

**Record of Proceedings
City of Lafayette
Planning Commission
Tuesday, February 25, 2014**

Chairperson Patzer called the meeting to order at 7:00 p.m. Those in attendance included: Chairperson Patzer, Vice Chair Wong and Commissioners Benson, Godfrey, Knuth, Nickell and Steinbrecher

Staff present included Planning Manager Karen Westover, Planner Paul Rayl, Planner Roger Caruso and Recording Secretary Michelle Verostko

II. Items from the Public Not on the Agenda

None.

III. Meeting Minutes for the December 4, 2013 Meeting and Workshop Minutes for January 29, 2014

Vice Chair Wong moved the Planning Commission approve the meeting minutes for December 4, 2013 Meeting and Workshop Minutes for January 29, 2014. Commissioner Nickell seconded the motion. All voted in favor of the motion.

IV. Scheduled Items

A. Swinburg Annexation and Rezoning

Planner Roger Caruso entered the staff report into the record. Mr. Caruso stated that this application is a request for annexation and zoning of 12.27 acres of the Swinburg property located south/southwest of the Public Drive and Highway 287 intersection. He used slides of an aerial map to illustrate the location of the property. He noted that the property to the west, known as Trails at Coal Creek, recently received Sketch Plan approval and the sketch plan documents show a connection to Highway 287 through the Swinburg property.

Mr. Caruso explained that the Swinburg property was split with the construction of Highway 287 and Public Drive into three pieces: 1) the piece south of Highway 287; 2) the piece between Highway 287 and Public Drive; and 3) the piece north of Highway 287 and Public Drive.

Mr. Caruso reviewed the procedure for annexing property in Lafayette based on the Colorado State Statutes. He stated that City Council adopted a resolution finding substantial compliance of the annexation petition and set a public hearing date for Council to consider the annexation request for April 1, 2014.

Mr. Caruso explained that staff reviewed the annexation request against the Colorado State Statutes for eligibility requirements and found that the property is 100% contiguous to Lafayette's existing city limits. He explained that staff also reviewed the annexation request against the city's criteria for a Planned Unit Development (PUD) that is relevant to the proposed annexation. He discussed some of the major criteria staff reviewed which included water and water reclamation service to the property, public safety, comprehensive plan goals, floodplain, and recreation and open space and particularly public land dedication and trail connections.

Mr. Caruso explained that the Colorado State Statutes requires property annexed into a municipality be granted zoning within 90 days of the annexation. Staff recommended the property be zoned DR (Developing Resource). This zoning district allows historical uses to occur and does not grant any developable rights to the property. Mr. Caruso reviewed the application against the zoning criteria and staff found that the proposed zoning complies with rezoning criterion b in that changing conditions exist due to the proposed annexation and the property must be rezoned from its Boulder County Agricultural zoning designation.

Staff recommended approval of the annexation request and zoning to DR (Developing Resource) finding that the proposed annexation meets the contiguity requirements for annexation, a community of interest exists between the City and the property to be annexed since it is completely surrounded by the Lafayette City limits, and complies with the applicable goals and policies of the Comprehensive Plan.

Doug McBee, 1428 Elk Trail, Lafayette, applicant representative, stated they agreed with the staff report and the conditions of approval.

Chairperson Patzer opened this portion of the meeting for public testimony at 7:10 pm.

Christi Nelson, 291 N. Cherrywood Dr., Lafayette, expressed concern about the proposed trail along the southern property line and asked who was planning the trail.

Mr. Caruso explained that a 50 ft. trail corridor is expected to be dedicated and that the developer of The Trails at Coal Creek Subdivision would plan and develop it.

Chairperson Patzer closed the public hearing.

The Planning Commission questions to staff focused on flooding concerns for this property. The Commission asked whether the size of the culvert contributed to flooding of the property during the "September rain event".

Other questions focused on the trail corridor and whether the trail would be designed and developed when the property develops and whether the Planning Commission would review the trail design. The Commission noted that they would like to review the minor subdivision and/or the trail design and added it as a condition.

The Commission asked who currently owned the property being annexed, whether there were any cultural items of interest on the property, and what the Comprehensive Plan designation is for the property.

Annexation Motion

Vice Chair Wong moved the Planning Commission recommend approval of the requested annexation, subject to staff's recommended conditions, adding a condition requiring the trail and fence design to be reviewed by the Planning Commission concurrently with the Trails at Coal Creek preliminary plan or prior to construction, whichever occurs first. The Planning Commission found that the annexation complies with Comprehensive Plan goals and policies, the criteria for annexation have been met, and the annexation is in the best interest of the City. Commissioner Nickell seconded the motion. All voted in favor of the motion.

