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## 1: Meeting Commencement

- 1A. Pledge of Allegiance
- 1B. Review and Approval of Agenda

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## 2: Petitions and Communications

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## 3: Councilmember Reports

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## 4: Public Comment

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## 5: Reports

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## 6: Consent Items

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## 7: Action Items

- 7A. Public Hearing - Summit Classical Academy Portable Building SDP Amendment
  - Resolution 2024-67 Summit Classical Academy SDP Amendment
- 7B. Mixed Use/TOD and Rezoning Changes 1st Reading
  - Ordinance No. 2222 New TOD and Mixed Use Zone Districts
- 7C. Markel Property Rezoning to OS District 1st Reading
  - Ordinance No. 2236 Markel Property Rezoning
  - Resolution 2024-77 Markel Property Comprehensive Land Use Amendment
- 7D. Wottge Property Rezoning to OS District 1st Reading
  - Ordinance No. 2235

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## 8: Mayor and Councilmember Requests for Future Action

- 8A. Councilmember Marsh-Holschen Request for Future Action Regarding the Formation of a Council Subcommittee on Council Job Descriptions, Job Duties, and Ethics Code

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## 9: Adjournment

The City and County of Broomfield operates without regard to race, color, national origin, ethnicity, citizenship, immigration status, gender, age, sex, sexual orientation, gender identity, gender expression, marital status, source of income, military status, or disability in all programs and activities.

Individuals with disabilities requiring accommodation or persons needing a language interpreter must submit such a request to the City Clerk no later than noon on Thursday prior to the scheduled Council meeting to allow adequate time to make arrangements. Please call 303.438.6332 or TDD 303.465.5411 or write [cityclerk@broomfield.org](mailto:cityclerk@broomfield.org) to make your request.

During the meeting, individuals can click the “CC” button on Live Council meeting video feeds to view closed captioning. Auxiliary hearing aid equipment can be requested on the night of the meeting with our AV team located at

the back of the Council Chambers.



*Date Posted: June 26, 2024*



Public Hearing - Summit Classical Academy Portable Building SDP Amendment

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:00 PM	Action Items Item: 7A
Presented By	
Anna Bertanzetti	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

## Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

The applicant, Summit Classical Academy, has submitted an application requesting approval of a Site Development Plan Amendment for a temporary classroom structure at the Risen Savior Lutheran Church property.

### Attachments

[Risen Savior Temporary School Building CC Memo.pdf](#)

[Resolution 2024-67 Summit Classical Academy SDP-A.pdf](#)

## Summary

[View Correspondence](#) and [BroomfieldVoicePage](#)

The applicant, Summit Classical Academy, has submitted an application requesting approval of a Site Development Plan Amendment for a temporary classroom structure at the Risen Savior Lutheran Church property. The subject parcel is located to the north of W 144th Ave and west of Federal Blvd and is 8.57 acres in size. The property is zoned PUD and within the Risen Savior Lutheran Church PUD Plan area. Summit Classical Academy is a faith-based school which operates out of the existing church building as permitted by the PUD plan.

The proposed temporary building will be one story and approximately 5,400 square feet in size. The building will provide up to six classrooms and restrooms to help support the school use. The building is proposed at the southwest corner of the site to the west of the existing building and parking. The location for the structure has been chosen as to least impact surrounding neighbors.

## Financial Considerations

The proposal is consistent with the land use assumptions within the Long Range Financial Plan.

## Prior Council or Other Entity Actions

On June 29, 1993, Broomfield annexed the property and Council approved a PUD Plan / SDP for the Risen Savior Lutheran Church.

On March 7, 2000, Risen Savior Lutheran Church Site Development Plan Amendment No. 1 was approved by City Council

On July 24, 2001, Risen Savior Lutheran Church Site Development Plan Amendment No. 2 was approved by City Council

On May 12, 2009, Risen Savior Lutheran Church Site Development Plan Amendment No. 3 and PUD Amendment No. 1 was approved by City Council.

On [December 8, 2020](#) Risen Savior Lutheran Church Site Development Plan Amendment No. 4 was approved by City Council.

## Boards and Commissions Prior Actions and Recommendations

The subject proposal was reviewed by the Land Use Review Commission on June 10, 2024 and received a recommendation of approval by a vote of 7-0 with the following condition: One bicycle rack must be added to serve the proposed temporary building. The plans have been updated to comply with this condition.

## Proposed Actions / Recommendations

If Council desires to approve the application as presented, the appropriate motion is...

**That Resolution 2024-67 be adopted.**

If the Council wishes to consider findings of denial, it is recommended...

**That Council direct the City Attorney to draft findings in support of denial, and continue the application for a decision to a date certain.**

## Alternatives

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

If the proposed application complies with the applicable Broomfield Municipal Code (BMC) review standards and is consistent with the intent of the Comprehensive Plan:

Approval.

If the proposed plan does not comply with the applicable BMC review standards or is inconsistent with the intent of the Comprehensive Plan:

Remand the case to the Land Use Review 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.

## Key Details

### Key Issues Identified By Staff

Staff has not identified any key issues with the subject proposal.

### Links to Application Materials

[Narrative](#)

[Site Development Plan Amendment](#)

### How to Submit Public Comments on this Proposal

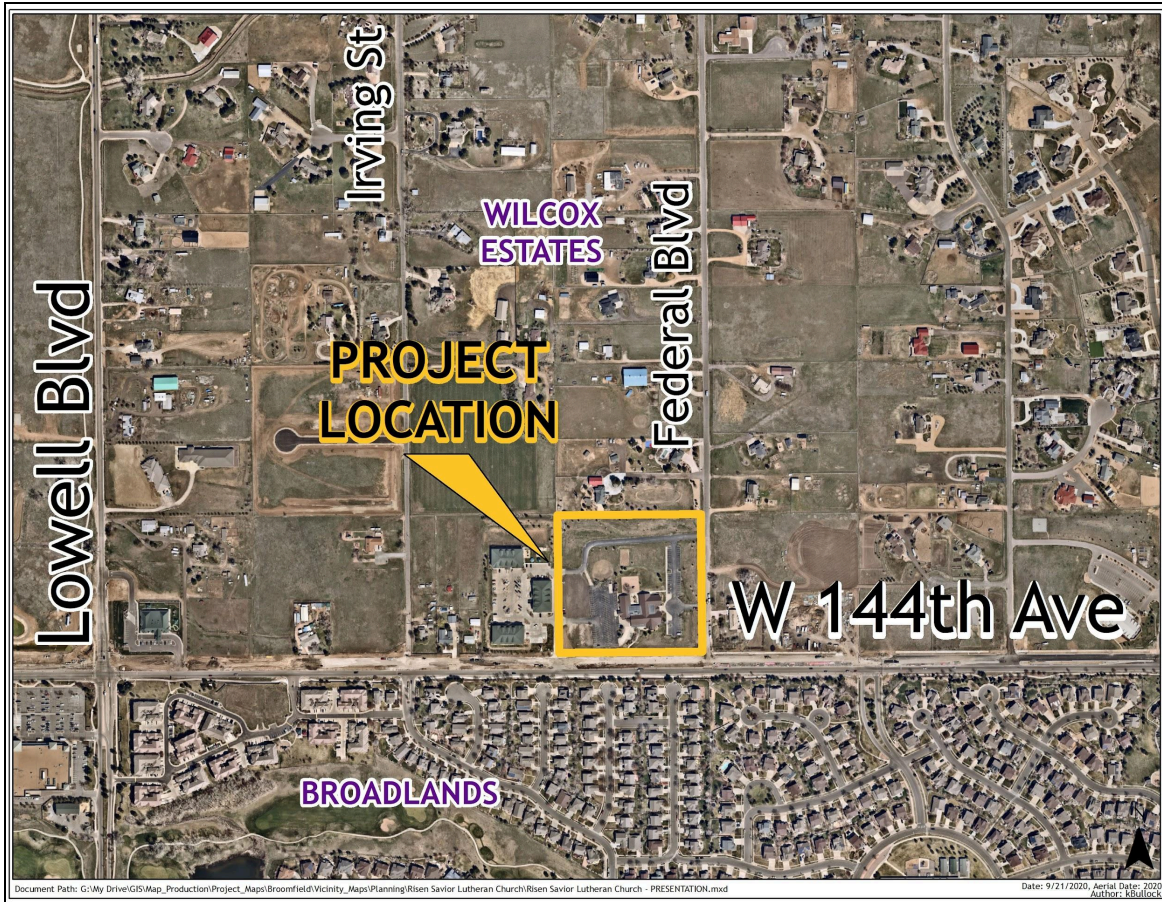
Email directly to [Planning@broomfield.org](mailto:Planning@broomfield.org)

## Overview of Application

The applicant has submitted an application requesting approval of a Site Development Plan Amendment for a temporary classroom structure at the Risen Savior Lutheran Church property. The subject parcel is located to the north of W 144th Ave and west of Federal Blvd and is 8.57 acres in size. The property is zoned PUD and within the Risen Savior Lutheran Church PUD Plan area.

Summit Classical Academy is a faith-based school which operates out of the existing church building as permitted by the PUD plan. The applicant has indicated that the school is outgrowing its current space and is in need of additional classrooms. The portable building is intended to provide additional space for the next three to five years while the school explores opportunities for formal expansion at the current property or the potential of a land purchase.

The proposed temporary building will be one story and approximately 5,400 square feet in size. The building will provide up to six classrooms and restrooms to help support the school use. The building is proposed at the southwest corner of the site to the west of the existing building and parking. The location for the structure has been chosen as to least impact surrounding neighbors. No additional site changes have been proposed at this time and if the applicant chooses to move forward with a permanent expansion at this location landscaping, parking, bicycle parking and other city requirements will be evaluated at that time. The additional students will continue to utilize the existing recreational facilities on site including a playground, soccer field, volleyball court and softball diamond.



*Risen Savior Lutheran Church Location*

## Property Owner and Applicant

Property Owner: Risen Savior Lutheran Church  
Applicant: Jay Modglin, Summit Classical Academy

## Concept Review Plans

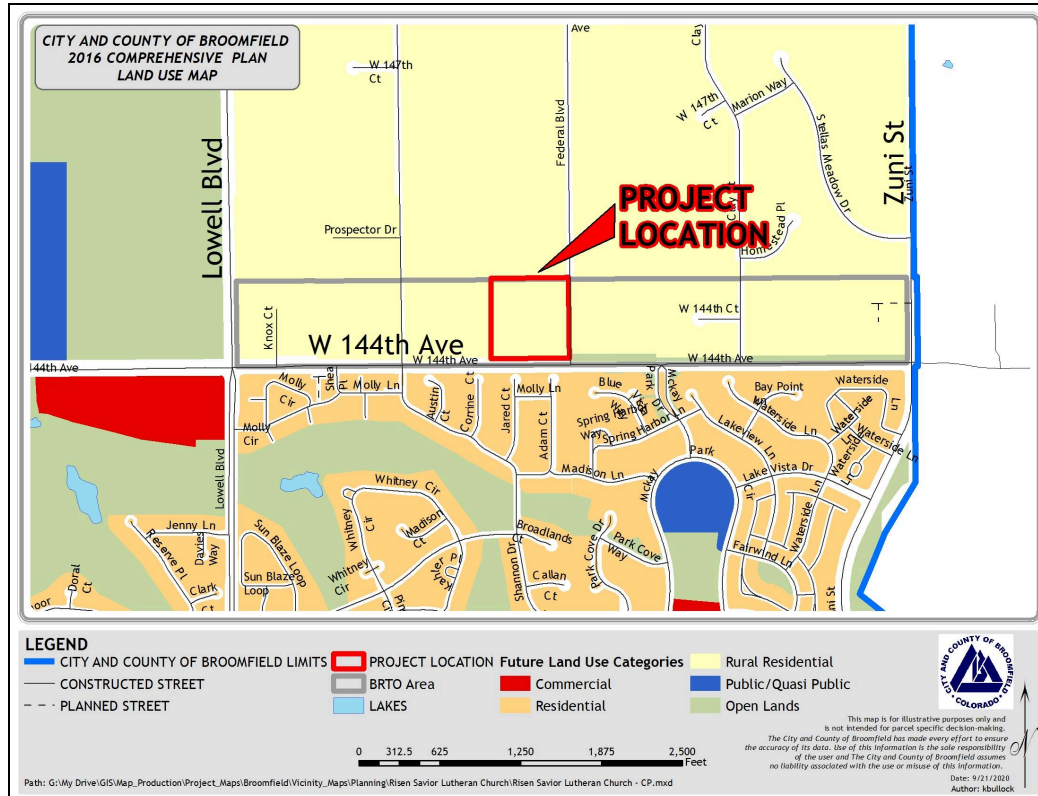
A concept review was not required for the subject proposal.

# Applicable City and County of Broomfield Plans

## Relationship to Comprehensive Plan

The Broomfield Comprehensive Plan designation for the subject property is Rural Residential with a Business and Residential Transitional Overlay (BRTO). The map on the following page shows the project location within a portion of the Comprehensive Plan's Land Use Map.

The BRTO designation is identified as areas which “are appropriate for office, personal service, and other residential and nonresidential uses as identified in the Broomfield Municipal Code.” The rural residential land use is described as areas which “include a mix of 1- to 10-acre lots with building sites clustered to maximize open lands.” The proposal for a temporary school building use on the parcel is consistent with the Comprehensive Plan designation.



## Goals and Policies

Elements of the proposed project could help meet the following Comprehensive Plan goal:

- **Goal CS-I - Education** “Support a diverse range of educational opportunities to ensure that Broomfield continues a legacy of lifelong learning and a highly skilled workforce.”

## Financial Plan

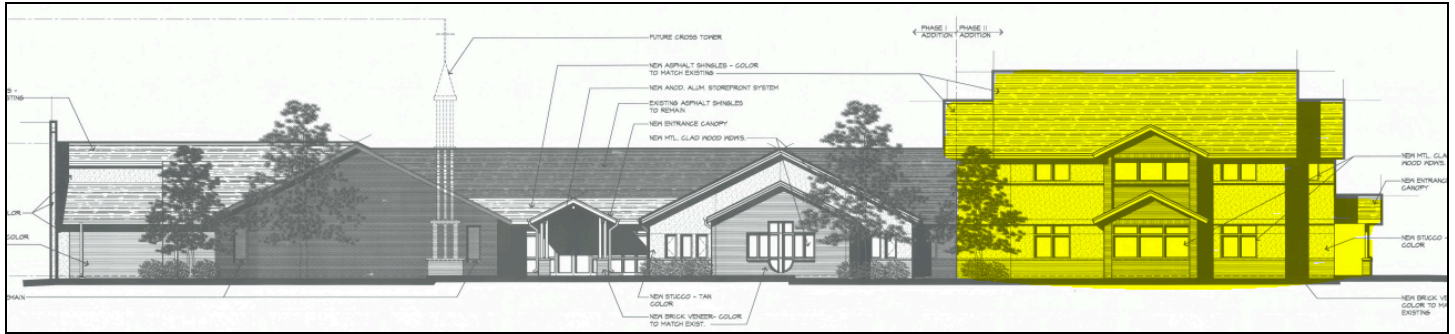
The proposal is consistent with the land use assumptions within the Long Range Financial Plan.

# Zoning, Previously Approved Plans and Status of the Development

## Zoning and Previously Approved Plans

The property is zoned PUD and is located within the Risen Savior Lutheran Church PUD Plan area. The PUD plan / original Site Development Plan for the parcel lists religious facilities and schools as permitted uses for the site. The original PUD / Site Development plan was approved in 1993 and has since been subject to various amendments to anticipate future expansions of the building and parking.

The most recent amendment impacting site design was approved in 2009, which approved an additional 3,175 square feet of expansion to the north of the existing structure. This expansion was never constructed and the applicant is currently exploring the possibility for a permanent addition to the building or a potential land purchase for a new school site.



*2009 expansion approval shown in yellow*

The subject property is also located within the Transitional Overlay Area District or TOAD which was created to facilitate the development of limited commercial uses that are compatible with the surrounding rural residential neighborhood including medical offices, vet clinics, bed and breakfasts, daycares and professional offices. The TOAD has unique regulations related to landscaping, building massing, materials, height, etc. to ensure the proposed uses are consistent with the rural nature of the area. The proposal is not subject to TOAD requirements as the religious school use is considered to be an accessory to the church as approved in the PUD plan.

