



PLANNING AND ZONING COMMISSION

***Minutes
January 28, 2013***

Meeting Summary

PZ Resolution 2013-2, a Resolution Approving a Variance Request to increase the allowable height of a fence from six feet to eight feet in the rear yard of 1516 Daphne Street (Ridgeview Heights, Block E, Lot 30) approved the resolution by a 5-2 vote. The findings in support of the variance were as follows: 1. Approval of this variance may be granted without substantial detriment to the neighborhood or to the public good and would not substantially impair the intent or purpose of Title 17, BMC.; 2. The non-conforming fence would help screen the property owners view of parked recreational vehicles on the adjacent property and would create no adverse to visual impact on the surrounding properties; 3. The non-conforming fence is within a ten-foot wide utility easement but does not create an adverse impact on the provision of public services since the property owner is responsible for removing the fence if any utilities need to be repaired or replaced; and 4) The costs associated with removal of the fence would create a hardship on the property owner.

PZ 2013-3, a Resolution Recommending Approval of a Site Development Plan Amendment and a Planned Unit Development Plan Text Amendment and a Replat for Willow Park West Filing No. 1, approximately located at the southeast corner of Sheridan Boulevard and Midway Boulevard, with the following condition: 1) the applicant is to add a symbol legend on the plat per Colorado State Revised statutes; the motion was adopted by unanimous vote (7-0) of the Commission.

PZ 2013-4, a Resolution recommending approval of the Great Western Park Site Development Plan Amendment and two Final Plats approximately located west of Simms Street and West 108th Avenue/Lantana Parkway was approved by unanimous vote (7-0) of the Commission with the following two friendly amendments: 1) A note be added to the plan that shows the commercial properties to clarify a site development plan is required in the future (for the commercial properties) and the grading permitted to take place on the property is not a final and is subject to review and approval through the Site Development Plan review process; and 2) The applicant resolve the technical issues on the Site Development Plan.

The Commission voted unanimously (7-0) to adopt PZ Resolution 2013-5, a Resolution Recommending Approval of a Use By Special Review for Webber H Unit 1 Oil and Gas Wells approximately located north of West 160th Avenue and East of Huron Street with the following condition: 1) The applicant shall revise the use by special review site plan to show setbacks of the proposed wells from nearest right-of-way and setbacks of the tanks from the west property line and to correct the drawings to show all the line work (ensure that the detail on sheet C7 is shown).

PZ Resolution 2013-6, a Resolution recommending approval of a Use By Special Review for Hulstrom G Unit 1 Pad Oil and Gas Wells approximately located south of State Highway 7 and east of Inca Street, was adopted by unanimous vote (7-0) of the Commission with the following conditions: 1) The applicant shall revise the use by special review site plan to show the setbacks of the wells from nearest right-of-way; 2) The applicant shall ensure that the detail on sheet C7 is shown accurately on copies provided to the City Council; and 3) The applicant shall address spill mitigation concerns near the 100 year floodplain.

Roll Call – 7:00 P.M.

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

Commission Members Present: Charles Hastings
Roger Kelley
Archie Lind
Phil Russell
Tom Silvers
Kathryn Turner
Scott Weeks

Commission Members Absent: Jacklynn Gould

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

Petitions and Communications -- None

Community Development Director Dave Shinneman stated for Item 4.c. Public Hearing of Great Western Park, an e mail from Christine LaBerge and a letter from Dave Stemler had been distributed to the Commission.

Disposition of Minutes

The minutes of the regular Planning and Zoning Commission meeting of January 14, 2013, were approved as printed and previously submitted.

PUBLIC HEARING -- PZ RESOLUTION 2013-2

Ridgeview Heights, Block E, Lot 3, Variance request to increase the allowable height of a fence to eight feet instead of the allowed six foot fence for the purpose of constructing a trellis fence to block or shield the view of the motor homes parked up against the fence

Location: 1516 Daphne Court
Applicant: Peter Enzinna
Planner: Michael Sutherland

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

Senior Planner Michael Sutherland summarized the staff report and asked the staff memorandum be submitted into the public record. Peter Enzinna applied for a variance under the provisions of Broomfield Municipal Code Section 2-40-070 to allow an existing non-conforming fence in the rear yard of the property at 1516 Daphne Street. A public hearing is required for the requested variance. The applicant paid all required fees. The notification requirements of Broomfield Municipal Code Section 17-52 have been met for this hearing.

