highway 7 and west of Huron Street.

Variations are requested through the site development plan/urban renewal site plan to allow a custom sign package for the building. The variations would allow additional signage for tenants on the rear and sides of the building as the building is located with the rear of the building facing State Highway 7 and the front of the building facing north toward a private drive.

Garrett Baum, representative of the applicant, was present to answer questions from the Commission. The site was intended to be two retail pads. There may be four or five tenants with two signing letters of intent, both are local tenants.

Public comment was requested, there was no one wishing to speak.

Commissioner's comments and questions were:

- Project looks good;
- Landscaping east of building needs to be clarified prior to going to Council
- Provide tables for the plans/memo relating to the requested signage;
- Appreciate you are working with local businesses;
- No problem with the signage as signage is necessary on both sides of the building; and
- Location of the trash enclosure and the safety of the employees.

Mr. Baum said they will look at the location of the trash enclosure.

Vice Chairman Lind closed the public hearing at 9:04 p.m.

Commissioner Hastings moved for approval of PZ Resolution 2016-6, a Resolution Recommending Approval of Palisade Park Filing No. 1 Replat B, Final Plat and Palisade Park Filing No. 1 Replat B, Lot 2 (Retail) Site Development Plan/Urban Renewal Site Plan.

Commissioner Hastings said the applicant/developer had concurred to work with staff relative to the trash enclosure, the preparation of a table to signage and clarification of the landscaping adjacent to the trash enclosure would be done prior to going before Council.

Commissioner Milender seconded the motion.

The motion was approved by unanimous vote (5-0) of the Commission.

### **Special Report**

The next meeting of the Planning and Zoning Commission will be March 7, 2016.

### **Adjournment – 9:06 p.m.**

### **Approval**

Minutes Prepared by:

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Diana Kjelshus, Recording Secretary

Approved by:

\_\_\_\_\_  
Chairman