City and County of Broomfield, Colorado

PLANNING AND ZONING COMMISSION AGENDA MEMORANDUM

To: Planning and Zoning Commission
From: John Hilgers, Planning Director
Lynn Merwin, Principal Planner

Meeting Date	***Agenda Category***	***Agenda Item #***
March 28, 2016	Business	4.a.

Agenda Title:

1. **Public Hearing on Proposed Broomfield Plaza Urban Renewal Site Plan Regarding New Signs**
   Property Location: Northeast of West 120th Avenue and Sheridan Boulevard (5505 West 120th Avenue)
   Applicant/Owner: Jax Broomfield Property, LLC
2. **Consideration of Proposed Resolution No. PZ-2016-11, Regarding the Application**

Summary

- The applicant is requesting consideration of an urban renewal site plan (URSP) for new wall signs at an existing property located at 5505 West 120th Avenue, east of Sheridan Boulevard. The property was vacated by Kmart in 2012 and was recently acquired by Jax Mercantile, Co, an outdoor gear, ranch and home retailer. Jax is expected to take full occupancy of the building and open to the public later this spring.
- The Broomfield Plaza subdivision is divided into two parcels with the subject property on the south now owned by Jax and the rest of the shopping center owned by Broomfield Associates LP UND 50% et al. The gas station at the corner of Sheridan Boulevard and West 120th Avenue is not a part of the Broomfield Plaza subdivision or shopping center.
- The proposed URSP for new signs pertains solely to the property owned by Jax. An administrative modification was approved for the property on March 8, 2015 for minor site improvements including enhancements to the south and west building facades and including a minor (30 square foot) increase in total permitted sign area. The new signs proposed with this application exceed the number and total sign area permitted by the Broomfield Municipal Code sign regulations for business uses and require approval through an URSP as variances from the sign code. The applicant is requesting approval of sign variances for new signs proposed on the west and south elevations to promote business and product visibility.
- Proposed Resolution No. 2016-11 would approve the URSP.

Prior BURA Action

- The property was annexed into Broomfield on February 14, 1971, with the adoption of Ordinance No. 117.
- BURA approved the Broomfield Plaza URSP Amendment for the northern parcel within the Plaza with the adoption of Resolution No. UR-2005-24 on March 1, 2005.
- The Broomfield Urban Renewal Authority (BURA) approved an URSP Amendment for the northern parcel for banner signs on light poles within the parking lot with the adoption of Resolution No. 2014-149-UR on October 14, 2014.
- City Council approved the West 120th Avenue Corridor Sub-Area Plan by Resolution No. 2004-177 on November 9, 2004.
- City Council approved the Broomfield Plaza-Civic Center Urban Renewal Plan with the adoption of Ordinance No. 1978 on August 13, 2013.
- BURA approved a Cooperation Agreement and a Development and Reimbursement Agreement by Resolution Nos. 2016-20 and 2016-21 UR, respectively, on February 9, 2016.

Financial Considerations

- The proposal is consistent with the Long Range Financial Plan.

Alternatives

Based on the testimony and evidence presented on the record at the public hearing:

- If the proposed application complies with applicable Broomfield Municipal Code (BMC) review standards and is consistent with the intent of the Comprehensive Plan:
  - Approval
- If the proposed application does not comply with applicable BMC review standards or is inconsistent with the intent of the Comprehensive Plan:
  - Remand the case to the Planning and Zoning Commission for additional review and recommendations;
  - Postpone action on the resolution and continue the hearing to a date certain; or
  - Direct the City and County Attorney to draft findings to support denial of the application.

Proposed Actions/Recommendations

- Hold the public hearing.
- Following and subject to the results of the public hearing, the Commission may either:
  - **Adopt Resolution No. PZ 2016-11 recommending approval with or without conditions; or**
  - **Adopt Resolution No. PZ 2016-11 recommending denial.**

I. SUMMARY OF APPLICATION

The property at 5505 West 120th Avenue was vacated by Kmart in 2012 and has remained primarily unoccupied since that time. The property was recently acquired by Jax Mercantile, Co which is an outdoor gear, ranch and home retailer selling outdoor clothing and equipment and a full assortment of hardware and ranch supplies. Jax is expected to take full occupancy of the vacant building in the Broomfield Plaza shopping center and open to the public later this spring.