The property is located on the east side of Daphne Street south of Ridgeview Avenue and north of Cedar Court. The property is zoned R-1 Low Density Residential. The maximum fence height in the district is six feet. Mr. Enzinna erected an eight-foot tall section of fence in the rear yard to screen his view of recreational vehicles parked on the Gate N Green property to the east. The fence has a trellis and arbor. The fence is within a ten foot wide utility easement. The fence is close to a two foot tall retaining wall abutting the neighboring property owner's six foot tall fence. The existing fence has not been permitted. If the variance request is approved, Mr. Enzinna would be required to get a building permit for the existing fence.

The applicant, Peter Enzinna, spoke. He said he constructed a screen that is just below the tops of the motor homes as a visual thing on which he can grow some clematis and other flowers.

Public comment was requested.

Jerry Donahue, 13405 Main Street, Vice President of the Board of Gate N Green, spoke. Today the applicant, Mr. Enzinna, approached Gate N Green with a remediation document that is moving in the right direction to resolve this issue outside of the hearing. He said Mr. Enzinna's 'fence' can be seen by many of the neighbors in Gate N Green and they find the structure objectionable. Gate N Green objects to the variance. They are concerned that allowing the fence/arbor would be setting a precedence and if this variance is approved others adjacent property owners may have similar requests. Gate N Green wants Mr. Enzinna to set back his retaining wall which is now in contact with Gate N Green's fence. Mr. Donahue showed a number of pictures showing their fence being pushed out by Mr. Enzinna's retaining wall. Mr. Donahue requested the hearing be continued in order to allow them time to come to a satisfactory agreement between Gate N Green and Mr. Enzinna.

Community Development Director Dave Shinneman said the meeting could be continued if the Planning and Zoning Commission agrees. The Commission may ask Mr. Enzinna if he would agree to the continuance.

Deputy City Attorney Tami Yellico said the applicant should be asked if he is in agreement and the purpose of continuing the hearing would be to allow the applicant and the Gate N Green group to come to a mutual agreement relating to the fence.

Mr. Enzinna said that Gate N Green wants him to agree to fix the retaining wall and then Gate N Green would not object to the fence.

Chairman Silvers said the Commission's action is on the height of the fence.

Mr. Enzinna said he would prefer to proceed with the public hearing this evening and not continue this hearing to another date.

Raymond Jones, 19 Carla Way, Maintenance Director of Gate N Green, said he was just present to observe the hearing.

Dennis Day, 1508 Daphne Street, spoke in support of the trellis as it is a much better view than looking at the recreational vehicles.

Jerry Donahue, 13405 Main Street, said the retaining wall which the fence sits on top of encroaches upon Gate N Green property.

Chairman Silvers said the Commission is not deciding about the encroachment of the retaining wall, they are to consider only the height of the fence.

Commissioner's questions, comments and concerns were:

- Previous screening which existed before the trellis was installed.
- Removing one visual barrier and putting up another visual barrier without getting a permit.
- The Planning Commission is not involved with retaining walls or encroachments.
- What does the Code say about trellis for growing of vines and placement of the trellis?
- If the trellis is inset into the yard, is it a fence?

Mr. Enzinna responded to some of the Commission's concerns:

- The retaining wall existed on the property when he purchased the property in 1987. The retaining wall is eighteen inches on the north side and twelve inches on the south side. The trellis is just an extension on top of the fence.
- Gate N Green put up a new fence five to six years ago.

- Mr. Enzinna removed several very large pine trees that were against the fence as the barrier/screen because they had grown so large. The trees were hanging into the Gate N Green property and Mr. Enzinna believed people objected to the trees against their RVs and felt they could be a hazard.