## Status of the Development

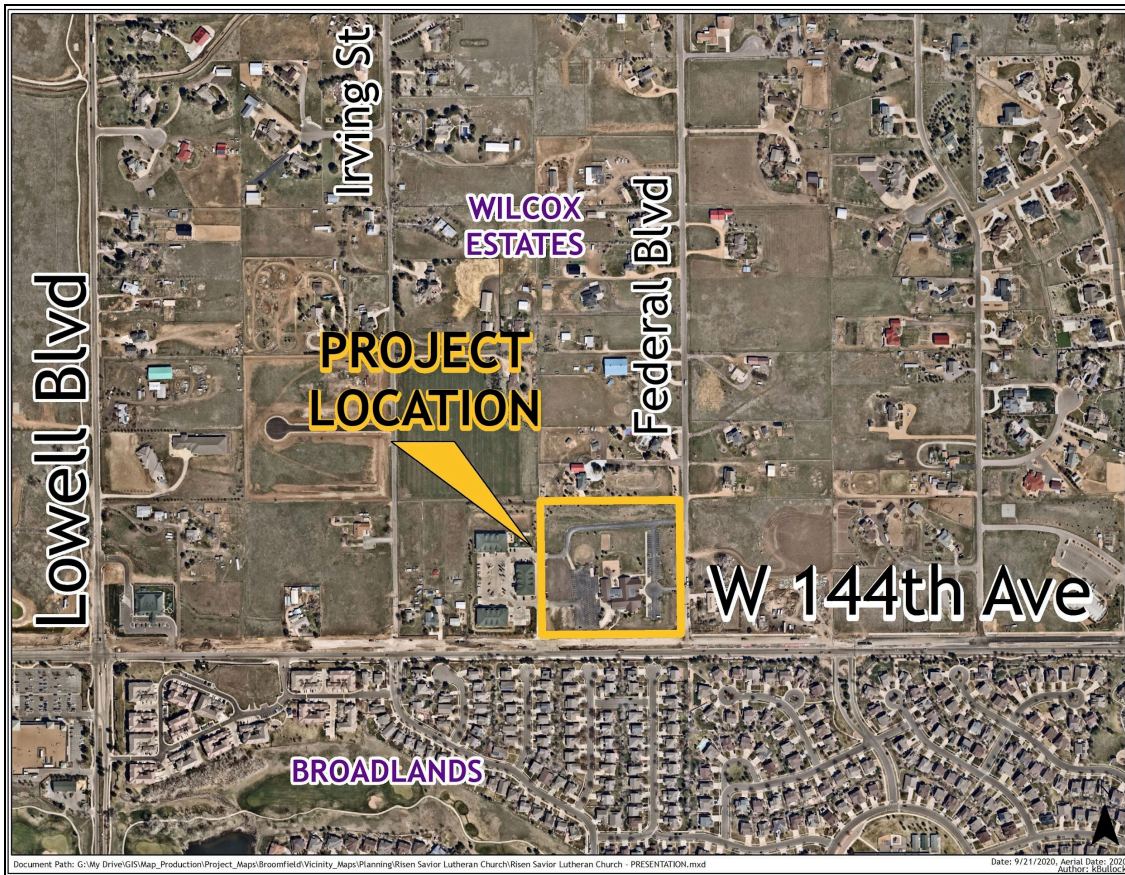
The subject parcel currently is home to the 18,140 square foot church building and associated parking. The building is located centrally on the site with parking located to the east and west with a drive aisle / emergency access road to the north of the building. The portion of the property which is proposed for construction of the temporary school building is currently vacant and unlandscaped.



*Existing Site*

## Area Context

The 8.57 acre property is located to the north of W 144th Ave and to the west of Federal Blvd. To the north and east of the site are existing single family residential properties located within the A-1(A) zone district. To the south of the proposal is the McKay Landing residential subdivision. The parcel immediately to the west is a commercial development approved under the TOAD regulations containing a variety of businesses including a dentist office, orthodontist and a marketing group.



## Surrounding Land Uses

	ADJACENT USE / ZONING	COMPREHENSIVE PLAN DESIGNATION
North	A-1(A) / Residential	Rural Residential
South	PUD / Residential	Residential
East	A-1(A) / Residential	Rural Residential
West	TOAD / Commercial	Rural Residential

# Current Application - Detailed Description and Staff Review

## Description

The subject proposal is for a site development plan amendment to allow for the installation of a temporary school building or “portable” building at the Risen Savior Lutheran Church property to serve the Summit Classical Academy. Summit Classical Academy is a faith-based school which operates out of the existing church building as permitted by the PUD plan.

The temporary structure will be located to the southwest of the existing church building and adjacent parking lot. The building will provide six classrooms as well as restrooms and is expected to serve approximately 50 students though it has a max occupancy of up to 250. The proposed building is intended to provide additional space for the next three to five years and will require an additional public hearing with the Land Use Review Commission should that time frame need to be extended.

## Background/Base Data

PROPERTY OWNERS	Risen Savior Lutheran Church
APPLICANT	Summit Classical Academy
PROPERTY LOCATION	North of W 144th Ave, West of Federal Blvd
PROPERTY SIZE	8.57 Acres
CURRENT ZONING	PUD
PROPOSED ZONING	PUD
CURRENT LAND USES	Church Facility, Religious School
PROPOSED LAND USES	Church Facility, Religious School
COMPREHENSIVE PLAN DESIGNATION	Rural Residential

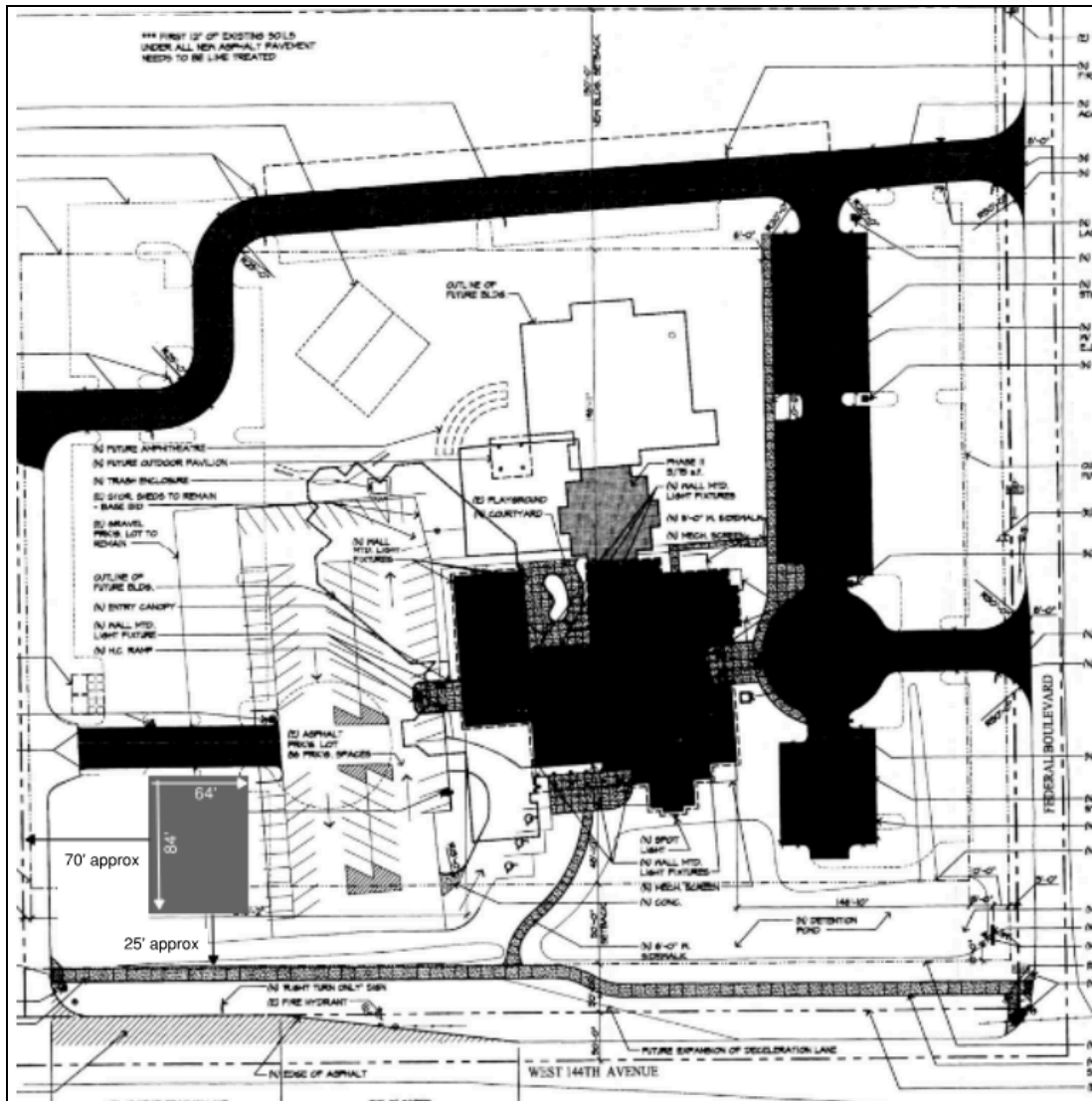
## Land Use Summary

The following is a composite land use summary table for the project.

RISEN SAVIOR TEMPORARY SCHOOL BUILDING COMPOSITE LAND USE SUMMARY	
Land Use Coverage	Approximate Acreage of Site Coverage
Temporary Building Coverage	.12 Acres (5,376 sq ft)
Unaffected Portion of Site	8.45 Acres
Total	8.57 Acres

## Site Layout

As previously discussed, the proposed school building will be located at the southwest corner of the site adjacent to the existing parking lot. No other changes are proposed for the property. The applicant's site plan for the property is provided below.



Site Plan - North is to Top

## Vehicular Access, Circulation, and Parking

The site is served by two vehicular ingress and egress points with one located off of Federal Blvd at the eastern side of the parcel and the other located off W 144th Ave on the southwest side of the property. The access point from W 144th is shared with the adjacent commercial development.

Based on the capacity of the existing building and proposed addition, a total of 181 parking spaces are required by the Broomfield Municipal Code. The site currently has a total of 143 spaces and the applicant is not proposing any additional parking with the proposal. As such, a parking variance has been included. The parking requirements as identified in the BMC are outlined below:

Use	Parking Ratio	Risen Savior Capacity	Parking Requirement
Church	1 Space per 4 seats in principal place of assembly	376 Seats	94 Spaces
School	1.5 space per classroom, 1 space per every 3 students	14 Classrooms including existing classrooms and proposed addition 200 students including existing and with proposed addition	87
			181 Spaces

The applicant has stated that the hours of school operations differ from typical church services and does not anticipate there will be a concern with the number of provided spaces. With 143 spaces available, the school or the church will have adequate parking since operation of these uses will not typically overlap. Additionally, the area to the north of the proposed school building is gravel and available for overflow parking if needed.

If the applicant chooses in the future to explore a permanent expansion at this site, parking will be further evaluated at that time. The City and County traffic engineer has reviewed the proposal and does not have concerns with the request in a temporary condition for 5 years as noted in the SDP. At the time of permanent expansion or continuation of the temporary use, a formal study will need to be conducted along with any traffic related site or roadway modifications.

Similarly, the Broomfield Municipal Code requires a total of 30 bicycle parking spaces with 50% protected from the weather. Since this is a temporary use, the applicant is proposing one bicycle rack with two spaces be installed at the time of construction. The applicant has also included a variance request from the remaining spaces and has indicated that they intend on providing additional bicycle parking with future development when the permanent building is constructed.

## Architecture

As discussed previously, the proposed building will be located at the southwest corner of the site directly adjacent to one of the two on site parking lots. The building will be a single-story prefabricated structure with a maximum height of 20'. The applicant has provided example images of similar structures which are shown below. The building will be painted a natural color to match the existing church.



*Example Images*

## Variances

The subject proposal currently includes four variances from the Broomfield Municipal Code:

- Parking - The parking requirements as specified in the code would result in a total of 181 spaces for the site including the proposed portable building. Currently the property has a total of 143 spaces. The applicant is not proposing any additional parking at this time and will evaluate parking needs with a more formal future expansion. The applicant has identified that the school and church services do not share the same peak operating hours and that they believe the current parking to be sufficient.
- Bike Parking - Based on the requirements of the code, 30 bicycle parking spaces would be needed to serve this building with 50% of the spaces sheltered from the weather. One bicycle rack (2 spaces) has been added at the request of the Land Use Review Commission. The reduction is requested due to the limited timeframe for this portable use (5 years). As discussed previously, the applicant intends to further evaluate parking and bicycle parking when permanent expansion plans are discussed.
- Front Setback - The PUD plan specifies a 50' required setback from the front property line along 144th. The applicant has requested a variance to allow a 25' encroachment into this setback as to minimize impact on adjacent property owners.
- General SDP Requirements - The Broomfield Municipal Code specifies that all site development plans must have a surveyor signature, grading plan and landscape plan. Given the temporary nature of the proposed structure the applicant has requested these items be waived and provided in the future with a more permanent site development plan.

## Neighborhood Outreach and Communication

A virtual neighborhood meeting was held in March 2021. Twelve residents attended this meeting and comments received are summarized below:

- Questions related to student load and parking requirements.
- Concerns related to additional lighting at the site and within the parking lot.
- Request to relocate the building further from adjacent residences.
- Concerns related to the visual appearance of temporary building.

The City and County of Broomfield standard public notice requirements have been met for this case.

- Mail notices were sent to all property owners within 1,000 feet of the project boundaries a minimum of ten days in advance of the meeting.
- Sign(s) were posted on the property a minimum of ten days in advance of the meeting to advertise the public hearing.
- Publication in the newspaper (Broomfield Enterprise) more than five days before the hearing.

A project website was created for this development on the BroomfieldVoice platform for general information and public engagement. Staff provided general information and shared submittal documents on this page throughout the technical review process. That website can be accessed [here](#). A compilation of the public comments and responses has been taken from this website and added to the [correspondence folder](#) for this application.

## Land Use Review Commission

The subject proposal was reviewed by the Land Use Review Commission on June 10, 2024 and received a recommendation of approval by a vote of 7-0 with the following condition: One bicycle rack must be added to serve the proposed temporary building. The plans have been updated to comply with this condition.

## Staff Review of Key Issues

Staff has not identified any key issues with the subject proposal.

## Applicable Municipal Code Provisions

A public hearing is required. At the conclusion of the public hearing, the City Council reviews the application based on the following provisions of the Broomfield Municipal Code:

### Site Development Plans and Site Development Plan Amendments

#### **17-38-180 - Site development plan; hearing and notice; land use review commission.**

The land use review commission shall hold a public hearing on the site development plan. Notice shall be given in accordance with the provisions of chapter 17-52, B.M.C.

#### **17-38-190 - Site development plan; recommendation or decision; land use review commission.**

- (A) Within thirty days of the conclusion of its public hearing, the land use review commission shall adopt a resolution to approve, approve with conditions, or deny the proposed site development plan, based on the applicable factors noted in section 17-38-220, B.M.C. Once the land use review commission issues a determination, the determination shall not be final, and no permits based upon the determination shall be issued, for 15 calendar days after the date of the determination, in order to allow time for the applicant to appeal, or for the city council to call-up the determination for further review, pursuant to section 17-38-195, B.M.C. If the decision is for conditional approval, the conditions under which the site development plan would be acceptable shall be set forth.
- (B) Notwithstanding the above, in such cases where an applicant is seeking approval of any of the following, either as a part of an application for a site development plan or in relation thereto, the final decision on the site development plan shall be made by the city council:
  - (1) A site development plan for seven acres or greater;
  - (2) An urban renewal site plan for seven acres or greater;
  - (3) A use by special review that includes any oil and gas facilities or wireless communications facilities as an approved use; and
  - (4) A development agreement, reimbursement agreement, subdivision improvement agreement, or improvement agreement requiring a financial incentive or financial obligation to be paid by the city.
- (C) For any site development plan that requires final approval by the city council pursuant to subsection (B) herein, following a public hearing, the land use review commission shall adopt a resolution recommending approval, disapproval, or conditional approval of the site development plan, which shall be referred to the city council for final decision.

#### **17-38-195 - Site development plan; appeal; call-up by city council.**

- (A) Appeal.
  - (1) The decision of the land use review commission to approve, approve with conditions, or deny a site development plan may be appealed to the city council by the applicant or other interested party. An appeal shall be filed in writing with the planning director not more than fifteen days

after the action taken by the land use review commission. The appeal shall state all reasons for dissatisfaction with the action of the land use review commission.

