

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Wednesday, August 29, 2018**

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

Absent: Vice Chair Viers

Staff present included Planning Manager Jana Easley, Senior Planner Greg Thompson, Planner Jon Hoffman, and Recording Secretary Michelle Verostko

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

None.

**III. Meeting Minutes for July 24 and July 25, 2018**

*Chair Godfrey moved to approve the July 24 and July 25, 2018 Meeting Minutes, Commissioner Bent seconded the motion. Chair Godfrey and Commissioners Bent, Kusjanovic, Thomas and Varley voted in favor of the motion and Commissioner Fischer abstained.*

**IV. Scheduled Items**

**A. Cherrywood Condos Preliminary Plan/PUD Review, Rezoning, Growth Management, and Site Plan/ Architectural Review**

Chair Godfrey explained that the public hearing for this item has been closed and that both staff and the applicant would do a brief presentation followed by Planning Commission questions, discussion and a decision.

Senior Planner Greg Thompson entered the staff report into the record. He stated that this application is a request for Preliminary Plan/PUD Review, Rezoning, Growth Management, and Site Plan/Architectural Review for Cherrywood Condos Subdivision. The property is located in the northwest corner of US Highway 287 and State Highway 42.

Mr. Thompson presented an aerial view of the site to illustrate the location of the property and the plan layout. He explained that the property is approximately 9.7 acres and includes five parcels that will be replatted into 4 parcels and 6 outlots. He reviewed the location of the existing parcels and the proposed parcels. He reviewed the zoning and density for the project. The rezoning portion of the application covers approximately 1 acre. The applicant proposes to rezone the property from DR (Developing Resource) to R3 (Multi-family residential).

Mr. Thompson gave a brief background of the project review history. He explained that at the May 22, 2018 meeting, the Planning Commission requested additional information regarding street radius, traffic calming, trip generation numbers, traffic signal, integration of playground, transition between neighborhoods, integration of amenities, and the consideration of density based on safety issues. Mr. Thompson reviewed each of these issues and discussed how they have been addressed. He discussed staff's concern for some areas on Buildings 3 and 4 that have stone removed. Staff is recommending the applicant adjust the stone on the buildings to be equivalent to what was shown on the original preliminary plan submittal.

Staff recommended approval of the Cherrywood Condominium Preliminary Plan and PUD subject to the recommended conditions believing the plan complies with the criteria of Section 26-18-5, the goals and policies of the Comprehensive Plan and the submittal requirements of

Section 26-17-5. Furthermore, staff believes the plan is in the best interest of the City; and the Code modifications are in the best interest of the City and the neighborhood.

Staff recommended approval of the building permit allocation for Cherrywood Condominiums be 36 permits in 2018 and 27 permits in 2019. Permits requested after 2019 will require a new analysis. Staff found the proposed growth permit allocation and classification status request complies with the review criteria of Section 6.10 and Section 30-271-272.

Staff recommended approval of the rezoning, finding the proposed rezoning request for Cherrywood Condominiums from DR (Developing Resource) to R3 (Multifamily Residential) complies with the zoning criteria found in Section 26-16-8(a), (b), and (c).

Staff recommended approval of this Site Plan/Architectural Review subject to the recommended conditions. Staff found 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.

Dan Rotner, RHAP Architecture, 1301 Walnut Street, Boulder, presented the revised preliminary plan and discussed how they addressed the items the Planning Commission requested at the May 22, 2018 meeting. He discussed how their application complies with the City's Comprehensive Plan goals and policies.

Commissioner Bent disclosed that he is an acquaintance with the wife of the applicant and that his son attended the Montessori school at this location. He added that he has no financial interest in this project and that he has also caught up on reviewing all of the staff reports and meetings related to this project.

The Planning Commission questions to the applicant focused on the color palette and whether they had concerns about some of the colors they have chosen fading over time and what building colors are shown on the color board. Other questions focused on the project phasing and where would they start and how would they mitigate construction traffic. Other questions included what is the total number of accessible units and whether they could change the second story flat roof to be a pitched roof on the north side of building no. 4. The Planning Commission asked the applicant to review the safety elements at the school site. Other Planning Commission questions focused on the landscaping, particularly the playground areas and types of trees they are proposing. The Planning Commission asked the applicant if they agreed with the conditions of approval and whether the crosswalks would have full size stop signs.

Mr. Rutner stated they agreed with the conditions of approval except for condition #8 regarding the stone quantity and would like more clarification on this.

Scott Boyd asked to address the Planning Commission. The consensus of the Planning Commission was that presentations were closed and they would continue with questions.

Planning Commission questions to staff focused on density and what the density calculations were based on and to clarify the comprehensive plan designation and zoning with regard to density for the site. Other questions focused on CDOT conditions, the traffic signal, and the timing of the installation of the traffic signal. Other questions focused on the perimeter fencing and whether additional fencing should be added on the east side of the site. The Planning Commission asked staff if they have a percentage of stone they wanted to require on the buildings.