Jerry Donahue responded to Commissioner Kelley's questions about screening. The first five homes bordering the Gate N Green property all had three to four large Austrian Pine trees (fifty foot in height) as screens and were a far superior privacy barrier and a far superior thing to look at than the current fence. Gate N Green did not have concerns about the branches of trees encroaching over the fence or the needles falling on their property. He said the fence is not very secure. The property has been a recreational vehicle storage area since 1973 and the cedar wood fence was replaced by a poly fence. The fence was moved one foot into the Gate N Green property for maintenance and convenience for the neighbors to take care of their side of the fence.

Community Development Director Dave Shinneman said the code does not address a trellis, in this regard this trellis/structure performs as a screening fence. The intent and purpose of this trellis appears to be a fence. This fence/trellis is forty feet long.

Susan Enzinna, 1516 Daphne Street, said they also planted two trees and some bushes to replace the problematic pine trees.

In response to questions from the Commission, Community Development Director Dave Shinneman referenced the Broomfield Municipal Code, Section 17-32-140 relating to fences, hedges and walls.

The public hearing was closed at 7:41 p.m.

RESOLUTION PZ 2013-2 WAS READ BY TITLE

Commissioner Kelley said that he is recommending approval as the fence does screen between two neighbors and believes there is no benefit to requiring the fence be two feet shorter.

Commissioner Kelley moved for approval of PZ Resolution 2013-2, a Resolution Approving a Variance Request to increase the allowable height of a fence from six feet to eight feet in the rear yard of 1516 Daphne Street (Ridgeview Heights, Block E, Lot 30) as this is only ruling on the height of the fence with the finding in support and the fence would help the applicant and the neighbor to have some screening from each other.

Commissioner Lind seconded the motion.

Community Development Director Dave Shinneman suggested the following findings in support of the variance:

1. Approval of this variance may be granted without substantial detriment to the neighborhood or to the public good and would not substantially impair the intent or purpose of Title 17, BMC.
2. The non-conforming fence would help screen the property owner's view of parked recreational vehicles on the adjacent property and would create no adverse visual impact on the surrounding properties.
3. The non-conforming fence is within a ten-foot wide utility easement but does not create an adverse impact on the provision of public services since the property owner is responsible for removing the fence if any utilities need to be repaired or replaced.
4. The costs associated with removal of the fence would create a hardship on the property owner.

Commissioner Kelley and Lind agreed to add Mr. Shinneman's recommended findings in support.

The following Commission voted as follows:

Those voting Yes: Kelley, Lind, Russell, Silvers and Turner
Those voting No: Hastings and Weeks
The motion passed.

PUBLIC HEARING – PZ RESOLUTION 2013-3

Site Development Plan Amendment and Planned Unit Development Plan Text Amendment to reflect changes in the home style and Replat A for minor lot line adjustments for Willow Park West Filing No. 1

Location: Southeast corner of Sheridan Boulevard and Midway Boulevard
Applicant: Century Communities
Planner: Lynn Merwin

Opened public hearing 7:45 p.m.

Principal Planner Lynn Merwin summarized the staff report and asked that the staff report be submitted into the recording. The application is for a First Amendment to the Planned Unit Development Plan, Site Development Plan and Final Plat for the Willow Park West subdivision located at the southeast corner of West Midway Boulevard and Sheridan Boulevard. The site is zoned PUD and is approved for single family residential development. In January 2011, the seven acre property was approved for thirty-one single family patio homes. The developer at the time intended to develop and market the property with single story homes and ageing-in-place capability geared to the active adult market. The prior builder also intended to incorporate green building standards, low water landscape principles and maintenance free living for a unique active adult market. The prior builder began construction and installed the site infrastructure and utilities needed to serve the subdivision but was unable to construct the homes and complete the development.

The new applicant is Century Communities. They are proposing the first amendment to the prior approved plans to consider modifications to the architecture, certain landscape principles and property maintenance to require homeowner maintenance of the individual lots common in conventional single family developments. The majority of the development remains consistent with the original approval.

Todd Ambury, representative of Century Communities, addressed the Commission. He spoke of the success of other projects which they have built in the metropolitan area. The proposed height of the buildings for this project are within the height requirements of the PUD. The intent of the project is to provide a wide range of house plans. The lot line adjustment is necessary to provide a more uniform lot size.

