Record of Proceedings City of Lafayette Planning Commission Tuesday, May 22, 2012

Those in attendance included: Commissioners Benson, Knuth, and Nickell, and Steinbrecher.

Absent: Chairperson Patzer, Vice Chair Wilgus, and Commissioner Wong

Staff present included: Planning Manager Karen Westover, Planner Paul Rayl, Planner Roger Caruso, City Engineer Peter Johnson, and Recording Secretary Michelle Verostko.

Nominations for Chair

Since both Chairperson Patzer and Vice Chair Wilgus were absent, the Planning Commission entertained nominations for a temporary Chairperson. Commissioner Steinbrecher nominated Commissioner Knuth. Commissioner Nickell seconded the nomination. All voted in favor of the nomination.

Acting Chairperson Knuth called the meeting to order at 7:05 p.m.

II. Items from the Public Not on the Agenda

Rebecca Schwendler, 201 E. Cleveland, Lafayette, discussed how infill projects in Old Town should be designed and stated she would like to see infill projects that include features such as larger front porches, larger setbacks, high quality materials, and more architectural style. She suggested the City look at Old Town Architectural Designs Guidelines again and make the guidelines a requirement.

Cheryl McKerl, 109 E. Cleveland St., Lafayette, stated she attended a neighborhood meeting for a redevelopment of a lot on Simpson Street and believes the proposal is not compatible with what currently exists in the neighborhood. She added that she agreed with Ms. Schwendler's comments.

Ed Dowski, 307 E. Cleveland St., Lafayette, expressed concern about changes occurring in Old Town.

III. Minutes for April 24, 2012

Commissioner Steinbrecher moved the Planning Commission approve the meeting minutes for April 24, 2012, seconded by Commissioner Nickell. All voted in favor of the motion.

Scheduled Items

A. Coal Creek Village North Preliminary Plan/PUD, Comprehensive Plan Amendment, Rezoning and Vacation of Right-of-Way

Planner Roger Caruso made corrections to the staff report and then entered the staff report into the record. Mr. Caruso stated that this application is a Preliminary Plan/PUD approval request for Coal Creek Village North. The application also includes a Rezoning, a Comprehensive Plan Amendment, Vacation of right-of-way, and Growth Management Classification and Building Permit Allocation. The site is located south of South Boulder Road, east of Miners Drive, north of Coal Creek Village PUD, and west of LaMont Does Park. Mr. Caruso showed slides that gave aerial views of the site and also showed pictures of the property from various directions to show what the site looks like today.

Mr. Caruso stated that the preliminary plan area is approximately 20.53 acres and the applicant proposes a combination of single and duplex lots. The preliminary plan includes a 61-lot residential subdivision with seven tracts for the purpose of community trails and public land dedication. The proposed subdivision will provide access to Coal Creek Village PUD subdivision however it is not a part of it.

Mr. Caruso presented the rezoning application and explained that the subject property is zoned R-3 (Multi-family Residential) and DR (Developing Resource). The applicant has requested to rezone the R-3 and DR property to R-3/PUD (Multi-family Residential/Planned Unit Development) and the property to be dedicated to the City to be rezoned to P (Public). The Code requires all residential development to be

a PUD, so the R-3 zoned property needs to be rezoned to R-3/PUD. Staff recommended approval of the zoning request subject to the recording of the final plat.

Mr. Caruso discussed the PUD modifications that the applicant has requested which include a reduction of the minimum lot size; an increase to the maximum lot coverage; and reduction of certain setbacks. The PUD modifications are similar to those approved for the Coal Creek Village PUD subdivision.

Mr. Caruso reviewed the site plan and discussed site plan concerns such as the 50-foot wide high pressure gas line easement that runs diagonally thru the property, access to the site, the traffic signal at the intersection of Saratoga Drive and South Boulder Road, payment responsibility for the traffic signal, reduced street widths, and sidewalk width. This easement encumbers the area east of Saratoga Drive and is proposed to be dedicated to the City.

Mr. Caruso discussed growth management and the building permit allocation. Staff recommended that this subdivision be classified as N-3, "not entitled to priority" classification. Staff recommended the allocation of fifteen residential building permits per year be conditioned on the approval and recording of the Coal Creel Village Preliminary Plan/PUD and PUD Amendment No. 8.

