

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Wednesday, October 25, 2017**

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

Absent: Chair 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. Scheduled Items**

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

Planner Jon Hoffman entered the staff report into the record. He stated this application includes Rezoning, Minor Subdivision, PUD Amendment, Growth Management Permit Allocation and Site/Architectural Review for the development of a 141 suite multi-family senior housing development. He presented a vicinity map to help illustrate the location of the subject property and the surrounding neighborhood. The project is located at 412 Homestead Street which is west of Highway 287, east of Anna Thomas Parkway and Homestead Street, north of and adjacent to Baseline Road. The property is zoned DR (Developing Resource) and designated as commercial on the Comprehensive Plan Land Use Map.

Mr. Hoffman presented the proposal and explained that the application is for a 150,537 square foot (52,279 footprint) three-story building for Lafayette Retirement Residence, a senior apartment complex. This senior housing is age restricted and designed for residents who are still ambulatory but in need of some support. There are two management couples who will reside on the site. Including the two manager units there are a total of 141 units proposed. These will be month-to-month tenancy and not for purchase units.

Mr. Hoffman presented the rezoning application and explained the applicant proposes to rezone the subject property from DR (Developing Resource) to T1/PUD (Transitional Business/Planned Unit Development) zone district to allow the multi-family dwellings as a permitted use. He explained that the intent of the Transitional Business zoning is to permit uses that are compatible with the character of the adjacent residential neighborhood. The T1 zoning allows for limited low impact commercial development and also allows multi-family residential. The T1 zoning is appropriate and supported with the underlying commercial comprehensive plan land use designation for the property. Mr. Hoffman reviewed the zoning of the properties adjacent to the subject property. He discussed changes in the area and commercial zoning.

Mr. Hoffman reviewed the application against the zoning criteria found in Section 26-16-8 and discussed how the application complies with zoning criteria found in Section 26-16-8 (b) and (c).

Staff recommended approval of the proposed rezoning of Tract 1 and Outlot A, Lafayette Farms East Filing 2 subject to approval of the Lafayette Retirement Residence Site Plan and Architectural Review and the Lafayette Farms East Preliminary Plan/PUD Amendment.

Mr. Hoffman presented the Minor Subdivision and explained that the subdivision includes Tract 1 and Outlot A of Lafayette Farms East Filing No. 2. The Minor Subdivision will create lot 1 which is intended for the development of the proposed multi-family building. The subdivision will include the realignment of the Goodhue Ditch Easement within Lot 1.

Mr. Hoffman discussed the potential for a vehicular connection between Baseline Business Center Subdivision and Lafayette Farms East and requiring the applicant to provide a vehicular access easement.

Staff recommended, subject to the recommended conditions of approval, the approval of the minor subdivision of Tract 1 and Outlot A Lafayette Farms East Filing 2, in that the plat complies with the requirements of Section 26-17-7 of the Development and Zoning Code.

Mr. Hoffman presented the Vacation application which includes a request to vacate a 30-foot utility and drainage easement and a 20-foot utility easement that bisects the property. Should the property be approved, these easements would no longer be needed.

Staff finds that the vacation meets the requirements of Section 26-14-20(c) of the Development and Zoning code and the vacation criteria. Staff recommended approval of the vacation request subject to the recommended condition of approval.

Mr. Hoffman presented the PUD Amendment and reviewed the five modifications to the existing PUD being requested which include:

1. Allow for multi-family and senior housing as an approved use on Tract 1;
2. Add an additional 141 residential units for subdivision;
3. Addition of T1/PUD dimensional standards to replace the C1/PUD dimensional standards for the subdivision;
4. An increase in the maximum height from 35-foot to 38-foot;
5. A parking reduction to 99 parking spaces for the Lafayette Retirement Residence.

Mr. Hoffman reviewed the PUD request against the PUD criteria and discussed how the application met the criteria. He reviewed water and water reclamation requirements, public safety, community housing needs, comprehensive plan goal fulfillment, wildlife and environmental concerns, and cultural aspects on the property. He explained there is a silo located on the property and the developer will be required to incorporate the silo into the development and also ensure preservation and maintenance of the silo. Staff recommended the applicant work with the Historic Preservation Board on the placement of a plaque and language on the plaque.

Staff recommended approval, subject to the proposed conditions, of the Lafayette Farms East PUD Amendment finding the plan complies with the criteria of Section 26-18-5(b) and (d). The plan is unique; in the best interest of the city; and the code modifications are in the best interest of the city and the neighborhood.

Mr. Hoffman presented the Site Plan and explained the plan includes the development of a three-story, 150,537 square foot retirement residence with 141 units and accessory garages. The long axis of the building will follow and front onto Homestead Street. Site amenities include landscaping, parking, walking paths, and seating areas.