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

Commissioner's questions, comments and concerns were:

- Thank you for picking the project up;
- Appealing product;
- Price range and square footage of the product;
- Timeline for the project;
- Community fence or a fence on the east side of the property;
- Park area and lack of tot lot;
- Snow stacking;
- Trash collecting;
- Green building or energy star; and
- Mitigation of the noise from Sheridan Boulevard.

Representatives of the applicant responded to some of the questions from the Commission:

- Homes will start in the high \$200,000 and may range up to the high \$300,000.
- No community fence is proposed along Sheridan Boulevard as the absence of the fence will provide for a more open feel to the development. Approved fencing for the individual lots is provided for in the SDP.

- There is a significant amount of landscaping and an open area in the middle of the development intended to be an active open area.
- The landscaping plan is as previously approved.
- The setbacks are as previously approved.
- Square footage of the homes are from approximately 2,058 square feet to 2,140 square feet.
- Trash collection is through the alleys and the trucks back out of the alleyways.
- Snow storage is on the ends of the alleyways.
- Our standard home is already built as an energy efficient home. The current guidelines on green building is a rather vague measurement.

The public hearing was closed at 8:14 p.m.

RESOLUTION PZ 2013-3 WAS READ BY TITLE

Commissioner Turner moved for approval of PZ 2013-3, a Resolution Recommending Approval of a Site Development Plan Amendment, a Planned Unit Development Plan Text Amendment and a Replat for Willow Park West Filing No. 1, approximately located at the southeast corner of Sheridan Boulevard and Midway Boulevard.

Commissioner Lind seconded the motion.

Discussion of the motion was called for.

Commissioner Kelley offered a friendly amendment to the motion:

- 1) To add a symbol legend to the plat per Colorado State Revised statutes.

Commissioner Turner and Lind accepted the friendly amendment.

The motion passed by unanimous vote of the Commission.

PUBLIC HEARING – PZ RESOLUTION 2013-4

Final Plat and Site Development Plan Amendment for Great Western Park Filing No. 4 Replat A and Final Plat for Great Western Park Filing No. 4 Replat C

Location: West of Simms Street at 108th Avenue/Lantana Parkway

Applicant: Taylor Morrison of Colorado

Planner: Anna Bertanzetti

Commissioner Silvers opened the public hearing at 8:17 p.m.

Principal Planner Anna Bertanzetti summarized the staff report and asked that the staff report and attachments be entered into the record. The applicant is requesting approval of two final plats and a site development plan amendment for eighty-six age restricted redistricted lots and an 11,750 square foot clubhouse. In 2009, Council approved the Great Western Park Filing No. 4 Site Development Plan and Final Plat. The site development plan included 432 single family age restricted residential lots, a community center, open lands plan and an area for commercial or condominium or skilled nursing facilities. The proposed site development plan is an amendment to a portion of the Great Western Park Filing No. 4 Site Development Plan. The proposed amendment revised lot widths for lots located north of Lantana Parkway (to be renamed Skyestone Parkway) resulting in a net reduction of four lots. The amendment will also revise landscaping, architecture, clubhouse configuration, and access to the residential area north of Lantana (Skyestone) Parkway. The developer has begun grading of the site.

Ms. Bertanzetti clarified the statement on page 3 of the memorandum, which says the residents are concerned because they believe commercial development was going to occur in the near future. This was not the sole concern of all residents. A letter and an e mail was distributed to the Commission this evening that express residents' concerns about the runoff from the berms because inadequate vegetation has been established on the berm and erosion is occurring. The grading of the commercial sites are not part of this application but staff has discussed the residents concern with the developer. The developer is willing to add a note to the plan to clarify stating those commercial lots are not part of this plan, that a site development plan for those commercial lots will be completed at a later date and the grading that has been done is not final.