Mr. Caruso discussed the three main issues that remain unresolved between staff and the applicant. They included the traffic signal contribution, the 5 ft. sidewalk requirement, and the grading plan for the northwest portion of the property.

Lou Talarico, Jr., BMB Colorado, 10405 E. McDowell Mountain Ranch Road, Scottsdale, Arizona, gave a brief background of the project since he took it over 3 years ago and discussed his desire to keep the momentum going on this project and get it finished.

John Prestwich, PCS Group, 2433 West 44th Avenue, Denver, gave an overview of the project and discussed access, trail alignments, their target market, and the layout design for the proposed duplexes.

Pat Sorenson, Sorenson Engineering, 1169 Aspen Street, Broomfield, reviewed the conditions of approval and discussed the conditions they disagreed with and/or changes to the conditions they would prefer. The major Preliminary Plan/PUD conditions to be worked out included condition No. 4 regarding the Prairie Dog Mitigation Plan, condition No.12 regarding the percentage of the cost of the traffic signal at Saratoga Drive and South Boulder Road, condition No. 15a regarding the size of the interior sidewalks, and condition No. 21 regarding grading in the northwest corner of the development.

Acting Chairperson Knuth opened this portion of the meeting for public testimony at 7:50 p.m. Bill Vaughn, 214 Cheyenne Dr., Lafayette, expressed concern that the driveways be large enough to accommodate parking and keeping the parking off the street as much as possible.

Ron Spalding, 597 Casper Drive, Lafayette, spoke in favor of the proposal and asked the Planning Commission to approve the plan.

Acting Chairperson Knuth closed the public hearing at 8:00 p.m.

The Planning Commission questions to the City Engineer focused on grading and the detention pond location. The Commission asked if staff felt they could work with the applicant and come to an agreement on the grading elevation in the northwest corner of the site.

The Planning Commission asked staff to review the building permit allocation for the project, to give some background on the traffic signal payment responsibility, and when would the traffic signal be

installed. Other questions included what the standard width for sidewalks are and what are the proposed setback reductions for the duplexes. Other questions focused on the off-street parking spaces and whether two spaces are being provided for each lot, what the driveway size is, and whether the Commission would review the architecture.

The Planning Commission asked staff to clarify the difference between the intent of Preliminary Plan//PUD condition No. 1g and condition No. 4 regarding prairie dog mitigation.

The Planning Commission's questions to the applicant focused on the 5 ft. sidewalk requirement for interior streets and the setbacks for the duplex units. The Commission asked the applicant to clarify what their concerns were regarding Preliminary Plan/PUD condition No. 4 regarding prairie dog mitigation and condition No. 21 regarding the grading and elevation concern. Other questions included what the proposed height of the homes would be and how would the drainage work for the southern most lots in the subdivision.

The Planning Commission reviewed the Preliminary Plan/PUD conditions of approval that the applicant requested changes to and discussed their recommendations. The Planning Commission recommended changing condition No. 1d, No. 1e, No. 5 and No. 9. The Commission discussed condition No. 15a regarding the interior sidewalk width and the merits of having a 5 ft. sidewalk. The Commission discussed allowing a trade-off of reducing the duplex lot front setback by 1 ft. in exchange for a 5 ft. attached sidewalk. The consensus of the Commission was to change condition No. 15a to require 5 ft. attached sidewalks in the interior portion of the subdivision adjacent to the duplex lots.

The Planning Commission discussed condition No. 11 regarding street trees and condition No. 18 regarding the removal of curb returns at Avalon Drive and Miners Drive. They did not recommend any changes to these two conditions.

The Planning Commission discussed condition No. 21 regarding the elevation at the northwest corner of the development and recommended the condition be reworded to say "The applicant shall work with the City Engineer to find a mutually agreeable solution for reducing the elevation at the northwest corner of the development to ensure a more gradual change in grade at this location without significantly altering historic drainage patterns".

The Planning Commission recommended rewording condition No. 22 to accommodate the 1 ft. setback trade off for the duplex lots.

