



PLANNING AND ZONING COMMISSION

**Minutes
July 11, 2011**

Meeting Summary

The Planning and Zoning Commission adopted PZ Resolution 2011-12, a Resolution Recommending Approval of a variance request for 14763 Snowcrest Drive, Lot 1 of Block 15, Wildgrass Filing No. 1, to allow a reduction to the rear yard setback from 25 feet to 10 feet for construction of a pergola with the following findings: 1) Open lands are located behind the lot and no one may build behind this house; 2) The patio is located on the west side of the lot. The pergola would allow greater use of the patio given the heat associated with the afternoon and evening sun; 3) The home is on a corner lot and the adjacent neighbor and the Home Owners Association have approved of the request. One condition of approval was the pergola could not be enclosed. PZ 2011-12 was approved by unanimous vote (7-0-0).

The Planning and Zoning Commission adopted PZ Resolution 2011-13, a Resolution Recommending Approval of Murphy Oil Urban Renewal Site Plan for A & B Subdivision – Replat B, Lot 4, located at 4620 West 121st Avenue with the following conditions: 1) Truck circulation drawing be attached to the plans; 2) Continue to work with staff relating to the possible addition of a subsurface tank to address possible spills; 3) Address the minor technical issues (i.e. note on page 1 of the Urban Renewal Plan), and 4) Add to the plans the location of the vent stacks. PZ 2011-13 was approved by unanimous vote (7-0-0).

Roll Call – 7:00 P.M.

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

Commission Members Present: Gifford Aune
 Charles Hastings
 David Jurcak
 Roger Kelley
 Archie Lind
 Karen Nelson
 Phil Russell
 Tom Silvers

Commission Members Absent: None

Staff Members Present: Dave Shinneman, Planning Director
 Tami Yellico, Deputy City & County Attorney
 Lynn Merwin, Principal Planner
 Alice Hanson, Senior Planner

Chairman Tom Silvers stated there was a quorum present.

Petitions and Communications - None

Disposition of Minutes

The minutes of the regular Planning and Zoning Commission meeting of June 27, 2011, were approved as printed.

Public Hearing – PZ Resolution 2011-12
Variance Request to allow a pergola to encroach up to 15 feet into the rear yard setback requirement of 25 feet as set forth in the Wildgrass Filing No. 1 Site Development Plan
Location: 14763 Snowcrest Drive, Lot 1 of Block 15, Wildgrass Filing No. 1
Applicant: Daniel Eberhart
Planner: Lynn Merwin

Chairman Silvers opened the public hearing at 7:03 p.m.

Lynn Merwin, Principal Planner, summarized the staff report and requested the staff report and associated attachments be entered into the record. Daniel Eberhart, as property owner and applicant is seeking variance approval for a proposed rear yard pergola to be constructed at his property located at 14763 Snowcrest Drive in the Wildgass subdivision. The property is zoned PUD for planned unit development and is governed by the 144th Avenue and Sheridan PUD and Preliminary Plat and the Wildgrass Filing No. 1 Site Development Plan. Public notice requirements, including advertising, mailed notices to properties within 500 feet and posting of the property, have been met for this hearing.

The applicant is requesting approval to add a pergola over a portion of an existing patio to provide relief from the sun and heat associated with the west facing exposure. The proposed pergola would be attached to the home and supported by columns intended to complement the architectural character of the home. The pergola is considered to be part of the primary building structure and therefore the primary building setback requirement of 25 feet applies. .

The proposed pergola would: 1) cover approximately sixty percent of an existing concrete patio on the north side of the patio; 2) be setback a minimum of ten feet from the rear property line (resulting in a maximum fifteen foot variance into the required twenty-five foot rear yard setback; and 3) be compatible with the existing architecture of the home. The property is a corner lot and backs to open lands. A letter of approval is provided from the Wildgrass homeowners association (Attachment 2) and a letter of no objection from the sole abutting property owner to the south (Attachment 3). The criteria for consideration of a request for a variance is found in the Broomfield Municipal Code (BMC), Section 2-40-070. The authority to authorize variances is based on the following: 1) There are peculiar and exception practical difficulties to, or undue hardship upon, the owner of such property. 2) Relief of the hardship will not cause substantial detriment to the neighborhood or the public good (or impair the intent and purposed of title 17, BMC). The approved setbacks require a twenty-five foot setback for the pergola, similar to the home. Since the home is setback at 30.5 feet from the rear lot line, the pergola could be a maximum of 5.5 feet off the rear of the home over the existing patio. A pergola of this size would provide limited practical relief from the sun and heat in the rear yard. The rear patio area is located on the west side of the house. Afternoon and evening sun plus the heat reflecting of the unshaded concrete, renders the patio too hot for use and enjoyment during these periods.

