



## **PLANNING AND ZONING COMMISSION**

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**Minutes  
April 11, 2016**

### **Meeting Summary**

PZ Resolution 2016-13, was adopted by unanimous (7-0) vote of the Commission. The resolution was a Resolution Approving a Variance for Willow Run Filing No. 5, Lot 12, Block 9, 12538 Alcott Street, to allow a three foot rear yard encroachment for a room addition with the following findings of fact:

- Planning and Zoning Commission finds that no parties appeared in opposition of the application and the applicant has written documentation from the two nearest neighbors that they do not object to the application;
- Planning and Zoning Commission finds that the conditions of the lots and the irregular shape of the lot and position of the house upon the lots, that strict application of the setback would result in peculiar and practical difficulty upon the owner; or undue hardship upon, the owner and that such relief may be granted without substantial detriment to the neighborhood or public good.

Also approved by unanimous vote (7-0) of the Commission was PZ Resolution 2016-14, a Resolution Recommending Approval of an Urban Renewal Site Plan with a Use By Special Review for drive-through service (Starbucks) located at 525 US Highway 287, Atlas Industrial Park Replat, Lot 2, Block 2, without conditions.

PZ 2016-15, A Resolution Recommending Approval of Palisade Park Planned Unit Development Plan and Preliminary Plat Fifth Amendment and Palisade Park Filing No. 4 Final Plat without conditions was approved by a vote of 6-1.

### **Roll Call – 7:00 P.M.**

The meeting was called to order by Planning Director John Hilgers at 7:00 p.m.

Commission Members Present: Susan Barkman  
Chuck Hastings  
David Lemmon  
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  
Alice Hanson, Senior Planner  
Lynn Merwin, Principal Planner  
Anna Bertanzetti, Principal Planner  
Diana Kjelshus, Recording Secretary

Planning Director John Hilgers noted for the record there was a quorum present.

Planning Director Hilgers asked for a nomination for Chairman for the Planning and Zoning Commission.

Commissioner Lind nominated Tom Silvers to serve as Chairman of the Planning and Zoning Commission.

Mr. Hilgers asked for other nominations, there was none.

A vote on the motion was called for.

Planning Director John Hilgers said the nomination of Tom Silvers to serve as Chairman of the Planning and Zoning Commission was approved by unanimous vote of the Commission.

Tom Silvers took the Chairman's seat. Chairman Silvers asked for nominations for Vice Chairman.

Commissioner Millender nominated Archie Lind to serve as Vice Chairman.  
There were no other nominations for Vice Chairman.

The vote for Commissioner Archie Lind to serve as Vice Chairman was unanimous.

#### **Disposition of Minutes**

The minutes of the regular Planning and Zoning Commission meeting of March 28, 2016, were approved as presented.

#### **Petitions and Communications - None**

#### **Public Hearing – PZ Resolution No. 2016-13**

**Variance to construct a room addition three feet into the required 15-foot rear yard setback at 12538 Alcott Street, Willow Run Filing No. 5, Lot 12, Block 9**

**Applicant: David and Sally Primrose**

**Planner: Alice Hanson**

Chairman Silvers opened the public hearing at 7:07 p.m.

Senior Planner Alice Hanson summarized the staff report and asked that the staff report be made part of the record. The public notice requirements, including advertising, mailed notices to properties within five hundred feet and posting of the property have been met for this hearing.

The applicants, David and Sally Primrose, desire to construct a sunroom to replace two concrete patios on the rear of their home. In order to construct a room with a usable depth, they are requesting the ability to encroach 3 feet into the required 15 foot rear yard setback. The concrete patios were not required to meet the rear yard setback as flatwork does not require a permit.

The applicant has stated the reasons for the granting the variance include:

- An irregular shape to the property with the location of the rear sliding doorways and the interior configuration of the home dictating the location of the sunroom.
- In order for the sunroom to be functional, a depth greater than the 7 feet (permitted without the variance) is needed.
- The sunroom addition will not encroach into the 10 foot utility easement along the rear property line
- The room addition will not be detrimental to the neighborhood as it improves the property and is supported by the adjacent neighbors.

The Broomfield Municipal Code permits considerations of variations from the Code by the Planning and Zoning Commission based on the following criteria (02-40-070):

- That there are peculiar and exceptional practical difficulties or undue hardship upon the owner of the property
- That relief of the hardship will not cause substantial detriment to the neighborhood or public good (or impair the intent/purpose of Title 17)
- The variance does not authorize a use that is not permitted in the zoning district.

The applicants, David and Sally Primrose, were present to answer questions from the Commission.

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

Commissioner's comments and questions were requested, there was none.

Chairman Silvers closed the public hearing at 7:13 p.m.