- (2) The city council shall hold a noticed public hearing on the appeal. The decision by the city council to approve or deny a site development plan shall be final and binding. The accepted appeal will be placed on the first possible public hearing agenda, to be determined and coordinated by the city clerk's office. City council shall hold a public hearing on the proposed site development plan application and approve, approve with conditions, or deny the proposed site development plan, based on the applicable approval criteria in section 17-38-220, B.M.C.
- (B) Call-up by city council.
  - (1) At the same time a decision concerning the site development plan is provided to the applicant, the planning director shall forward to the city council a written statement including at a minimum the following:
    - (a) The location of the affected property
    - (b) A description of the proposed site development plan
    - (c) Summary of public comments submitted regarding the application
    - (d) The basis for the land use review commission's decision
  - (2) Upon receiving the planning director's statement, and no later than 15 calendar days after the date of the approval, a city councilmember may call-up the commission's decision for review before the city council.
    - (a) The city council shall review the commission's determination at a public hearing held as soon as practical after the commission's decision. Prior written notice of this hearing shall be provided to the applicant and the public pursuant to chapter 17-52, B.M.C.
    - (b) At the public hearing, the city council shall consider evidence related to the commission's decision, which may be presented by the city manager or designee, the applicant, or interested members of the public. The city council shall not be limited in their review to the subject of the call-up, but may review any aspect or component of the application that was called-up. Based upon this evidence, the city council may affirm the commission's decision, alter conditions, add new conditions, or reverse the commission's determination on any aspect of the site development plan application. No site development plan that is the subject of a call-up shall be recorded, and no permits based upon the site development plan shall be issued, until such time that a public hearing has been conducted by the city council and a final decision approving the site development plan has been made by the city council.

#### **17-38-220 - Review standards.**

The decisions of the land use review commission and the city council shall be based on whether the applicant has demonstrated that the proposed site development plan meets the following standards:

- (A) The proposal should be consistent with the intent of this chapter as set forth in section 17-38-010.
- (B) The proposal should identify and mitigate potential negative impacts on nearby properties.
- (C) The proposal should identify and maximize potential positive impacts on nearby properties.
- (D) The proposal should include adequate facilities for pedestrians, bicyclists, and motorists.
- (E) The proposal should include adequate public improvements (both on and off site) to be provided in a timely fashion.
- (F) The proposal should optimize conservation of energy, water, and other resources on a site-specific scale.
- (G) The land uses within the plan should be compatible with one another and with nearby properties.
- (H) The proposal should provide for open area at a rate of not less than 40% of the developable site in residential areas and 25% in other areas as provided in section 17-38-240 below.
- (I) The proposal should include any common areas serving the site, and adequate provisions should be made for the ownership and maintenance of such areas.

- (J) The proposal should justify any proposed deviations from the Broomfield Municipal Code in terms of the overall quality of the plan.
- (K) The proposal should be consistent with the approved PUD plan.
- (L) For residential-use PUD plans and site development plans, the proposal should be consistent with adopted uniform standards.

**17-38-230 - Modification.**

- (A) The city manager or his or her designee may approve modifications to the site development plan if he or she determines the modifications are generally consistent with the approved PUD plan and site development plan. Such modifications are also restricted to the following categories and limits:
  - (1) Floor area ratios, number and density of dwelling units, building coverage, and overall exterior dimensions may be decreased by any amount or may be increased by not more than 10%.
  - (2) Minimum lot sizes and open area may be increased by any amount or may be decreased by not more than 10%.
  - (3) Parking and drive coverage may be changed by not more than 10%.
  - (4) Location, species, and size of new trees and shrubs, and location and type of turf, ground cover, planting areas, retaining and decorative walls, fences, and similar structures can be changed, provided that materials remain equivalent and locations remain appropriate.
  - (5) The grading plan may be changed, provided that the city engineer determines there is a sound engineering basis for such change.
  - (6) Other modifications may be made if, in the opinion of the city manager or his or her designee, they are minor in scope, will not have a detrimental effect on the neighborhood or the project, and satisfy the review standards of section 17-38-220.
- (B) Except as provided in subsection (A) of this section, any modification to an approved site development plan requires the same review by the land use review commission and the city council as the original site development plan.
- (C) At the discretion of the city manager or his or her designee, a formal or informal hearing may be conducted to assist in making findings relevant to modifications permitted by this section. All costs of notification and hearing shall be borne by the proponent of, or applicant for, the modification.

# RESOLUTION NO. 2024-67

A Resolution approving the Risen Savior Lutheran Church Filing No. 1  
Site Development Plan Amendment

## Recitals

- A. The applicant, Summit Classical Academy, submitted a development review application for a Site Development Plan Amendment No. 5 to add a temporary school building.
- B. A public hearing was heard by the Land Use Review Commission on June 10, 2024, at which time the Land Use Review Commission by formal resolution recommended approval of the site development plan amendment.
- C. After proper notice was given in accordance with Chapter 17-52 of the Broomfield Municipal Code, a public hearing was heard by the City Council on July 2, 2024.

Now, therefore, be it resolved by the City Council of the City and County of Broomfield, Colorado:

## Section 1. Findings

Giving consideration to Broomfield Master Plan and the Broomfield Municipal Code, recommendations from the Land Use Review Commission, comments of public officials and agencies, and testimony and written comments of all interested parties, the City Council finds as follows:

- A. The proper posting, publication and public notice were provided as required by law for the hearings before the Land Use Review Commission and the City Council, and the Community Development case file is hereby incorporated into the record.
- B. That the hearing before the City Council was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.

### SDP Findings:

- C. The proposal is consistent with the intent of the Planned Unit Development chapter as set forth in Section 17-38-010 of the Broomfield Municipal Code.
- D. The proposal is in general conformance with the master plan.
- E. The proposal mitigates potential negative impacts on nearby properties.
- F. The proposal maximizes potential positive impacts on nearby properties.
- G. The proposal contains adequate facilities for pedestrians, bicyclists, and motorists.

- H. The proposal contains adequate public improvements (both on and off site) to be provided in a timely fashion.
- I. The proposal optimizes conservation of energy, water, and other resources on a site-specific scale and on a broad scale.
- J. The land uses within the proposal are compatible with one another and with nearby properties.
- K. The proposal provides for open area at a rate of not less than 40% of the developable site in residential areas and 25% in other areas as provided in section 17-38-240 of the Broomfield Municipal Code.
- L. To the extent the proposal includes any common areas serving the site, adequate provisions are made for the ownership and maintenance of such areas.
- M. The four requested deviations relating to reduced parking, reduced bike parking, reduced front setback and the waiver of the general SDP requirements are reasonable for this application given the temporary nature of the improvements.

## Section 2. Action

On the basis of the above and pursuant to the provisions of Chapter 17-38 of the Broomfield Municipal Code, the Risen Savior Lutheran Church Filing No. 1 Site Development Plan Amendment is hereby approved.

This resolution is effective on the date of approval by the City Council.

Approved on July 2, 2024.

The City and County of Broomfield,  
Colorado

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Office of the City and County Clerk

Approved As To Form:

NCR

\_\_\_\_\_  
City and County Attorney



**Mixed Use/TOD and Rezoning Changes 1st Reading**

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:00 PM	Action Items Item: 7B
Presented By	
Anna Bertanzetti	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

## Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

Staff is bringing forth an ordinance which proposes to amend Chapter 17-06-010, Districts; established, Chapter 17-48, Amendments, and adding Chapters 17-19 TOD-1 Transit Oriented Development District, 17-23 MU-1 Suburban Mixed Use District, and 17-23.1 MU-2 Employment Mixed Use District to the Broomfield Municipal Code.

**Attachments**

[Ordinance No 2222 Related to new TOD and Mixed Use Zone Districts 1st Reading Memo.pdf](#)

[First Reading Ordinance No. 2222 Related to TOD and Mixed Use Zone Districts and Rezoning Process.pdf](#)

## Summary

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

Staff is bringing forth an ordinance which proposes to amend Chapter 17-06-010, Districts; established, Chapter 17-48, Amendments, and adding Chapters 17-19 TOD-1 Transit Oriented Development District, 17-23 MU-1 Suburban Mixed Use District, and 17-23.1 MU-2 Employment Mixed Use District to the Broomfield Municipal Code.

In [January 2023](#), a study session laying out a multiple year systematic approach for updating development plans and regulations was presented to Council. One of the items identified in this study session was the establishment of a mixed use district in 2024.

On [August 15, 2023](#), a study session was held introducing to Council a proposal to amend the municipal code to create three new zone districts (one transit oriented development and two mixed use districts), add a new development application process called an administrative development plan and to make changes related to the rezoning process.

On [March 19, 2024](#), a second study session was held with the City Council to provide an update regarding the proposed amendments to the Broomfield Municipal Code to add new Transit Oriented Development (TOD) and Mixed Use (MU) zone districts and make changes to the rezoning process. This update included removing the proposed administrative development plan process and restructuring the proposed new zone districts and establishing a process for review and approval of future development proposals in these zone districts.

The intent for these new districts is to create opportunities for high quality transit oriented development and mixed-use developments in appropriate locations.

In addition to adding new zoning districts, proposed Ordinance No. 2222 would also add a requirement for property owners requesting a rezoning to one of the new districts to provide preliminary utility, drainage and traffic reports as part of their rezoning request application materials. The City Engineer could waive the report requirements when such information will not materially aid in the evaluation of the rezoning request.

Proposed Ordinance No. 2222 would amend Chapters 17-06-010 and 17-48 of the Broomfield Municipal Code, and add Chapters 17-19 TOD-1 Transit Oriented Development District, 17-23 MU-1 Suburban Mixed Use District, and 17-23.1 MU-2 Employment Mixed Use District.

## Financial Considerations

The proposed new zoning districts would not require planned unit development plans which would mean that Broomfield would not collect fees for planned unit development plans. Broomfield's development application fees are generally low and the lost revenue from these fees would be minimal and offset by the costs associated with administering the application reviews, which exceed the fees collected. Development in the new zone districts as proposed would still be required to complete a concept review, and submit a site development plan. As such, fees would be collected for both of those applications. Additionally, developments would be required to pay any applicable engineering permit and building permit fees and use taxes. Building permit fees and use taxes are the higher revenue generators and would not be impacted.

## Prior Council Action

[January 17, 2023](#) - City Council held a study session regarding a coordinated effort to update development plans and regulations that began in 2023 and will continue through 2026.

[August 15, 2023](#) - City Council held a study session and request for direction related to modifications to the rezoning process, adding new transit oriented development and mixed use zone districts and adding a new administrative development plan process to the Broomfield Municipal Code.

[January 16, 2024](#) - City Council held a study session for an overview and update regarding the coordinated effort to update development plans and regulations.

[March 19, 2024](#) - City Council held a second study session related to the proposed changes to the rezoning process, adding the new transit oriented and mixed use zone districts.

## Board and Commissions Prior Actions and Recommendations

N/A

## Proposed Actions/Recommendations

Based on the above, it is recommended...

That Ordinance No. 2222 be adopted on first reading and ordered published in full;

That a public hearing and second reading of the Ordinance be held on July 30, 2024, at 6pm as allowed by City Council Procedures and Rules of Order.

## Alternatives

Make no changes to the Broomfield Municipal Code.

Amend the Broomfield Municipal Code in accordance with the proposed changes outlined in this memorandum.

Make changes to the Broomfield Municipal Code as directed by City Council.

## Project Website

<https://www.broomfieldvoice.com/ordinance2222>

## How to Submit Public Comments on this Proposal

Email directly to [Planning@broomfield.org](mailto:Planning@broomfield.org)

## Introduction

An initial study session was held on [August 15, 2023](#) introducing proposed municipal code changes including revising the code requirements related to rezoning of properties adding new transit oriented and mixed use zone districts, and a proposed new administrative development plan and its review process. This study session was held to present to Council the working draft of code language related to creating three new zone districts (a transit oriented development district and two mixed use districts) and a new administrative development plan to process developments within one of the new zone districts as well as an opportunity for discussion and to receive direction from Council prior to staff bringing forth a formal ordinance for consideration.

After the August 15, 2023 study session staff made a number of changes to the proposed municipal code based upon direction provided by Council. These include the following:

- Restructuring of the TOD and Mixed Use zone districts to be structured more similarly to the Transitional Overlay Area District (TOAD) process. This includes:
  - Having the TOD and Mixed Use districts act similar to Planned Unit Development (PUD) Plans. The zone districts establish the level of details often seen in PUD plans. By structuring the districts in this manner it removes a step in the development review process.
  - Requiring concept reviews for projects within the TOD and Mixed Use districts. Originally the proposal was to not require this step; however, based upon Council's discussion of the importance of this stage for developers and the community the requirement is being included.
  - Allowing for variances from the TOD and Mixed Use district requirements to be requested as part of a site development plan. This enables increased flexibility in development. Like all variances, developers will need to provide justifications for variances proposed in their development proposals. The Land Use Review Commission and City Council have the final authority to approve variances as part of the development proposals.
- Removal of customized Public Land Dedication (PLD) processes for the TOD and Mixed Use zone districts. Developers will be required to comply with the PLD methodologies outlined in the recently updated Open Space, Parks, Recreation, and Trails (OSPRT) Plan. Staff will be drafting an update to the municipal plan to be consistent with the OSPRT Plan. Until such time, staff will continue to the long standing practice of requiring compliance with the guidelines of the OSPRT Plan and will include such analysis in the staff memorandums as individual projects are brought forward through the site development plan process.
- Reduction of the minimum residential density for the TOD district from 30 dwelling units per acre to 15 dwelling units per acre, and a reduction in the minimum residential density for the MU-1 district from 12 dwelling units per acre to 10 dwelling units per acre.
- Elimination of the proposed Administrative Development Plan (ADP) process. Development proposals in the new TOD and Mixed Use zone districts would be required to complete a site development plan and go through the public hearing process.

A second study session was held on [March 19, 2024](#) providing Council with an update on the proposed code changes. During this study session no additional changes were requested by Council but staff worked to refine the proposed code language.

Since the March 19, 2024 study session, changes have been made to the proposed ordinance. With House Bill 24-1313 being a late session approval, staff chose to move forward with the proposed changes to the rezoning process to require a neighborhood meeting and establish findings for approval as a standalone ordinance.

Additionally, in response to HB24-1313, staff has increased the maximum density allowed in the proposed Transit Oriented Development (TOD) zone district from 65 dwelling units per acre to 85 dwelling units per acre.

A third change made to the proposed ordinance resulted from the June 13, 2024 Technical Review session with key stakeholders. The front setbacks for the TOD-1 zone district have been reduced to a minimum of 0 feet. The setback was originally proposed to be 5 feet to accommodate necessary utilities. During the technical review session developers stated that since these utilities can sometimes be accommodated within the public right-of-way under elements such as sidewalks and tree lawns or on adjacent tracts, it would be preferable to remove the minimum setback to provide flexibility to place buildings as close as possible to the edge of the right-of-way. This approach has been done in other existing developments such as Baseline.

Establishing these transit oriented development and mixed use zone districts represent an opportunity to promote additional inclusionary zoning in Broomfield. The intent for these districts emphasize high quality development and redevelopment with clear, upfront expectations, and development standards, while still providing for flexibility in site design, mixtures of uses, and architecture.

## Background

Establishing these new zoning districts represents new land use development opportunities for the City and County of Broomfield. Currently Broomfield's land use zoning is a combination of Euclidean zoning and planned unit developments.

Euclidean zoning is inherently exclusionary in nature due to its separation of land uses into specified geographic districts. Broomfield's Euclidean zoning districts include residential, commercial and industrial districts (R-1, R-3, R-5, B-1, B-2, I-1, I-2, I-3 zone districts). Euclidean zoning is used by many municipalities due to its ease of implementation, long-established legal precedent, and familiarity to planners and design professionals. However, Euclidean zoning lacks flexibility and the fairly rigid separation of uses can contribute to urban sprawl, loss of open lands, heavy infrastructure costs, and automobile dependency.

In response to Euclidean zoning, many communities, including Broomfield, incorporated Planned Unit Development (PUD) zoning into their municipal zoning codes. PUD zoning is a type of flexible and inclusionary zoning, (non-Euclidean zoning) that allows for a mixture of land uses and varied development standards allowed within a land area. PUDs consist of site plans that promote the creation of open areas, mixed-use housing and land uses, environmental preservation and sustainability, and development flexibility. The challenge with PUDs is that each PUD is unique, and it increases the complexity of review and enforcement of zoning standards due to a lack of uniformity between PUDs.

The proposed new TOD and mixed use zone districts are proposed to act as a hybrid between Euclidean and PUD zoning. The proposed districts have been crafted to include details similar to what is typically found in PUD plans, which helps to establish known expectations upfront for property owners and the development community. If a property is rezoned to one of these three zone districts, then the zoning will act as the PUD plan and will eliminate the need for the applicant to create a PUD plan.