The Planning Commission added condition No. 23 which says "The applicant shall submit an application for site plan/architectural review prior to submitting the first building permit".

Preliminary Plan/PUD Motion

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

Rezoning Motion

Commissioner Steinbrecher moved the Planning Commission recommend, subject to staff's recommended conditions, the City Council approve rezoning the subject property from DR (Development Resource) and R-3 (Multi-family Residential) to R3/PUD (Multi-family Residential/Planned Unit Development and to P (Public) finding that the rezoning complies with the rezoning criteria of the Code and is necessary to

encourage development of the property. Commissioner Benson seconded the motion. All voted in favor of the motion.

Vacation Motion

Commissioner Steinbrecher moved the Planning Commission recommend the City Council approve the requested vacation of public rights-of-way, finding that the access easement is no longer necessary for public use and convenience in their current configuration, and the request complies with Section 26-14-20(c) of the Development and Zoning Code. Commissioner Nickell seconded the motion. All voted in favor of the motion.

Comprehensive Plan Amendment Motion

Commissioner Nickel moved the Planning Commission recommend the City Council approve this request for a Comprehensive Plan Amendment, subject to staff's recommended condition, finding that the amendment is complimentary to the goals, objectives and policies of the Comprehensive Plan. Commissioner Steinbrecher seconded the motion. All voted in favor of the motion.

Preliminary Plan/PUD Conditions of Approval:

- 1. Prior to final plan submittal the applicant shall meet with staff to discuss and obtain approval for the following:
 - a. Corrections to the plats/PUD's for technical and grammatical errors.
 - b. Methods and approaches of addressing the City Engineer's memo dated May 14, 2012.
 - c. The revised grading.
 - d. The final design of all improvements within land to be dedicated to the City including the regional trail. Additional mitigation measures may be needed to ensure the prairie dog colonies populating the regional trail, now or in the future, are dissuaded from burrowing on the trail. The applicant shall meet with Parks, Open Space, and Golf to identify and implement if necessary additional mitigation measures to ensure the prairie dog colonies are dissuaded from populating the regional trail in the future.
 - e. Lighting Plan to follow City and Xcel Boulder Division Standards.
 - f. A map identifying which lots are visitable.
 - g. The survey identifying any endangered plant or animal species according to Federal and State Standards.
- 2. The applicant shall address the comments in the City Engineer's Memo dated May14, 2012.
- 3. The applicant shall comply with all Federal and State standards regarding endangered plant or animal species.
- 4. The applicant shall implement the Prairie Dog Mitigation Plan, as submitted. Implementation of such plan shall not adversely impact adjacent property owners. It is suggested that the applicant work with adjacent properties which have prairie dog colonies to comprehensively develop and implement a prairie dog mitigation plan.
- 5. The applicant shall implement measures outlined in the 1997 Subsidence Report submitted with this Preliminary Plan.
- 6. Dimensional diagrams of all approved street sections within the Coal Creek Village North PUD shall be shown on the cover sheet of the PUD.
- 7. The PUD shall include a table outlining each tract and/or outlot, ownership of such tract and/or outlot, and the respective party responsible for maintenance.
- 8. The Homeowner's Association documents shall be amended to state that two spaces on each lot shall be for parking of vehicles only.
- 9. Prior to the issuance of a Certificate of Occupancy, the nearest adjacent required street tree(s) shall be installed. The applicant shall have the ability to escrow money, or provide other assurances, for the required street tree(s) during inclement weather to receive a Certificate of Occupancy.