PZ Resolution 2016-13 was read by title.

Commissioner Maresca moved for approval of PZ Resolution 2016-13, a Resolution Approving a Variance for Willow Run Filing No. 5, Lot 12, Block 9, 12538 Alcott Street, to allow a three foot rear yard encroachment for a room addition with the following findings of fact (following are the findings provided by Assistant City Attorney Erika Lew Delaney).

Assistant City Attorney Erika Lew Delaney read the following findings of fact to be added to the motion:

- Planning and Zoning Commission finds that no parties appeared in opposition of the application and the applicant has written documentation from the two nearest neighbors that they do not object to the application;
- Planning and Zoning Commission finds that the conditions of the lot, the irregular shape of the lot and position of the house upon the lots, that strict application of the setback would result in peculiar and practical difficulty upon the owner; or undue hardship upon, the owner and that such relief may be granted without substantial detriment to the neighborhood or public good.

Commissioner Maresca concurred to the findings of fact provided by Assistant City Attorney Erika Lew Delaney.

Commissioner Lind seconded the motion.

The motion was adopted by unanimous vote of the Commission (7-0).

Mr. Primrose complimented the staff at the City building, at the front deck, Planner Alice Hanson, and those behind the scenes that were all very helpful.

**Public Hearing – PZ Resolution No. 2016-14  
Urban Renewal Site Plan and Use By Special Review for Starbucks for drive-through service  
located at 525 US Highway 287, Atlas Industrial Park Replat, Lot 2, Block 2  
Applicant: Confluent Development  
Planner: Lynn Merwin**

Chairman Silvers opened the public hearing at 7:16 p.m.

Principal Planner Lynn Merwin summarized the staff memorandum and asked that the staff report be made part of the record. The subject proposal is for consideration of an URSP with USR for a 2,200 sf Starbucks quick-serve restaurant with drive-through service. To the best of our knowledge, the proposal has been noticed in accordance with applicable public notice requirements.

The applicant is Confluent Development and the property owner is AB Petroleum. The property is located at 525 US Highway 287 on a .83-acre parcel at the northwest corner of US 287 and Midway Boulevard. The property is currently occupied by an existing Conoco fuel station, convenience store, and car wash. These facilities will be demolished, underground storage tanks removed, and the site remediated in accordance with applicable regulations to accommodate the proposed Starbucks. The property is zoned B-2 and the proposed use is permitted by zoning. The subject property is within the US 36 West Corridor Urban Renewal Area. The urban renewal plan requires a Use By Special Review for drive-through window service. The Broomfield Comprehensive Plan designation for the subject property is “Mixed-Use Commercial.” The proposed restaurant use is consistent with the land use designation for the property.

The main entrance of the building is oriented to the east toward US 287. Parking is provided to the south and east of the building. The drive-through service begins on the northeast side of the building and exits at the southwest with the drive-through window on the west side of the building. There are two existing right-in-right-out access drives that will remain, including one from US Highway 287 and one from West Midway Boulevard. The traffic study prepared for the project recommends up to 200 feet of stacking distance or 10 vehicle spaces. The URSP/USR complies with this recommendation (see sheet 2, note 12). The proposal exceeds the minimum of 15 parking spaces required by Code with 31 spaces including two handicap accessible stalls.

The proposed landscape plan shows a combination of existing landscaping along the adjacent streets and new on-site landscape enhancements to minimize the view to onsite parking. Collectively, landscaping, sidewalks and an outdoor patio will comprise 49% of the site which exceeds the minimum 25% private open area requirement for commercial uses. The proposed architecture depicts varied roof lines, materials, colors and textures in primarily dark gray (charcoal) colors. There are store-front windows shown on the east and south facing elevations which have prominent visibility from adjacent roadways. Trash and recycling receptacles are planned at the southwest corner of the site and will be screened within an enclosure. The gas and electrical panels are planned on the north and west elevations near the northwest corner of the building. These will be painted to match the building and will not be visible from public streets or walkways. Any roof-mounted mechanical equipment will be screened behind the parapet wall.

The proposed wall-mounted signage complies with the Broomfield Municipal Code. The proposal includes a request for a sign variance for three ground-mounted directional signs to allow illumination and a business logo. The directional signs are proposed to direct traffic through the drive-through. The signs are less than four feet in height and four square feet in sign area each. There are two existing monument signs along the property frontage: one on West Midway Boulevard and the second on US Highway 287. These signs were previously approved as variances in a 2003 right-of-way (ROW) acquisition agreement between Broomfield and the owner. They will both remain, however, the West Midway sign will require consideration of a revocable permit agreement by City Council which will accompany the URSP/USR application.

There are no key issues identified for this proposal.