The applicant submitted the following in support of the variance request. The proposed location of the pergola is requested to allow the homeowner's further enjoyment of the rear yard patio. Full use of the patio is currently impacted by heat and sun from the western exposure. The rear yard backs to public open lands, the north side lot is adjacent to the street and the sole adjacent homeowner to the south has signed a statement of no objection. The pergola has been designed by a professional engineer and will be constructed by a licensed contract. The applicant asserts the pergola will add architectural significance to the rear of the home thus increasing the home's value and the value of the neighborhood. Wildgrass Homeowners Association approved the proposed pergola. The variance does not authorize any use other than the use permitted in the zoning district.

Following the hearing, the Commission will need to incorporate reasons (findings of fact) into the resolution of approval or denial.

Dan Eberhart, 14763 Snowcrest Drive, the applicant was present and reiterated the comments he had made in the application, specifically the pergola would allow them to have greater enjoyment of the patio and the views from his property. Approval of the pergola will not extend beyond the present patio. .

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

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

Public hearing was closed at 7:10 p.m.

RESOLUTION PZ 2011-12 WAS READ BY TITLE

Commissioner Nelson moved to approve PZ Resolution 2011-12, A Resolution Approving a variance request for 14763 Snowcrest Drive, Lot 1 of Block 15, Wildgrass Filing No. 1, to allow a reduction to the rear yard setback from 25 feet to 10 feet for construction of a pergola.

Commissioner Lind seconded the motion.

Discussion of the motion was called for.

Planning Director Dave Shinneman stated that since the Commission's decision is final, findings must be added to the motion. Mr. Shinneman recommended the following findings: 1) Open lands are located behind the lot and no one may build behind this house; 2) The patio is located on the west side of the lot. The pergola would allow greater use of the patio given the heat associated with the afternoon and evening sun; 3) The home is on a corner lot and the adjacent neighbor and the Home Owners Association have approved of the request. This variance would not allow the patio be to enclosed.

Commissioner Nelson and Commissioner Lind accepted Planning Director Shinneman's recommended findings and the one condition of approval (pergola cannot be enclosed).

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

Public Hearing -- PZ Resolution 2011-13
Urban Renewal Site Plan for Murphy Oil Fuel Station (A & B Subdivision, Replat B, Lot 4)
Property Location: Northwest corner of West 120 th Avenue and Vrain Street, 4620 West 121 st Avenue
Applicant: Murphy Oil, USA
Planner: Alice Hanson

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

Senior Planner Alice Hanson summarized the staff report and asked the staff report and attachments be made part of the record. The applicant requests approval of an Urban Renewal Site Plan for a 1,200 square foot convenience store and ten fuel dispenses covered by a 6,379 square foot canopy. Public notice requirements have been met for this hearing. The site is zoned I-2 and is located within the Broomfield 120th Avenue Gateway Corridor Urban Renewal Area. The Walmart Supercenter Urban Renewal Site Plan (URSP) includes Lot 4 and allows a free standing gas station as a permitted use.

At the Concept Review meeting concerns were raised regarding the number of signs, the canopy, wrapping the canopy columns with the stone used on the building and reducing the number of perimeter kiosks. The applicant has addressed these concerns in this plan. There are only two permanent kiosks (air and vacuum unit and propane exchange). The canopy columns have been wrapped in stone and design details have been added to the canopy. Access for the site was established with the plan for the Jack in the Box located west of the site. There is a shared access drive between Murphy Oil and Jack in the Box. The intersection with West 121st Avenue will be a full movement intersection. Vehicles will be able to access fuel pumps from either direction. Parking is provided on the east side of the building and the proposed eight parking spaces meets the Broomfield Municipal Code requirement for a gas station. The area fronting on West 120th Avenue is bordered by a knee wall and plant materials that create a hedge border as required by the Sub-Area plan. All utilities are screened, except for the electric meter which will be painted to match the building. Approximately thirty-eight percent of the lot will be landscaped which exceeds the Sub-Area Plan requirement of 25%. The applicant has reduced the number of signs proposed for the site from seven to five based on comments made at the Concept Review. All five signs will be wall mounted signs. The two "Murphy USA" signs will be approximately twenty-five square feet and mounted above the store building in the center of the canopy. Three signs indicating the fuel price will each be approximately twenty-nine square feet and are to be mounted on the west, north and east corners of the canopy structure. The permitted sign area for this site is very limited due to the small size of the building and the Code requirement basing the area calculation on lineal building frontage, therefore, the applicant is requesting a variance to the permitted sign area to increase the sign area from 67.5 square feet to 137 square feet. No outstanding key issues were identified by staff for the proposed Urban Renewal Site Plan.