Mr. Hoffman reviewed site plan issues such as dimensional standards, streets and access to the site, sidewalks, vehicle connections, traffic, bus stop and bus service, and parking.

Mr. Hoffman presented the architecture for the apartment building and parking garages. He reviewed the exterior materials, colors, and building elevations. He presented the materials board to the Planning Commission. He reviewed the landscaping plan and lighting plan.

Staff finds that, subject to the recommended conditions, the proposed Site Plan/Architectural Review complies with the review criteria of Section 26-16-7.1 and the submittal requirements of Section 26-17-9. Staff recommends approval of this Site Plan/Architectural Review.

Mr. Hoffman presented the Growth Management Classifications and reviewed the permit allocation schedule for the project.

Staff finds that the proposed growth permit allocation and classification status request complies with the review criteria of Section 6.10 and Section 30-271-272. Staff recommends approval of a building permit allocation for the Lafayette Retirement Residence of 141 permits in 2018. Permits requested after 2018 will require a new analysis.

Mark Hite, Levity Architecture, 3150 Kettle Court, Salem, Oregon presented their proposal. He stated they agreed with the conditions of approval. He gave a brief background of who they are, what services they provide, and how they would operate. He reviewed their proposal, and discussed traffic, site design and layout, prairie dog removal, and the cross access easement condition.

Bryce Christensen, Kimberly Horn, 4582 S. Ulster St., Denver, discussed the topography and constraints on the site. He reviewed their building design.

Vice Chair Godfrey opened this portion of the meeting for public testimony at 8:05 p.m.

### **Motion**

Commissioner Thomas moved the Planning Commission set the speaker time limit from 3 minutes to 5 minutes. Commissioner Varley seconded the motion. Vice Chair Godfrey noted that they would be discussing this item at their November meeting. Vote: Commissioners Thomas, Fischer and Varley voted in favor of the motion and Commissioners Viers, Kusjanovic and Godfrey voted against the motion. The motion failed 3 to 3. The time limit for speakers remained at 3 minutes.

Ernie Sica, 1403 Harvest Drive, Lafayette, representative for Anna's Farm United, stated they are interested in preserving quality of life and property values in Anna's Farm. He expressed concern that property values in Anna's Farm has remained stagnant.

Bob Richards, 521 Mills Street, Lafayette, expressed concern about the number of homes proposed and recently approved in the immediate area will result in increased dense residential neighborhoods and increased traffic on Baseline Road. He expressed concern about the lack of entrances and exits in Anna's Farm. He also expressed concern that Baseline Road cannot handle the increased traffic and needs widening.

Rosemary Hanley, 455 N. Burlington, Lafayette, questioned whether seniors need or want this type of senior housing or amenities. She expressed concern about what happens to prairie dogs and the need for more open space within the city.

Dan Herlihy, 1500 Harvest Drive, Lafayette, expressed concern about density, traffic, speeding traffic and safety issues.

Laurie Thayer, 440 London Avenue, Lafayette, questioned why this project was being reviewed instead of falling into the moratorium category. She expressed concern about prairie dogs and believes the applicant misled the public.

Ann Huggins, 670 Gooseberry Court, Lafayette, opposed the rezoning of the property. She expressed concern about the lack of notification given to neighboring properties with regard the removal of the prairie dogs and had concerns that the poison used may adversely affect people, their gardens, and other wildlife. She also expressed concerns about traffic.

Ed Walent, 521 Homestead Street, Lafayette, expressed concern about the proposed architecture, building height, and traffic congestion in area.

Christopher Barnes, 350 West Lucerne Drive, Lafayette, expressed concern about residential growth in the area and recommended this parcel be considered for open space or a park or keep it commercial.

Cheri Watson, 1504 Greenlee Way, Lafayette, expressed concern about traffic and density.

Anne Rivas, 4501 Nelson Road, Longmont, expressed concern about prairie dogs and the value of ecosystems.

Susan Sommers, 1418 Galilee Lane, Longmont, expressed concern about prairie dogs and supports relocating them.

Bevin Gumm, 588 Homestead Drive, Lafayette, expressed concern about quality of life, traffic congestion, safety concerns, pedestrian traffic, bicycle access, crosswalk safety, and the lack of plans to expand Baseline Road

Allison Hamm, 754 Furrow Way, Lafayette, expressed concern about light pollution.

Vice Chair Godfrey closed the public hearing at 8:40 p.m.