The second plat requested for a two lot subdivision related to the clubhouse reconfiguration and to revising the lot line location between the clubhouse and a future residential parcel to the west. The changes to the residential lots will provide more diversity in the neighborhood with a combination of 50 x 100 foot lots and 65 x 100 foot lots. The proposed lots vary in size from 5,096 square feet to 11,034 square feet. The front and side yard setbacks are consistent with previously approved setbacks for Great Western Park Filing No. 4. No additional variances are requested but the applicant has included a list of previously approved variances on the site development plan cover sheet. The setbacks are minimal and are more similar to a detached townhome rather than a typical single-family residential lot since the goal was to minimize private landscape responsibilities for the residents.

The approved Great Western Park Filing No. 4 Site Development Plan included general architectural guidelines as well as elevations for various models to be used through the development. The applicant has requested to modify the proposed architecture for the clubhouse and the residential units but they have remained consistent with the architectural guidelines included in the previously approved site development plan.

The amount of public land dedication is unchanged. The applicant is proposing some modifications to the landscaping within private open lands tracts. Modifications include adding new trail connections to improve connectivity.

Bob Eck, Taylor Morrison, addressed the Commission. Doug Fredrickson, architect for the clubhouse, and Matt Bakke, Matt Goodwin and Brad Lenz were also present. We concur with the staff report. Grading has commenced. The first phase of the project is eighty-six residential, age-restricted homes and the clubhouse.

David Stemler, 11675 West 107th Avenue, requested that the berm be modified so there is no flooding damage to the residential property. The second issue is with the grading that has taken place; the main pad has been elevated. He expressed concern about the height of future buildings since the property has been raised. The berm is in need of vegetation growth upon it.

Christine LaBerge, 11715 West 107th Avenue, expressed concern about the berm height and potential for erosion. There is need for vegetation on the berm. She also said the overall height of the commercial pad needs to be lowered to the previous height.

Principal Planner Anna Bertanzetti said the commercial pad site is not part of this application tonight.

Glen Redundlich, 1185 West 107th Avenue, said proposal for the amendment is an approval of what was proposed. The overall grading, and the height of the commercial pad is over what is stated in the grading pad and was concerned about the tilt of the pad going towards the residential properties.

Principal Planner Anna Bertanzetti said the grading permit has been issued and Taylor Morrison is aware that the permit was issued 'at risk' and should the grading need changes they will be required to regrade the site.

Commissioner's questions, comments and concerns were:

- Avigation easement;
- Noise mitigation;
- Mitigation of runoff to Walnut Creek;
- Like the architecture on the clubhouse;
- Deviations requested were already approved on the original site development plan;
- Symbols on the plat should be enlarged and the date should read 2013; and
- Trailhead parking designation.

Representatives of the applicant (Bob Eck, Matt Bakke) responded to the Commissioner's comments:

- The airport received the referral and had no conflicts with the project. A portion of the property is subject to the avigation easement.
- There is no additional design requirement to mitigate noise, the standard design of the home addresses the noise requirement.
- The residential homes are built with 2 x 6 walls.
- Trailhead parking will be maintained in the general location but may become part of the commercial parking area.
- The price of homes will start in the low to mid \$300,000 and go to high \$400,000.

David Stemler expressed concern again about the drainage, specifically as it related to the commercial areas.

Principal Planner Anna Bertanzetti said the grading was issued by the Engineering Division, we can ask the city engineer to take another look at it if there are concerns.

Bob Eck said Taylor Morris is certainly aware of the drainage concerns of the neighbors and if there is drainage issues they will work with the adjacent neighbors. They are happy to work with the neighbors and are aware the berms need to be revegetated.

The public hearing was closed at 8:47 p.m.

RESOLUTION PZ 2013-4 WAS READ BY TITLE

Commissioner Turner moved for approval of PZ 2013-4, a Resolution recommending approval of the Great Western Park Site Development Plan Amendment and two Final Plats approximately located west of Simms Street and West 108th Avenue/Lantana (Skyestone) Parkway.

Commissioner Hastings seconded the motion.

Commissioner Lind offered the following friendly amendment:

A note be added to the plan that shows the commercial properties to clarify that not only a site development plan is required in the future (for the commercial properties) and the grading permitted to take place on the property is not the final but is subject to review and approval through the Site Development Plan review process.