Carl Schmidtlein, Galloway & Company, and Tom Bentley, and Bassam Ziaca, Murphy Oil, USA, were present to address the Commission. They thanked staff for their work on the project and stated they concurred with the staff presentation. Murphy Oil has addressed most of the issues addressed at the Concept Review meeting. They have reduced the amount of signage requested from 359 square feet to 137 square feet. They are no longer requesting a monument sign. Architectural detailing has been addressed with rock veneer, wainscot treatment, matching of the materials on the Walmart and the reduction of kiosks on the plan. Water quality will be assured by a SNOUT device prior to draining into the storm sewer channel on the south side of the property. There will be a regular maintenance schedule for their equipment to eliminate pollutants and odors.

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

Commissioner's comments and questions were:

- thank you for listening and responding to the comments at Concept Review;
- the reduction of the number of kiosks is appreciated;
- the wrapping of the canopy columns is appreciated;
- need to review Note 2 on sheet 1 of 9 for accuracy and revision of the language;
- height of the stone on the trash enclosure;
- circulation for a tanker truck appears tight;
- containment of a spill, either partial or if the tank ruptures;
- location of vent stacks;
- protection of storm drain in the case of a spill; and
- questioned the need for another fuel station as this is the third one within a half mile.

Representatives of the applicant and staff members responded to some of the Commissioner's comments:

- The height of the stone on the trash enclosure matches the stone height on the convenience store. The height of the stone on the convenience store is driven by the windows and comes up only to the windows. Split face CMU block is used above the stone on the trash enclosure and the building.

- The applicant will review the notes on plan and make the necessary changes to Note 2 on Sheet 1 of 9.
- Tanker trucks generally 'drop' on the passenger side of the truck and find the circulation to be best with the truck entering from West 121st Street and proceeding clockwise. The storage tanks are on the southeast side of the convenience store.
- Murphy Oil exceeds the federal, state and county regulatory standards for training and regulatory measures in design in case of a spill.
- Vent stacks are located in the landscaping and placement of the vent stack will be shown on the plans prior to going to Council.

Bassam Ziada, project manager for the Murphy, said the company could look at providing a 500 to 1000 gallon tank for containment should there be a spill.

Public hearing was closed at 7:46 p.m.

RESOLUTION PZ 2011-13 WAS READ BY TITLE

Commissioner Jurcak moved to approve PZ Resolution 2011-13, a Resolution Recommending Approval of Murphy Oil Urban Renewal Site Plan for A & B Subdivision Replat B, Lot 4, located at 4620 West 121st Avenue without conditions.

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

1. Truck circulation drawing be attached to the plans;
2. Continue to work with staff relating to the possible addition of a subsurface tank to address possible spills; and
3. Address the minor technical issues (i.e. note on page 1 of the Urban Renewal Plan).

Commissioner Jurcak accepted Commissioner Kelley's friendly amendments.

Discussion of the motion was called for:

- Subsurface tank to address surface or subsurface spill; and
- Variance for the signage is approved through the resolution as part of the proposed plan and does not required an additional condition.

Commissioner Nelson offered the following friendly amendment:

4. Add to the plans the location of the vent stack.

Commissioner Jurcak and Kelley accepted the friendly amendment.

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

Special Report --

Planning Director Dave Shinneman reviewed the upcoming meeting schedule that was distributed during the study session. There is a Concept Review on July 19. The next Planning and Zoning Commission meeting will be August 8, 2011.

Adjournment – 7:53 p.m.

The meeting was adjourned at 7:53 p.m.

Approval

Minutes Prepared by:

Diana K. Tangsrud, Recording Secretary

Approved by:

Chairman