- 10. The landscape plan shall be amended to include:
 - a. A water budget;
 - b. Wind and rain sensors in common open areas;
 - c. All landscaping within the proposed medians;
 - d. Required street trees on the east side of Saratoga Drive;
 - e. Consistency with the grading plan;
 - f. The correct number of street trees.
- 11. The applicant shall either: 1) escrow money for the street trees on the east side of Saratoga Drive prior to recording of the final plan; or 2) install the street trees concurrently with the sidewalk improvements on the east side of Saratoga Drive and provide irrigation. If the applicant escrows funds for the street trees, the City will use the escrowed money to install the trees concurrent with the installation of irrigation to develop the park. The applicant shall submit a cost estimate to be approved by staff.
- 12. The applicant is responsible for 50% of the cost of the traffic signal at Saratoga Drive and South Boulder Road.
- 13. The applicant shall work with staff on appropriate street names to prevent confusion for emergency responders and the USPS.
- 14. The applicant shall submit a mailbox location and design plan to be approved by staff and the USPS.
- 15. The applicant shall submit a sidewalk plan for staff review and approval prior to final plan submittal to include:
 - a. interior streets, adjacent to the duplex lots, to include a 5' attached sidewalk;
 - b. interior streets, adjacent to the single-family lots, to include a 4' attached sidewalk;
 - c. 6' attached sidewalk along the east side of Saratoga Drive;
 - d. 4' detached sidewalk along the west side of Saratoga Drive;
 - e. increase the sidewalk along South Boulder Road to a minimum of 6' and eliminate the 6' east-west soft surface trail proposed with the sketch plan.
- 16. Contingent on approval of the Coal Creek Village PUD Amendment No. 8, the Building Permit Allocation is hereby approved as follows:
 - a. 15 building permits per year until build-out
- 17. "Not Entitled to Priority" status shall be assigned to Coal Creek Village North PUD.
- 18. The applicant shall replace curb returns to close the extension of Avalon Drive and Miners Drive.
- 19. All public land shall be dedicated to the City concurrently with the recording of the final plan and the plat of the first phase.
- 20. All debris shall be removed from public land dedication Parcel C, prior to recording the final Plan.
- 21. The Applicant shall work with the City Engineer to find a mutually agreeable solution for reducing the elevation at the northwest corner of the development to ensure a more gradual change in grade at this location without significantly altering historic drainage patterns.

22. The following PUD dimensional standards are approved:

Front Yard Setback		
Single-Family Lots	12' w/ 18' to street-	
	facing garage door	
Duplex Lots	12' w/18' to street-	
	facing garage door	
Rear Yard Setback		
Single-family/Duplex Lots	15'	
Side Yard		
Single-family	5'	
Duplex Lots	5'	
Between Interior Duplex lots	0'	
Bldg Separation		
Single Family	15'	
Duplex	10'	
Min. Lot Size		
Single-Family Lots	4,200 sf	
Duplex Lots	2,400 s	
Lot Coverage		
Single-Family Lots	50%	
Duplex Lots	60%	

^{*}Front , Corner Side or Rear Yard setbacks shall be adjusted 1' for duplex lots to accommodate the 5' attached sidewalk.

23. The applicant shall submit an application for site plan/architectural review prior to submitting the first building permit.

Rezoning Conditions of Approval:

1. Approval is contingent upon Final Plan/PUD approval and recording.

Comprehensive Plan Amendment Conditions of Approval:

1. Approval is contingent upon Final Plan/PUD approval and recording.

Vacation Conditions of Approval:

- 1. The right-of-way vacation for Saratoga Drive and Avalon Avenue is approved subject to:
 - a. The approval contingent on the final recording of Coal Creek Village Preliminary Plan/PUD Amendment No. 8 and the vacation request with such application for the remainder of the Avalon Avenue right-of-way west of Saratoga Drive.
- 2. The miscellaneous utility vacation requests are approved subject to:
 - a. The applicant shall provide an individual exhibit and legal description of each vacation requests for review and approval by staff.
 - b. Prior to final plan approval, the applicant shall meet with Public Service Company to show how the existing natural gas and electric distribution facilities are located with respect to the lot lines and street re-alignment.

The Planning Commission took a five minute recess at 9:10 p.m. and reconvened at 9:15 p.m.

Coal Creek Village Preliminary Plan/PUD (Filings 6 & 7), PUD Amendment No. 8, Rezoning, Minor Subdivision, and Vacation of Right-of-Way and Access Easements

Planner Roger Caruso made corrections to the staff report then entered the staff report into the record. Mr. Caruso stated that this application includes the following requests: Preliminary Plan/PUD for Filings No. 6 and No. 7, a minor subdivision, vacation of easements, a rezoning, a PUD Amendment, and amending the building permit allocation. He explained that the basic idea of the requests is to redefine the PUD boundary and amend the Coal Creek Village PUD by replacing some attached dwelling products such as three-plexes, five-plexes, seven-plexes and eight-plexes with a smaller number of units such as duplex and tri-plex buildings.