Commissioner Kelley offered an additional friendly amendment:

The applicant resolve the technical issues on the Site Development Plan.

Commissioners Turner and Hastings accepted the friendly amendments.

The vote was called for, the motion passed by unanimous vote (7-0) of the Commission.

Chairman Silvers called for a recess at 8:50 p.m.

The meeting convened at 8:58 p.m.

PUBLIC HEARING – PZ RESOLUTION 2013-5 Webber H Unit 1 PAD Oil and Gas Wells Use by Special Review

Location: North of W. 160th Avenue and East of Huron Street
Applicant: Sovereign Operating Company, LLC
Planner: Anna Bertanzetti

Chairman Silvers opened the public hearing at 8:58 p.m.

Principal Planner Anna Bertanzetti summarized the staff report and asked that the staff report be entered into the record. The application requests approval of four new oil and gas wells on a 19.4 acre property located north of West 160th Avenue and east of Huron Street. The site is within the North Park PUD Plan. There is an existing wellhead (Webber H Unit 1), water tank, three oil tanks, and production equipment at the proposed location. The four proposed wells will use the previously approved access road. One new oil tank will be added for a total of four oil tanks. One new water tank will be added for a total of two water tanks. Two new separators and two new meters will be installed. The nearest house to the proposed wells is on the east side of Huron Street and is approximately 1,100 feet from the well. Surrounding property to the north, east and south is agricultural land but is intended for future mixed-use development per the North Park PUD Plan.

Vince Harris, Baseline Corporation, representative of the applicant spoke. He stated there were representatives from Sovereign Operating Company, Inc. and the applicant's engineer (Rick Behning) also present. He described the location of the wells. There are four directional wells. He stated the application complies with the Broomfield Municipal Code and the state regulations for oil and gas wells.

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

Commissioner's comments, questions and concerns were:

- Survey statement on this plan is an Improvement Location Certification and cannot be relied upon;
- No bearings or distances on the plans;
- Tanks are close to the property line but there is no dimension on the plans and it is a graphic picture;
- The plans appear to be an engineering plan, not a surveyor plan;
- Life cycle of a well;
- Access of the well for maintenance; and
- Attachment 1 to the memo and Sheet 3 of the plans appear to providing conflicting information.

Representatives of the applicant (Vince Harris and Rick Behning, Baseline Engineer) responded to some of the Commissioner's comments:

- We can add dimensions on the plans for the location of the tanks, which appears to be 35 feet.
- Stormwater inspections are done every fourteen days and after a major rainstorm.
- The well is accessed most every day for maintenance and taking crude oil from the tanks.
- Dust control is provided as needed.
- Operations typically last 25-30 years.
- Technology changes may extend the life of a well.

In response, Deputy City Attorney Tami Yellico stated the Broomfield Municipal Code requires a general surveyor statement and does not require a survey.

Community Development Director Dave Shinneman read from the Broomfield Municipal Code, Section 17-54-050 "The name and address of the operator and the signature and seal of a professional land surveyor."

Principal Planner Anna Bertanzetti stated Attachment 1 was prepared by the City and County of Broomfield's GIS Division.

The public hearing was closed.

RESOLUTION PZ 2013-5 WAS READ BY TITLE

Commissioner Hastings moved for approval of PZ Resolution 2013-5, a Resolution Recommending Approval of a Use By Special Review for Webber H Unit 1 Oil and Gas Wells approximately located north of West 160th Avenue and east of Huron Street with the following condition:

1. The applicant shall revise the use by special review site plan to show setbacks of the proposed wells from nearest right-of-way and setbacks of the tanks from the west property line and to correct the drawings to show all the line work (ensure that the detail on sheet C7 is shown).

Commissioner Kelley seconded the motion.

The motion was approved by unanimous vote of the Commission.

PUBLIC HEARING – PZ RESOLUTION 2013-6 Hulstrom G Unit 1 PAD Oil and Gas Wells Use by Special Review

Location:	South of State Highway 7 and East of Sheridan Parkway
Application:	Sovereign Operating Company, LLC
Planner:	Anna Bertanzetti

Chairman Silvers opened the public hearing.