## Applicable City and County of Broomfield Plans

### Broomfield Comprehensive Plan

The addition of the new zone districts in conjunction with the many other changes that have been made to create a sound foundation for these new districts help to promote a number of goals that were outlined in the 2016 Comprehensive Plan and 2016 Transportation Plan. These goals include:

- Goal CF-A: Community Form and Identity - Build on the established physical framework to strengthen Broomfield's sense of community identity by identifiably connecting neighborhoods, open lands, and residential and commercial areas, and by enhancing natural and human-made features.
- Goal CF-B: Community Character - As Broomfield grows, encourage community unity and interaction to maintain and enhance a sense of identity as a friendly and vibrant small city that includes a diversity of people and responds to a diversity of needs.
- Goal CF-C: Community Form and Identity - Implement the vision and the policies relating to Broomfield's physical form and identity.
- Goal LU-A: Mix of Land Uses - Plan for an appropriate mix of land uses that ensures connectivity, livability, flexibility, environmental sustainability, and economic vitality.
- Goal LU-B: Mixed-Use Development - Encourage and support mixed-use developments that provide the benefits of more compact, denser development with a mix of living, shopping and working environments.
- Goal LU-D: Transit-Oriented Development (TOD) - Encourage and support development focused around major transportation areas that form vibrant pedestrian-oriented urban centers.
- Goal LU-E: Commercial Areas - Encourage and support commercial development that contributes to a diverse community image and to a vibrant character that provides increased choices and services.
- Goal LU-F: Industrial Areas - Encourage and support a variety of industrial land use types and intensities in designated areas that are both supported by and compatible with surrounding land uses.
- Goal LU-I: Development Standards - Use development standards and guidelines to help realize the community's overall vision and goals.
- Goal LU-J: Impact of Development - Evaluate and mitigate the impact of each development project on the system at the time of build.
- Goal TS-A: People and Goods Moving Capacity - Optimize the capacity of the multimodal transportation system to handle existing and projected travel demands associated with moving people and goods.
- Goal TS-D: Livable Streets - Encourage livable streets that are accessible, safe, efficient, and enjoyable for all people.
- Goal ED-F: Streamline and Simplify Development Processes - Review land development regulations to eliminate the piecemeal nature of layered review standards in order to reduce bureaucratic barriers to quality development.
- Goal HO-B: Maintaining Housing Affordability/Attainability - Encourage an adequate supply of affordable/attainable housing for lower-income households.
- Goal HO-C: Diversity of Housing Types and Ownership Options - Encourage a diversity of populations within developed areas by providing a variety of housing types that serve a broad spectrum of households.

## Proposed Code Changes

Below are some highlights of the proposed ordinance. This section is intended to be a brief summary of the proposed regulations; please consult the complete draft ordinance for more specifics and details.

### Overview of Changes to Chapter 17-06-010, Districts

Proposed Ordinance No. 2222 would amend Chapter 17-06-010 of the Broomfield Municipal Code by adding the proposed new transit oriented development and mixed use zone districts to the list of zone districts in Broomfield. In addition to the transit oriented development and mixed use zone districts, Ordinance No. 2222 would add the public facilities, open space, and parks, recreation and open lands districts to the list of zone districts. The public facilities, open space, and parks, recreation and open lands districts were created by City Council in 2023, but were inadvertently not added to the list of zone districts during their adoption.

### Overview of Changes to Chapter 17-48, Amendments

The proposed ordinance would add a requirement for applications to rezone property to one of the new transit oriented development or mixed use zone districts to include preliminary utility, drainage and traffic reports. The proposed new zone districts allow higher density and intensity developments and these preliminary reports will help staff identify infrastructure capacity and improvements which may be required to accommodate the development anticipated in the zone districts. The ordinance includes a provision for the City Engineer to waive the report requirements when such information will not materially aid in the evaluation of the rezoning request. The intent with providing preliminary information at the time of rezoning is to have general knowledge of the scale of any necessary future improvement, but the detailed agreements regarding timing of installation will be determined concurrent with the site development plan.

### Overview of proposed new Chapter 17-19, TOD-1 Transit Oriented Development District

Ordinance No. 2222 would create a new chapter in the Broomfield Municipal Code establishing Broomfield's first Transit Oriented Development zone district. The TOD-1 zone district is intended to provide for opportunities for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area in and around existing and planned transit centers including, but not limited to, bus rapid transit and rail service.

The TOD-1 zone district proposes the highest densities and intensities of the new zone districts and would be appropriate for use in strategic locations within Broomfield to be symbiotic with existing and future transit systems to enhance the utilization and strengthen the viability of those services moving forward. Below are representative images of what development within the TOD district could look like.





The proposed ordinance incorporates a diverse mixture of uses and is a key element to promoting successful mixed use development including office, retail, service, residential, and entertainment uses. The proposed regulations establish a requirement that a development in the TOD-1 district include at minimum 30% nonresidential uses to ensure developments that are truly mixed use and provide opportunities for viable communities with live, work and play opportunities for residents and consumers. The district is proposed to allow for a range of residential density between 15 and 85 dwelling units per acre.

The maximum proposed height for the TOD-1 zone district is 85 feet. This height is consistent with the maximum allowed height in Arista, which is Broomfield's existing Transit Oriented Development and is lower than the maximum allowed height for the Baseline development which is located along a future Bus Rapid Transit corridor. The TOD-1 district also incorporates a required 30 foot landscape buffer and a step up provision for building height for portions of proposed buildings within 75 feet of the property line of a low density residential zoned property. Portions of buildings in this situation shall not be more than 1.5 times the height of the existing low density residential units. If the parcel is vacant, then the maximum height within 50 feet of a low density residential zone would be 1.5 times the maximum allowed height of the low density residential zone district.

One of the key elements of all of the proposed new zone districts, especially the TOD-1 district, is the intention to activate streets and enhance the pedestrian experience. Development in the TOD-1 district is encouraged to use the minimum setbacks when designing sites in order to orient buildings closer to the street and toward the public realm, and to locate parking behind or in between buildings as opposed to abutting the street.

### **Overview of proposed new Chapter 17-23, MU-1 Suburban Mixed Use District**

Broomfield doesn't currently have any mixed use zone districts, and Ordinance No. 2222 would create two such districts. The first of the proposed mixed use zone districts would be established in Chapter 17-23 of the municipal code and is the Suburban Mixed Use or MU-1 district. This district is intended to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations that promote new development and redevelopment consisting of higher-density residential and nonresidential uses in a scale that enhances the surrounding area and city as a whole.

The MU-1 district is intended to be lower density and intensity compared to the TOD-1 district and is envisioned to be an option for zoning for infill developments and redevelopment of properties located along or near to major transportation corridors within Broomfield and in areas to benefit nearby residential neighborhoods. The district allows for a range of densities between 10 and 30 dwelling units per acre.

Whereas the TOD-1 district is intended to be more urban and transit oriented in nature, the MU-1 district is intended to be much more suburban in nature. Representative images are below.



Similar to the TOD-1 district, the MU-1 district aims to promote a diverse mix of uses to enhance the vitality of proposed development. With the MU-1 zone district envisioned to possibly be located in closer proximity to existing and established residential and commercial developments, some uses which could have a greater impact on the community have been identified as being permitted uses by special review.

Consistent with the suburban intent for this zone district, the regulations propose a maximum building height of the MU-1 district to be 50 feet. This is 10 feet taller than the maximum height of 40 feet currently permitted by right in the B-2 (General Business District). The scale of the Broomfield Town Square development is comparable to the mixed use developments envisioned for this zone district. The Broomfield Town Square PUD allows for a maximum height of 65 feet for commercial and multi-family residential buildings, except along Main Street which has a lower maximum height allowance of 55 feet for those uses. As proposed the MU-1 zone district would have a lower maximum building height compared to Broomfield Town Square. Many of the properties along the major roadways envisioned to be possible future MU-1 zoned properties are currently zoned B-2.

When adjacent to low density residential zoned property, portions of buildings in the MU-1 zone district shall be stepped up in height to provide for a transition. Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district. In addition to the building height step up provision, the MU-1 district includes a requirement for a 20 foot landscape buffer along property boundaries.

The proposed ordinance incorporates a diverse mixture of uses and is a key element to promoting a successful mixed use development. The proposed regulations establish a requirement that a development in the MU-1 district include at minimum 35% of nonresidential uses to ensure developments that are truly mixed use and provide opportunities for viable communities with live, work and play opportunities for residents and consumers.

### **Overview of proposed new Chapter 17-23.1, MU-2 Employment Mixed Use District**

The third and final proposed new zone district is the Employment Mixed Use District or MU-2. The intent of this district is again to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations. The uniqueness of this district is that it is purely nonresidential in nature and looks to enhance and diversify employment and consumer options within the community. This zone district is designed to allow for redevelopment opportunities in areas where residential is not a desirable use but increased diversity of uses and intensities would benefit the community.



The MU-2 district proposes allowing a maximum building height of 60 feet. This allows for a mixture of uses of varied height including flex industrial, commercial and office uses. When adjacent to low density residential zoned property, buildings shall be stepped up in height to provide for a transition. Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district.

The district includes a requirement that a minimum of 35% of the site square footage must be utilized for support services, retail, restaurant, or other non-employment use with the remaining square footage being able to be utilized for office, light industrial or flex industrial uses.

The MU-2 district proposed for a minimum 10% of the project area shall be utilized as open area (any area not covered by a building or parking surface) and activated to allow for use by employees and patrons. The intent is that developments incorporate public areas for outdoor seating, eating and drinking areas, and for other gathering spaces for use during and after business hours.

### **Proposed Uses for New Zone Districts**

All three of the new zone districts are designed to emphasize incorporating a mixture of uses which is a key element to promoting successful transit oriented and mixed use development. As described in the summaries above these mixtures of uses including office, retail, service, residential, and entertainment uses within the appropriate applicable districts. For ease of comparison, the individual schedules of uses proposed for these three new districts have been compiled into a [single table](#).

### **Development Review Process**

As previously discussed, the administrative development plan process which was proposed as part of the first study session regarding this topic has been removed. Instead, the proposed approach for development review and approval for projects in the new TOD and mixed use zone districts would mirror the current system used for projects located in the Transitional Overlay Area District (TOAD).

If a property owner or developer wanted to develop a property under any of the new zone districts, they would be required to rezone the property from its current zone district to one of the new districts. No properties will be automatically rezoned to the TOD, MU-1, or MU-2 zone districts with the adoption of proposed Ordinance No. 2222. City Council is currently considering adopting Ordinance No. 2232, which would require rezoning applications to hold a neighborhood meeting. If Ordinance No. 2232 is adopted, the first step in an applicant's request to rezone a property to either TOD, MU-1 or MU-2 would be to hold a publicly noticed neighborhood meeting. Following the neighborhood meeting, the applicant would submit

their formal rezoning request along with the preliminary engineering reports proposed to be a requirement in this ordinance. Rezoning of property is completed through the adoption of an ordinance, as such City Council would consider the request during two readings of an ordinance. The second reading of an ordinance is a public hearing.

Following the rezoning of a property to one of the three new zone districts, an applicant could move forward with their formal site development plan application to develop a transit oriented development or mixed use development. All three of the new zone districts require a concept review which would be the first step in the development review process. These concept reviews would follow Broomfield's standard procedure of either an online concept review through the Broomfield Voice platform, or at an in person meeting during a City Council study session/concept review meeting. A neighborhood meeting is also required prior to the submittal of a site development plan for a project in the TOD-1, MU-1, or MU-2 zone districts. This neighborhood meeting can occur any time prior to the submittal of the formal application.

The TOD-1, MU-1 and MU-2 zoning districts have been written to include a greater amount of development regulations compared to other non-PUD zone districts in Broomfield. This has been done intentionally, as the new zone districts are intended to act as the PUD plan in lieu of developers creating unique PUD plans for each development. The goal is to create more uniformity among these types of developments and to establish known expectations upfront for developers.

Developers will be required to create a site development plan as part of the development review process. The site development plan would follow Broomfield's standard review process for site development plans with approval either by the Land Use Review Commission (subject to call-up by City Council) for sites 7 acres in size or less or approval by the City Council for sites over 7 acres. While the new zone districts are intended to provide known expectations upfront, every development proposal is unique; and as such, site development plan allows for flexibility with developers as they are able to request variances as part of their development proposals. The variances from the zone district requirements would be subject to approval by the Land Use Review Commission and/or City Council. As outlined, the proposed new zone districts preserve public engagement opportunities in the development review process.

## Related Legislative Actions

As part of the 2024 Colorado Legislative Session, the state legislature approved [House Bill 24-1313](#) (HB 24-1313) Housing in Transit-Oriented Communities, and the bill was signed into law by Governor Polis in May 2024.

Generally, [HB24-1313](#) aims to increase the affordability of housing in "Transit Oriented Communities," by incentivizing local governments to designate areas around qualifying transit stations and transit corridors as "Transit Areas" and increasing zoning capacity within these areas to meet an average density of 40 dwelling units per acre. By complying with the requirements of the bill, a local government gains access to certain pools of funding aimed at improving infrastructure within their boundaries. The bill also includes requirements related to affordability strategies and displacement mitigation strategies that transit oriented communities must adopt.

For Broomfield, only the two Commuter Bus Rapid Transit stations on US36 will meet the definition of Transit Station Areas of this bill. Broomfield will not have any areas that meet the definition of a transit corridor area as defined in this bill. The area within ½ a mile of each of the commuter bus rapid transit stations will be considered Broomfield's Transit Areas.

If Broomfield proceeds to comply with the requirements of HB24-1313, Broomfield will need to revisit development standards within the designated Transit Areas. Staff anticipates that Broomfield would need to revise building heights, densities, parking standards, setbacks, and open area requirements for multiple properties within the Transit Areas through rezonings, zoning overlays, or planned unit development district amendments.

The proposed TOD and mixed use zone districts would be options for rezoning property as the range of densities could contribute to achieving an average density of 40 dwelling units per acre, but the creation of these new zone districts is not a response to HB24-1313. The new zone districts proposed in Ordinance No. 2222 would have potential applications outside of Broomfield's transit areas discussed above.

A study session will be planned for spring of 2025 to brief Council on Broomfield's initial Assessment Report required by HB24-1313 and potential strategies for ensuring consistency with the requirements of HB24-1313.

## Public Engagement

A [Broomfield Voice page](#) has been created and provides information regarding the proposed amendments included in this proposed ordinance. The Broomfield Voice platform will allow for feedback on the proposed amendments to the Broomfield Municipal Code, and community engagement is encouraged. Comments received will be gathered and summarized to provide feedback as part of the public hearing process.

In addition to the Broomfield Voice page, staff held a virtual technical review session on June 13, 2024. The technical review session targeted property owners, developers and consultants who have worked on higher density and mixed use developments in Broomfield previously. Participants were provided with an overview of the proposed ordinance and were given an opportunity to ask questions. For more details please review the [meeting summary notes](#).

There will be an opportunity at the public hearing for the second reading of the proposed ordinance for additional public comments to be provided for City Council's consideration.

## Ordinance No. 2222

Proposed Ordinance No. 2222 amends Chapter 17-06-010, Districts; established, Chapter 17-48, Amendments, and adds Chapters 17-19 TOD-1 Transit Oriented Development District, 17-23 MU-1 Suburban Mixed Use District, and 17-23.1 MU-2 Employment Mixed Use District to the Broomfield Municipal Code. If approved on first reading, proposed Ordinance No. 2222 will be published in full, and a second reading a public hearing will be scheduled for July 30, 2024.

**Bold type indicates new material to be added to the Broomfield Municipal Code**

~~Strikethrough type indicates deletions from the Broomfield Municipal Code~~

# ORDINANCE NO. 2222

An Ordinance amending Title 17, Zoning, related to a Transit Oriented Development District, Mixed Use Zone Districts and Rezoning Procedures.

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

## Section 1.

Chapter 17-06-010 - Districts; established, of the Broomfield Municipal Code is amended as follows:

17-06-010 - Districts; established.

(A) In order to carry out the provisions of this title, the city is divided into the following zoning districts:

- (1) ~~OLPF Open Lands and Public Facilities district~~ **PF Public facilities district;**
- (2) A-1 Agricultural district;
- (3) RR Rural Residential district;
- (4) E-1 Estate district,
- (5) E-2 Estate district;
- (6) R-1 Low-density residential district;
- (7) R-3 Medium-density residential district;
- (8) R-5 High-density residential district;
- (9) B-1 Limited business district;
- (10) B-2 General business district;
- (11) I-1 Limited industrial district;
- (12) I-2 General industrial district;
- (13) I-3 Industrial district;
- (14) GA General aviation district;
- (15) PUD Planned unit development district;
- (16) Interchange influence area district-;
- (17) Transitional overlay area district-;
- (18) A-1 district-;
- (19) **OS Open space district;**
- (20) **PROL Parks recreation and open lands district;**
- (21) **TOD Transit oriented development district;**
- (22) **MU-1 Suburban mixed use district; and**
- (23) **MU-2 Employment mixed use district.**

## Section 2.

Chapter 17-48-020 Procedure for rezoning, of the Broomfield Municipal Code is amended as follows:

17-48-020 Procedure for rezoning.