The Planning Commission discussed how the plan had changed since it was first submitted and felt the applicant had listened to them. They discussed the positive changes to the plan and noted that condos were a residential product the community does not have much of and believe that it is needed.

The Planning Commission discussed the site plan and architectural review and reviewed color choices, construction traffic, roof pitch, perimeter fencing on the east side of the project near the garages, and the percentage of stone for Buildings 3 and 4.

The Planning Commission added the following conditions: Condition no. 9 requiring staff to review and approve color choices. Condition No. 10 requiring construction traffic to use right-in and right-out entrance and avoid Cherrywood Drive.

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

*Chair Godfrey moved the Planning Commission approve the Preliminary Plan/PUD, subject to staff's recommended conditions as amended, finding that the proposal complies with the requirements for preliminary plan submittal; complies with the PUD criteria; and, complies with the Comprehensive Plan's goals and policies, and land use map. The plan is in the best interest of the City; and the Code modifications are in the best interest of the City and the neighborhood. Commissioner Kusjanovic seconded the motion. All voted in favor of the motion.*

### **Rezoning Motion**

*Commissioner Varley moved the Planning Commission recommend approval of this rezoning request from DR to R3, finding the rezoning of the .99 acre area is necessary to conform to the Lafayette Comprehensive Plan with the condition the zoning won't be changed until the final plan is approved. Commissioner Kusjanovic seconded the motion. All voted in favor of the motion.*

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

*Commissioner Kusjanovic moved the Planning Commission recommend approval of 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 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. Chair Godfrey seconded the motion. The Planning Commission discussed pre-wiring garages for charging stations. The Planning Commission all voted in favor of the motion.*

### **Growth Management Motion**

*Chair Godfrey moved the Planning Commission recommend approval of the proposed growth permit allocation and classification status finding the request complies with the review criteria of Section 6.10 and Sections 30-271-272. The Planning Commission recommended approval of the building permit allocation for Cherrywood Condos as 36 permits in 2018 and 27 in 2019. Commissioner Varley seconded the motion. The Planning Commission discussed diversity in housing stock and they noted that condominiums have not been a product built in Lafayette for a long time. The Commission discussed the permit allocation and if the applicant did not apply for all the permit allocated. Then he would be required to ask for another allocation. Vote: All voted in favor of the motion.*

**Conditions of Approval:**

1. For the installation of a traffic signal at SH 42 and Autumn Ridge Boulevard, the applicant shall contribute 50% of the currently anticipated cost of the traffic signal (\$309,000) with final terms of the security to be established in the final development agreement.
2. The applicant shall combine the site, landscaping, and lighting plans for the school and the condo portion of the site.
3. The landscaping plan shall be amended to provide deciduous trees at opportune portions of the western property line.
4. Each garage unit shall have storage space in the roof for use of the resident assigned to that space.
5. As part of the final plan, all light fixtures shall be reviewed and approved by the planning staff.
6. All building heights shall comply with the Code requirement of 35'.
7. The landscaping adjacent to the planned recreation areas on the exterior of the site shall be enhanced to provide better screening from SH42 and US287.
8. Adjust the stone shown on the buildings to provide the amount as shown on the original preliminary plan submittal.
9. Staff shall review and approve final color choices for the buildings.
10. No construction traffic shall be permitted on Cherrywood Drive, but shall use Highway 42 to enter and exit the site.

*The Planning Commission took a 15 minute recess at 8:50 p.m. and reconvened at 9:10 p.m.*

**B. Galt Plaza Mixed Use Preliminary Plan/PUD Review, Growth Management & Permit Allocation, Special Use Review and Site Plan/ Architectural Review**

Planner Jon Hoffman made a correction to the staff report. He noted that staff provided the Planning Commission with a copy of an email received from the applicant regarding electric vehicles. He entered the staff report into the record.

Mr. Hoffman stated this application is request for Preliminary Plan, Planned Unit Development (PUD), Special Use Review, Site Plan/Architectural Review, and Growth Permit Allocation for Galt Plaza Mixed-Use Subdivision. The proposed mixed-use development includes up to 17 residential units and 35,308 square feet of commercial space on a 3.78 acre site.

Mr. Hoffman provided an aerial map of the property to illustrate the location of the project which is in the northeast corner of Arapahoe Road and Galt Way. The property is zoned C1/PUD (Regional Business/Planned Unit Development) which allows residential development as part of a mixed-use project. The zoning designation allows for single-family, duplex, and multi-family dwelling units within a vertical or horizontal mixed use within the development. The mixed-use complex must include commercial and residential in the development, but it does not require that those uses be within the same building. The proposed gross density for the development with all residential developing is 7.14 dwelling units per acre.