Principal Planner Anna Bertanzetti summarized the staff report and asked that the staff report be entered into the record. The applicant requests approval of six new oil and gas wells (named Hulstrom 31-4, 32-4, 4A, and 41-4 and Memorial 11-3 and 12-3) on a 65.77 acre property located south of State Highway 7 and east of Sheridan Parkway. There is an existing wellhead (Hulstrom G Unit 1), water tank, oil tank, and production equipment at the proposed location within the proposed well site. The six proposed wells will use the previously approved access road. Three new oil tanks will be added for a total of four oil tanks. One new water tank will be added for a total of two water tanks. Two new separators and two new meters will be installed in addition to the northeast of the existing production equipment. The proposed wells are natural gas wells. Relatively small amounts of oil and water are typical byproducts of natural gas drilling and production. The six proposed wells are directionally drilled to lessen potential impact on future development of the property. The site is within the North Park PUD Plan. Surrounding property is agricultural land, but is intended for future mixed-use development per the North Park PUD Plan. The modifications to the well site include relocating the existing water tank, oil tank, and production equipment so these improvements are outside of the 100 year floodplain. No work will be done within the Preble Creek drainageway. Silt fencing will be installed by the well operator for drainage control. The nearest occupied houses to the proposed wells are on the east side of Huron Street approximately 2,200 feet southeast of the proposed wells. The well site is approximately one mile from existing homes in the Anthem residential neighborhood.

Vince Harris, Baseline Corporation, representative of the applicant spoke. He described the location of the wells. He stated the application complies with the Broomfield Municipal Code and the state regulations for oil and gas wells. They agree with the staff findings in the staff report. They will provide dimensions on the plans prior to going before Council.

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

Commissioner's questions, comments and concerns were:

- Similar comments as previous hearing (Webber Wells) on the drawing, dimensions and certificate;
- Need for a berm to prevent accidental spillage during maintenance;
- Surveyor's statement and certification; and
- Dimensions to the flood plain.

Representatives of the applicant (Vince Harris and Rick Behning, Baseline Engineer) responded to some of the Commissioner's comments:

- Best management practices are practiced at the well site.
- Sheet C7 should show the spill prevention control plan.
- Sheet C5 shows the berms required by the Colorado Oil and Gas Commission and our plans meet those requirements.
- We will work with staff to address the concerns regarding accidental spillage going into Preble Creek.
- There is a difference between engineering plans and surveyors plans. The plans presented are engineering plans.

Community Development Director Dave Shinneman read the surveyor statement contained on the applicant's plans.

The public hearing was closed at 9:48 p.m.

RESOLUTION PZ 2013-6 WAS READ BY TITLE

Commissioner Hastings moved for approval of PZ Resolution 2013-6, a Resolution recommending approval of a Use By Special Review for Hulstrom G Unit 1 Pad Oil and Gas Wells approximately located south of State Highway 7 and east of Inca Street, with the following conditions:

1. The applicant shall revise the use by special review site plan to show the setbacks of the wells from nearest right-of-way.
2. The applicant shall ensure that the detail on sheet C7 is shown accurately on copies provided to the City Council.
3. The applicant shall address spill mitigation concerns near the 100 year floodplain.

Commissioner Weeks seconded the motion.

The motion was adopted by unanimous vote of the Commission.

Special Report --

Community Development Director Dave Shinneman stated the next meeting for the Planning and Zoning Commission is February 11, 2013.

Staff will provide the schedule for the Planning and Zoning Commission applications.

Deputy City Attorney Tami Yellico spoke about the Broomfield Municipal Code requirements for oil and gas site plans. If the Commission wishes to add survey requirements it would require an ordinance change. The Broomfield Code does allow the Commission to review the plans relating to visual mitigation, noise mitigation and drainage. The Commission discussed the issues that arose from the plans presented on the use by special review for the oil and gas wells.

Adjournment – 10:05 p.m.

The meeting was adjourned at 10:05 p.m.

Approval

Minutes Prepared by:

Diana K. Tangsrud, Recording Secretary

Approved by:

Chairman