The proposal is to consider new signs for a portion of the existing Broomfield Plaza shopping center located at the northeast corner of Sheridan Boulevard and West 120th Avenue. The applicant believes the proposed signs will provide an updated image for the center and enhanced business and product visibility.

Property Owner and Applicant

The property owner and applicant is Jax Broomfield Property, LLC.

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Concept Review

A concept review was not required for the proposed signs.

II. ZONING, PROPERTY STATUS, AND PREVIOUSLY APPROVED DEVELOPMENT PLANS FOR THE PROPERTY

Zoning

The property is zoned B-2, General Business District. The site is located within the Broomfield Plaza-Civic Center Urban Renewal Area and is subject to the Broomfield Plaza-Civic Center Urban Renewal Plan approved by City Council by Ordinance 1978 on August 13, 2013.

The uses permitted for the property are the uses permitted under the B-2, General Business, zone district and the West 120th Avenue Gateway Corridor Sub-Area Plan (Sub-Area Plan). The planned retail use is consistent with zoning and the Sub-Area Plan.

Property Status

The property was vacated by Kmart in 2012. Redevelopment of the site has been a City Council priority. In February 2016, the Broomfield Urban Renewal Authority (BURA) approved a Redevelopment and Reimbursement Agreement with JAX and a Cooperation Agreement with the City and County of Broomfield.

Previously Approved Development Plans

Broomfield Plaza includes two parcels. Jax is planned on the south parcel as shown in the map below. The north parcel includes existing in-line retailers and the former Hobby Lobby space.

Broomfield Plaza - Northern Parcel
The Broomfield Urban Renewal Authority (BURA) approved the Broomfield Plaza URSP Amendment for the northern parcel within the Plaza with the adoption of Resolution No. UR-2005-24 on March 1, 2005. BURA subsequently approved an URSP Amendment for the northern parcel for banner signs on light poles (sign variances) within the parking lot with the adoption of Resolution No. 2014-149-UR on October 14, 2014.

Broomfield Plaza - Southern Parcel (Jax Site)
A small portion of the subject site related to a shared monument sign was included in Broomfield Plaza URSP approved by the Broomfield Urban Renewal Authority on March 1, 2005.

An administrative modification was approved for the Jax property on March 8, 2016 to allow the following minor improvements for the new Jax buisiness:

- Minor façade improvements to the west elevation to improve the entries,
- The addition of four new trees along the west side of the building,
- A new metal fence to replace a chain link fence on the south elevation, and
- Up to five wall signs totaling 330 sf of sign area as permitted by the Broomfield Municipal Code (BMC).

Based on these approvals, the applicant is proceding within the preparation of building plans and expects to open to the public later this Spring.

The subject URSP proposes additional signage that is beyond the scope of an administrative approval. The proposed signage is described in greater detail on page 7 and 8.

III. APPLICABLE CITY AND COUNTY OF BROOMFIELD PLANS

<u>Relationship to Comprehensive Plan and Financial Plan</u>

Comprehensive Plan
The planned retail use is consistent with the 2005 Broomfield Comprehensive Plan land use designation of “Commercial/Retail.” The property location is shown in a portion of the Comprehensive Plan map provided on page 5.

Goals and Policies
Elements of the proposed project could help meet the following Comprehensive Plan goals:

- Goal LU-E.5 – Encourage commercial centers to be unique in design and uses and architecture to help reinforce Broomfield's vision and community identity.

- Policy LU-E.7 - Maintain, enhance and expand shopping opportunities in Broomfield.

- Policy ED-A.2 – Retain existing and recruit new retail businesses and developments that contribute positively to Broomfield's financial structure…

- Policy ED-D.6 – Actively recruit appropriate users, new and/or existing, to locate in and revitalize older or underutilized commercial centers.

2016 Council Priorities
Elements of the new business could help further the following 2016 Council Priorities regarding economic development:

- Continue efforts to provide a strong commercial tax base, desirable shopping opportunities and employment opportunities for residents.

- Fill empty big box structures on West 120th Avenue.

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West 120th Avenue Corridor Sub-Area Plan

The property lies within a portion of the West 120th Avenue Corridor Sub-Area Plan. The planned retail use is consistent with the "Commercial/Retail" land use designation for the area. The map provided below shows the portion of the Sub-Area Plan Land Use Plan pertaining to the subject property and surrounding area.

