

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Wednesday, January 24, 2018**

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

Staff present included City Attorney Dave Williamson, Planning & Building Director Karen Westover, Planning Manager Paul Rayl, Planner Jon Hoffman, Neighborhood Services Specialist Duncan Miller, and Recording Secretary Michelle Verostko

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

Karen Norback, 800 E. Geneseo, Lafayette asked that the Planning Commission change the time of year on when they select a new chair and vice chair and also only select officers when all of the commissioners members are in attendance. She also asked the Planning Commission to increase the public speaking time to five minutes.

**III. Scheduled Items**

**A. Comprehensive Plan Land Use Amendment – Rural Preservation**

Planning Manager Paul Rayl entered the staff report into the record. Mr. Rayl explained this item was tabled from the November 2017 meeting. He noted he provided the Planning Commission copies of emails that staff received since the agenda packet was posted to the website.

Mr. Rayl gave some background on the Intergovernmental Agreement with Boulder County and the Town of Erie that the City executed in 1994. The agreement was recorded as the Intergovernmental Agreement East Central Boulder County Comprehensive Development Plan, (“ECBC IGA”). He explained that the IGA designated a portion of the Plan Area to remain as rural development for the purpose of preserving a community buffer. These areas were designated as “Rural Preservation” on the City’s Comprehensive Plan Land Use Map.

The ECBC IGA expired on December 22, 2014, thus making the Rural Preservation designation obsolete under this IGA. In 2016, the City re-designated eight parcels that were shown as Rural Preservation. However the parcel being reviewed now was overlooked in this process. Staff initiated the Land Use Map amendment so that all parcels under the expired IGA have a relevant land use designation.

Mr. Rayl showed a vicinity map to help illustrate the location and size of the parcel. The subject property is situated in unincorporated Boulder County, is 5.56 acres in size, and is subject to Boulder County zoning regulations. To the south and west is the Stonehenge Subdivision that contains 53 single-family lots ranging in size from ½ acre to 1 acre with a few lots as large as 2 acres. The Stonehenge Subdivision is designated as Low Density Residential. To the east is U.S. 287 and the Town of Erie, and to the north is Boulder County Open Space.

Mr. Rayl reviewed comments received from the Lafayette Open Space Advisory Committee (LOSAC) and their recommendation to designate it as Agricultural. He noted that the parcel is not identified as a priority parcel for open space.

Staff recommended the parcel be designated Low Density Residential, consistent with the Low Density Residential designation and the adjacent Stonehenge Subdivision.

Chair Wong opened this portion of the meeting for public testimony at 7:10 p.m.

Jan Miller, 221 Stonehenge Circle, Lafayette, opposed the Low Density Residential designation and asked that it be designated Agricultural instead.

Karen Norback, 800 E. Geneseo St., Lafayette, stated she supports an Agricultural designation or suggested waiting to make the change when the City updates the Comprehensive Plan.

Marcy Etter, 1964 Stonehenge Dr., Lafayette, expressed concern about any development of this parcel and wants to keep the designation rural preservation or open space.

Harry Grace, 2218 Stonehenge Circle, Lafayette, expressed concern about any rezoning or development of the property and wants the property to stay rural and undeveloped.

Vicki Uhland, 303 W. Simpson St., Lafayette, questioned why the City is making the change now instead of when the Comprehensive Plan is updated. She supports an Agricultural designation.

Frank Pasquale, 2184 Stonehenge Circle, Lafayette, supports an Agricultural designation and keeping the property undeveloped.

Chair Wong closed the public hearing at 7:45 p.m.

The Planning Commission asked staff what is the dimension of the property, whether staff received any comments from the landowner, what the setback would be from Highway 287 if the property were to develop, and what land use plan designation did the Town of Erie give to the property on their Comprehensive Plan.

The Planning Commission discussed what land use designation would be appropriate for the site.

Commissioners Fischer and Kusjanovic noted they would abstain from voting on this item since they missed part of the presentation.

### **Motion**

*Chair Wong moved the Planning Commission recommend the City Council amend the Comprehensive Plan Land Use Map for the remaining area designated as Rural Preservation in the East Central Boulder County IGA as shown on Exhibit A to be designated as Agricultural. Commissioner Thomas seconded the motion. Chair Wong, Vice Chair Godfrey and Commissioners Thomas, Varley and Viers voted in favor of the motion. Commissioners Fischer and Kusjanovic abstained.*

### **B. Comprehensive Plan Land Use Amendment – Core Neighborhood Residential**

Planning & Building Director Karen Westover entered the staff report into the record. Ms. Westover gave a brief history of the design standards and overlay district the City recently established. She explained that as part of that project the consultant also recommended a new land use category be established in the Comprehensive Plan to clearly distinguish it from other high density residential areas in the community. The new land use category should include a discussion of desired building types that explicitly state that single-family detached, accessory dwelling units, and duplexes are the only appropriate building types in Old Town neighborhoods, with an upper density limit of 13 du/ac.