- (A) The owner of any property may apply to the land use review commission for rezoning of his or her property. The applicant shall pay an application fee of \$650.00 for rezoning ten acres or more of land and \$250.00 for rezoning less than ten acres of land.
- (B) The city manager is authorized to apply to the land use review commission for rezoning of any property within the city.
  - (1) The city manager shall notify the owner or owners of any property subject to the application for rezoning that a hearing on the rezoning application will be held before the land use review commission and before the city council.
  - (2) The city manager's notification to the owner or owners shall set forth the reasons for the rezoning application.
  - (3) Notification to the owner or owners by the city manager shall be by personal service or by certified mail not less than thirty days prior to the public hearing before the land use review commission.
- (C) The land use review commission shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52, B.M.C. Following the hearing, the land use review commission shall make recommendations to the city council concerning the application.
- (D) The city council shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52. Following the hearing, the city council shall either deny the application or shall approve it by ordinance. An ordinance may impose conditions on rezoning.
- (E) Prior to any official submittal of a rezoning, the applicant shall hold a neighborhood meeting. Notice for such neighborhood meetings shall be done consistent with Section 17-52, B.M.C. The neighborhood meeting provides the applicant and surrounding property owners an opportunity to review preliminary requests. The meeting should solicit input and exchange information about the proposal. The applicant shall record attendance on a sign-in sheet and shall create a summary of the meeting discussion which shall be submitted with the formal application.
- (F) The recommendation of the land use review commission and decision of the city council for rezoning requests shall consider the applicant's proposed rezoning request based upon the following criteria:
  - (1) The proposal is in (i) general conformance with applicable land use plans including but not limited to the Broomfield Comprehensive Plan and, sub area plans, or (ii) there has been substantial change in the character of the area to support the rezoning action, or (iii) the official zoning classification is in error.
  - (2) The proposal is compatible with existing and allowable land uses in the surrounding area.
  - (3) The proposal's effect upon the health, safety, and welfare of the residents and landowners in the surrounding areas.
  - (4) The proposal is an opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will

help the city achieve a balance of land use, tax base, or housing types consistent with the city's overall planning and economic development goals.

**(G) As part of any request to rezone a property to a transit oriented development (TOD) or mixed use zone district, the applicant shall provide the following additional information to be considered with the request:**

- (1) Preliminary Utility Report;**
- (2) Preliminary Drainage Report; and**
- (3) Preliminary Traffic Report.**

**All reports shall be provided in accordance with the provision of the current version of the City and County of Broomfield Standards and Specifications; provided, that the City Engineer may waive the report requirements when such information will not materially aid in the evaluation of the rezoning request.**

## **Section 3.**

Chapter 17-19 TOD-1 Transit Oriented Development District is added to the Broomfield Municipal Code with the following language:

### **Chapter 17-19 TOD-1 Transit Oriented Development District**

#### **17-19-010 - Intent.**

**It is the purpose of the TOD-1 district to provide opportunities for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area in and around existing and planned transit centers including, but not limited to, bus rapid transit and rail service.**

#### **17-19-020 - Permitted Uses; by right.**

**The following uses are permitted by right in the TOD-1 district:**

- (A) Banks, savings and loan, and finance companies;**
- (B) Breweries, brewpubs, wineries and distilleries with tasting rooms;**
- (C) Commercial recreational uses and theaters, indoor;**
- (D) Commercial recreational uses, outdoor;**
- (E) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs;**
- (F) Conference Centers;**
- (G) Daycares and other childcare facilities;**
- (H) Food truck court;**
- (I) Hospitals;**
- (J) Hotels and motels;**
- (K) Live/work residential dwellings;**

- (L) Medical and dental laboratories;
- (M) Multi-family residential dwellings;
- (N) Municipal Uses;
- (O) Offices including medical offices and clinics;
- (P) Parking structures;
- (Q) Parks and recreation facilities;
- (R) Personal service shops;
- (S) Pet daycares with overnight boarding;
- (T) Places of worship;
- (U) Public and private schools;
- (V) Research and development;
- (W) Restaurants and other eating and drinking establishments;
- (X) Retail stores;
- (Y) Studios for arts, crafts and instruction such as dance, yoga and martial arts;
- (Z) Veterinarian clinics including overnight boarding; and
- (AA) Accessory buildings and uses

**17-19-030 - Permitted uses; by special review.**

The following uses are permitted by special review in the TOD-1 district:

- (A) Wireless communication towers.

**17-19-040 - Development standards.**

The following development standards shall be the requirements for the TOD-1 district:

**(A) Building Height**

- (1) Maximum building height is 85 feet.
- (2) When adjacent to low density residential zoned property, the proposed buildings shall be stepped up in height to provide for a transition between densities. Portions of buildings within 75 feet of the property line of a low density residential zoned property shall not be more than 1.5 times the height of the existing low density residential units. If the parcel is vacant, portions of buildings within 75 feet of the property can be 1.5 times the maximum allowed height of the low density residential zone district.

**(B) Setbacks and landscape buffers**

- (1) The following are the setback requirements in the TOD-1 district:

	Minimum	Maximum
Front	0 feet	15 feet
Side (interior)	8 feet	15 feet

	Minimum	Maximum
Side (street or exterior)	10 feet	15 feet
Rear	10 feet	None
Alleyway	8 feet	15 feet

- (2) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.
- (3) A landscape buffer of no less than 30 feet shall be required adjacent to low density residential zone districts.

**(C) Building Orientation and Placement**

- (1) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.

**(D) Enhancement and Preservation of the Public Realm**

- (1) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.
- (2) All other sidewalks shall be a minimum of 8 feet wide.
- (3) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.
- (4) Public spaces shall have adequate seating opportunities, refuse containers (including pet waste stations), etc.

**(E) Parking Orientation and Placement**

- (1) In order to enhance the pedestrian experience, off street parking shall be located behind or in between buildings.
- (2) Off street parking shall not be adjacent to the street.

**(F) Land Use Composition and Mixture of Uses**

- (1) Contiguous land within this zoning district shall consist of a minimum of 30% nonresidential uses.
- (2) Residential uses are encouraged to include income aligned and mixed income dwelling units. All residential development shall be required to comply with Broomfield's Inclusionary Housing requirements in Chapter 17-76, BMC.

- (3) Residential uses shall incorporate retail, commercial or entertainment uses along a minimum of 40% of street frontages.
  - (i) Residential uses consisting of 100% income aligned housing consistent with Chapter 17-76, BMC shall be exempt from this requirement.
- (4) Open Area. No additional open area shall be required other than the required Public Land Dedication.

**(G) Residential Density**

- (1) Minimum density of 15 dwelling units per acre.
- (2) Maximum density of 85 dwelling units per acre.

**(H) Design Requirements**

- (1) Creative design that pays careful attention to the building's contribution to the public realm – through massing, form, materials, and its relationship to the street – is required.
- (2) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail shall be incorporated into the façade design by the use of the following methods:
  - (i) Expression of a structural or architectural bay;
  - (ii) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression;
  - (iii) Change in material; or
  - (iv) Variation in rooflines.
- (3) All façades of a building shall have at least one plane break along the facade at intervals of at least 100 feet composed of an offset of at least five feet in depth by 25 feet in length. The offset shall extend from grade to the highest story of the building. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.
- (4) Street facing façades shall include a minimum of 40% of the façade between two feet and ten feet above grade as windows or glass doors. All other façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.
- (5) Buildings with residential uses shall be designed with active frontages, with residential units facing the street, public right-of way, or common open space, with overhangs, balconies, windows, and individual entries and porches to enliven the street edge and add “eyes” on the street.
  - (i) All ground-level units shall include an individual entry, porch, patio, or terrace.
  - (ii) A minimum of 50% of upper-story units shall include a balcony or terrace with a minimum area of 24 square feet.
- (6) Adequate snow storage shall be provided on site.

- (7) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.
- (8) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.
- (9) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.
- (10) Gas meters shall be screened from view and painted to match the building.
- (11) All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

**17-19-050 - General provisions and process required.**

- (A) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as TOD-1, except as modified in this chapter.
- (B) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.
- (C) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

## **Section 4.**

Chapter 17-23 MU-1 Suburban Mixed Use District is added to the Broomfield Municipal Code with the following language:

### **Chapter 17-23 MU-1 Suburban Mixed Use District**

#### **17-23-010 - Intent.**

It is the purpose of the MU-1 district to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations that promote new development and redevelopment consisting of higher-density residential and nonresidential uses in a scale that enhances the surrounding area and city as a whole.

#### **17-23-020 - Permitted Uses; by right.**

The following uses are permitted by right in the MU-1 district:

- (A) Banks, savings and loan, and finance companies;
- (B) Breweries, brewpubs, wineries and distilleries with tasting rooms;
- (C) Commercial recreational uses and theaters, indoor;
- (D) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs;
- (E) Daycares and other childcare facilities;
- (F) Food truck court;
- (G) Hotels and motels;
- (H) Live/work residential dwellings;
- (I) Medical and dental laboratories;
- (J) Multi-family residential dwellings;
- (K) Municipal Uses;
- (L) Offices including medical offices and clinics;
- (M) Parking structures;
- (N) Parks and recreation facilities;
- (O) Personal service shops;
- (P) Places of worship;
- (Q) Public and private schools;
- (R) Research and development;
- (S) Restaurants and other eating and drinking establishments;
- (T) Retail stores;
- (U) Studios for arts, crafts and instruction such as dance, yoga and martial arts;
- (V) Veterinarian clinics including overnight boarding; and
- (W) Accessory buildings and uses.

**17-23-030 - Permitted uses; by special review.**

The following uses are permitted by special review in the MU-1 district:

- (A) Commercial recreational uses, outdoor;
- (B) Pet daycares with overnight boarding; and
- (C) Wireless communication towers.

**17-23-040 - Development standards.**

The following development standards shall be the requirements for the MU-1 district:

- (A) Building Height
  - (1) Maximum building height is 50 feet.
  - (2) When adjacent to low density residential zoned property, buildings shall be stepped up in height to provide for a transition. Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district.

**(B) Setbacks**

(1) The following are the setback requirements in the MU-1 district:

	Minimum	Maximum
Front	10 feet	25 feet
Side (interior)	8 feet	15 feet
Side (street or exterior)	10 feet	25 feet
Rear	10 feet	None
Alleyway	8 feet	15 feet

(2) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.

**(C) Building Orientation and Placement**

(1) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.

**(D) Enhancement and Preservation of the Public Realm**

(1) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.

(2) All other sidewalks shall be a minimum of 8 feet wide.

(3) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.

(4) Public spaces shall have adequate seating opportunities, refuse containers (including pet waste stations), etc.

**(E) Parking Orientation and Placement**

(1) In order to enhance the pedestrian experience, off street parking shall be located behind or in between buildings.

(2) Off street parking should not be adjacent to the street.

**(F) Land Use Composition and Mixture of Uses**

(1) Contiguous land with this zoning district shall consist of a minimum of 35% nonresidential uses.

(2) Residential uses are encouraged to include income aligned and mixed income dwelling units. All residential development shall be required to

comply with Broomfield's Inclusionary Housing requirements in Chapter 17-76, BMC.

(3) Residential uses shall incorporate retail, commercial or entertainment uses along a minimum of 25% of street frontages.

(i) Residential uses consisting of 100% income aligned housing consistent with Chapter 17-76, BMC shall be exempt from this requirement.

(4) Open Area. No additional open area shall be required other than the required Public Land Dedication.

**(G) Residential Density**

(1) Minimum density of 10 dwelling units per acre.

(2) Maximum density of 30 dwelling units per acre.

**(H) Design Requirements**

(1) Creative design that pays careful attention to the building's contribution to the public realm – through massing, form, materials, and its relationship to the street – is required.

(2) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three of the following methods:

(i) Reveals;

(ii) Belt courses;

(iii) Cornices;

(iv) Expression of a structural or architectural bay;

(v) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression

(vi) Change in material; or

(vii) Variation in rooflines.

(3) All façades of a building that face a street or a public space shall have at least one variation in plane depth of at least one foot for every fifty (50) linear feet of the length of the façade.

(4) Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:

(i) Change in wall plane;

(ii) Change in color; or

(iii) Change in roof form.

(5) All other façades shall have one variation in plane depth of at least one foot for every 100 linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.

(6) Street facing façades shall include a minimum of 40% of the façade between two feet and ten feet above grade as windows or glass doors. All other

façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.

- (7) Multi-family residential buildings, including those with ground floor retail, shall provide at least 75% of the total dwelling units with a least one private outdoor space in the form of a patio or balcony with a minimum area of 24 square feet.
- (8) Adequate snow storage shall be provided on site.
- (9) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.
- (10) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.
- (11) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.
- (12) Gas meters shall be screened from view and painted to match the building.
- (13) All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

#### 17-23-050 - General provisions and process required.

- (A) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as MU-1, except as modified in this chapter.
- (B) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.
- (C) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

## Section 5.

Chapter 17-23.1 MU-2 Employment Mixed Use District is added to the Broomfield Municipal Code with the following language:

### Chapter 17-23.1 MU-2 Employment Mixed Use District

#### 17-23.1-010 - Intent.

It is the purpose of the MU-2 district to provide opportunities for vibrant, high quality mixed use developments in both vertical and horizontal configurations that promote new development and redevelopment consisting of high intensity nonresidential uses which enhance and diversify employment and consumer options within the community.

**17-23.1-020 - Permitted Uses; by right.**

**The following uses are permitted by right in the MU-2 district:**

- (A) Assembly processing, treatment, storage, or packaging of products from previously prepared materials such as food, beverages, appliances, electronics, furniture, business machines, and pharmaceuticals;
- (B) Banks, savings and loan, and finance companies;
- (C) Breweries, brewpubs, wineries and distilleries with tasting rooms;
- (D) Commercial recreational uses and theaters, indoor;
- (E) Commercial recreational uses, outdoor;
- (F) Commercial services such as plumbing, bakery, food catering, household equipment, and appliance rental and repairs;
- (G) Data centers;
- (H) Daycares and other childcare facilities;
- (I) Flex office and flex industrial;
- (J) Food truck court;
- (K) Hospitals;
- (L) Hotels and motels;
- (M) Manufacturing, processing and packaging of medical and pharmaceutical supplies, precision or electronic instruments, parts, or tools;
- (N) Medical, dental, experimental, and testing laboratories;
- (O) Municipal Uses;
- (P) Offices including medical offices and clinics;
- (Q) Outdoor parking of vehicles for service, delivery, and related purposes when used in conjunction with the principal use and in operable conditions with current license plates;
- (R) Outdoor storage of equipment, vehicles, and materials used in conjunction with the principal use, limited to no more than 10% of the lot area, and enclosed and screened by a fence or wall as defined in section 17-32-140, B.M.C.;
- (S) Parking structures;
- (T) Parks and recreation facilities;
- (U) Personal service shops;
- (V) Pet daycares with overnight boarding;
- (W) Places of worship;
- (X) Public and private schools;
- (Y) Research and development;
- (Z) Restaurants and other eating and drinking establishments;
- (AA) Retail stores;

- (BB) Studios for arts, crafts and instruction such as dance, yoga and martial arts;
- (CC) Veterinarian clinics including overnight boarding;
- (DD) Warehouse distribution and wholesale uses; and
- (EE) Accessory buildings and uses.

**17-24.1-030 - Permitted uses; by special review.**

The following uses are permitted by special review in the MU-2 district:

- (A) Outdoor storage of equipment, vehicles, and materials exceeding 10% of the lot, and enclosed and screened by a fence or wall as defined in section 17-32-140, B.M.C.; and
- (B) Wireless communication towers.

**17-24.1-040 - Development standards.**

The following development standards shall be minimum requirements in the MU-2 district:

**(A) Building Height**

- (1) Maximum building height is 60 feet.
- (2) When adjacent to low density residential zoned property, buildings shall be stepped up in height to provide for a transition. Portions of buildings within 50 feet of the property line of a low density residential zoned property shall not be more than the maximum allowed height of the low density residential zone district.

**(B) Setbacks**

- (1) The following are the setback requirements in the MU-2 district:

	Minimum	Maximum
Front	10 feet	25 feet
Side (interior)	8 feet	15 feet
Side (street or exterior)	10 feet	25 feet
Rear	10 feet	None
Alleyway	8 feet	15 feet

- (2) Balconies, canopies, and other architectural projections may encroach into the setbacks provided that they preserve a minimum eight foot vertical clearance area over any sidewalks and 14 feet above any travel lanes within right-of-way.

**(C) Building Orientation and Placement**

- (1) In order to activate streets and enhance the pedestrian experience, buildings are encouraged to be placed on the street and oriented toward the public realm utilizing minimum required setbacks.
- (2) Buildings should be oriented so any loading bays and loading doors are internal to the site and fully screened from adjacent roadways.
  - (i) Screening should be achieved through some combination of sunken loading bays, wing walls, and landscaping.