The Planning Commission asked the applicant to address the prairie dog issues and what is planned for the future of any remaining prairie dogs on the site. The Planning Commission asked the applicant about the demographics they are marketing to, whether it would convert to regular apartments and whether it would always be senior residents. The Planning Commission asked them to explain what the difference is between their type of facility and an assisted living facility.

The Planning Commission asked the applicant for more information on the staff manager, what they do, what their training would be, what their responsibilities would be, what their liability is and how long they tend to stay in that job.

The Planning Commission asked them to explain why they do not support an eastern access easement and also for more detail on the detention area.

Other Planning Commission questions focused on the emergency calls and how they would be handled, whether they dispensed medicine, and whether they needed to have any special state license and/or health department license. The Planning Commission asked the applicant to explain how deliveries would work, what type of deliveries they might have, how frequent, and when they would happen.

The Planning Commission questions to the applicant focused on the building design and layout and they asked the applicant to discuss why they needed the additional height they are

requesting, what constraints the property had, whether they could compress their design or lose any units, whether they would have any retaining walls and whether they will have elevators in the building.

The Planning Commission also asked about parking, staff hours and lighting for the site and for any signage they propose.

*The Planning Commission took a 15-minute recess at 9:20 pm and reconvened at 9:35 pm.*

The Planning Commission questions to staff focused on connectivity and whether providing a road connection on the northern portion of the property for additional access or another possible connection would be appropriate. The Planning Commission also asked whether a traffic circle at Anna's Thomas Parkway might help calm traffic. Other questions about traffic included whether a traffic study was done, whether a traffic signal might be warranted at Baseline Road, and whether the Planning Commission should require the applicant to escrow money for a future traffic signal. The Planning Commission also asked whether there could be a dedicated right-hand turn lane.

The Planning Commission focused on the rezoning and asked why the Comprehensive Plan supports T1 and what other zoning could be considered here, and whether the parcel could be considered for an open space purchase. The Planning Commission asked about possible C1 and B1 uses, whether B1 uses would be less impactful, what uses might provide more tax revenue and whether they could charge fees for emergency services.

The Planning Commission asked about the recent moratorium and why this application does not fall into the moratorium category. The Planning Commission asked what the process would be if the applicant wanted to change from senior apartments to assisted living facility.

Planning Commission asked about lighting standards, not allowing parking on Homestead Street, where the ditch would get rerouted to, whether they could restrict construction traffic, and whether the vehicular access easement would work with the grading restrictions.

The Planning Commission asked about the prairie dog removal. The Planning Commission asked about density and how the density is determined.

### **Motion**

*Commissioner Kusjanovic moved to reopen the public hearing to allow for additional public comment. Commissioner Fischer seconded the motion. Commissioners Kusjanovic, Fischer and Thomas voted in favor of the motion. Commissioner Varley, Godfrey and Viers voted against the motion. The motion failed.*

The Planning Commission discussed the rezoning application and uses that could be less impactful than this proposed use and whether this is the right location for this development. Other discussion focused on traffic, density, building height, the number of parking spaces proposed, and potential C1 and B1 uses that would be allowed here.

The Planning Commission discussed the Minor Subdivision application and easement for vehicular connection. The Planning Commission discussed requiring an easement in the northern section of the property connection to Cottonwood and into the Black Diamond Subdivision.

The Planning Commission discussed the PUD Amendment and the desire to keep the complex as apartments and not be converted to an assisted living facility, and requiring money to be

escrowed up to 25% for this development's portion of a future traffic signal at Baseline Road. The Planning Commission discussed density and compared allowable density for the R3, R4, and T1 zoning districts. Staff clarified that the PUD Amendment request is to allow 141 units for the project. The Planning Commission discussed the building height, density and traffic.

### **Rezone Motion**

*Vice Chair Godfrey moved the Planning Commission recommend the City Council approve this rezoning request subject to the recommended condition, finding because of changing conditions in the area it is in the public interest to rezone the property to encourage redevelopment and the rezoning is necessary to comply with the Comprehensive Plan. Commissioner Fischer seconded the motion. All voted in favor of the motion.*

### **Minor Subdivision Motion**

*Commissioner Varley moved the Planning Commission recommend the City Council approve the minor subdivision for Lafayette Farms East Filing No. 10, subject to staff's recommended conditions of approval, finding that the plat complies with the requirements of Section 26-17-7 of the Development and Zoning Code. Commissioner Thomas seconded the motion. All voted against the motion.*

Planning Commission discussed the easement to the north and south.

