

**Record of Proceedings
City of Lafayette
Planning Commission
Tuesday, September 26, 2017**

Chair Wong called the meeting to order at 7:00 p.m. Those in attendance included: Commissioners Fischer, Godfrey, Kusjanovic, Thomas, Varley, Viers, and Wong.

Staff present included Planning Manager Paul Rayl, Planner Jon Hoffman and Recording Secretary Michelle Verostko

II. Items from the Public Not on the Agenda

None.

III. Meeting Minutes for August 22 & August 23, 2017 Meeting and August 23, 2017 Workshop Minutes

Commissioner Varley moved to approve the August 22 and August 23, 2017 Meeting Minutes and August 23, 2017 Workshop Minutes, seconded by Commissioner Kusjanovic. Chair Wong and Commissioners Fischer, Kusjanovic, Thomas, Varley, and Viers voted in favor of the motion. Vice Chair Godfrey abstained.

IV. Scheduled Items

A. Lafayette Farms East – Lafayette Retirement Residences – PUD Amendment, Rezoning, Minor Subdivision, Vacation and Site Plan/Architectural Review

Chair Wong noted that staff has requested that this item be tabled to the October meeting.

Planner Jon Hoffman entered the staff report into the record. He explained that the applicant has submitted five (5) applications for the development of a 141 suite multi-family senior housing development with two (2) of the units to be on-site manager apartments. According to the applicant's narrative the proposed development is rental units for age restrictive residents with the average resident age being 82 years old. Recent information regarding the additional impacts to the City's Public Safety services with senior residential developments has been submitted to staff. Staff has concerns with the City's capacity to serve this development and continue appropriate levels of emergency services for the community. Staff is reviewing Fire Department and Police Department calls from similar facilities and believes this information is vital to making a recommendation on these applications.

Staff recommended the Lafayette Farms East (Lafayette Retirement Residences) PUD Amendment, Rezoning, Minor Subdivision, Vacation and Site Plan/Architectural Review applications be tabled to Wednesday, October 25, 2017 Planning Commission meeting to allow staff additional time to evaluate the PUD criteria.

Motion

Commissioner Kusjanovic moved the Planning Commission table the Rezoning, Minor Subdivision, PUD Amendment, Vacation, and Site Plan and Architectural Review applications to Wednesday, October 25, 2017 Planning Commission meeting to allow additional time for staff to evaluate the PUD criteria against the proposed project. Commissioner Thomas seconded the motion. All voted in favor of the motion.

B. St. James Subdivision Tract A – Rehabilitation Hospital Minor Subdivision, Rezoning, Special Use Review, Vacation, and Site Plan/Architectural Review

Planning Manager Paul Rayl entered the staff report into the record. He stated that this application is a request for approval for a Minor Subdivision for a rehabilitation hospital. The hospital will be a full service rehabilitation hospital similar in scope and operation to Craig Hospital in Denver. The proposal is for an approximately 58,000 square foot, single-story structure with up to 40 patient rooms and outpatient facilities for day-to-day rehab appointments. The applications also include a rezoning from DR (Developing Resources) to C1/PUD (Regional Business/Planned Unit Development), special use review for the hospital use and vacation of a drainage easement. Mr. Rayl presented a vicinity map illustrating the location of the property and the surrounding area. The property is located at the northeast corner of U.S. Highway 287 and Old Laramie Trail.

Mr. Rayl presented the Minor Subdivision which includes a replat of Tract A, St. James Subdivision, Replat A. The replat is needed to accommodate development of a rehabilitation hospital that would be part of the Boulder Community Health system of hospitals. Staff discussed concern about access easements and responsibility. Staff recommended the applicant work with the City to address the City Attorney's legal concerns regarding the access easement prior to the acceptance of the easement by City Council with the Minor Subdivision.

Mr. Rayl presented the Vacation of Easement and explained that the drainage easement created with the original St. James Subdivision will not be needed as the replat includes the dedication of a new drainage easement with a configuration to accommodate the increased drainage needs. The vacation request is in compliance with Section 26-14-20(c)(2) and recommended approval of the request subject to the approval and recording of the St. James Subdivision Filing No. 2.

Mr. Rayl presented the Rezoning application and explained that the applicant is proposing to rezone the property from DR (Developing Resource) to C1/PUD (Regional Business/Planned Unit Development). He reviewed the application against the rezoning criteria and discussed how the application met criteria b and c of Section 26-16-8.