**(D) Enhancement and Preservation of the Public Realm**

- (1) In order to activate street fronts and enhance the pedestrian experience, minimum 10 foot wide sidewalks shall be provided along the fronts of buildings.
- (2) All other sidewalks shall be a minimum of 8 feet wide.
- (3) To preserve pedestrian walks and to allow for ease of travel a minimum width of 6 feet of sidewalks shall remain unobstructed. This includes clearance from outdoor seating, landscape planters, bike racks, and other amenities and fixtures.
- (4) Public spaces should have adequate seating opportunities, refuse containers (including pet waste stations), etc.

**(E) Parking Orientation and Placement**

- (1) In order to enhance the pedestrian experience, off street parking should be placed behind or in between buildings.
- (2) Off street parking should not be adjacent to the street.

**(F) Land Use Composition and Mixture of Uses**

- (1) Contiguous land within this zoning district shall consist of a minimum of 35% nonindustrial and non flex space.
- (2) Open Area. A minimum 10% of the project area shall be preserved as public realm and activated to allow for use by employees and patrons.

**(G) Design Requirements**

- (1) Creative design that pays careful attention to the building's contribution to the public realm – through massing, form, materials, and its relationship to the street – is required.
- (2) All façades of a building shall provide a level of finished architectural quality and be designed to a human scale. Each façade shall contain at least one change in color or texture. Additional detail should be incorporated into the façade design by the use of at least three of the following methods:
  - (i) Reveals;
  - (ii) Belt courses;
  - (iii) Cornices;
  - (iv) Expression of a structural or architectural bay;

- (v) Articulation of windows and doorways, which may include sills, mullions, or pilasters that create a three-dimensional expression;
  - (vi) Change in material; or
  - (vii) Variation in rooflines.
- (3) All façades of a building that face a street or a public space shall have at least one variation in plane depth of at least one foot for every fifty (50) linear feet of the length of the façade.
  - (4) Street facing façades shall include windows or glass doors of not less than 25%, all other façades shall include windows or other translucent cladding materials that closely resemble windows of not less than 15%.
  - (5) All other façades shall have one variation in plane depth of at least one foot for every 100 linear feet of the length of the façade. Any portion of a façade that is a glass curtain wall shall be exempted from this requirement.
  - (6) Adequate snow storage shall be provided on site.
  - (7) All rooftop and ground mounted mechanical equipment shall be fully and permanently screened, and all rooftop projections such as pipes and vents shall be painted to match the roof surface color.
  - (8) If a roof apparatus is not fully enclosed and is above the height of the parapet or is visible from adjacent roadways or public trails, open lands or open space, then the mechanical equipment will be concealed in a painted screen to match the roof color. Roof protrusions of lesser height will be painted to match the roof color.
  - (9) Electrical distribution panels shall be contained within the building, service enclosures or screened from view.
  - (10) Gas meters shall be screened from view and painted to match the building.
  - (11) All refuse (trash) and recycling areas shall comply with Chapter 17-34-060 B.M.C.

**17-23-050 - General provisions and process required.**

- (A) The reviews, procedures, submission requirements, recording requirements, and other requirements of title 16 and title 17 shall apply to all properties designated as MU-2, except as modified in this chapter.
- (B) Prior to the submittal of any site development plan, the applicant shall submit a concept plan for initial concept review consistent with the requirements of chapter 17-38, article I, B.M.C.
- (C) An approved site development plan, consistent with the requirements of chapter 17-38, article III, B.M.C., is required prior to the issuance of a building permit for a use permitted in this Chapter.

## Section 6.

This ordinance shall be effective seven days after public notice following final passage.

**Introduced and approved** after first reading on July 2, 2024, and ordered published in full.

**Introduced a second time and approved** on July 30, 2024, and further ordered published.

The City And County Of Broomfield, Colorado

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Office of the City and County Clerk

Approved As To Form:

*NCR*  
\_\_\_\_\_  
City and County Attorney



**Markel Property Rezoning to OS District 1st Reading**

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:00 PM	Action Items Item: 7C
Presented By	
Anna Bertanzetti	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

## Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

The City and County of Broomfield, through the City and County Manager, has submitted an application to rezone the Markel Open Space property from the legacy Boulder County Agricultural district to Broomfield’s new Open Space (OS) district. The application includes a Comprehensive Plan land use map amendment to change the land use designation from “residential” to “open lands” for consistency with the zoning and planned use.

**Attachments**

[Planning Memo for Markel Rezoning & CPAMD.pdf](#)

[Ordinance No. 2236 Markel Rezoning.pdf](#)

[Resolution 2024-77 Markel Property Comprehensive Land Use Amendment.pdf](#)

# Summary

[View Correspondence](#) and [Broomfield Voice project page](#)

The City and County of Broomfield, through the City and County Manager, has submitted an application to rezone the Markel Open Space property from the legacy Boulder County Agricultural district to Broomfield's new Open Space (OS) district. The application includes a Comprehensive Plan land use map amendment to change the land use designation from "residential" to "open lands" for consistency with the zoning and planned use.

The property is generally located north of W. 136th Avenue and east of Aspen Street as shown in the aerial photograph below.

The 25.6-acre site features a pond lined with tall cottonwood trees. Broomfield purchased the land in 2008 with Broomfield Open Space Funds to preserve the property as open space for the community.

City Council approved an ordinance establishing the OS district on December 5, 2023. The OS district is intended for land intentionally protected from development and/or set aside for unstructured, passive recreation, natural resource preservation, agriculture, and the appreciation of natural surroundings.

The rezoning of the property will create greater transparency for the community regarding uses allowed on the property. The rezoning will not cause any nonconforming uses.

Proposed Ordinance No. 2236 would approve the rezoning request on first reading and schedule a public hearing and second reading on July 30, 2024. Proposed Resolution No. 2024-77 regarding the land use map amendment would be scheduled for consideration with the rezoning at a public hearing on July 30, 2024.

## Financial Considerations

The rezoning of this property will not result in any financial impacts to the City and County of Broomfield.

## Prior Council or Other Entity Actions

On December 12, 2023, City Council approved Resolution No. 2023-150 authorizing and approving the combined [Markel and Wottge Open Space Plan Report](#). There are no changes proposed to this approved plan as part of the rezoning application. The rezoning will align the land uses permitted on the property with the approved plan.

## Boards and Commissions Prior Actions and Recommendations

On May 13, 2024, the Land Use Review Commission (LURC) held a public hearing on the applicant's rezoning request. The Commission voted 6 to 0 to recommend approval of the rezoning proposal without conditions.

The staff report for LURC included a description of the comprehensive plan land use map amendment for the Markel rezoning for informational purposes. City Council has the formal authority to decide on the map amendment application element and no action on the comprehensive plan amendment was required by the Land Use Review Commission.

## Proposed Actions / Recommendations

It is recommended that:

That Ordinance No. 2236 be adopted on first reading and ordered published in full;

That a public hearing and second reading on the Ordinance be held on July 30, 2024, at 6pm as allowed by City Council Procedures and Rules of Order.

## Alternatives

Do not approve Ordinance No. 2236 and do not rezone the Markel property into the OS district. The property would stay in the legacy Boulder County Agricultural zone district. This alternative is not advised because Council approved the establishment of the OS district for properties like the Markel Property.

## Key Details

### Key Issues Identified By Staff

Staff has identified no key issues with the proposal.

### Links to Application Materials

- [Application Justification](#)

### How to Submit Public Comments on this Proposal

Email directly to [Planning@broomfield.org](mailto:Planning@broomfield.org)

### Property Owner and Applicant

The property owner and applicant is the City and County of Broomfield

### Concept Review Plans

A concept review is not required for a rezoning application.

## Applicable City and County of Broomfield Plans

### Relationship to Comprehensive Plan

The Broomfield Comprehensive Plan land use designation for the subject property is “Residential.” The application includes a proposal to change the land use designation for the property from “Residential” to “Open Lands.” With this amendment, the proposed rezoning request is consistent with the intended land use for the property. The map below shows the project location and the existing and proposed Comprehensive Plan land use map designation for the site.



*Comparison Maps Showing Proposed Land Use Designation Change from Residential to Open Lands*

### Goals and Policies

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

- **Goal OP-A: Forty Percent Open Lands:** “Provide approximately 40 percent of Broomfield’s planning area as open lands.”
- **Goal OP-E: Future Needs:** “Develop a proactive approach to meeting future open space, parks, and recreation needs.
- **Policy CF-C.1:** “Continue to use and update the Land Use Map, along with the Broomfield Framework Map, to direct future zoning, land use and development decisions.”

## Zoning, Status of the Development and Previously Approved Plan

### Zoning

The Markel property is currently zoned legacy Boulder County Agricultural referred to as A(B), which allows a wide range of uses that are inconsistent with the intended use of the property as open space. The legacy

A(B) zone district allows single family residences, cemeteries, kennels, and camp grounds among other uses which are not compatible with the existing or intended open space use of the property.

## Status of the Development and Previously Approved Plan

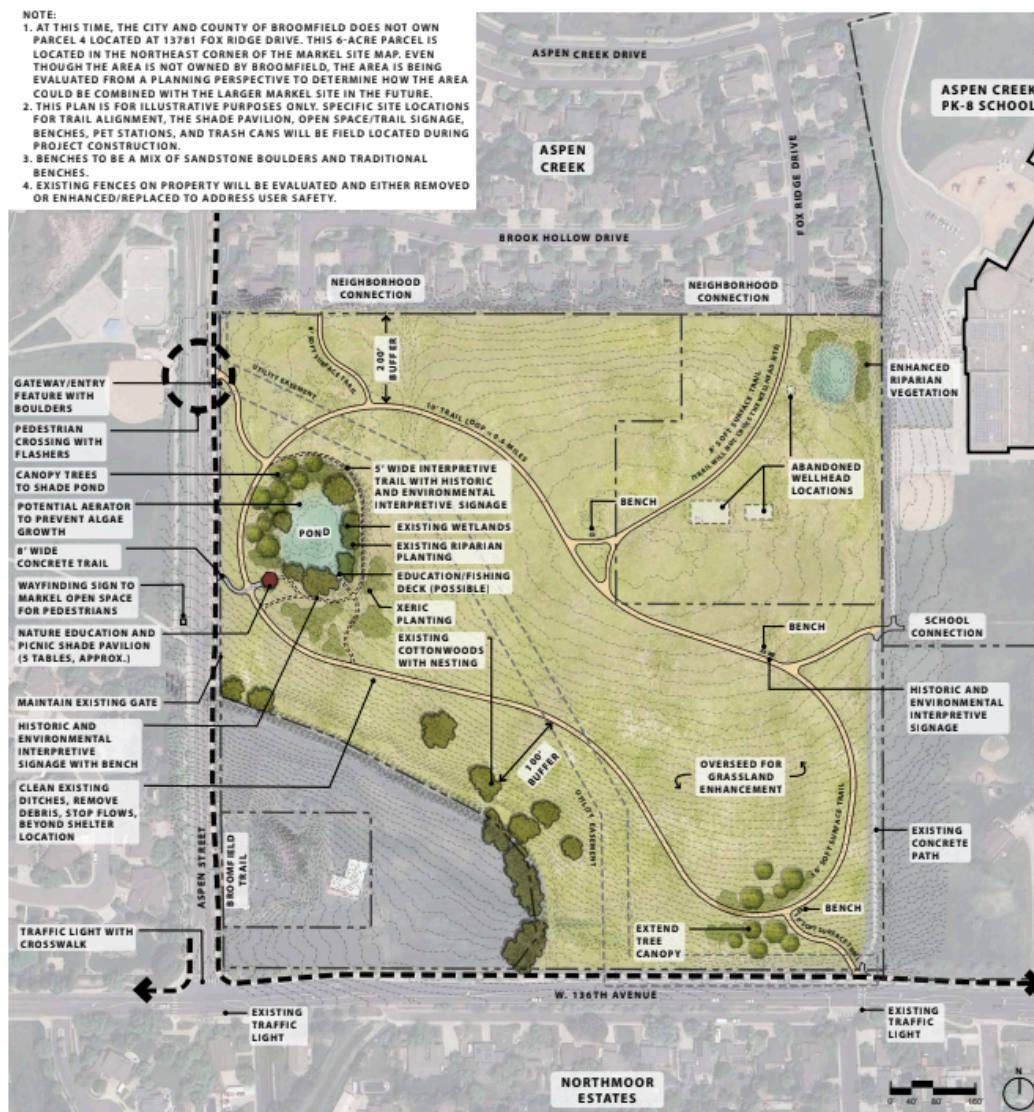
The property is currently considered open space because Broomfield purchased the land with Broomfield Open Space Funds. The intent is to improve the property with trails, signs and landscaping consistent with the approved Markel Open Space Plan for the property. Rezoning the property to the OS district would align the zoning and permitted land uses with the intended use of the property as established in the Markel Open Space Plan adopted in 2023.

The property is subdivided as Lot 2 of the Markel Filing No. 1 Minor Subdivision Plat and is owned by the City and County of Broomfield. The approximately 6-acre parcel to the northeast of this property is also anticipated to be acquired by Broomfield for open space. When the transaction to purchase the adjacent parcel is completed, Broomfield will then propose its rezoning to open space since it was included in the Markel Open Space Plan. The following graphic presents an excerpt of the Markel Open Space Plan. Additional information on the adopted open space plan and process is available on the [Broomfield Voice project web site](#).

## MARKEL OPEN SPACE PLAN

**NOTE:**

1. AT THIS TIME, THE CITY AND COUNTY OF BROOMFIELD DOES NOT OWN PARCEL A LOCATED AT 13781 FOX RIDGE DRIVE. THIS 6-ACRE PARCEL IS LOCATED IN THE NORTHEAST CORNER OF THE MARKET SITE MAP. EVEN THOUGH THE AREA IS NOT OWNED BY BROOMFIELD, THE AREA IS BEING CONSIDERED AS A FUTURE DEVELOPMENT OPPORTUNITY. HOW THE AREA COULD BE COMBINED WITH THE LARGER MARKET SITE IN THE FUTURE.
2. THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY. SPECIFIC SITE LOCATIONS FOR TRAIL ALIGNMENT, THE SHADE PAVILION, OPEN SPACE/TRAIL SIGNAGE, BENCHES, PET STATIONS, AND TRASH CANS WILL BE FIELD LOCATED DURING PROJECT CONSTRUCTION.
3. BENCHES TO BE A MIX OF SANDSTONE BOULDERS AND TRADITIONAL BENCHES.
4. EXISTING FENCES ON PROPERTY WILL BE EVALUATED AND EITHER REMOVED OR ENHANCED/REPLACED TO ADDRESS USER SAFETY.



## Area Context

The map below identifies the Broomfield-owned Markel Open Space property proposed for rezoning. The property is bounded by Aspen Street on the west and W. 136th Avenue on the south. The surrounding residential land uses include the Northmoor Estates residential subdivision and two parcels owned by the Markel Family (which include a residence and undeveloped land zoned for single family residential uses) to the south, the Kois residential property to the east, the Aspen Creek residential subdivision to the north, and the Country Estates residential subdivision to the west. Country Estates Park is located across Aspen Street to the west and Aspen Creek K-8 School is located to the northeast. The approximately 6-acre property to the northeast is also owned by the Markel Family. Broomfield anticipates acquiring this parcel in the future to expand the open space in the area consistent with the Markel Open Space Plan. A separate request to amend the land use map and zoning would be proposed once Broomfield acquires the smaller, 6-acre property in the future.



### Surrounding Land Uses: Adjacent Zoning & Comprehensive Plan Designation

North	Residential/PUD	Residential
South	Residential/R-1 & E-2	Residential
East	Residential//R-PUD	Residential
West	Residential & Park/R-PUD	Residential & Open Lands

# Current Application - Detailed Description and Staff Review

## Background/Base Data

The City and County of Broomfield, through the City and County Manager, has submitted an application to rezone the Markel Open Space property from the legacy Boulder County Agricultural district to Broomfield's new Open Space (OS) district. The rezoning request applies to a single parcel containing approximately 25.6 acres. The rezoning of the property will create greater transparency for the community regarding uses allowed on the property. The application includes a Comprehensive Plan land use map amendment to change the land use designation from "residential" to "open lands" for consistency with the zoning and planned use.