Ms. Westover explained that staff proposes an amendment to Goal C.3 of the Comprehensive Plan. She explained that currently the land use map designates this area as medium density and

high density. Staff proposes a new land use designation referred to as Core Neighborhood Residential with a density of greater than six and no more than 13 dwelling units per acre. Staff proposes the area that was designated as the Old Town Overlay district (shown on the Exhibit A map in the staff report) be designated the new land use designation, Core Neighborhood Residential.

Staff recommended the Comprehensive Plan Goal C.3, be amended to include a new land use designation referred to as Core Neighborhood Residential and the area depicted on the Exhibit A map be designated as Core Neighborhood Residential.

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

Vicki Uhland, 303 West Simpson Street, Lafayette, supports the recommended change but questioned why it needs to have a density of 6 du/acre as the low end.

Chair Wong closed the public hearing.

The Planning Commission asked staff how this would affect a 7,000 sq. ft. lot for lot coverage and setbacks, whether this designation would prohibit commercial development in the T1 zoned areas within the overlay district, and why this was not adopted or done with the overlay district.

The Planning Commission discussed the Old Town Design Standards process.

### **Motion**

*Vice Chair Godfrey moved the Planning Commission recommend the City Council approve the amendment to Goal C.3 of the Comprehensive Plan and amend the land use map to designate the area in Exhibit A as Core Neighborhood Residential. Commissioner Varley seconded the motion. Chair Wong, Vice Chair Godfrey, and Commissioners Thomas, Varley and Viers voted in favor of the motion. Commissioner Kusjanovic voted against the motion and Commissioner Fischer abstained.*

### **C. Development Code Amendment – Special Use Review Criteria and Process**

Planning & Building Director Karen Westover entered the staff report into the record. Ms. Westover explained that in October 2017, the City Council adopted a moratorium on the acceptance and processing of new applications for special use approval for the following uses: Assisted Living, Hospitals, Nursing Homes or Convalescent Homes, and all uses in the Senior and Special Resident (RSR) Zone District (the “Moratorium”). The Moratorium was extended to April 9, 2018. The purpose of the Moratorium was, in part, to allow the City to investigate, consider and adopt amendments pertaining to preservation of the City’s ability to provide ambulance services to its citizens.

Ms. Westover explained that while researching criteria to address the City’s ability to provide ambulance service to its citizens, staff found that the city should review the criteria with respect to the City’s ability to provide other services as well.

Staff recommended the following Special Use Review Criteria:

Taking into consideration any proposed mitigation measures, a special use shall not create significant adverse impacts on government services and existing developments in the surrounding neighborhood or on any anticipated future development permitted by this Chapter. Significant impacts included but are not limited to:

- i. Significant impact in traffic generation and parking;
- ii. Lack of screening of parking, loading, traffic circulation, or outdoor activities; garbage collection facilities and storage;
- iii. Significant intrusions of noise, light, dust, or glare onto nearby properties;
- iv. Significant increases in burdens on housing, schools, public utilities, or governmental services such as fire, ambulance, police, library and recreation; or
- v. Hours of operation.

Ms. Westover explained that while a use may create significant impacts on government services and surrounding development, the Planning Commission in their decision can consider actions that would mitigate the impact. She discussed some of the impacts that might need to be mitigated and reviewed ways they could be mitigated.

Ms. Westover reviewed other recommended changes: Removing the existing Special Use Review Criteria 26-15-4 (a) (3), “The desirability and need for the proposed use in the specific area of the community” and changing the process of Special Use Review application such that the Special Use Review decisions may be appealed to the City Council by the City Council, the applicant or by any property owner entitle to notice. This is the same appeal process for Planning Commission’s decision on Sketch Plan and Preliminary Plan applications.

Staff recommended the approval of the proposed changes to Section 26 as outlined in the staff report. Staff found that the proposed changes to the Special Use Review Criteria provides an avenue for Special Use Review uses to mitigate significant impacts on governmental services and surrounding development. Staff also found that the proposed changes to the Special Use Review process provides an opportunity for another layer of review similar to Sketch and Preliminary Plan decisions.

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

The Planning Commission asked staff why they would remove criteria 26-15-4(a) (3), what is the current appeal process, what would be considered a significant impact, whether fees could be charged, how would mitigations be considered or determined, and what would criteria be for significant impact in traffic. Other questions focused on reports or studies, who would do them, who would review them, whether there would be a short list of consultants and how would Planning Commission request or obtain additional information.

The Planning Commission discussed the proposed code changes.