Mr. Rayl presented the Special Use Review application for approval of a 40-bed, single-story, 58,000 square foot rehabilitation hospital on the proposed Lot 1, St. James Subdivision Filing No. 2. He reviewed the application against the special use review criteria and discussed how the application met Section 26-15-4(a).

Mr. Rayl presented the site plan for the proposal. The proposal is for an approximately 58,000 square foot, single-story structure with up to 40 patient rooms and outpatient facilities for day-to-day rehab appointments. He reviewed access, streets, traffic circulation, pedestrian access, parking, landscaping plan, and lighting plan.

Mr. Rayl presented the architecture and showed the materials board to the PC. He reviewed the proposed exterior materials and color. He reviewed the architectural elements, design and features.

Staff recommended approval of St. James Subdivision Filing No. 2 subject to the recommended conditions in that the minor subdivision complies with the submittal requirements of Section 26-17-7 and the applicable criteria of Section 26-19.

Staff recommended approval of the vacation of the drainage easement, demonstrating that the current configuration of the drainage easement is not needed for development since revised easements are to be platted with St. James Subdivision Filing No. 2.

Staff recommended approval of the rezoning from DR (Developing Resource) to C1/PUD (Regional Business/Planned Unit Development) subject to the recommended condition. Staff believes the rezoning complies with the criteria b and c of Code section 26-16-8.

Staff believes that, subject to the recommended conditions, the special use review for the rehabilitation hospital on the subject property complies with the Special Use Review criteria of Section 26-15-4(a) and recommended approval.

Staff recommended approval of the proposed site plan/architectural review, subject to the recommended conditions, because the plan complies with the review criteria of Section 26-16-7.1 and the submittal requirements of Section 26-17-9 and will be appropriate and compatible to the site.

Bobby George, Dekker Perich Sabatini, 2375 East Camelback Road, Phoenix, Arizona, architect and applicant representative presented their proposal. He gave a brief background of the hospital and how the facility would operate and how it would be used and by whom. He explained their design concept. He explained how they deal with emergency calls. He stated they agreed with the conditions of approval and they are available for questions.

Chair Wong opened this portion of the meeting for public testimony at 7:50 pm. No one addressed the Planning Commission, therefore, Chair Wong closed the public hearing.

Commissioner Viers disclosed that he worked for Dekker Perich Sabatini several years ago and he stated he does not have a conflict of interest with the firm or with this project.

Planning Commission asked the applicant about planting heights and site vision triangle. Other questions focused on parking, how they determine their parking requirements and whether the number of parking spaces also include the future expansion. The Planning Commission asked the applicant to walk them thru the site and explain the various entrances and how one navigates the site. The Commission also asked if they would be providing an electric vehicle charging station.

Planning Commission asked staff to explain more about the archaeological requirement discussed in Site Plan/Architectural Review condition no. 9. The Planning Commission asked about the right in/right out turn on Old Laramie Trail from Highway 287 and whether there was a way to create a design which would prevent vehicles from trying to make left turns into the site without creating conflicts with other vehicles. The Planning Commission had questions about parking and the size and number of parking spaces. The Planning Commission asked if they would review any future expansion of the rehabilitation building.

The Planning Commission discussed landscaping and the site vision triangle and added a condition to require the applicant to mitigate that concern. The Planning Commission amended Site Plan/Architectural Review Condition No. 1 to ensure the westernmost driveway access would be a right-in/right-out only. The applicant would also work with staff to create a design which would prevent vehicles from trying to make a left turn into the site and creating possible conflicts with vehicles coming off Highway 287 to Old Laramie Trail.

The Planning Commission discussed pedestrian connections and crosswalks, bus traffic, monument signs, lighting, landscaping, and rooftop mechanical screening.

Minor Subdivision Motion

Commissioner Thomas moved the Planning Commission recommend approval of the minor subdivision for St. James Subdivision Filing No. 2, subject to staff's recommended conditions of approval, finding that the plat complies with the requirements of Section 26-17-6 and the applicable criteria of Section 26-19 of the Development and Zoning Code. Commissioner Fischer seconded the motion. All voted in favor of the motion.

Easement Vacation Motion

Commissioner Kusjanovic moved the Planning Commission recommend the City Council approve the requested drainage easement vacation, subject to the recommended condition of approval, finding that the request complies with Section 26-14-20(c)(2) of the Code in that the easement is no longer necessary for public use and convenience in its current configuration. Commissioner Varley seconded the motion. All voted in favor of the motion.

