

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Wednesday, February 28, 2018**

Chair Wong called the workshop meeting to order at 6:30 p.m. Those in attendance included: Chair Wong and Commissioners Fischer, Thomas, and Viers. Commissioner Kusjanovic arrived around 7:00 p.m.

Absent: Vice Chair Godfrey and Commissioner Varley

Staff present included Planning Manager Paul Rayl, Neighborhood Services Specialist Duncan Miller, and Recording Secretary Michelle Verostko

Also present: Antoinette Maes, Lafayette Energy Sustainability Committee (LESAC)

**I. Workshop – EV Charging Stations**

The workshop started at 6:30 p.m. Planning Manager Paul Rayl introduced Mike Salisbury, Transportation Energy Lead for the City of Denver and formally with Southwest Energy Efficiency Project (SWEEP).

Mike Salisbury gave a brief background about what his experience is and what he does. He discussed best practices for Electrical Vehicle (EV) Charging Stations and building codes. He discussed variables to consider and costs. He discussed costs for EV ready projects compared to retrofitting projects. He reviewed some of the cities that currently have code requirements and what the requirements are.

The Planning Commission asked what the differences are between Level 1 and Level 2 charging stations.

Ms. Maes gave an update on some of the projects LESAC has been working on.

*Planning Commission adjourned the workshop and took a five minute recess. The Planning Commission reconvened at 7:30 p.m.*

**II. Regularly Scheduled Meeting – 7:30 PM**

Chair Wong called the meeting to order at 7:30 p.m. Those in attendance included: Chair Wong and Commissioners Fischer, Kusjanovic, Thomas, and Viers. Absent: Vice Chair Godfrey and Commissioner Varley

Staff present included Planning Manager Paul Rayl, Neighborhood Services Specialist Duncan Miller, and Recording Secretary Michelle Verostko

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

None.

**IV. Scheduled Items**

**A. Sundar Apartments Residential Subdivision (Stevenson Parcel) Sketch Plan Review**

Planning Manager Paul Rayl entered the staff report into the record. Mr. Rayl explained this item is a sketch plan for a multi-family apartment complex located northwest of the intersection of Highway 287 and Dillon Road. He showed a vicinity map to help illustrate the location of the property and show the surrounding properties and uses. He presented photos of the property to show what it looks like today.

Mr. Rayl reviewed the purpose and intent of the sketch plan review and discussed what the sketch does not include. He presented the illustrative plan for the apartment complex. The project name is Sundar Apartments and the plan includes 17 multi-family apartment buildings with approximately 636 units on 41.3 acres. The units are intended to be market rate, for rent product with a mix of studio, 1 and 2 bedroom units. The project would be constructed in phases with the first phase consisting of 324 units, a clubhouse, and both garage and surface parking. Phase 2 would consist of 312 units, another clubhouse as well as additional surface and garage parking for that phase. Proposed amenities include community gardens, outdoor game area and gathering space.

Mr. Rayl reviewed the public land dedication requirements for the subdivision and noted it is 15% or 6.2 acres. Staff is recommending cash-in-lieu for the public land dedication. Mr. Rayl reviewed the Comprehensive Plan Land Use Designation for the property which is Opportunity Parcel B. He discussed some of the attributes and constraints for Opportunity Parcel B.

Mr. Rayl reviewed the current zoning of the property and explained that the applicant would be requesting R4 (High Density Residential) zoning classification. He reviewed the density allowed in the R4 zoning district and the gross density proposed for this project which is 15.3 dwelling units per acre.

Mr. Rayl discussed public improvements and access to the site, restricting access to the Maple Grove subdivision, the perimeter trail system, possible pedestrian underpass at Highway 287, regional trails, sidewalks, and RTD bus stop and bus shelter. He discussed other issues such as parking, public transportation, detention, drainage, public art piece location, utilities, community amenities, and reimbursement district. He noted that the applicant is working to acquire the existing oil and gas well on the site and will plug and abandon the well.

Mr. Rayl reviewed some of the Comprehensive Plan goals and policies this application complies with. He reviewed some of the Planned Unit Development (PUD) modifications the applicant would be requesting.

Staff recommended approval of the Sundar Apartments Sketch Plan, subject to the recommended conditions, with the belief that the plan meets the PUD review criteria of Section 26-18-5, sketch plan review criteria of Section 26-16-4, and the sketch plan application requirements of Section 26-17-4.

