



PLANNING AND ZONING COMMISSION

**Minutes
August 8, 2011**

Meeting Summary

The Planning and Zoning Commission adopted PZ Resolution 2011-14, a Resolution recommending approval of a Use By Special Review for EnCana Oil & Gas (USA), Inc. to drill and complete three oil and gas wells (Bury Crandell 6-0-23, 8-2-23 and 31-23) approximately located at the southwest corner of County Road 8 and 11, without conditions. The motion was approved by unanimous vote (7-0-0).

The Planning and Zoning Commission adopted PZ Resolution 2011-15, a Resolution recommending approval of Pinnacle North Filing No. 1 Planned Unit Development Plan and Site Development Plan Text Amendments for Carapace Homes, LLC requesting a reduction of side yard setbacks and rear yard setbacks for five residential lots approximately located east of Lowell Boulevard at Misty Street with the following conditions: 1) The requested variance for the east side of Lot 7, Block 1, is not approved. All other variances for reduced setbacks are approved. PZ 2011-15 was approved by unanimous vote (7-0-0).

Roll Call – 7:00 P.M.

Vice Chairman Archie Lind 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

Commission Members Absent: Tom Silvers

Staff Members Present: Dave Shinneman, Planning Director
 Tami Yellico, Deputy City & County Attorney
 Anna Bertanzetti, Principal Planner
 Michael Sutherland, Senior Planner

Vice Chairman Archie Lind stated there was a quorum present.

Petitions and Communications - None

Disposition of Minutes

The minutes of the regular Planning and Zoning Commission meeting of July 11, 2011, were approved as printed.

**PUBLIC HEARING – PZ Resolution 2011-14
Use By Special Review for EnCana Oil & Gas (USA), Inc. for the existing Bury Crandell Well to drill and complete three additional oil and gas wells (Bury Crandell 6-0-23, 8-2-23, and 31-23) approximately located at the southwest corner of County Road 8 and 11
Applicant: EnCana Oil & Gas (USA), Inc.
Planner: Michael Sutherland**

Vice Chairman Archie Lind opened the public hearing at 7:02 p.m.

Senior Planner Michael Sutherland summarized the staff report and requested the staff report and attachments be entered into the record. The application is for a use by special review to approve three new oil and gas wells on a 380 acre property at the southwest corner of County Road 11 and County Road 8. There is an existing well on the site named Bury Crandell C Unit #1 and Council approved four additional wells on June 8, 2010. The three proposed wells will complete the current drilling capacity on this quarter section under current Colorado Law. The proposed wells are named Bury Crandell 6-0-23, 8-2-23, and 31-23. All three proposed wells meet the Municipal Code requirements for setbacks, noise, visual mitigation, environmental mitigation and wildlife mitigation. Staff identified no key issues associated with this application.

Jennifer Lind, representative of EnCana Oil and Gas (USA), Inc., was present to answer questions from the Commission.

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

Commissioner's comments and questions were:

- Time line for drilling of the well;
- Visual mitigation should someone build a house prior to the drilling of the wells; and
- Directional drilling is much better than the previously use method where wells are drilled throughout the area.

Michael Sutherland stated the applicant has three years to drill and complete these wells. Ms. Lind stated it is EnCana's intent to drill these wells in January or February, 2012.

Public hearing was closed at 7:08 p.m.

RESOLUTION PZ 2011-14 WAS READ BY TITLE

Commissioner Kelley moved to approve PZ Resolution 2011-14, A Resolution recommending approval of a Use By Special Review for EnCana Oil & Gas (USA), Inc. to drill and complete three oil and gas wells (Bury Crandell 6-0-23, 8-2-23 and 31-23) approximately located at the southwest corner of County Road 8 and 11, without conditions.

Commissioner Jurcak seconded the motion.

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

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

**Public Hearing – PZ Resolution 2011-15
Planned Unit Development and Site Development Plan Text Amendment for Carapace Homes, LLC (Pinnacle North Filing No. 1) requesting a reduction of side yard setbacks to accommodate home plans with options for three car garages and a reduction of rear yard setbacks to accommodate a one story home
Applicant: Carapace Homes, LLC**

Vice Chairman Archie Lind opened the public hearing at 7:11 p.m.