PROPERTY OWNER	City and County of Broomfield
APPLICANT	City and County of Broomfield
PROPERTY LOCATION	Northeast of the intersection of W. 136th Avenue and Aspen Street
PROPERTY SIZE	Approximately 25.6 acres
CURRENT ZONING	Legacy Boulder County Agricultural
PROPOSED ZONING	Open Space
CURRENT LAND USE	Open Space
PROPOSED LAND USE	Open Space
CURRENT COMPREHENSIVE PLAN DESIGNATION	Residential
PROPOSED COMPREHENSIVE PLAN DESIGNATION	Open Lands

## Rezoning

The property is currently zoned legacy Boulder County Agricultural which permits a broad range of land uses which would not be consistent with the existing and intended use of the property as open space.

The OS zone district is a newly established zone district in the City and County of Broomfield. On December 5, 2023, the City Council adopted Ordinance No. 2220 which amended Section 17-07 Open Lands and Public Facilities Zone District of the Broomfield Municipal Code, and created three distinct zone districts. The ordinance established Chapter 17-07 for the Public Facilities District, Chapter 17-07.1 for the Open Space District, and Chapter 17-07.2 for the Parks, Recreation and Open Lands District. The intent of this ordinance was to provide the opportunity for more appropriate and transparent zoning of city-owned property and to encourage and allow for community use, necessary municipal facilities, or protection of open space and parks.

With the adoption of Ordinance No. 2220, the OS district was created to intentionally protect land from development and/or set aside land for unstructured, passive recreation, natural resource preservation, agriculture, and the appreciation of the natural surroundings. The OS district permits the following uses, lot and yard requirements, and maximum building height.

## **Uses Allowed by right**

The following uses are permitted by right in the OS district:

- Natural, native areas;
- Passive outdoor recreation and trails;
- Fishing facilities including docks;
- Bird and wildlife sanctuaries;
- Wildlife viewing areas including decks;
- Public art installations that are compatible with the site's natural resources;
- Accessory structures to the passive recreation use (benches, picnic pavilions, shade structures, covered and uncovered seating areas, restrooms);
- Utility lines and transmission devices not including freestanding solar arrays;
- Parking as associated with trailheads or maintenance operations;
- Management and research operations including but not limited to temporary goat grazing, prescribed burns, weed spraying and other similar operations;
- Cultivation of crops, vegetables, plants, flowers, and nursery stock produced on the premises;
- Culturally significant or historical structures;
- Native Plant Arboretum;
- Fences up to 7 feet tall as necessary for security purposes, including prairie dog fencing;
- Rooftop solar panels as an accessory to a permitted structure;
- Non-potable water storage reservoirs; with a reservoir being defined as an artificial lake, pond or body of water where water is collected and kept in quantity for use; and
- The grazing of goats, or horses, including supplementary feeding, provided that such grazing is not a part of, nor conducted in conjunction with, any dairy, feed yard, or livestock sales yard.

## **Lot and yard requirements**

The OS district allows a maximum building height of one story and no higher than 20 feet with the exception of culturally significant or historic structures, which may be up to two stories and 35 feet in height. There are no existing buildings on the property.

The OS district also establishes a building setback requirement of 30 feet + 1 foot for each 2 feet of building height in the OS district measured from residential property lines. Any future improvements such as the addition of a shade pavilion will be required to comply with the established setbacks for the district.

The rezoning of the property from Agricultural to OS will not result in any nonconforming uses or structures on the property.

## Neighborhood Outreach and Communication

A joint neighborhood meeting for the proposed Markel and Wottge rezonings was held on April 3, 2024. The meeting was held in person at the Aspen Creek K-8 School. Thirteen residents attended the meeting and asked questions about the proposed rezonings and future plans for the properties. The following link provides [a summary of the neighbors' comments](#).

A project website was created for this development proposal on the BroomfieldVoice platform. Staff provided general information and shared updates on the [designated project web page](#).

There will also be an opportunity at the public hearing for the second reading of the proposed ordinance for additional public comments to be provided for City Council's consideration.

## Land Use Review Commission

On May 13, 2024, the Land Use Review Commission held a public hearing on the applicant's rezoning request. The Commission voted 6 to 0 to recommend approval of the proposed rezoning without conditions.

The staff report for LURC included a description of the comprehensive plan land use map amendment for the Markel rezoning for informational purposes. City Council has the formal authority to decide on the map amendment application element, therefore no action on the comprehensive plan amendment was required by the Land Use Review Commission.

## Staff Review of Key Issues

Staff has identified no key issues for this application.

## Applicable Municipal Code Provisions

A public hearing will be required concurrent with second reading of the ordinance. At the conclusion of the public hearing, the City Council reviews the application based on the following provisions of the BMC.

### Rezoning

#### **17-48-020 - Procedure for rezoning.**

- A. The owner of any property may apply to the land use review commission for rezoning of his or her property. The applicant shall pay an application fee of \$650.00 for rezoning ten acres or more of land and \$250.00 for rezoning less than ten acres of land.
- B. The city manager is authorized to apply to the land use review commission for rezoning of any property within the city.
  1. The city manager shall notify the owner or owners of any property subject to the application for rezoning that a hearing on the rezoning application will be held before the land use review commission and before the city council.
  2. The city manager's notification to the owner or owners shall set forth the reasons for the rezoning application.

3. Notification to the owner or owners by the city manager shall be by personal service or by certified mail not less than thirty days prior to the public hearing before the land use review commission.
- C. The land use review commission shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52, B.M.C. Following the hearing, the land use review commission shall make recommendations to the city council concerning the application.
- D. The city council shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52. Following the hearing, the city council shall either deny the application or shall approve it by ordinance. An ordinance may impose conditions on rezoning.

**17-48-030 Reconsideration; time limit.**

A proposed rezoning request for a similar classification or area to one already denied by the city council shall not be reconsidered by the city council within twelve months of the date of such city council action. Submission by a different applicant or minor changes in boundaries shall not be adequate reason to circumvent this requirement.

**17-48-040 - Reclassification; development; time limit.**

At the time the land use review commission and the city council consider an initial zoning request, a rezoning request, or any amendments to the zoning district map, the applicant shall be advised that the land must be developed in accordance with the designated zoning classification within two years after the date of granting same, and that in the event such development is not completed or substantially commenced within the two-year period, the city may, at its sole and exclusive option, review the zoning classification and initiate proceedings to rezone the land to the classification the land held immediately prior thereto, or to such other zoning classification as may be determined by the city council.

## **Master Plan/Comprehensive Plan**

**17-58-030 - Procedure for adoption.**

The city council may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the city council shall hold at least one public hearing thereon, notice of the time and place of which shall be given in accordance with sections 17-52-010, 17-52-020, 17-52-030, 17-52-060, and 17-52-080, B.M.C. The adoption of the plan, any part, amendment, extension, or addition shall be by resolution of the city council. The resolution may refer expressly to the maps and descriptive and other matter intended by the city council to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the mayor or mayor pro tem and attested by the city clerk. A copy of the plan or part thereof shall be certified to each governmental body of the territory affected and shall be filed with the county clerk and recorder of each county wherein the territory is located.

**17-58-050 - Master plan amendments.**

An applicant for a master plan amendment shall pay an application fee of \$650.00 for a master plan amendment of ten acres or more of land and \$250.00 for a master plan amendment of less than ten acres of land.

# ORDINANCE NO. 2236

An Ordinance Rezoning the Markel Open Space Property  
from the A(B) Zone District to Open Space (OS) District

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

## Section 1.

- 1.1. The applicant, the City and County of Broomfield through the City and County Manager, submitted an application to rezone the Markel Filing No. 1, Lot 2, Block 1 (Markel Open Space Property) from the current legacy Boulder County Agricultural district of A(B) to the Open Space (OS) District.
- 1.2. The proposal is in general conformance with the master plan, upon the adoption of the Comprehensive Plan Amendment that is proposed concurrent with this ordinance. The proposal is compatible with existing and allowable land uses in the surrounding area and mitigates the negative impacts to the surrounding area. The proposal will not result in substantial impacts to the health, safety and welfare of the residents and landowners in the surrounding area.

## Section 2.

The real property as described in Exhibit A attached hereto is hereby rezoned from A(B) to Open Space (OS) District.

## Section 3.

The City and County Clerk shall amend the zoning district map pursuant to §17-06-020 of the Broomfield Municipal Code.

## Section 4.

This ordinance shall be effective seven days after public notice following final passage.

Introduced and approved after first reading on July 2, 2024, and ordered published in full.

Introduced a second time and approved on July 30, 2024, and further ordered published.

The City and County of Broomfield, Colorado

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Mayor

Attest:

---

Office of the City and County Clerk

Approved as to Form:

KKH

---

City and County Attorney

EXHIBIT A

Markel Open Space Property Legal Description

LOT 2 OF MARKEL FILING NO. 1, CITY AND COUNTY OF BROOMFIELD, STATE OF COLORADO

# RESOLUTION NO. 2024-77

A Resolution approving a Comprehensive Land Use Amendment for the Markel Open Space Property

Be it resolved by the City Council of the City and County of Broomfield, Colorado:

## Recitals

- A. The City and County of Broomfield has submitted an application for a Comprehensive Land Use Amendment to change the land use designation from “residential” to “open lands” for the property, Markel Filing No. 1, Lot 2, Block 1, in the City and County of Broomfield, commonly known as the Markel Open Space Property.
- B. After proper notice was given in accordance with Chapter 17-52 of the Broomfield Municipal Code, a public hearing was heard by the City Council on July 30, 2024.

## Findings

- A. The proper posting, publication and public notice were provided as required by law for the hearing before the City Council, and the Community Development case file is hereby incorporated into the record.
- B. That the hearing before the City Council was extensive and complete, that all pertinent facts, matters and issues were submitted and that all interested parties were heard at those hearings.
- C. The proposed revisions to the Comprehensive Plan and accompanying maps are necessary to reflect the general purpose and guiding plan and recommendations for development in this area.

## Action

On the basis of the above and pursuant to the provisions of Chapters 17-58 of the Broomfield Municipal Code, the Comprehensive Plan Land Use Map (Map 1) on page 6 of the City and County of Broomfield 2016 Comprehensive Plan is hereby approved and amended as shown in detail (for illustrative purposes only) on Exhibit A attached hereto, and the Markel Filing No. 1 Lot 2, Block 1 Comprehensive Land Use Amendment is hereby approved.

This resolution is effective on the date of approval by the City Council.

Approved on July 30, 2024.

The City and County of Broomfield,  
Colorado

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Mayor

Attest:

\_\_\_\_\_  
City and County Clerk

Approved As To Form:

KKH

\_\_\_\_\_  
City and County Attorney

## EXHIBIT A





# City of Broomfield

## City Council Special Meeting

### Wottge Property Rezoning to OS District 1st Reading

Meeting	Agenda Group
Tuesday, July 2, 2024, 6:00 PM	Action Items Item: 7D
Presented By	
Anna Bertanzetti	
Community Goals	
<input checked="" type="checkbox"/> Thriving, Diverse, Safe and Welcoming Community	

## Overview

[View Correspondence](#) and visit [BroomfieldVoice.com](https://broomfieldvoice.com)

The City and County of Broomfield, through the City and County Manager, has submitted an application to rezone the Wottge Open Space property from the Planned Unit Development (PUD) district to the Open Space (OS) district.

### **Attachments**

[Planning Memo for Wottge Rezoning.pdf](#)

[Ordinance No. 2235 Wottge Rezoning.pdf](#)

## Summary

[View Correspondence](#) and [Broomfield Voice project page](#)

The City and County of Broomfield, through the City and County Manager, has submitted an application to rezone the Wottge Open Space property from the Planned Unit Development (PUD) district to the Open Space (OS) district.

The property is located southwest of the intersection of Dillon Road and Sheridan Boulevard and consists of two parcels comprising approximately 66.1 acres.

The land has been used for agricultural purposes for many decades. Broomfield purchased the land in 2003 with Broomfield Open Space Funds to preserve the mountain views and provide a connection to Broomfield's agricultural history.

City Council approved an ordinance establishing the OS district on December 5, 2023. The OS district is intended for land intentionally protected from development and/or set aside for unstructured, passive recreation, natural resource preservation, agriculture, and the appreciation of natural surroundings.

The rezoning of the property will create greater transparency for the community regarding uses allowed on the property. The rezoning will not cause any nonconforming uses.

Proposed Ordinance No. 2235 would approve the rezoning request on first reading and schedule a public hearing and second reading on July 30, 2024.

## Financial Considerations

The rezoning of this property will not result in any financial impacts to the City and County of Broomfield.

## Prior Council or Other Entity Actions

On December 12, 2023, City Council approved Resolution No. 2023-150 authorizing and approving the joint [Markel and Wottge Open Space Plan and Report](#). There are no changes proposed to this approved plan as part of the rezoning application. The rezoning will align the land uses permitted on the property with the approved plan.

## Boards and Commissions Prior Actions and Recommendations

On May 13, 2024, the Land Use Review Commission held a public hearing on the applicant's rezoning request. The Commission voted 6 to 0 to recommend approval of the proposal without conditions.

## Proposed Actions / Recommendations

It is recommended that:

That Ordinance No. 2235 be adopted on first reading and ordered published in full;

That a public hearing and second reading on the Ordinance be held on July 30, 2024, at 6pm as allowed by City Council Procedures and Rules of Order.

## Alternatives

Do not approve Ordinance No. 2235 and do not rezone the Wottge property into the OS district. The property would stay in the PUD district. This alternative is not advised because Council approved the establishment of the OS district for properties like the Wottge parcels.

## Key Details

### Key Issues Identified By Staff

Staff has identified no key issues with the proposal.

### Links to Application Materials

- [Application Justification](#)

### How to Submit Public Comments on this Proposal

Email directly to [Planning@broomfield.org](mailto:Planning@broomfield.org)

### Property Owner and Applicant

The property owner and applicant is the City and County of Broomfield

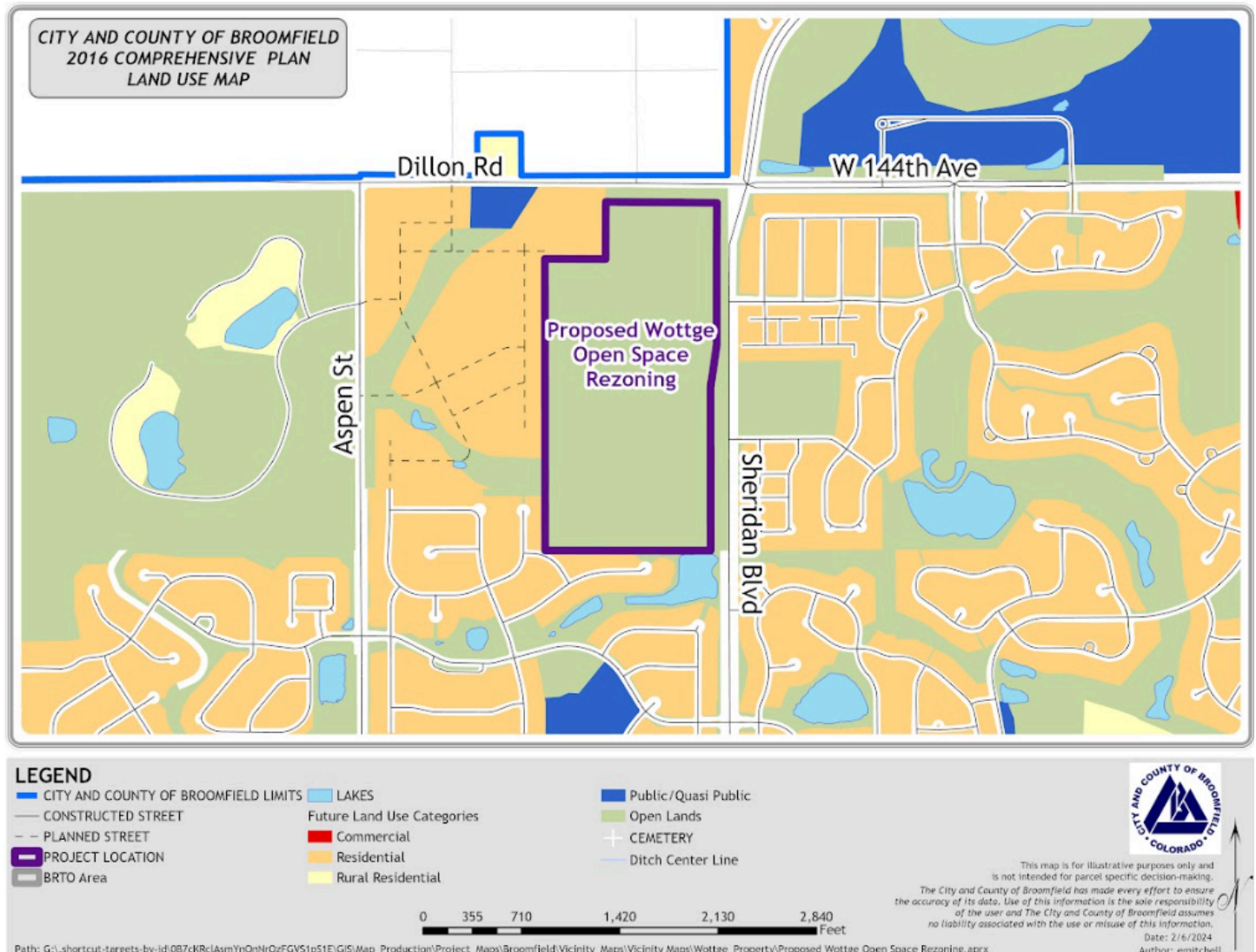
### Concept Review Plans

A concept review is not required for a rezoning application.