Zoning Motion

Commissioner Knuth moved the Planning Commission recommend approval of the Developing Resource (DR) zoning, subject to Staff's recommended condition, finding that the zoning complies with the zoning criteria and is necessary due to changing conditions. Vice Chair Wong seconded the motion. All voted in favor of the motion.

Annexation Conditions of Approval:

1. The applicant shall work with the Public Works Department to annex the subject property into the Northern Colorado Water Conservancy District prior to the submittal of any proposed development plans.
2. The applicant shall submit evidence of deannexation from the rural fire protection district concurrently with any application to plat the property.
3. The annexation agreement shall contain a requirement that any future platting of the property will require a 50' wide public land dedication which shall run east to west on the south side of the property. The land to be dedicated shall:
 - a. have a hard surface trail and fence installed at the time of any future platting;
 - b. the trail and fence design shall be reviewed by the Planning Commission concurrently with the Trails at Coal Creek preliminary plan or prior to construction whichever occurs first;

- c. be maintained by the owner or assigned to a party approved by the City.
4. The following discrepancies and/or deficiencies shall be corrected prior to the recording of the annexation map:
 - a. The title shall be revised to “Swinburg Annexation No. 1 Map to the City of Lafayette”;
 - b. The percentage of contiguity to the City limits shall be revised to 100%;
 - c. The annexation of the property to the west shall be referenced as “Map of Annexation to the City of Lafayette – Creekside Estates Inc”;
 - d. All references to Town Clerk shall be changed to City Clerk.

Zoning Conditions of Approval:

1. The rezoning to DR (Developing Resource District) is subject to the approval of the annexation.

B. Blue Sage Subdivision Sketch Plan Review

Planner Paul Rayl made corrections to the staff report then entered the staff report into the record. He stated that this application is a sketch plan request for a 53-lot single-family residential development on approximately 12.9 acres located just north of the Westgate Office Park and Clinica Campesina. The property is also immediately adjacent to the North End single-family residential development in Louisville. Mr. Rayl showed an aerial map to help identify the location of the development and he reviewed the uses on the neighboring properties.

Mr. Rayl reviewed the purpose and intent of a sketch plan/PUD review. He reviewed the existing land use plan and existing zoning of the property and noted the applicant proposes to rezone the property to R1/PUD (Medium Density Residential/Planned Unit Development).

Mr. Rayl presented the sketch plan and discussed access to the site, detention and drainage, and some of the proposed PUD modifications such as reduced lot sizes, reduced setbacks, building separation and building height. He discussed public land dedication, trail connections, landscaping, and prior agreements with the property such as the restrictions of the northern property to be residential uses, a 40 foot wide open space buffer and a structure height limitation of one-story for all structures within 100 feet from the 40 ft. wide open space buffer.

Mr. Rayl discussed prairie dog mitigation and the cost of a future traffic signal at Cimarron Drive and South Boulder Road. He reviewed the Comprehensive Plan policies this application fulfills. He discussed the visitability requirement and noted that 14 of the proposed 53 dwelling units would need to comply with the city's visitability regulation which includes a zero step entry, wider hallways and a ground level bathroom that can accommodate a wheelchair.

Staff found that the Blue Sage Sketch Plan meets the review criteria of Section 26-16-4 and the requirements of Section 26-17-4 and recommended approval of the sketch plan subject to the staff conditions.

Chad Kipfer, Markel Homes, 5723 Arapahoe Blvd., Boulder gave a brief background of Markel Homes. He presented their proposal for the Blue Sage Subdivision. He stated they agreed with the conditions of approval outlined in the staff report.

Chairperson Patzer opened this portion of the meeting for public testimony at 7:50 p.m.

Alexandra Lyon, 1509 Adonia Circle, Lafayette, expressed concern that the proposed subdivision is too dense, the lot sizes are too small, and the proposed houses, particularly those on the eastern edge of the subdivision, would be on top of the existing houses in the Centaur Village subdivision. She asked whether there could be a trail or larger buffer between the two subdivisions on the east side.

Natalie Parker, 2075 River Walk Lane, Longmont, representative for Boulder Valley Unitarian Universalist Fellowship Church, expressed concern that with the development of this property and any prairie dog mitigation would force the animals to move further east and exacerbate an ongoing problem for the church property as well as other commercial property owners east of the proposed subdivision.

She asked that they be kept informed about the progress of the development and asked what they could do about the prairie dogs.

Chairperson Patzer closed the public hearing.

Paul Knuth disclosed that he lives close by the proposed subdivision but is not within 750 ft. of the property and did not get noticed. He stated he can be impartial in making a decision on this application.

The Planning Commission encouraged the applicant to contact the adjacent property owners about prairie dog mitigation.

The Planning Commission asked staff who owns the commercial parcels to the east of subject property. The Planning Commission asked staff what the proposed density is and how that compares to the existing Centaur Village subdivision to the north and east, whether staff was concerned about the lack of buffering between the existing Centaur Village subdivision and the proposed subdivision on the eastern edge, and to clarify where the single story homes and the two story homes are proposed to be located.