Joe Jehn, Jehn Engineering, 5690 Webster, Arvada, introduced their team for the project. Mr. Jehn presented their proposal. He discussed their desire to obtain the parcel to the east of their project that is owned by the Northwest Parkway and is used as a drainage way. The parcel could assist with access as well as be used for future commercial uses.

Mr. Jehn discussed extension of utilities, reviewed their site plan, discussed highway 287 improvements, building a private gated road access and emergency access road for Maple Grove Subdivision, and some of the benefits their subdivision brings to the community.

Mr. Jehn discussed the conditions of approval they disagreed with and changes they would like to see made to condition no.3 regarding the traffic signal, condition no. 17 regarding public land dedication and condition no. 21 regarding when payment is due for the restoration of the Mary Miller Theater.

Chair Wong opened this portion of the meeting for public testimony at 8:45 p.m.

Grant Swift, 806 E. Geneseo St., Lafayette, expressed concern that the Lafayette Open Space Advisory Committee (LOSAC) and Boulder County Parks & Open Space have not reviewed this application and did not provide comments to staff and the Planning Commission. He suggested the Planning Commission table the decision until they had all the information they needed particularly with regard to the public land dedication. He also expressed concern about wildlife on the property and the removal of prairie dogs from the property.

John Herring, 10876 Maple Road, Lafayette, representative for the Maple Grove Subdivision, expressed their concerns about access to their subdivision. They do not want any access from or to Sundar Apartments or a traffic signal at Maple Grove and Highway 287. He discussed their concerns about water rights, privacy, quality of life, and ensuring appropriate buffers. He stated they would like to be included in future meetings.

Kent Cluck, 10825 Maple Road, Lafayette, read the letter from their attorney dated 2-27-18 to the City of Lafayette, Boulder County Parks & Open Space, the developer (Ken Kiken) and the City of Louisville. The letter outlines their interest and concerns which include no traffic signal at Maple Road and Highway 287, maintain their current full access on Highway 287, prohibit public access of any form of ingress or egress directly between Maple Grove and Sundar Apartments property, and require an appropriate setback and buffer zone between the two subdivisions. Another concern includes not installing a culvert in that portion of Maple Grove's lateral irrigation ditch on the Crider property for the purposes of building a through road.

Chair Wong closed the public hearing at 8:50 p.m.

The Planning Commission asked applicant whether the apartment buildings would have elevators, whether they own the mineral rights and have purchased the well, and whether any of the units would be dedicated affordable units.

The Planning Commission asked the applicant to review the internal nodes shown on the plan and explain what they were. The Planning Commission asked if they had determined the number of units needed to warrant a traffic signal, whether the future commercial piece would change the number of residential units they propose, and what were the number of units for Prana and Prasana apartments. Other questions focused on the site plan and architecture and whether they could do some two story units and four story units and how do they plan to buffer the apartments from the Maple Grove Subdivision. The Planning Commission asked whether they could do a pedestrian underpass at Highway 287.

*The Planning Commission took a ten minute recess at 9:15 p.m. and reconvened at 9:25 p.m.*

The Planning Commission asked staff how many units Copperstone Apartments had. The Planning Commission asked whether staff had concerns with the applicant's proposed changes to the conditions of approval. Other questions focused on the public land dedication and how that determination was made, whether a regional park made sense at this location, and whether staff had meetings or input from Boulder County regarding trails on the west of the site. The Planning Commission asked staff if they could include the Maple Grove representative in further meetings on this project and also asked whether there would be any vehicle connection to the west of the property. The Planning Commission asked whether staff had discussions with the applicant about a pedestrian over pass or underpass.

The Planning Commission discussed the proposed changes to the conditions of approval requested by the applicant. They also discussed changing the product around the site such that

the higher density areas could be moved to the south of the property, increasing some of the buildings to be 4 floors, and consider site line and views. The Planning Commission discussed entry way location into Lafayette going north. Other discussed focused on the parking and whether it is adequate and the opportunity for the developer to provide charging stations in their plan.

The Planning Commission discussed things they would like to see at preliminary plan such as fence details, differentiate the building architecture so the buildings are not all the same, and include some affordable unit if possible. The Planning Commission encouraged the applicant and the Maple Grove residents to continue to work together on the proposal.

