

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Wednesday, May 23, 2012**

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

Absent: Vice Chair Wilgus

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

**II. Items from the Public Not on the Agenda**

None.

**III. Scheduled Items**

**A. Indian Peaks Filing #17 Replat C Rezoning**

Planning Manager Karen Westover entered the staff report into the record. She stated that this application is a request to rezone a portion of Indian Peaks Filing No. 17 from DR (Developing Resource) to R-2/PUD (Single and two family residential/Planned Unit Development) and R-3/PUD (High Density Residential/Planned Unit Development). The subject property is located in the southwest corner of Baseline Road and Highway 42.

Ms. Westover explained that the Planning Commission approved a Preliminary Plan/PUD Amendment for Indian Peaks Filing No. 17 at their April 24, 2012 meeting and one of the conditions of that approval required the applicant to submit an application for rezoning the high density residential lots prior to submitting a final plan application. She reviewed the three areas on the property where the applicant has requested a rezoning and discussed staff's findings. The first area is 0.91 acres that was part of the western side of the oblong median in Roser Drive that is zoned DR (Developing Resource) and the request is to rezone the property R-2/PUD (Single and two family residential/Planned Unit Development). The second area is rezoning 9.54 acres on the east side of Roser Drive from DR (Developing Resource) to R-3/PUD (High Density Residential/Planned Unit Development). The third area is rezoning 3.12 acres, Tract D, located east of the high density development and north of Paschal Drive from DR (Developing Resource) to R-3/PUD (High Density Residential/Planned Unit Development).

Staff finds that the first two areas discussed are consistent with the recently approved preliminary plan/PUD. Staff does not support rezoning the third area or Tract D without a development plan showing how the property would be developed.

Ms. Westover reviewed the rezoning criteria and discussed staff's findings for compliance with criterion No. 2 and No 3 for the first two parcels. Staff found that the request to rezone Tract D does not comply with the criteria because there have been no changes to the plan for Tract D and there is not a specific plan to assist in determining whether the zoning would conform to the Comprehensive Plan. Staff recommended that the rezoning for the 0.91 acres west of Roser and the 9.54 acres east of Roser be approved contingent upon approval of the final plan by City Council.

David Ware, Chief Executive Officer, Indian Peaks South LLC, 2041 S. Quinn Street, Denver, stated he agreed with the staff report and recommendations.

Chairperson Patzer opened this portion of the meeting for public testimony at 7:10 p.m. No one addressed the Commission. Chairperson Patzer closed the public hearing.

### **Rezoning Motion**

*Commissioner Knuth moved the Planning Commission recommend approval of this request to rezone the 0.91 acres on the west side of Roser Drive from DR to R-2/PUD and to rezone the 9.54 acres on the east side of Roser Drive from DR to R-3/PUD, subject to staff's recommended condition. The Planning Commission found that the proposal complies with one or more of the rezoning criteria and recommends denial of the request to rezone Tract D from DR to R-3/PUD finding that request does not comply with the criteria. Commissioner Wong seconded the motion. All voted in favor of the motion.*

### **Conditions of Approval:**

1. Zoning is contingent on Indian Peaks No. 17 Final Plan/PUD Amendment approval.

### **B. Silver Creek Preliminary Plan/PUD Amendment**

Planner Paul Rayl entered the staff report into the record. Mr. Rayl stated that this application is a request for an amendment to the 2006 Silver Creek Preliminary Plan/PUD to reduce the number of townhome lots from 132 to 43 and decrease the number of single-family lots from 138 to 64. The property is located west of 111<sup>th</sup> Street, north of the West Oak and Baseline Crossing Subdivision, and south of the Beacon Hill Subdivision.

Mr. Rayl gave a brief background of the Silver Creek Subdivision approval by the Planning Commission and City Council. He explained that the final plan included a total of 270 dwelling units (138 single-family homes and 132 townhomes) to be built in six phases. Phase I of the subdivision has been platted into 61 single-family residential lots and is near build-out. The proposed plan is to reduce the number of townhome lots and increase the number of single-family homes. The overall residential dwelling units would be reduced by 63 units and overall density of the subdivision would be reduced from 4.81 dwelling units per acre to 3.72 dwelling units per acre. Mr. Rayl presented slides showing the current PUD and the proposed PUD to illustrate the areas being proposed to change. He presented another slide that was color coded to illustrate the areas where staff supports the proposed change and the areas where staff does not support changing.

Mr. Rayl pointed out the areas where staff supports the proposed changes to the plan and discussed reasons they support the proposal in these locations. He pointed out the areas where staff does not support a change from high density residential to single-family residential and discussed why staff recommends the plan not change.

Staff recommended approval of a portion of the Silver Creek Preliminary Plan/PUD amendment subject to the recommended conditions finding the plan complies with the criteria of Section 26-18-5 (b) and (d) and the goals and policies of the Comprehensive Plan. Furthermore, staff believes the plan is unique; in the best interest of the City; and the Code modifications as previously approved are in the best interest of the City and the neighborhood.