Rezoning Motion

Chair Wong moved the Planning Commission recommend approval of the rezoning request subject to the recommended condition, finding that the rezoning complies with the Comprehensive Plan, and the rezoning criteria of Section 26-16-8 of the Lafayette Code of Ordinances. Commissioner Kusjanovic seconded the motion. All voted in favor of the motion.

Special Use Review Motion

Commissioner Kusjanovic moved the Planning Commission approve this request for Special Use Review, subject to staff's recommended condition, finding that that the use meets the criteria of Section 26-15-4(a) because the proposal complies with the Municipal Code, is compatible with the surrounding area, presents no potential for adverse environmental impacts, and complies with the Comprehensive Plan. Commissioner Viers seconded the motion. All voted in favor of the motion.

Site Plan/Architectural Review

Vice Chair Godfrey moved the Planning Commission recommend approval of this Site Plan/Architectural Review, subject to the recommended conditions as amended, finding that the plan complies with the criteria of Section 26-16-7.1, the submittal requirements of Section 26-17-9 have been met, and the design is compatible with the location and proposed use. Commissioner Viers seconded the motion. All voted in favor of the motion.

Minor Subdivision Conditions of Approval:

1. The applicant shall work with the City to address the City Attorney's legal concerns regarding the access easement prior to acceptance of the easement by City Council with the Minor Subdivision.
2. The clerical and typographical errors shall be corrected by the applicant prior to scheduling the minor subdivision for City Council consideration.
3. Approval of the minor subdivision shall be subject to approval of the rezoning and site plan/architectural review by the City Council and approval of the SUR by the Planning Commission.

Easement Vacation Conditions of Approval:

1. The vacation of the drainage easement is subject to approval and recording of St. James Subdivision Filing No. 2, dedicating a new drainage easement to replace the one being vacated.

Rezoning Conditions of Approval:

1. Approval of the rezoning request shall be subject to approval of the Special Use Review by the Planning Commission and the Site Plan/Architectural Review by the City Council.

Special Use Review Conditions of Approval:

1. Approval of the Special Use Review request shall be contingent upon the approval of the rezoning, minor subdivision, easement vacation and Site Plan/Architectural Review by City Council.

Site Plan/Architectural Review Conditions of Approval:

1. The westernmost driveway access into the site shall be a right-in/right-out only. The applicant shall work with staff to create a design which will prevent vehicles from trying to make a left turn into the site and creating possible conflicts with vehicle coming off Highway 287 to Old Laramie Trail.
2. The engineering plans shall be amended to include a striping plan for the left turn movements from Old Laramie Trail into the subject property and the existing entry to the property to the south.
3. The location of all wall-mounted meters and electrical boxes shall be included on the plans and painted to match the surrounding wall color. Additional landscape screening shall be provided for the wall mounted meters and electrical boxes if they will be visible from adjacent property or Highway 287 and Old Laramie Trail.
4. The applicant shall work with staff to relocate the street trees along Highway 287 away from the water line. This may mean the trees would have to be located on the east side of the existing sidewalk along 287.
5. The lighting plan shall be amended as follows subject to staff review and approval:
 - a) Light sources shall be utilized that will produce readings that are not in excess of 8 foot candles anywhere on the site and that the light levels at the property line along Highway 287 and Old Laramie trail shall be reduced to as close to zero as possible.
 - b) The temperature of the LED's shall not exceed 3,500K.
6. The plans shall be amended to indicate the total square footage of each sign face not to exceed 50 square feet and also move the sign along Old Laramie Trail 2 feet north to meet the minimum 10 foot setback.
7. The applicant shall address the comments from the City Engineer memo dated September 6, 2017 prior to City Council consideration.
8. In addition to the required State permits, the applicant shall follow the City of Lafayette Prairie Dog Mitigation Policy for open space lands and provide a written statement detailing how the Policy was complied with.
9. Prior to construction, the applicant shall retain an archaeological contractor permitted in the State of Colorado to conduct a records search and archaeological survey, and then monitor construction. The contractor must be from the list of permitted contractors provided by History Colorado.

C. SoLa Subdivision Filing No. 5 – Copper Stone Easement Vacation and Site Plan/Architectural Review

Planning Manager Paul Rayl entered the staff report into the record. He stated this application is a request for an Easement Vacation and a Site Plan/Architectural Review Amendment for Copper Stone Apartments located in the SoLa Subdivision just east of S. Public Road adjacent to S. Lafayette Drive. He showed a vicinity map which illustrated the location of the subject property and the surrounding neighboring property. He gave a brief background of recent approvals for the subject property.