The proposal supports the West 120th Avenue Corridor Sub-Area Plan project goals to improve the visual appearance along the corridor, eliminate blight, enhance land values, and generate higher sales tax revenue.

Financial Plan

The comprehensive plan anticipates commercial uses within the development. The proposal is consistent with the land use assumptions established in the Long Range Financial Plan.

<u>Relationship to Urban Renewal Plan</u>

The property is within the boundaries of the Broomfield Plaza-Civic Center Urban Renewal Plan (adopted in 2013). The Plan requires site plan review and approval by the Broomfield Urban Renewal Authority (BURA) prior to issuing a permit for any new structures or significant exterior modification within the urban renewal area.

The planned use supports the Broomfield Plaza-Civic Center Urban Renewal Plan project goals to eliminate blight and attract capital investment and new retail businesses, retention of, and expansion of, existing businesses.

III. AREA CONTEXT

Property Location

The Broomfield Plaza shopping center is generally located east of Sheridan Boulevard and north of West 120th Avenue (5505 West 120th Avenue). The majority of property along the West 120th Avenue corridor in Broomfield has been developed with commercial and retail uses.

Surrounding Land Uses

	ADJACENT USE/ZONING	COMPREHENSIVE PLAN DESIGNATION
North	Broomfield Plaza Shopping Center/B-2 and URA	Commercial/Retail
South	City of Westminster Commercial	City of Westminster
East	Mini-Storage/PUD	Commercial/Retail
West	Broomfield Plaza Shopping Center and Fuel Station/B-2 and URA	Commercial/Retail

IV. CURRENT APPLICATION – DETAILED DESCRIPTION AND STAFF REVIEW

Project Description

The proposal is for additional signs to support the new Jax retail business.

Background/Base Data

1. PROPERTY OWNER	Jax Broomfield Property, LLC
2. APPLICANT	James Quinlan
3. PROPERTY LOCATION	North and East of Sheridan Boulevard and West 120th Avenue (5505 West 120h Avenue)
4. PROPERTY SIZE	7.6 acres
5. CURRENT ZONING	B-2 and URA
6. PROPOSED ZONING	B-2 and URA
7. CURRENT LAND USE	Commercial/Retail
8. PROPOSED LAND USE	Commercial/Retail
9. COMPREHENSIVE PLAN DESIGNATION	Commercial/Retail

Signs

Existing Approved Signs
The Jax property has received administrative approval for five walls sign totaling 330 sf of sign area. Four of the signs will be located on the longer, west elevation and one sign located on the shorter, south elevation. This signage complies with the BMC business sign regulations.

Proposed Additional Signs (Variances from the BMC)
The applicant is requesting an additional 81 sf of signage to be distributed among 11 additional wall signs. The intent is to place eight of the additional signs on the west elevation and three of the additional signs on the south elevation. The new signs include two types:

- One "Jax" business identification sign totaling 140 sf in sign area as depicted in the following image at the primary entrance on the west elevation. This sign requires a variance because it exceeds the maximum 100 sf allowable sign area of a given sign for the west elevation.

West Elevation – Primary Entrance

- Seven, smaller "product" signs, each ranging in size from 8 to 16 sf in sign area as depicted on a portion of the west elevation, to the left of the main entrance. These signs are intended to identify products or brands sold within the Jax business (i.e., Patagonia, North Face, Columbia). Products are customarily displayed in store-front windows of many retail businesses. These signs are proposed in lieu of storefront windows featuring product placement. These signs require variances because they exceed the maximum number of allowable signs for the business (five walls signs total).

West Elevation – North (Left) of Primary Entrance

The following table summarizes: (1) the existing approved signage as allowed by the BMC, (2) the additional proposed signs requested as a variance from the BMC sign code regulations, and (3) the total signage for both categories.

Wall Signs	Existing Approved Signage (Per BMC)	Proposed Sign Variances	Total Signage (Approved and Proposed Variances)
West Elevation	Up to 4 wall signs	Up to 8 additional signs*	Up to 12 signs
South Elevation	Up to 1 wall sign	Up to 3 additional signs	Up to 4 signs
Total	5 Wall Signs Not to exceed 330 sf	Up to 11 wall signs Not to exceed 81 sf	Up 16 wall signs Not to exceed 411 sf

*Includes a 140 sf "JAX" business identification sign which exceeds the maximum allowable sign area for a given sign.