Chad Kipfer, Markel Homes, 5723 Arapahoe Avenue, Boulder gave a brief history of Markel Homes. Mr. Kipfer stated they read the conditions of approval and agreed with them. He stated they would work with staff on the items that staff does not support and they are also working on new smaller single-family homes designs.

Chairperson Patzer opened this portion of the meeting for public testimony at 7:35 p.m.

Johnnie Odum, 4705 Osage Drive, Boulder, stated he represented the owner of the gas well and expressed concern about access to the wells and requested the Commission require the applicant to provide them access by installing a new gravel road to access the well.

Carl Miller, 727 Sundown Drive, Lafayette, spoke in support of the proposed plan to replace the townhomes with single-family homes which would lower the overall density of the subdivision.

Chairperson Patzer closed the public hearing at 7:40 p.m.

The Planning Commission questions to staff included whether the Commission would review the architecture for the houses being proposed, whether staff knew when the gas well might be capped, whether the Commission would review any future redesign of the townhome portion in the western end of the subdivision and whether the building permit allocation stays the same as previously approved.

The Planning Commission questions to the applicant focused on the anticipated timeframe for the completion of their phases and when would they implement the Historic Preservation piece they are required to do. The Commission asked the applicant if they had considered replacing the townhomes on the eastern edge of their original plan with a small cottage home product that would create a higher density than a regular single-family product. Other questions included what were the price range of the homes, whether they built the homes in Phase I and whether they can address Mr. Odum's concern regarding access to the well.

The Planning Commission discussed what they see as the lack of entry level products in the City and need for diverse housing stock in the city and in particularly in this area since it was close to amenities such as shopping, the library and the recreation center. The Commission discussed some of the hybrid concepts they have reviewed recently in other projects/subdivisions where high density is maintained with an affordable product that meets the goals and needs of the city and the developer is able to get financing to build it.

The Planning Commission discussed whether to amend conditions No. 2 and No. 3 regarding the unit types in Phase III by having the applicant work with staff on alternative products for this section of the subdivision. The consensus of the Commission was to leave conditions No. 2 and No. 3 as worded. The Planning Commission discussed the access road to the gas well and added condition No. 9 asking the applicant to work with the gas well owner to provide a gravel access road from an improved public street to the wellhead and production facilities located within the subdivision.

#### **Preliminary Plan/PUD Amendment Motion**

*Commissioner Wong moved the Planning Commission approve this request for Preliminary Plan/PUD amendment approval, subject to staff's recommended conditions as amended, finding that the proposal complies with the preliminary plan requirements; 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.*

#### **Conditions of Approval:**

1. The Silver Creek Preliminary Plan/PUD amendment is approved as follows:
  - a. A decrease of 16 townhome units and an increase of 5 single-family lots in Phase II.
  - b. A decrease of 34 townhome units and an increase of 15 single-family lots in Phase III.
  - c. That area west of Blue Ridge Lane shall become a future planning area without any uses indicated and shall be labeled as 'High Density Residential'.
2. The change of unit type in that area within Phase III on the south side of Cabrini Drive from townhome to single-family is **not** approved.
3. The change of unit type from townhome to single family in that portion of Phase III north of Cristo Lane and west of Blue Ridge Lane is **not** approved.
4. The applicant shall work with staff and the City Engineer to address the issues and concerns itemized in the City Engineer's memo dated May 15, 2012 prior to the submittal of a final plan.

5. The plat submitted as part of the final plan shall only include those lots outside the gas well setback.
6. The Phasing plan shall be amended so that Phase III reflects the revised unit mix per the recommended conditions of approval.
7. The trail along the southern boundary of the subdivision between 111<sup>th</sup> Street and the future park shall be installed as part of the Phase II subdivision improvements.
8. Prior to submittal of a final plan for Phase III, the applicant shall obtain final design approval from the Historic Preservation Board for the grain mixer feature and interpretive sign.
9. The applicant shall work with the gas well owner to provide a gravel access road from an improved public street to the wellhead and production facilities located within the subdivision.

**IV. Other Business**

**A. Commission Comments / Committee Reports**

Commissioner Steinbrecher complimented staff. Commissioner Wong noted that today was his 8<sup>th</sup> wedding anniversary and he wished his wife a Happy Anniversary.

**B. Department Comments**

Planning Manager Westover noted there may not be any items for the June meeting and asked the Commissioners if they would prefer to have a workshop or not have a meeting. The consensus was to not have a meeting.

**VI. Adjournment**

*Commissioner Wong moved to adjourn the meeting, seconded by Commissioner Knuth. All voted in favor of the motion. The meeting adjourned at 8:00 p.m.*

City of Lafayette

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Eric Patzer, Chairperson

Attest:

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Michelle Verostko, Recording Secretary