**Motion**

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

**Conditions of Approval:**

1. The Site Plan/Architectural Review application shall be submitted with the Preliminary Plan in order to give staff the opportunity to review if any Code modifications are necessary and if so how would those affect the overall development.
2. At the preliminary plan, the number of units may be increased to 696 units if the site can accommodate the increase and meet all applicable Code requirements.
3. The applicant shall be responsible for 100% of the cost and installation of a future traffic signal on Highway 287 approximately 675' north of Dillon Road. If CDOT does not approve a signalized intersection at this location, the applicant will apply for an access permit at the same location.
4. If the traffic study created as part of the preliminary plan application indicates a traffic signal is warranted at the entrance on Dillon Road, the applicant shall be responsible for 100% of the cost and installation.
5. The applicant shall work with staff to address any concerns of the Dillon Road access location and relocate to a more appropriate location if needed.
6. The applicant shall explore all possible scenarios to prevent traffic from this proposed development access to Maple Road. This is in addition to ensuring access is available to the future signalized intersection for Maple Grove residents.
7. The applicant shall work with staff to ensure the proposed access road for the Maple Grove residents is in the most appropriate location.
8. The applicant shall attempt to obtain the appropriate easements if necessary and install a minimum 10' wide multi-modal path along the west side of Highway 287 from the intersection of Dillon Road to existing sidewalk at South Pointe and along the east side of Highway 287 from Dillon Road to the Lafayette Corporate Campus. The applicant shall maintain both sidewalks until adjacent property develops and can take over maintenance.
9. The developer shall explore the feasibility of constructing a pedestrian underpass under Highway 287.
10. The applicant shall work with the Lafayette and Broomfield staff to ensure any public improvements including the sidewalk adjacent to Highway 287 will accommodate the

multi-modal path from 287 to the Imel Trail that Broomfield is going to construct as part of the Dillon Road improvements.

11. Prior to submittal of a preliminary plan, the applicant shall acquire easements from adjacent property owners for the extension of the water and sewer lines from their current location to service the proposed development.
12. The applicant shall address the issues identified by the City Engineer in the memo dated February 14, 2018 prior to the submittal of the preliminary plan.
13. The applicant shall explore the feasibility of reducing the number of parking spaces closer to the minimum required by Code unless compelling evidence through studies and experience with other developments in Lafayette supports the slight increase.
14. The applicant shall conduct a study on the appropriate number of electric vehicle charging stations needed for a development this size and to install the EV charging stations throughout the site including the garages at the request of the residents.
15. The applicant shall work with RTD to relocate the bus stops north to the future signalized intersection, and install a shelter with bike rack and trash receptacle on the both the east and west side of Highway 287 at the relocated bus stops. The applicant would be responsible for maintaining these stops until development occurs on adjacent property and can be assumed by those developers. Staff will support 100% reimbursement to the applicant for the bus stop improvements on the east side of Highway 287.
16. The developer shall explore the feasibility of cost-sharing with residents of the development for a neighborhood eco-pass through RTD.
17. The applicant will work with staff and the Lafayette Open Space Advisory Committee (LOSAC) to determine if partial credit is appropriate for the proposed community amenities. The applicant shall pay cash-in-lieu to satisfy any public land dedication requirements.
18. The developer shall provide a public access easement for the proposed community trail around the perimeter of the project with the preliminary plan.
19. The landscape plan submitted with the preliminary plan shall include a specific component detailing how buffering will be accomplished along the northern boundary of the site to mitigate impacts to the Maple Grove Subdivision.
20. If the applicant is unable to acquire the property at the corner of Dillon Road and Highway 287 for public art, the applicant shall work with staff and the Lafayette Public Art Committee to find other meaningful ways the applicant could support public art in Lafayette.
21. The applicant shall contribute \$400,000 for the restoration of the Mary Miller Theater if final plan approval is obtained in 2018. Regardless of when final plan approval is granted the contribution to the Mary Miller Theater will be due at the time of full payment of the first residential building permit.
22. A Visitability plan shall be submitted with the Preliminary Plan which will include the geographical dispersion of visitable units. Said units shall be identified on the preliminary plan.
23. The applicant shall work with the City to identify appropriate access to accommodate fire and rescue equipment.
24. The applicant shall meet with the Crime Prevention Officer prior to submittal of the site plan/architectural review application.