Alisha Rimmer, Confluent Development, and Mike Rosha, Traffic Engineer, representatives of the applicant, were present to answer questions from the Commission.

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

Commissioner's comments and questions were:

- Concerned about access and circulation of the site;
- Concerned about the line of site for those coming from the west, on Midway Boulevard;
- Screening of vehicle lights from the road;
- Concerned that headlights;
- Thank you for using the existing shrubs and trees and providing bike racks;
- Trash receptacle location; and
- Signage.

The applicant responded to some of the Commissioner's comments:

- The existing access points will remain.
- There is a thirty-five foot drive aisle.
- The drive-through accommodates ten vehicles to stack, which meets ITE standards.
- There are thirty-one parking spaces.
- There is room for approximately three to four vehicles to stack after they have received their product in the drive-through lane.
- The access off of Midway Boulevard is right-in, right-out movement and there is sufficient site visibility for the person turning right.
- There is existing landscaping to screen car headlights onto the road which includes trees and higher shrubs. The grading of the lot provides that the road is higher than the site itself, in relation to Highway 287.
- The intent is to reface the existing signs.

Chairman Silvers closed the public hearing at 7:37 p.m.

PZ Resolution 2016-14 was read by title.

Commissioner Milender moved for approval of PZ Resolution 2016-14, a Resolution Recommending Approval of an Urban Renewal Site Plan with a Use By Special Review for Drive-through Service (Starbucks) located at 525 US Highway 287, Atlas Industrial Park Replat, Lot 2, Block 2, without conditions.

Commissioner Barkman seconded the motion.

The motion was adopted by unanimous vote (7-0) of the Commission.

<p><b>Public Hearing – PZ Resolution No. 2016-15</b> <b>Planned Unit Development Plan and Preliminary Plat Fifth Amendment for Palisade Park and Final Plat for Palisade Park Filing No. 4</b> <b>Owner/Applicant: UF Kevamra 725, LLC</b> <b>Property Location: Northeast corner of Lowell Lane alignment and Huron Street</b> <b>Planner: Anna Bertanzetti</b></p>
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Chairman Silvers opened the public hearing at 7:39 p.m.

Principal Planner Anna Bertanzetti summarized the staff memorandum and asked that the staff report (with two corrections listed below) be made part of the record. The applicant is requesting a PUD plan and preliminary plat amendment and final plat. The existing Palisade Park PUD Plan is located west of Huron Street and northwest of State Highway 7. The applicant wishes to expand that PUD Plan to this property. The uses would be very similar to what is already in existence for the Palisade Park PUD. The uses would be single family (attached and detached), office, light industrial, commercial, retail, and restaurant uses. The property is approximately 135 acres. The final plat is requested to dedicate streets and easements (Huron Street, Lowell Lane and County Road 4). The applicant creates a frame work for future development, the Commission will in the future review final plats and site development plans that shows building, landscaping and future uses. The proposed PUD Plan includes a number of variances, which include reductions in setbacks, lot area and lot widths. Many of these are used in the current development of Palisade Park development and is successful for them.

A correction to the staff memorandum (page 16, listed under the key issues) should be noted as the applicant has addressed the setbacks to the alley tracts, currently a five foot setback which staff believes is appropriate for a garage from an alley. Also all references relating to the applicant should read UF Kevamra 725, LLC.

Garrett Baum and Bill Branyan, representatives of the applicant, were present to answer questions from the Commission. They spoke of the success of the current Palisade Park properties and wish to 'annex' this property into the Palisade Park PUD. He spoke of the original PUD and the land uses. With the proposed PUD, Huron Street is proposed to be a four lane minor arterial. The proposal for the property is approximately one million square feet of commercial on the east side of Huron Street, forty-one acres of attached and detached single family residences. The product types that have been very successful in Palisade Park have required a number of variances in order to construct. The tables on pages 4 and 5 of the PUD identify the different type of residential products. Public land dedication for the project will be met by parks within the residential neighborhood and the ten acre neighborhood park on the east side of Huron Street. The proposed design standards are unique to Palisade Park and comply with the North Broomfield residential design guidelines.

Public comment was requested.

Herbert Reo, 3398 Weld County Road 4, expressed concern of the impacts on the neighborhood and County Road 4 by people moving into the area. He expressed concern about the downgrading of the standards of Broomfield's housing. He asked about the time frame for the development.

Virginia Sierre, 3411 Johnson Lane, does not want Johnson Lane to become a through street.

Representatives of the applicant responded to some of the questions/concerns of the public and the Commissioners:

- The homes will be a little higher priced than those in the current Palisade Park PUD.
- Unfortunately we cannot control the time lines of other development.
- It is our intent to move dirt this summer with the infrastructure starting this summer. The homes would be completed and moved into in late 2017.
- A light should be installed at Huron Street and State Highway 7 within the next few weeks.
- The intent is to not have any roads connecting into Ranch Egg Estates, and are proposing only an emergency access road.