## Applicable City and County of Broomfield Plans

### Relationship to Comprehensive Plan

The Broomfield Comprehensive Plan land use designation for the subject property is “Open Lands.” The proposed rezoning request is consistent with this general designation. The map below shows the project location within a portion of the land use map for the surrounding area.



*Map of the Project Location and Land Use Designation and Surrounding Community*

## Goals and Policies

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

- **Goal OP-A: Forty Percent Open Lands:** “Provide approximately 40 percent of Broomfield’s planning area as open lands.”
- **Goal OP-E: Future Needs:** “Develop a proactive approach to meeting future open space, parks, and recreation needs.
- **Policy CF-C.1:** “Continue to use and update the Land Use Map, along with the Broomfield Framework Map, to direct future zoning, land use and development decisions.”

# Zoning, Status of the Development and Previously Approved Plan

## Zoning

The Wottge property is currently zoned PUD which allows for custom zoning of the property by establishing site-specific development standards and guidelines in an approved PUD Plan. While the property is currently zoned PUD, there is no existing approved PUD plan in place. In this case, without a plan to direct future development, the uses permitted by right on the property are the uses permitted by right in Broomfield's A-1 (agricultural) zone district. The A-1 zone district permits the following uses by right:

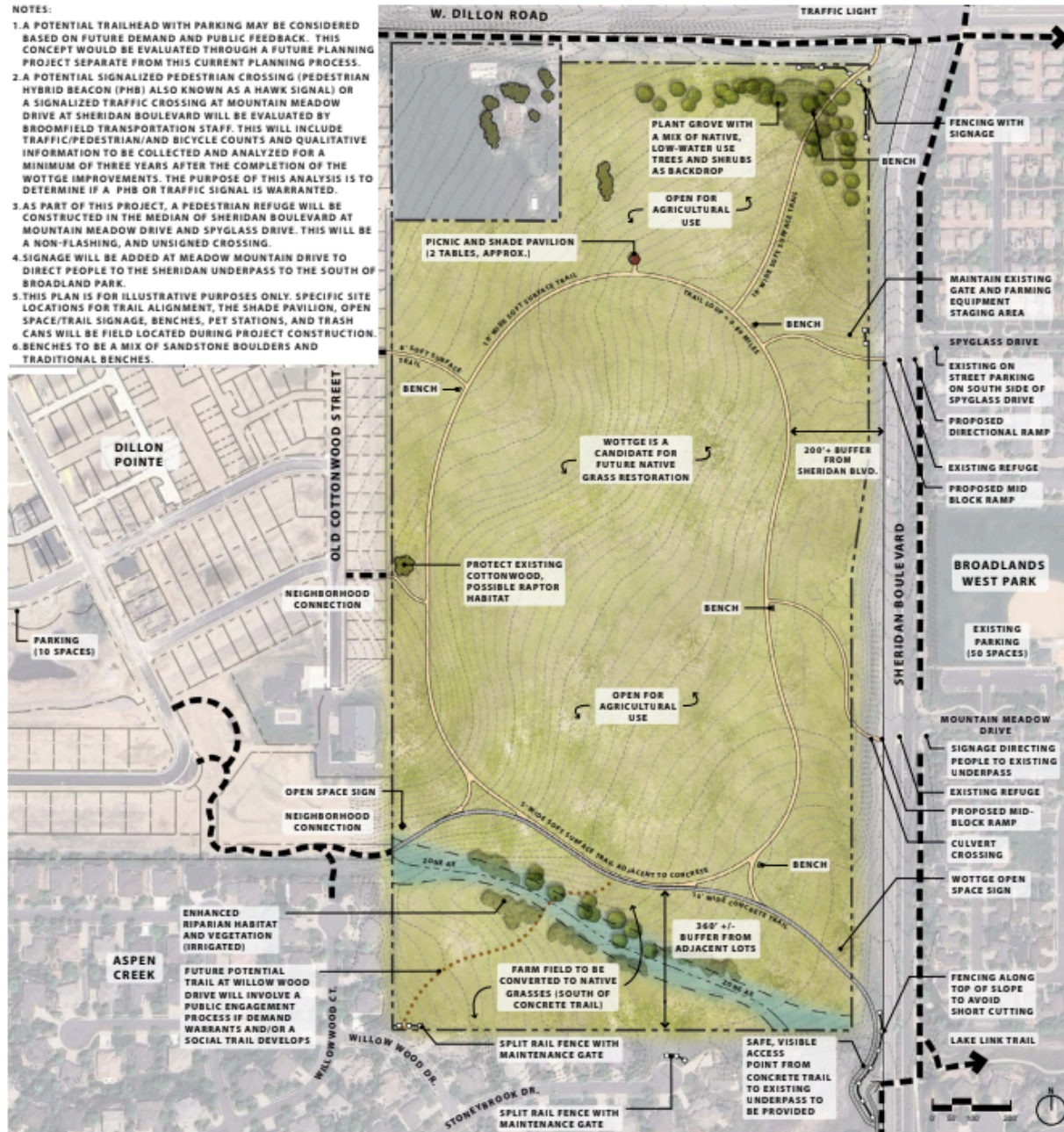
- single-family dwellings and home occupations;
- cultivation, storage, and sale of crops, vegetables, plants, flowers, and nursery stock produced on the premises;
- the grazing of cattle, sheep, goats or horses, including supplementary feeding providing that such grazing is not a part of, nor conducted in conjunction with, any dairy, feed yard, or livestock sales yard. Concentrations of animals in excess of the following shall not be permitted except as may be permitted by section [17-08-030](#): cattle, sheep, goats, and horses—15,000 square feet per animal;
- cemeteries;
- above-ground or underground distribution and transmission lines for public utilities when the lines primarily serve the city;
- public uses such as water facilities, including storage, wastewater treatment facilities, and related facilities;
- private poultry house containing not more than 400 square feet of ground floor area; and
- municipal buildings.

## Status of the Development and Previously Approved Plan

The property has been used for agricultural purposes for many years and is currently considered open space because Broomfield purchased the land with Broomfield Open Space Funds. The Broomfield City Council approved the adoption of the Wottge Open Space Plan in 2023. The Plan provides recommendations for passive recreational amenities to maintain the open space aesthetic and functionality of the property. Rezoning the property to the OS district would align the zoning and permitted land uses with the intended use of the property as established in the Wottge Open Space Plan adopted in 2023. This application does not include any proposed changes to the approved Wottge Open Space Plan.

The following graphic presents an excerpt of the Wottge Open Space Plan. Additional information on the adopted open space plan and process is available on the [Broomfield Voice project web site](#).

## WOTTGE OPEN SPACE PLAN



## Area Context

The map below identifies the two parcels comprising the Wottge property rezoning. The property is surrounded by existing and developing single-family residential land uses and is bounded by Dillon Road on the north and Sheridan Boulevard on the east. The surrounding residential land uses include Aspen Creek to the south and west, Dillon Pointe (developing residential subdivision) to the west, the Broadlands to the east, and Boulder County rural residential properties to the north. Broadlands West Park is also located to the east.



## Surrounding Land Uses

	ADJACENT USE / ZONING	COMPREHENSIVE PLAN DESIGNATION
<b>North</b>	Unincorporated Boulder County	Residential
<b>South</b>	Residential/R-PUD	Residential
<b>East</b>	Residential and Park/PUD	Residential and Open Lands
<b>West</b>	Developing Residential/PUD	Residential

# Current Application - Detailed Description and Staff Review

## Description

The City and County of Broomfield has submitted an application proposing to rezone the Wottge open space property from the PUD zone district to Broomfield's Open Space zone district. The rezoning request applies to two parcels containing approximately 66.1 acres. The rezoning of this property will help with transparency regarding allowable uses on the site for current and future residents.

Planned Unit Development zone districts are customizable and each approved PUD plan has unique allowed uses and development standards. By rezoning the property to the OS district, the public will more easily be able to find the allowable uses on these city-owned properties and to understand the development requirements such as allowed building height and setbacks. This rezoning to OS will also help clarify the development process for city-owned property.

## Background/Base Data

PROPERTY OWNER	City and County of Broomfield
APPLICANT	City and County of Broomfield
PROPERTY LOCATION	Southwest of the intersection of Dillon Road and Sheridan Boulevard
PROPERTY SIZE	Approximately 66.1 acres
CURRENT ZONING	PUD with no approved plan
PROPOSED ZONING	Open Space
CURRENT LAND USE	Open Space
PROPOSED LAND USE	Open Space
COMPREHENSIVE PLAN DESIGNATION	Open Space

## Rezoning

The property is currently zoned Planned Unit Development (PUD) with no approved plan. The PUD zone district is more typically used for larger multi-use projects to allow for flexible development incorporating innovations and best practices. The City is proposing to rezone this property from PUD to the Open Space (OS) district to align the zoning of the property with the planned use as an open space property for the community.

The OS zone district is a newly established zone district in the City and County of Broomfield. On December 5, 2023, the City Council adopted Ordinance No. 2220 which amended Section 17-07 Open Lands and Public Facilities Zone District of the Broomfield Municipal Code, and created three distinct zone districts. The ordinance established Chapter 17-07 for the Public Facilities District, Chapter 17-07.1 for the Open Space District, and Chapter 17-07.2 for the Parks, Recreation and Open Lands District. The intent of this ordinance was to provide the opportunity for more appropriate and transparent zoning of city-owned property and to encourage and allow for community use, necessary municipal facilities, or protection of open space and parks.

With the adoption of Ordinance No. 2235, the OS district was created to intentionally protect land from development and/or set aside land for unstructured, passive recreation, natural resource preservation, agriculture, and the appreciation of the natural surroundings. The OS district permits the following uses, lot and yard requirements, and maximum building height:

### **Uses Allowed by Right in the Open Space District**

- Natural, native areas;
- Passive outdoor recreation and trails;
- Fishing facilities including docks;
- Bird and wildlife sanctuaries;
- Wildlife viewing areas including decks;
- Public art installations that are compatible with the site's natural resources;
- Accessory structures to the passive recreation use (benches, picnic pavilions, shade structures, covered and uncovered seating areas, restrooms);
- Utility lines and transmission devices not including freestanding solar arrays;
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- Cultivation of crops, vegetables, plants, flowers, and nursery stock produced on the premises;
- Culturally significant or historical structures;
- Native Plant Arboretum;
- Fences up to 7 feet tall as necessary for security purposes, including prairie dog fencing;
- Rooftop solar panels as an accessory to a permitted structure;
- Non-potable water storage reservoirs; with a reservoir being defined as an artificial lake, pond or body of water where water is collected and kept in quantity for use; and
- The grazing of goats, or horses, including supplementary feeding, provided that such grazing is not a part of, nor conducted in conjunction with, any dairy, feed yard, or livestock sales yard.

### **Lot and yard requirements**

The OS district allows a maximum building height of one story and no higher than 20 feet with the exception of culturally significant or historic structures, which may be up to two stories and 35 feet in height. There are no existing buildings on the property.

The OS district also establishes a building setback requirement of 30 feet + 1 foot for each 2 feet of building height in the OS district measured from residential property lines. Any future improvements such as the addition of a shade pavilion will be required to comply with the established setbacks for the district.

The rezoning of the property from PUD to OS will not result in any nonconforming uses or structures on the property.

## Neighborhood Outreach and Communication

A neighborhood meeting for the proposed development was held on April 3, 2024. The meeting was held in person at the Aspen Creek K-8 School. Thirteen residents attended the meeting and asked questions about the proposed rezonings and future plans for the property. The following link provides [a summary of the neighbors' comments](#).

A project website was created for this development proposal on the BroomfieldVoice platform. Staff provided general information and shared updates on the [designated project web page](#).

There will also be an opportunity at the public hearing for the second reading of the proposed ordinance for additional public comments to be provided for City Council's consideration.

## Land Use Review Commission

On May 13, 2024, the Land Use Review Commission held a public hearing on the applicant's rezoning request. The Commission voted 6 to 0 to recommend approval of the proposal without conditions.

## Staff Review of Key Issues

Staff has identified no key issues for this application.

## Applicable Municipal Code Provisions

A public hearing will be required concurrent with second reading of the ordinance. At the conclusion of the public hearing, the City Council reviews the application based on the following provisions of the BMC.

### Rezoning

#### **17-48-020 - Procedure for rezoning.**

- A. The owner of any property may apply to the land use review commission for rezoning of his or her property. The applicant shall pay an application fee of \$650.00 for rezoning ten acres or more of land and \$250.00 for rezoning less than ten acres of land.
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  1. The city manager shall notify the owner or owners of any property subject to the application for rezoning that a hearing on the rezoning application will be held before the land use review commission and before the city council.
  2. The city manager's notification to the owner or owners shall set forth the reasons for the rezoning application.
  3. Notification to the owner or owners by the city manager shall be by personal service or by certified mail not less than thirty days prior to the public hearing before the land use review commission.
- C. The land use review commission shall hold a public hearing on the application. Notice shall be given in accordance with the provisions of chapter 17-52, B.M.C. Following the hearing, the land use review commission shall make recommendations to the city council concerning the application.

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**17-48-030 Reconsideration; time limit.**

A proposed rezoning request for a similar classification or area to one already denied by the city council shall not be reconsidered by the city council within twelve months of the date of such city council action. Submission by a different applicant or minor changes in boundaries shall not be adequate reason to circumvent this requirement.

**17-48-040 - Reclassification; development; time limit.**

At the time the land use review commission and the city council consider an initial zoning request, a rezoning request, or any amendments to the zoning district map, the applicant shall be advised that the land must be developed in accordance with the designated zoning classification within two years after the date of granting same, and that in the event such development is not completed or substantially commenced within the two-year period, the city may, at its sole and exclusive option, review the zoning classification and initiate proceedings to rezone the land to the classification the land held immediately prior thereto, or to such other zoning classification as may be determined by the city council.

# ORDINANCE NO. 2235

An Ordinance Rezoning the Wottge Open Space Property from  
Planned Unit Development (PUD) to Open Space (OS) District

Be it ordained by the City Council of the City and County of Broomfield, Colorado:

## Section 1.

- 1.1. The applicant, the City and County of Broomfield through the City and County Manager, submitted an application to rezone Wottge Open Space Property as described on Exhibit A from Planned Unit Development (PUD) to Open Space (OS) District.
- 1.2. The proposal is in general conformance with the master plan. The proposal is compatible with existing and allowable land uses in the surrounding area and mitigates the negative impacts to the surrounding area. The proposal will not result in substantial impacts to the health, safety and welfare of the residents and landowners in the surrounding area.

## Section 2.

The real property as described in Exhibit A attached hereto is hereby rezoned from Planned Unit Development Plan (PUD) to Open Space (OS) District.

## Section 3.

The City and County Clerk shall amend the zoning district map pursuant to § 17-06-020 of the Broomfield Municipal Code.

## Section 4.

This ordinance shall be effective seven days after public notice following final passage.

Introduced and approved after first reading on July 2, 2024, and ordered published in full.

Introduced a second time and approved on July 30, 2024, and further ordered published.

The City and County of Broomfield, Colorado

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Mayor

Attest:

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Office of the City and County Clerk

Approved as to Form:

KKH

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City and County Attorney

## **EXHIBIT A**

### **Wottge Open Space Rezoning Legal Description and Property Exhibit**

Two parcels of unplatted land together consisting of approximately 66 acres of land located at the southwest corner of Dillon Road and Sheridan Boulevard, located within Section 24, Township 1 South, Range 69 West of the 6th Prime Meridian, City and County of Broomfield, State of Colorado and more particularly described as follows:

That certain property deeded to the City and County of Broomfield on July 30, 2003 from Wottge Farms, LLC and record January 28, 2004 at Reception No. 2004001396 (Parcel 1), together with

That certain property deeded to the City and County of Broomfield on July 30, 2003 from Wottge Farms, LLC and recorded July 30, 2003 at Reception No. 2003014871 (Parcel 2),

Less right-of-way Parcels 13 and 14 as described in Ordinance 2153 - Real Property dedicated as City and County of Broomfield Roadway Right-of-Way recorded June 29, 2021 at Reception No. 2021012324.