### **Minor Subdivision Motion**

*Commissioner Varley moved the Planning Commission recommend the City Council approve the minor subdivision for Lafayette Farms East Filing No. 10, subject to the recommended conditions of approval as amended, finding that the plat complies with the requirements of Section 26-17-7 of the Development and Zoning Code. Commissioner Viers seconded the motion. Commissioners Fischer, Kusjanovic, Thomas, Varley and Viers voted in favor of the motion and Vice Chair Godfrey voted against the motion. The motion passed 5 to 1.*

The Planning Commission discussed/reviewed the conditions for the PUD Amendment they would like to have added if they approve the application. These include adding a condition regarding 25% of the traffic signal at Anna Thomas Parkway and Baseline Road should warrants be met and a condition regarding the construction traffic. The Planning Commission discussed the building height and consensus of the Planning Commission was to support the 38 ft. height request. The Planning Commission discussed the project's density and compared the density to other senior apartments in Lafayette such as Josephine Commons and Affinity.

### **PUD Amendment Motion**

*Vice Chair Godfrey moved the Planning Commission denies this request for the PUD Amendment approval finding that the proposal does not comply with preliminary plan requirements; does not meet the PUD criteria; does not comply with the Comprehensive Plan's goals and policies or land use map. Commissioner Kusjanovic seconded the motion. The Planning Commission discussed the complexity of the project. Vote: Commissioners Thomas, Kusjanovic, Godfrey and Varley voted in favor of the motion. Commissioners Fischer and Viers voted against the motion. The motion passed 4 to 2.*

### **Vacation Motion**

*Commissioner Thomas moved the Planning Commission recommend the City Council approve the vacation of the emergency access easement and the temporary water and sewer easement in the Lafayette Farms East Subdivision Filing No. 2, finding that the request complies with Section*

*26-14-20(c) of the Code in that the easements to be vacated are no longer necessary for public use and convenience. Commissioner Viers seconded the motion. All voted in favor of the motion.*

The Planning Commission discussed the conditions they would like to have added if they recommend approval of the Site Plan/Architectural Review application. These included addressing any temporary exterior lighting, require an electrical charging car station, include native grasses, and add stone as exterior element instead of brick.

#### **Site Plan/Architectural Review Motion**

*Commissioner Viers moved the Planning Commission recommend City Council approve the 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; the architecture promotes a harmonious transition in scale and character of the proposed building to surrounding land uses, the quality and overall design is compatible with the location and proposed use, and colors, including accents, are harmonious and compatible. Commissioner Fischer seconded the motion. Commissioners Thomas, Viers, and Fischer voted in favor of the motion. Commissioners Kusjanovic, Godfrey and Varley voted against the motion. The motion failed 3 to 3.*

#### **Growth Management Motion**

*Vice Chair Godfrey moved the Planning Commission recommend denial of the growth management priority status permit allocation finding that the plan does not comply with the criteria of Section 6.10 and the request is not reasonable and that permits will not be available to accommodate this request. Commissioner Varley seconded the motion. Commissioners Thomas, Kusjanovic, Godfrey, and Varley voted in favor of the motion and Commissioners Fischer and Viers voted against the motion. The motion passed 4 to 2.*

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

1. The Rezoning application approval is subject to the Planned Unit Development Amendment and Site Plan and Architectural Review application approvals;

#### **Minor Subdivision Conditions of Approval:**

1. A vehicular access easement for the benefit of the Baseline Business Center Subdivision shall be recorded along the east parking lot / drive area to match with the Baseline Business Center Subdivision access easement;
2. The applicant shall work with the Goodhue Ditch company on the size and location of the new Goodhue Ditch easement;
3. Corrections to the plat and clerical and grammatical errors shall be corrected by the applicant prior to consideration by City Council.
4. A vehicular access easement for the benefit of the Black Diamond Subdivision shall be recorded along the north parking lot / drive area. Location to be approved by staff.

#### **IV. Other Business**

##### **A. Commission Comments / Committee Reports**

Commissioner Fischer noted that Lafayette Open Space Advisory Committee had a reception for the Mayhoffer open space purchase. Vice Chair Godfrey thanked the Planning Commissioners

for their hard work and noted that he tried to keep the meeting moving forward. He also thanked the community for coming out and voicing their concerns. Commissioner Thomas noted that she would need to step down from the Historic Preservation Board in January and asked if someone else could take on the liaison role. Commissioner Kusjanovic stated she is lucky to work with her dedicated fellow commissioners and staff.

**B. Department Comments**

Planning Manager Paul Rayl noted the November meetings would be November 28 and November 29, 2017 and staff would have their packets ready by Wednesday, November 22.

**V. Adjournment**

*Commissioner Fischer moved to adjourn the meeting, seconded by Commissioner Viers. All voted in favor of the motion. The meeting adjourned at 12:10 a.m.*

City of Lafayette

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Doug Godfrey, Vice Chair

Attest:

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Michelle Verostko, Recording Secretary