Mr. Caruso explained that the applicant is requesting Preliminary Plan/PUD approval to plat 26 singlefamily and 54 duplex lots in Coal Creek Village PUD Filing No. 6. He presented slides of three different maps that show the most recently approved PUD amendment for Coal Creek Village PUD, the proposed PUD amendment, and the preliminary plat for Coal Creek Village PUD Filing No. 6. He explained that the applicant is proposing the PUD Amendment for the PUD boundary adjustment to ensure the boundary coincides with the property lines and public improvements will be installed efficiently and to match the boundary of the Coal Creek Village North subdivision.

Mr. Caruso presented the four areas within the subdivision where the changes are proposed. He reviewed what was previously approved in the area and what is proposed now and presented a map depicting the proposed lot layout. He discussed some of the reasons behind the changes and noted the architecture for these products will be similar to the existing approved products. He noted that the minor subdivision adjusts lot lines to accommodate the new residences.

Mr. Caruso reviewed the zoning application and explained that a portion of the subject property is zoned R-3 (Multi-family Residential) and a portion is zoned DR (Developing Resource). The applicant has requested to rezone the property from DR and R-3 to R-3/PUD (Multi-family Residential/Planned Unit Development).

Mr. Caruso reviewed the Vacation applications and explained that the applicant has requested to vacate two right-of-way locations and two temporary emergency access easement requests as well as some miscellaneous utility easements vacations. He showed the locations of the vacation requests and explained why they are no longer needed.

Mr. Caruso explained that the applicant has requested the building permit allocation for Coal Creek Village PUD be reduced from 50 permits a year to 35 permits a year.

Mr. Caruso gave a brief summary of the applications and reviewed the reasons for the changes. Staff recommended approval of the applications subject to the staff recommended conditions of approval.

Lou Talarico, Jr., BMB Colorado, 10405 E. McDowell Mountain Ranch Road, Scottsdale, Arizona, discussed their desire to finish this project and explained that they have had success with duplexes and triplexes at this location and would like to continue providing that type of product.

Pat Sorenson, Sorenson Engineering, 1169 Aspen Street, Broomfield, gave the Planning Commission an amended version of the conditions of approval which shows the changes to the conditions they would prefer.

Acting Chairperson Knuth opened this portion of the meeting for public testimony at 9:35 p.m.

Ron Spalding, 597 Casper Drive, Lafayette, spoke in favor of the proposal and asked the Planning Commission to approve the plan.

Acting Chairperson Knuth closed the public hearing at 9:37 p.m.

The Planning Commission questions to staff focused on Preliminary Plan/PUD Condition No. 12 regarding waiving the public street frontage criteria in some areas of the Coal Creek Village Subdivision. The Commission asked staff to clarify when street frontage is required and whether staff agreed with this condition and the other suggested changes to the conditions by the applicant.

Mr. Caruso stated that staff agreed with the requested amendments to the conditions except for the references to the specific builders noted in Preliminary Plan/PUD Condition No. 12.

The Planning Commission's questions to the applicant focused on the conditions of approval, specifically Preliminary Plan/PUD Condition No. 12.

Preliminary Plan/PUD Motion

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

Rezoning Motion

Commissioner Steinbrecher moved the Planning Commission recommend the City Council approve rezoning the subject property from DR (Development Resource) and R-3 (Multi-family Residential) to R3/PUD (Multi-family Residential/Planned Unit Development), subject to staff's recommended conditions, finding that the rezoning complies with the Comprehensive Plan, complies with the rezoning criteria of the Code and is necessary to encourage development of the property. Commissioner Nickell seconded the motion. All voted in favor of the motion.

Vacation Motion

Commissioner Steinbrecher moved the Planning Commission recommend the City Council approve the requested vacation of public rights-of-way, finding that the access easement is no longer necessary for public use and convenience in their current configuration, and the request complies with Section 26-14-20(c) of the Development and Zoning Code. Commissioner Benson seconded the motion. All voted in favor of the motion.