Mr. Rayl explained that since the approval in June, the applicant has identified a cross access and emergency access easement that was originally platted for an assisted living facility that has since withdrawn their plans for development. The easement is located between Tract A and Lot 1 of SoLa Subdivision Filing No. 5 Replat A. The easement was platted because at the time there were no development plans for Tract A and the property owner wanted to ensure access was available to any future development onto Tract A. With the development of Tract A into an affordable community, new cross access and emergency easements will be dedicated to facilitate the development and the current easement configuration will no longer be needed for public use and convenience. The application therefore, meets Criterion 2 of Section 26-14-20(c) and staff recommended approval of the request subject to the approval and recording of SoLa Subdivision Filing no. 5, Replat B, dedicating new easements.

Mr. Rayl explained that applicant has also revisited the use of stucco on the buildings and found that the cost and durability of stucco was detrimental to providing an affordable rental project. The applicant has found that the vinyl siding industry has improved their products and is able to provide an attractive siding that is more durable and less expensive than stucco. In addition, the City Council approved the project with a condition that a second primary building material be added to the building in addition to the stucco. The applicant has added stone to the apartment buildings similar to the clubhouse and bike storage facility. Mr. Rayl presented slides to illustrate the proposed material change.

Staff finds that the proposed change to the vinyl siding along with the stone will be complementary and compatible with the surrounding neighborhood and recommended approval of the amendment to the approved Site Plan/Architectural Review for Copper Stone apartments, subject to the recommended conditions of approval. Staff also found the application complies with Code Section 26-16-7.1, promotes a harmonious transition in scale and character of the surrounding land uses, building components are visually attractive and monotony of design has been avoided by providing a variation of detail and form.

Scott Morris, Inland Group, Spokane, Washington, explained that the easement is no longer needed and they are requesting it be vacated. He explained they are trying to keep the costs down to keep the project affordable. He explained that the stucco project increased in price and they believe the vinyl product they found will be more durable, less expensive and have a longer warranty period. He requested the Planning Commission approve their amendment to the architecture.

Chair Wong opened this portion of the meeting for public testimony at 8:40 p.m. No one addressed the Planning Commission, therefore Chair Wong closed the public hearing.

The Planning Commission asked the applicant for more detail on the vinyl siding, whether they had a sample, what is the warranty of the product, what are the colors, and how it would hold up with weather. The applicant provided more detail on the vinyl product and showed pictures of the product being used on other similar projects they have done.

The Planning Commission asked staff for more detail on the City Council's recommendation for additional exterior material. The Commission also asked about the color for the vinyl siding and whether it would be compatible with the area.

The Planning Commission discussed the vinyl siding and how it looked in the pictures the applicant presented.

Vacation Motion

Vice Chair Godfrey moved the Planning Commission recommend the City Council approve the requested cross access and emergency access easement vacations, subject to the recommended condition of approval, finding that the easements are no longer necessary for public use and convenience in their current configuration. Commissioner Viers seconded the motion. All voted in favor of the motion.

Site Plan/Architectural Review Amendment Motion

Commissioner Kusjanovic moved the Planning Commission recommend approval of this request for an amendment to the approved Site Plan/Architectural Review, subject to staff's recommended conditions, finding that the plan complies with the requirements for site plan/architectural review submittal; complies with the site plan/architectural review criteria; and the new materials are compatible with the location and proposed use. Commissioner Fischer seconded the motion. All voted in favor of the motion.

Easement Vacation Condition of Approval:

1. Approval of the cross access and emergency access easement vacation request shall be subject to recording of SoLa Subdivision Filing No. 5, Replat B dedicating new easements.

Site Plan/Architectural Review Condition of Approval:

1. The building permit plans submitted for the apartment buildings shall be revised to show the vinyl siding.

The Planning Commission took a ten-minute recess at 9:00 p.m. and reconvened at 9:10 p.m.

D. Development Code Amendments Section 26-22.1 Oil & Gas Development

Planning Manager Paul Rayl entered the staff report into the record. He stated this application is an amendment to Chapter 26-22.1 Oil and Gas Development. He explained that City Council directed the City Attorney to provide language for Planning Commission consideration to modify and amend subsections 26-17-5 – Preliminary Plan, 26-17-6 – Final Plans, and 26-22.1-2 – Definitions. The language also includes the enactment of a new subsection 26-22.1. The City Council has also directed staff to provide language for Planning Commission to consider relative to setback requirements to existing and new oil and gas wells and facilities. These changes would amend subsection 26-22.1-4(1)(iii) and Table 26B – Dimensional Standards.