Mr. Hoffman presented the preliminary plan and planned unit development for the Galt Plaza Mixed-Use project that includes four row home buildings, one duplex building, one triplex building, a drive-up commercial building, and two conventional mixed-use commercial buildings with first floor commercial, second floor residential or office, and basement level mini-storage. The Municipal Code defines mixed-use building complex is defined as a planned unit

development consisting of one (1) or more principal buildings containing, individually or collectively, both residential and nonresidential principal uses, are a permitted use in the Regional Business zoning designation. The commercial component of the proposed mixed-use complex includes a maximum of 38,952 square feet of commercial space that could include retail, restaurant, or office uses and a basement self-storage use.

Mr. Hoffman reviewed the proposed PUD modifications which includes an increase in allowed dwelling units per acre from 4 to 7.14, a reduced side yard setback from 5 feet to 0 feet, a minimum lot size of 1,443 square feet (residential lot) and lots with less than 25 feet of public street frontage.

Mr. Hoffman reviewed the PUD criteria and aspirational standards. He discussed how this application met the criteria and recommended approval of the PUD subject to the conditions of approval.

Mr. Hoffman reviewed the site plan and discussed streets, traffic circulation, vehicular access, pedestrian access, and bicycle access. He reviewed parking, the landscape plan, visitability requirements, and the lighting plan.

Staff recommended approval of the Galt Plaza Mixed-Use Preliminary Plan and Planned Unit Development subject to the recommended conditions, finding the plan complies with the criteria of Section 26-18-5, the goals and policies of the Comprehensive Plan and the submittal requirements of Section 26-17-5. Staff found the plan is in the best interest of the City; and the Code modifications are in the best interest of the City and the neighborhood.

Mr. Hoffman discussed priority classification and permit allocation for the project. He explained that all developments receiving Preliminary Plan approval after November 2013 are classified as Non-exempt for purposes of allocating residential permits. Galt Plaza Mixed-Use Subdivision is classified as non-exempt. Mr. Hoffman explained that the applicant is requesting 27 residential permits believing that current market conditions will support that request.

Staff found 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 recommended approval of the building permit allocation for the Galt Plaza Mixed-Use Subdivision shall be as 13 permits in 2019, 14 permits in 2020, and any of the unused permits of the 27 allocated in 2021. Permits requested after 2022 will require a new analysis.

Mr. Hoffman presented the Special Use Review applications and explained there are two special use review approvals: one for a 1,000 square foot drive-up restaurant or coffee shop and one for mini-storage in the C1 (regional Business) zone district. He reviewed the applications against the special use review criteria and discussed how the applications met the criteria. He also reviewed the application against the additional drive-up criteria that apply to all drive-up restaurants, gas stations (fuel facilities), car washes and drive-up facilities. The special use review for the drive-up restaurant or coffee shop complies with the criteria.

Staff recommended approval of the Special Use Review for the drive up service and below grade mini storage uses subject to approval of the site plan/architectural review. Staff found that the Special Use Review criteria of Section 26-15-4(a) has been met, and the proposal is compatible with the surrounding uses which include other vehicle related businesses; possible adverse environmental influences are mitigated with site design; and the use is compatible with the Comprehensive Plan and recommends approval of the request.

Mr. Hoffman presented the site plan/architectural review for the three commercial/mixed use buildings, four residential row home buildings, one triplex residential building, and one duplex building. The mixed-use development commercial buildings are proposed with first floor commercial users, second floor residential or office use, and basement level mini-storage. The proposed architecture of the subdivision aims to achieve harmony and transition between the existing residential subdivisions to the commercial portion of the development.

Mr. Hoffman reviewed the pedestrian connections, the plan layout, landscaping, fencing, and vehicular traffic. He presented the materials board for the project. He presented the architecture for the commercial buildings and reviewed the proposed exterior materials and colors, architectural features, building elevations and building renderings. He presented the architecture for the residential buildings and reviewed the proposed exterior materials and colors, building elevations, architectural features and renderings of the building.

Staff recommended approval of this Site Plan/Architectural Review subject to the recommended conditions. Staff found 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.

*Note that Commissioner Fischer left the meeting around 9:30 p.m. due to illness and did not return.*

John Cohagen, The Snow Goose Companies, 3939 95th Street, Boulder, discussed electric vehicle charging stations and requested the Planning Commission allow them to do two charging stations instead of the four requested by staff.

Ryan Hanneman, RHAP Architecture, 1324 Lincoln Avenue, Louisville, presented their preliminary plan and reviewed what changes they made to the plan since the sketch plan approval. He reviewed the conditions of approval they disagree with and discussed the changes they would like to see and explained why they disagreed. These included condition numbers 20, 23, and 24.

Chair Godfrey opened the public hearing at 10:15 p.m.