Justification

The signs are requested to:

- Improve the business and product visibility due to the lack of storefront windows, and
- Articulate an otherwise blank façade using products signs in a window-like pattern.

The west elevation of the building is 442 feet long and the south elevation is 211 feet long. The typical sign area calculation allows 1.5 sf of sign area for each horizontal linear foot of frontage for up to two sides of the building. The typical calculation would result in 663 sf of sign area on the west elevation and 316 sf of sign area on the south elevation for a hypothetical total of 979 sf of sign area. The BMC caps the maximum allowable sign area to 330 sf for the business unless approved as a variance in the URSP.

V. STAFF REVIEW OF KEY ISSUES

There are no key issues identified for this proposal.

VI. APPLICABLE REVIEW STANDARDS

The Planning and Zoning Commission and the Broomfield Urban Renewal Authority review the application based on the following provisions of the Urban Renewal Site Plan:

BMC 2-40-100 Review of urban renewal site plans.

The commission shall hold a public hearing on URSPs prior to consideration of the plan by BURA. The commission shall make recommendations to BURA as to the conformity of the URSP to applicable urban renewal plans and urban renewal design standards.

Urban Renewal Site Plan Review Standards:

1) The proposal is consistent with any element, purpose, vision and standard of this Plan and, if applicable, the Sub-Area Plan and Design Guidelines and Standards.
2) The proposal identifies and specifies factors that mitigate any potential negative impacts on nearby properties.
3) The proposal identifies and specifies factors that maximize potential positive impacts on nearby properties.
4) The proposal includes adequate facilities for pedestrians, bicyclists and motorists.
5) The proposal optimizes conservation of energy, water, and other resources on a site-specific scale.
6) The land uses within the proposal are compatible with one another.
7) The proposal includes any common areas serving the site, and contains adequate provisions for ownership and maintenance of such areas.
8) The proposal includes adequate public improvements (both on and off site) to be provided in a timely fashion.

PLANNING AND ZONING COMMISSION

RESOLUTION NO. PZ 2016-11
A RESOLUTION RECOMMENDING APPROVAL OF
BROOMFIELD PLAZA URBAN RENEWAL SITE PLAN
REGARDING NEW SIGNS FOR JAX MERCANTILE AT 5505 WEST 120TH AVENUE

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. The Broomfield Planning and Zoning Commission finds that:

1.1 An application for a urban renewal site plan for signs for Jax Mercantile at 5505 West 120th Avenue has been submitted.

1.2 Said application was considered during a public hearing held March 28, 2016.

1.3 Proper notice was given in accordance with chapter 17-52 of the Broomfield Municipal Code.

1.4 Said application is in conformance with the applicable requirements of the Broomfield Municipal Code.

1.5 Said application may include certain variances from the Broomfield Municipal Code provisions.

Section 2. This Resolution constitutes the written report, findings, and recommendation or decision of the Broomfield Planning and Zoning Commission.

Section 3. Recommendation. On the basis of the above, the Broomfield Planning and Zoning Commission recommends approval of the application.

PASSED _____ on March 28, 2016.

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Chairman
Planning and Zoning Commission

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Secretary
Planning and Zoning Commission

PLANNING AND ZONING COMMISSION

RESOLUTION NO. 2016-11

A RESOLUTION RECOMMENDING DENIAL OF
BROOMFIELD PLAZA URBAN RENEWAL SITE PLAN
REGARDING NEW SIGNS FOR JAX MERCANTILE AT 5505 WEST 120TH AVENUE

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. The Broomfield Planning and Zoning Commission finds that:

1.1 An application for a urban renewal site plan for signs for Jax Mercantile at 5505 West 120th Avenue has been submitted.

1.2 Said application was considered during a public hearing held March 28, 2016.

1.3 Proper notice was given in accordance with chapter 17-52 of the Broomfield Municipal Code.

1.4 Said application is not in substantial compliance with the applicable requirements of the Broomfield Municipal Code. The application is deficient for the following reasons:

a.

b.

Section 2. This Resolution constitutes the written report, findings, and recommendation or decision of the Broomfield Planning and Zoning Commission.

Section 3. Recommendation. On the basis of the above, the Broomfield Planning and Zoning Commission recommends denial of the application.

PASSED _____ on March 28, 2016.

_____
Chairman
Planning and Zoning Commission

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Secretary
Planning and Zoning Commission