**Motion**

*Commissioner Varley moved the Planning Commission recommend the City Council amend Sections 26-15-4 and 26-16-6 (b) as proposed finding the changes provide a mechanism to mitigate impacts and an opportunity for an appeal process. Commissioner Viers seconded the motion. All voted in favor of the motion.*

**D. Lafayette Tech Center Filing No. 3, Lots 7 & 8 (Northstar Medical Building) Special Use Review and Site Plan/Architectural Review**

Neighborhood Services Specialist Duncan Miller explained that he gave the Planning Commission additional comments received since the staff report and then entered the staff report into the record. This application includes a Special Use Review and Site Plan/Architectural Review for the development of a two-story, 40,000 square foot medical office building on lots 7 and 8 of Lafayette Tech Center Filing No. 3. Mr. Miller presented a vicinity map to help illustrate the location of the property. The subject property is located on the northwest corner of South Public Road and Old Laramie Trail. The property is zoned C-1/PUD (Regional Business/Planned Unit Development) and designated as Commercial on the Comprehensive Plan Land Use Map. Mr. Miller explained that a medical office building is an approved use for C-1 zoned properties, however the Lafayette Tech Center PUD requires a Special Use Review for medical office buildings.

Mr. Miller explained that since the proposed building sits on two (2) lots, Lots 7 & 8 of the Lafayette Tech Center Filing 3, a minor subdivision would be required to combine these lots into one (1) lot prior to review by City Council.

Mr. Miller reviewed the request for Special Use Review approval for the medical office building against the Special Use Review criteria and discussed how the application met the requirements for Section 26-15-4(a). He reviewed some of the Comprehensive Plan goals and policies that application complies with.

Staff found that the proposed facility meets the Special Use Review criteria of Section 26-15-4(a) and recommended approval of the request contingent upon the approval of the Site Plan/Architectural Review by City Council.

Mr. Miller presented the site plan for the 40,000 square foot two-story building. The site improvements include 21,191 square feet of landscaped area and 100 parking spaces. Mr. Miller reviewed the dimensional standards, streets and vehicular access, pedestrian access, parking, access easements, and the landscape plan.

Mr. Miller presented the architecture for the medical office building and reviewed the proposed exterior materials and colors, the architectural features of the building, the elevations, the roofline, architectural renderings of the building, and mechanical screening. He discussed some of staff's concerns with the building and reviewed staff's recommendations to enhance the architecture and better integrate certain elements of the design with surrounding buildings.

Staff recommended approval of the site plan/architectural review subject to the conditions as outlined in the staff report. Staff found that 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 and also found that the design is compatible with the location and proposed use.

Riley Grimme, Development & Financial Specialist, Northstar Commercial Partners, 1999 Broadway, Denver, gave a brief background of Northstar Commercial Partners. Mr. Grimme discussed the vision for their project and noted that the building is 50% pre-leased.

Chair Wong opened this portion of the meeting for public testimony at 8:30 p.m.

Patrick Hammerle, 260 South 112<sup>th</sup> Street, Lafayette, expressed concern about loss of views and requested the building be oriented so he does not lose his views of the mountains or be looking at a long wall of a building.

Jennifer Snyder, 14001 Zuni St., Broomfield, noted she is with Clinica and they support the project, the building design and shared parking.

Ron Spalding, 597 Casper Drive, Lafayette, supports the project as proposed and does not think the roofline needs to be modified.

Chair Wong closed the public hearing at 8:45 p.m.

The Planning Commission asked the applicant where their building would be in relationship to the Mountain View Inn building, what the building height is, the spacing of the trees and whether they agree with the conditions of approvals. Other questions focused on the building elevations and building entrance and how their building was similar to the Clinica Building and Creekside Office Building, whether they are open to adding another canopy, whether they can vary the roofline, and how the rooftop units would be screened. The Planning Commission asked the applicant if they could add an electric car charging station and reserve parking for special need patients.

Chair Wong asked the applicant if they wanted the Planning Commission to table the application in order to allow them more time to review the conditions of approval they have issues with. Mr. Grimme stated they did not want to table the application.

The Planning Commission asked staff about the spacing of trees along Old Laramie, what the South Public Road setbacks would be for the canopy, whether there was enough parking provided and to review the lighting plan. The Planning Commission asked staff to expand on the reasons behind the architectural conditions regarding the building color, the roof line and elevation changes being recommended.

The Planning Commission discussed the building design and architecture. The Planning Commission discussed Site Plan/Architectural Review conditions of approval numbers 1m, 1n, and 1o regarding the color of the stone masonry of the elevation shaft, the varied roofline requirement, and parapet cap. The Planning Commission deleted Site Plan/Architectural Review conditions of approval numbers 1m, 1n and 1o.

The Planning Commission discussed Site Plan/Architectural review condition No. 1c regarding the addition of a canopy at the west entrance. The Planning Commission amended this condition to say "The applicant shall work with staff to create an appropriate canopy or other architectural feature to accentuate the South Public Road entrance."