Other Planning Commission questions focused on site drainage and detention ponds. The Commission asked where the detention pond for the proposed subdivision drains to, whether the site drainage would affect the commercial area drainage, and how does the North End Subdivision in Louisville drain.

The Planning Commission asked about trail connections and buffers and whether there was a buffer or trail on the west side of the subdivision.

The Planning Commission asked the applicant how they dealt with prairie dogs on the Louisville site. Other questions to the applicant focused on the PUD modifications requested and drainage of the site. The Commission asked the applicant to expand on why they requested reduced lot sizes. The Commission asked how the lots on the eastern edge of the North End Subdivision in Louisville drained and whether they drained to the Louisville site.

The Planning Commission asked about access to South Boulder Road, particularly left hand turns on to South Boulder Road to head east. The Planning Commission focused on the eastern portion of the proposed subdivision and asked the applicant if they believed their proposal was compatible with the existing residential subdivision, why they didn't provide a buffer, how wide the proposed alley would be, what their strategy with their design was and whether they felt their design provided a good transition between neighborhoods.

The Planning Commission discussion focused on the layout of the eastern portion of the proposed subdivision. The Commission discussed density, diversity, buffers, transition and compatibility between the proposed subdivision and the Centaur Village subdivision. The consensus of the Commission was to add a condition requiring the applicant to work with staff on the eastern portion of the subdivision to create a more compatible transition between the two subdivisions.

Motion

Commissioner Knuth moved the Planning Commission approve this request for sketch plan approval, subject to the recommended conditions as amended, finding that the proposal complies with the requirements for sketch plan submittal; the PUD criteria; and the Comprehensive Plan's goals and policies. Commissioner Benson seconded the motion. All voted in favor of the motion.

Conditions of Approval:

1. The Site Plan/Architectural Review shall be submitted with the Preliminary Plan.
2. The preliminary plan shall include a restriction limiting all structures to a single story within 140 feet of the northern property line of the subdivision.
3. The minimum lot size for the alley loaded lots shall be no less than 4,500 square feet.
4. The minimum lot size shall be no less than 5,000 square feet for the front-loaded lots.
5. The subdivision shall be subject to the current height requirements as found in the Code.

6. The applicant shall explore a 'set-to' line of 5 feet from the rear property line for the alley-loaded lots as part of the preliminary plan submittal.
7. The applicant shall work with staff to identify an acceptable solution to the maintenance of the 1 foot wide area on either side of the alleyway drive lane prior to the submittal of a preliminary plan.
8. The applicant shall work with staff to identify possible connection points between the Lafayette and Louisville's trail systems prior to submittal of the preliminary plan.
9. The applicant shall work with staff to identify if the easement between Lots 49 and 50 could also be a pedestrian easement or outlot with a minimum 5 foot wide path or sidewalk access to Cimarron Drive.
10. The applicant shall address the issues identified by the city engineer in the memo dated February 6, 2014 and attached to this report, prior to the submittal of a preliminary plan.
11. The applicant shall work with staff to design the additional picnic shelter amenity and include the details with the Preliminary Plan submittal.
12. The preliminary plan shall include a blanket pedestrian access easement over the HOA maintained Outlot A.
13. Public land dedication requirement will be met with the dedication of Outlot 1 and credit for the installation and maintenance of a shelter, table and trash receptacle on Outlot A.
14. A Visitability plan shall be submitted with the preliminary plan which will include the geographical dispersion of visitable lots. Said lots shall be identified on the PUD site plan.
15. The applicant shall contact adjacent property owners and offer to work with them to coordinate mitigation of all the vacant properties in the area utilizing the steps identified within the City of Lafayette Prairie Dog Mitigation plan to address the issue.
16. HOA documents shall be submitted for staff review with the Preliminary Plan.
17. The applicant shall be responsible for 50% of the costs of the future traffic signal at Cimarron Drive and South Boulder Road.
18. The applicant shall work with staff to explore options for creating a more compatible transition between the two single-family residential developments on the east side of the subject property.

V. Other Business

A. Commission Comments / Committee Reports

None.

B. Department Comments

Planning Manager Karen Westover discussed the City's 125th anniversary, PC liaisons for the Historic Preservation Board and the Lafayette Open Space Advisory Committee, and whether to hold a meeting in March because of spring break conflicts. The consensus of the Commission was to not have a meeting in March.

VI. Adjournment

Vice Chair Wong moved to adjourn the meeting, seconded by Commissioner Knuth. All voted in favor of the motion. The meeting adjourned at 8:40 p.m.

City of Lafayette

Eric Patzer, Chairperson

Attest:

Michelle Verostko, Recording Secretary