Preliminary Plan/PUD Conditions of Approval:

- 1. Prior to final plan submittal the applicant shall meet with staff to discuss and obtain approval for the following:
 - a. Corrections to the plats/PUD's for technical and grammatical errors.
 - b. An exhibit detailing the amount and location of guest parking in the Coal Creek Village PUD.
 - c. An appropriate division of the vacated land at Cody Court and Riverton Road to ensure access to the regional trail.
 - d. Methods and approaches of addressing the City Engineer's memos dated May 16, 2012.
 - e. The revised drainage plan.
 - f. The final design of all improvements within land to be dedicated to the City including the regional trail. Additional mitigation measures may be needed to ensure the prairie dog colonies populating the regional trail, now or in the future, are dissuaded from burrowing on the trail. The applicant shall meet with Parks, Open Space, and Golf to identify and

implement if necessary any additional mitigation measures to ensure the prairie dog colonies are dissuaded from populating the regional trail in the future.

- g. Lighting Plan to follow City and Xcel Boulder Division Standards.
- 2. A public access easement shall be granted across the tract created from the vacation of land at Cody Court and Riverton Road to provide access to the regional trail.
- 3. The applicant shall implement the Prairie Dog Mitigation Plan, as submitted. Implementation of such plan shall not adversely impact adjacent property owners. It is suggested that the applicant work with adjacent properties which have prairie dog colonies to comprehensively develop and implement a prairie dog mitigation plan.
- 4. The applicant shall implement measures outlined in the 1997 Subsidence Report submitted with this Preliminary Plan.
- 5. The dimensional standards chart shall be amended on the PUD to include 60% lot coverage for duplex units.
- 6. Dimensional diagrams of all approved street sections within the Coal Creek Village PUD shall be shown on the cover sheet of the PUD.
- 7. The PUD shall include a table outlining each tract and/or outlot, ownership of such tract and/or outlot, and the respective party responsible for maintenance.
- 8. The Homeowner's Association documents shall be amended to state that two spaces on each lot shall be reserved for parking of vehicles only.
- 9. Prior to the issuance of a Certificate of Occupancy, the nearest adjacent required street tree(s) shall be installed. The applicant shall have the ability to escrow money, or provide other assurances, for the required street tree(s) during inclement weather to receive a Certificate of Occupancy.
- 10. The landscape plan shall be amended to include:
 - a. A water budget;
 - b. Wind and rain sensors in common open areas.
- 11. The Coal Creek Village PUD Building Permit Allocation is hereby amended as follows: 35 building permits per year until build-out.
- 12. Public Street Frontage is waived for the following Lots:
 - a. Filing 6 & PUD 8
 - Lots 5 & 6, Block 4 A
 - Lots 12-17, Block 5 A
 - Lots 10-15, Block 5 B
 - b. Replat F & PUD 8
 - Lots 38-40; Lots 50-53; Lots 60-63; Lots 123-127, Block 5
 - c. Filing 7 & PUD 8
 - Lots 8-13; Lots 16-20, Block 14

Rezoning Conditions of Approval:

1. Approval is contingent upon Final Plan/PUD approval and recording.

Vacation Conditions of Approval:

- 1. The right-of-way vacation for Saratoga Drive and Avalon Avenue is approved subject to:
 - a. The approval contingent on the final recording of Coal Creek Village North and the vacation request with such application for the remainder of the Avalon Avenue right-of-way west of Saratoga Drive.
- 2. The right-of-way vacation for Cody Court and Riverton Road is approved subject to:

- a. Review and approval by staff of the division of the land to ensure access to the regional trail.
- 3. The miscellaneous utility vacation requests are approved subject to:
 - The applicant providing an individual exhibit and legal description of each vacation requests for review and approval by staff.

V. **Other Business**

Commission Comments / Committee Reports A.

None.

B. **Department Comments**

None.

VI. Adjournment

Commissioner Benson moved to adjourn the meeting, seconded by Commissioner Steinbrecher. All voted in favor of the motion. The meeting adjourned at 9:50 p.m.

	City of Lafayette
Attest:	Paul Knuth, Acting Chairperson
Michelle Verostko, Recording Secretary	