Principal Planner Anna Bertanzetti summarized the staff report and asked the staff report and attachments be made part of the record. The applicant requests to amend the Pinnacle North Planned Unit Development Plan and Preliminary Plat and the Site Development Plan to reduce setbacks for five of ten undeveloped lots. Pinnacle North subdivision is located east of Lowell Boulevard at Misty Street. In April of 2011, the applicant was granted administrative approval of six new house plans for the subdivision. Of the six house plans, four fit on all lots if built with two car garages. The remaining two models can fit on selected lots if built with a two car garage. The applicant proposed to reduce rear yard setback from 25 feet to 15 feet for five lots to accommodate a larger home. A reduction in the side yard setbacks from ten feet to five feet for homes with a maximum height of 28 feet or less would allow the builder to provide a third car garage option. Side yard setback remains unchanged for side yards adjacent to existing residential homes. The existing setbacks are consistent with the Uniform Subdivision Standards for Residential Site Development Plans of the Broomfield Municipal Code. The applicant is requesting a variance through the text amendments to allow the reductions. Staff identified no key issues.

Kevin Smith and John Kock, representatives of Carapace Homes, were present to answer questions from the commission.

Public comment was requested. Richard Barton, 13217 Misty Street, said that he had spoken with most of the neighbors in the area and they are in agreement with this proposal. He said the neighborhood would prefer to have larger homes as they would help maintain the current property values.

Commissioner's comments and questions were:

- Square footage of the homes
- Would a model be built;
- Setbacks in Westlake;
- Concerns about the minimum setbacks;
- One e-mail supporting the proposal;
- The builder has already purchased five of the vacant lots;
- The builder is only requesting a variance on five of the vacant lots;

Representatives of the applicant responded to some of the commissioner's comments:

- The proposed homes are 1,500 to 2,200 square feet.
- The builder prefers to build the largest homes, they would also like to build a model but that depends on the market.
- Market studies show buyers like to have a three car garage.
- They are excited to be building in Broomfield.
- The applicant has purchased five of the undeveloped lots and may purchase the remaining five lots if the proposed amendments are approved.
- The reduced setbacks would allow the applicant to provide potential buyers with the third car garage option on these lots and allow a larger ranch style home to be constructed on the lots.

- Price range of similar homes being built in Commerce City are \$275,000 to \$350,000.
- They have the financing lined up to purchase the five lots should the text amendments be approved.

Anna Bertanzetti, Principal Planner, said the minimum rear yard setbacks are 10-15 feet and the side yard setback is five feet in the Trails at Westlake..

Public hearing was closed at 7:37 p.m.

RESOLUTION PZ 2011-15 WAS READ BY TITLE

Commissioner Jurcak moved to approved PZ 2011-15, a Resolution recommended approval of Pinnacle North Filing No. 1 Planned Unit Development Plan and Site Development Plan Text Amendments for Carapace Homes, LLC requesting a reduction of side yard setbacks and rear yard setbacks for five residential lots approximately located east of Lowell Boulevard at Misty Street with no conditions.

Commissioner Russell seconded the motion.

Commissioner Hastings offered the following friendly amendment:

1. The requested variance for the east side of Lot 7, Block 1 is not approved. All other variances for reduced setbacks are approved.

Discussion of the motion took place. Deputy City Attorney Tami Yellico said the Commission could eliminate the setback on the one lot (Block 1, Lot 7) but otherwise approve all variances requested.

Commissioners Jurcak and Russell accepted the 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. The next scheduled meeting is a Concept Review meeting on August 16. The next Planning and Zoning Commission meeting will be August 22, 2011.

Adjournment – 7:43 p.m.

The meeting was adjourned at 7:43 p.m.

Approval

Minutes Prepared by:

Diana K. Tangsrud, Recording Secretary

Approved by:

Chairman