The Planning Commission discussed the screening of mechanical equipment, parking, and electric vehicle charging station. The Planning Commission amended site plan/architectural Review condition no. 1p to say "The applicant shall work with staff to ensure that the mechanical screening is compatible with the building architecture."

The Planning Commission added a condition to the Site Plan/Architectural Review to require the applicant to work with staff to identify an appropriate number of parking spaces to accommodate electric vehicle charging stations and spaces designated for, including but not limited to, expectant mothers, parents of young children, seniors, and any other special population that may be serviced by future medical providers.

### **Special Use Review Motion**

*Vice Chair Godfrey 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 Kusjanovic seconded the motion. All voted in favor of the motion.*

**Site Plan/Architectural Review Motion**

*Commissioner Thomas 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 Varley seconded the motion. All voted in favor of the motion.*

**Special Use Review Conditions of Approval:**

1. Special Use Review approval shall be subject to the approval of the Site Plan/Architectural Review by City Council.

**Site Plan/Architectural Review Conditions of Approval:**

1. Prior to submitting a building permit application, the applicant shall submit an amended set of plans to be reviewed and approved by staff that includes the following:
  - a) The applicant shall work with staff on the placement of the crosswalk connecting the Clinica parking lot with the site;
  - b) The applicant shall provide a detailed drawing of the trash enclosure for review and approval by staff.
  - c) The applicant shall work with staff to create an appropriate canopy or other architectural feature to accentuate the South Public Road entrance;
  - d) The applicant shall add shrubs along the drainage easement to screen the southern parking lot from Old Laramie Trail;
  - e) The applicant shall work with staff to add two (2) street trees along the Old Laramie Trail street frontage;
  - f) The applicant shall add shrubs around the utility box to better shield it from view from South Public Road and Old Laramie Trail;
  - g) The applicant shall provide bicycle parking near the building entrances;
  - h) The applicant shall address the concerns identified in the City Engineer's letter, dated January 8, 2018;
  - i) The applicant shall address the concerns identified in Xcel Energy's letter, dated January 9, 2018;
  - j) The applicant shall locate the FDC (Fire Department Connection) near the building's west entrance;
  - k) The applicant shall relocate the fire hydrant to the property's west entrance;
  - l) The fire hydrant shall be located within 100 feet of the FDC (Fire Department Connection);
  - m) The applicant shall work with staff to ensure that the mechanical screening is compatible with the building architecture.
  - n) The applicant shall work with staff to identify an appropriate number of parking spaces to accommodate electric vehicle charging stations and spaces designated for, including but not limited to, expectant mothers, parents of young children, seniors, and any other special population that may be serviced by future medical providers.

**IV. Other Business**

**A. Commission Comments / Committee Reports**

Commissioner Viers commented that he appreciated the short and succinct presentation by the applicant for the Northstar medical office building project. Commissioner Varley asked the Planning Commissioners how they felt about setting yearly goals. The Planning Commission discussed goal setting and their meeting schedule.

**B. Department Comments**

Planning Manager Paul Rayl discussed the Lafayette Energy Sustainability Advisory Committee's (LESAC) interest in a workshop with the Planning Commission to discuss lighting and code changes. He discussed the need to change the workshop time to 6:00 p.m. or 6:30 p.m. in order to have some of the LESAC speakers attend.

**V. Adjourn to Workshop**

*Vice Chair Godfrey moved to adjourn the meeting to a Workshop, seconded by Commissioner Viers. All voted in favor of the motion. The meeting adjourned to a workshop at 9:30 p.m.*

*The Planning Commission took a 5 minute recess, then started the workshop at 9:35 p.m.*

**VI. Workshop – Planning Commission Review Criteria and Public Hearing Procedures**

City Attorney Dave Williamson reviewed the following topics with the Planning Commission: open meeting laws including how it pertains to electronic communications and social media; code of ethics, personal and financial conflicts, codes of conduct, legislative and quasi-judicial proceedings and ex-parte communication. He also discussed the meeting process and best practices on how to control the meeting.

Staff asked the City Attorney Williamson to provide scripts for the Planning Commission for disclosing items and recusing themselves from meetings when necessary.

The Planning Commission discussed public input, time limits, and the recent two public hearing meeting process. The Planning Commission discussed allowing the public to pool their times and requiring presentations to be seamless. The Planning Commission discussed creating a policy to encourage the applicant to keep their presentations to 20 to 30 minutes. The Planning Commission agreed to continue to think about this issue and email staff what they envision. They also agreed to continue to discuss the issue and create a new policy.

The Planning Commission asked the City Attorney about procedures for harassment based upon protected class status.

**VII. Adjourn Workshop**

*Chair Wong adjourned the workshop at 11:20 p.m.*

City of Lafayette

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Brian Wong, Chair

Attest:

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Michelle Verostko, Recording Secretary