Anna Bertanzetti, Principal Planner, said that connectivity of roads is a big concern and there is no guarantee that only emergency access west into Weld County would be able to remain. This is something that is being reviewed and there is no guarantee that it would remain as an emergency access. Ms. Bertanzetti said that Johnson Lane has never been brought up as a needed point of connection. Lowell Lane is definitely not a through street.

Commissioner's comments and questions were:

- Target for the house product proposed;
- Smaller lot sizes come with smaller setbacks;
- Understand the variety of product needed;
- Concerned about the setbacks;
- RTD sites must have wheelchair accessibility and connections to the sidewalk;
- Accommodation of students;
- Problem with a variance upon a variance;
- Need to size the lots properly for the homes and we won't need the variance;
- Believe that people do not recognize a five foot setbacks until after they move into their home.
- Twelve and a half feet is a comfortable side yard setback, considering variances, such as bay windows;
- Error on Sheet 3 on the diversity matrix, as 5.1.5 is not described;
- Difference between conventional commercial and commercial (note 3 on project intent);
- Chart on page 2 of the plan may have incorrect information;
- Timeline of the project;
- When was Chapter 17 of the municipal code last updated;
- Missing the walkability to shopping and restaurants; and
- Concerned about the comment 'driven by the market' and really what may be driving the market is what we are bringing to the market.

Representatives of the applicant responded to some of the questions/concerns of the Commissioners:

- The demographic will be similar to those purchasing in the current Palisade Park and those individuals are 'millennials'. There will also be an attached product which will be a more affordable home product and may be similar to those being built in Arista. We expect products to have a front porch.
- We will look at our marketing results and will ask the current residents what they like and what they don't like.
- The site does not currently have any RTD access. We will continue a dialogue to have RTD service.
- Broomfield's code is an old code. Broomfield current code does not allow for neighborhoods like Stapleton. Because of the product we are asked to build for people who wish to live in Broomfield, we must ask for variances. We would prefer to never ask for variances but to get the product people wish, we have to ask for the variances.
- People enjoy differences but there is a significant market that likes the idea of an attached product or a Wash Park.
- The rear yard setback would be four foot six inches if the property has access from the alley.
- The builder has not been selected and therefore we do not have a decision on the percentage of the different products.
- The applicant will review and clean up the diversity matrix.
- The terms of this PUD (725 PUD which was never recorded) supersedes everything in that prior 725 PUD.
- The expected timing is the water, the sewer, roads, sidewalks, curb and gutter, the first phase of residential, and the smaller parks will be constructed first. The timing of the ten acre park will be discussed with staff.
- We are coming through with some retail in Palisade Park (shops and restaurants).

Anna Bertanzetti, Principal Planner, said the St. Vrain School District had already anticipated there would be some students in the area. A school site has been identified in the Highlands area and has been dedicated to Broomfield. The City holds that property until the school district is ready to build. The need identified was for students K-8.

Ms. Bertanzetti also said the non-alley loaded homes are called their village home, and they have a fifteen foot minimum setback. The paired homes have a five foot setback to the alley. There is a need to have a five foot apron on the alley products.

The I-25 Sub Area Plan discusses setbacks for different types of development areas, and one is conventional commercial. On page 13 of the staff memo there is a comparison between the proposed development in the proposed PUD and the I-25 Sub Area Plan. These are not variances because they are not from the municipal code; they are from the design guidelines of the I-25 Sub Area Plan. The I-25 Sub Area Plan does have reduced setbacks for traditional commercial development.

Chairman Silvers said that in the Comprehensive Plan Update, the committee is trying to minimize all those different types of classifications.

Principal Planner Anna Bertanzetti said that Chapter 17 of the Municipal Code was last updated in 1997.

The public hearing was closed 8:40 p.m.

Commissioner Maresca moved for approval of PZ 2016-15, A Resolution Recommending Approval of Palisade Park Planned Unit Development Plan and Preliminary Plat Fifth Amendment and Palisade Park Filing No. 4 Final plat without conditions.

Commissioner Lind seconded the motion.

Discussion of the motion was called for.

The following votes were cast on the motion:

Those voting Yes: Barkman, Lind, Lemmon, Maresca, Milender, and Silvers  
Those voting No: Hastings  
The motion passed.

### **Special Report**

The next meeting of the Planning and Zoning Commission will be April 25, 2016.

### **Adjournment – 8:49 p.m.**

### **Approval**

Minutes Prepared by:

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Diana Kjelskus, Recording Secretary

Approved by:

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Chairman