Mr. Rayl explained the proposed changes would include the addition of eight additional terms and their associated definitions. The proposed code amendments for preliminary plans and final

plans include a new requirement that the plan includes the location of all oil and gas subsurface facilities. The changes include increased setbacks from 350 feet to 750 feet.

Chair Wong opened the portion of the meeting for public testimony.

Ann Huggins, 670 Gooseberry Ct. Lafayette, expressed concern about subsidence and setbacks for oil and gas wells. She suggested that the mapping of oil and gas wells should also include an overlay for coal mines and subsidence.

Chair Wong closed the public hearing at 9:30 p.m.

Planning Commission questions focused on the 750-foot setback and how that was determined, whether it included horizontal and underground flow lines, and whether the setback includes the distance from schools and playgrounds, whether staff could do an overlay that would include subsidence areas. Other questions focused on the City Council's timeline and what the process would be for amending the code.

The Planning Commission asked about staff's analysis of the proposed amendments and whether there are safety studies and/or best practices for determining what the distance could be.

The Planning Commission discussion focused on obtaining more information, research, and clarity on the setbacks proposed, oil and gas flow lines, the mapping of flow lines and what that would include, what abandoned means, expert opinions, and City attorney availability for legal questions. The majority of the Planning Commission felt the process was being rushed and they needed additional research and information to make an informed decision instead of reacting to the proposal.

Motion

Commissioner Kusjanovic moved the Planning Commission recommend approval of an amendment to Chapter 26 of the Lafayette Code of Ordinances modifying subsections 26-17-5, 26-17-6, 26-22.1-2, 26-22.1-4, 26-22.1-11, Table 26B – Dimensional Standards, and enacting subsection 26-22.1-15 of the Code of Ordinances pertaining to underground oil and gas pipelines and increasing setbacks to existing and new oil and gas wells. Commissioner Viers seconded the motion. The Planning Commission discussion focused on not being ready to decide. Vote: Commissioner Viers voted in favor of the motion, while the remaining Commissioners opposed the motion. The motion failed.

Motion

Commissioner Kusjanovic moved the Planning Commission recommend approval of an amendment to Chapter 26 of the Lafayette Code of Ordinances modifying subsections 26-17-5, 26-17-6, of the Code of Ordinances pertaining to underground oil and gas pipelines. Commissioner Viers seconded the motion. All voted against the motion. The motion failed.

The Planning Commission discussed mapping and who should be responsible for mapping and asked why mapping hasn't been done by oil and gas well companies already like other utility companies.

Motion

Vice Chair Godfrey moved the Planning Commission recommend approval of the mapping portion – Section 22.1 -15 Mapping and the condition of the line. Commissioner Kusjanovic seconded the motion. The Planning Commission discussed a timeframe of three months or twelve months to accomplish this task. Vote: Vice Chair Godfrey and Commissioner Viers voted in favor of the motion and the remaining Planning Commissioners voted against the motion. Motion failed 2 in favor, 5 opposed.

Motion

Commissioner Kusjanovic moved the Planning Commission table the amendment to Chapter 26 of the Lafayette Code of Ordinances modifying subsections 26-17-5, 26-17-6, 26-22.1-2, 26-22.1-4, 26-22.1-11, Table 26B – Dimensional Standards, and enacting subsection 26-22.1-15 of the Code of Ordinances pertaining to underground oil and gas pipelines and increasing setbacks to existing and new oil and gas wells to the September 27, 2017 Planning Commission if the City Attorney could attend the meeting. If not, then this item would be tabled to the October 24, 2017 Planning Commission Meeting. Vice Chair Godfrey seconded the motion. The Planning Commission discussed what they would ask the City Attorney. Vote: Commissioner Viers opposed the motion and the remaining Planning Commissioners voted in favor. The motion passed.

V. Other Business

A. Commission Comments / Committee Reports

The Planning Commission asked staff about site lighting and signage for the car wash located on Arapahoe Road and expressed concern about the lighting. Planning Commission asked if the review process could be change so that Planning Commission reviewed signage and if the Commission could have a workshop regarding lighting temperatures.

B. Department Comments

None.

VI. Adjournment

Vice Chair Godfrey moved to adjourn the meeting, seconded by Commissioner Thomas. All voted in favor of the motion. The meeting adjourned at 11:30 p.m.

City of Lafayette

Brian Wong, Chair

Attest:

Michelle Verostko, Recording Secretary