25. If prairie dogs are found on the property and proposed to be removed, the applicant shall provide a prairie dog mitigation plan as part of the preliminary plan submittal.
26. An ecological study shall be conducted by a qualified professional to determine if the project area supports important plant communities, wildlife habitat, or potential habitat for special status species.
27. A Phase I Environmental Study shall be submitted as part of the preliminary plan.
28. Documentation for abandoning and capping the existing gas well on-site per the State of Colorado requirements shall be submitted with the preliminary plan.
29. The applicant shall work with Xcel to ensure the appropriate easement widths are provided to accommodate the development.
30. With the preliminary plan the applicant shall explore providing solar panels within the development. The applicant shall submit a solar plan to the City with the preliminary plan submittal.
31. The developer shall pursue the purchase of renewable energy credits from Xcel for the common areas and will encourage residents to utilize renewable energy credits if available at the time of leasing.
32. A Cultural Resources Survey shall be conducted on the subject property and submitted with the preliminary plan.

*The Planning Commission took a 2 minute recess and reconvened at 10:00 p.m.*

**B. 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 stated that he provided the Planning Commission copies of public comments that staff received after the staff report was written. Mr. Miller entered the staff report into the record. He stated that this request is for PUD Amendment and Minor Subdivision Review for Lots 7 & 8 of Lafayette Tech Center Filing 3. The site is located on the northwest corner of South Public Road and Old Laramie Trail and it is part of the Lafayette Tech Center Subdivision. The property is zoned C-1/PUD. Mr. Miller noted that Planning Commission recommended and approved with conditions a Special Use and Site Plan/Architectural review for a two-story, 40,000 square foot medical office building on the site on January 24, 2018.

Mr. Miller explained the proposed PUD Amendment would reduce the parking requirements from 183 spaces to the proposed 160 spaces provided. The proposed Minor Subdivision would combine Lots 7 & 8 into 1.96 acre Lot 10.

Staff recommended approval of the PUD Amendment, subject to the recommended condition finding that it complies with the goals and policies of the Comprehensive Plan. Staff recommended approval of the Minor Subdivision, subject to the recommended conditions, finding that it complies with the criteria of Code section 26-17-7.

Riley Grimme, Development & Financial Specialist, Northstar Commercial Partners, 1999 Broadway, Denver, stated he was available for questions.

Chair Wong opened this portion of the meeting for public testimony at 10:05 p.m. No one addressed the Planning Commission, therefore Chair Wong closed the public hearing.

The Planning Commission asked staff if the applicant would meet the ADA requirements for parking. Mr. Miller noted their plan shows the required ADA parking spaces.

**PUD Amendment Motion**

*Commissioner Thomas moved the Planning Commission recommend the City Council approve this request for a PUD Amendment, subject to staff's recommended condition, finding that that the proposal meets the PUD criteria and complies with the Comprehensive Plan's goals and policies. Commissioner Viers seconded the motion. All voted in favor of the motion.*

**Minor Subdivision Motion**

*Commissioner Viers moved the Planning Commission recommend the City Council approve this request for a Minor Subdivision, subject to staff's recommended conditions, finding that that the proposal complies with the criteria of Code section 26-17-7. Commissioner Kusjanovic seconded the motion. All voted in favor of the motion.*

**PUD Amendment Condition of Approval:**

1. The cross-parking and access agreement shall be recorded prior to issuance of a building permit.

**Minor Subdivision Conditions of Approval:**

1. The applicant shall remove the language about accepting dedications from the proposed plat section entitled "City Council Certificate."
2. The applicant shall change the title of the proposed plat section from "Certificates of Dedication and Ownership" to "Certificates of Ownership."

**V. Other Business**

**A. Commission Comments / Committee Reports**

Commissioner Kusjanovic thanked Chair Wong for running an efficient meeting. Chair Wong thanked the Commission and staff for their hard work on the 40 North Subdivision project and noted it was a good process. The Commission noted they appreciated the Maple Grove residents for being succinct with their comments.

**B. Department Comments**

Planning Manager Paul Rayl noted the change made by the City Council regarding the special use review process and that Special Use Review will be a recommendation by Planning Commission to City Council and City Council will make the final decision.

**VI. Adjournment**

*Chair Wong moved to adjourn the meeting, seconded by Commissioner Viers. The meeting adjourned at 10:15 p.m.*

City of Lafayette

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Brian Wong, Chair

Attest:

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Michelle Verostko, Recording Secretary