Tom Kumar, 2476 Cana Ct., Lafayette, expressed concern about traffic, noise and light mitigation regarding the future drive-thru uses and the storage unit uses.

John Chonkes, 2468 Cana Ct., Lafayette, agreed with the previous speaker with regard to traffic, noise, light and uses.

Chair Godfrey closed the public hearing at 10:20 p.m.

The Planning Commission questions to the applicant focused on light and noise mitigation, storage unit hours and how the facility would be used, and whether the restaurants might have patio seating and roof top decks, The Planning Commission asked where the trash dumpster would be located, whether the residential units would have patios or balconies and whether the colors for the commercial buildings are different from the residential buildings. The Planning Commission asked the applicant to review the fencing on the east property line, their phasing schedule, the charging stations, and their lighting plan.

The Planning Commission questions to staff included whether drive-thru hours were regulated by code and how staff determined parking requirements. The Planning Commission reviewed

with staff some of the conditions of approval the applicant requested changes on and asked for staff's feedback.

The Planning Commission discussed the merits of the plan and felt the requested PUD changes made sense and the plan is a creative use of the site. They discussed the conditions of approval and deleted condition no. 14 regarding the removal of the island in the street/access easement north of the park. The Planning Commission deleted condition nos. 4 and 5 regarding landscaping the yards of the row homes fronting the park as well as the northwest and south corner of lots 13 -16. The Planning Commission reworded condition no. 15 regarding the crosswalk material to say "The applicant shall work with staff on appropriate pedestrian crossing materials and/or striping."

The Planning Commission reworded condition no. 17 regarding the brick rooftop feature on the west elevation to have it say "The parapet feature on the west elevation of the southernmost mixed-use building shall be continued wrapped back to appear as a solid architectural feature, not a false front."

### **Preliminary Plan / Planned Unit Development Motion**

*Commissioner Thomas moved the Planning Commission approve the Preliminary Plan/PUD, subject to staff's recommended conditions as amended, finding that the proposal complies with the requirements for preliminary plan submittal; complies with the PUD criteria; and, complies with the Comprehensive Plan's goals and policies, and land use map. The plan is in the best interest of the City; and the Code modifications are in the best interest of the City and the neighborhood. Commissioner Bent seconded the motion. All voted in favor of the motion.*

### **Growth Management Motion**

*Chair Godfrey moved the Planning Commission recommend approval of the proposed growth permit allocation and classification status finding the request complies with the review criteria of Section 6.10 and Sections 30-271-272. The Planning Commission recommended approval of the building permit allocation for the Galt Plaza Mixed-Use shall be 13 permits in 2019, 14 permits in 2020, and any of the unused permits of the 27 allocated in 2021. Permits requested after 2022 will require a new analysis. Commissioner Varley seconded the motion. All voted in favor of the motion.*

### **Special Use Review – Drive-up facility Motion**

*Commissioner Varley moved the Planning Commission approve this request for Special Use Review for the drive-up facility, finding that the use meets the criteria of Section 26-15-4 and the Additional Drive-Up Criteria 26-15-4(b) because the proposal complies with the Municipal Code, is compatible with the surrounding area, presents no potential for adverse environmental impacts, it is compatible with the Comprehensive Plan, and is not located closer than 200 feet to any residentially zoned lot line, is not closer than 150 feet to any other drive-thru, and will have an indoor dining component. Commissioner Thomas seconded the motion. All voted in favor of the motion.*

### **Special Use Review – Mini-Storage Motion**

*Commissioner Kusjanovic moved the Planning Commission approve this request for Special Use Review for the Mini-Storage, finding that the use meets the criteria of Section 26-15-4 because the proposal complies with the Municipal Code, is compatible with the surrounding area, presents no potential for adverse environmental impacts, it is compatible with the Comprehensive Plan. Chair Godfrey seconded the motion. All voted in favor of the motion.*

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

*Commissioner Bent moved the Planning Commission recommend approval of 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; and the residential architecture promotes transition in scale and character in the neighborhood and will complement the existing development. Commissioner Thomas seconded the motion. All voted in favor of the motion.*

### **Conditions of Approval:**

1. The applicant shall work with the Arapahoe Meadows/Weynand Estates Homeowners Association to ensure a sidewalk connection point along Arapahoe Road;
2. The final CC&R's shall include provisions that require the garage to be used only for the parking of vehicles and for the HOA to have the ability to enforce the parking requirements;
3. An Access Easement shall be granted over a portion of Outlot A, which shall be the minimum necessary as determined by staff, and this easement will be added to the list of property rights to be dedicated to the City in the certificate of dedication;
4. The applicant shall work with the City Engineer to address issues outlined in the August 8, 2018 memo;
5. The applicant shall work with the existing residents to the east on fence details and location along this shared property line;
6. Plat and PUD errors and omissions shall be corrected before submittal of the Final Plan;
7. The applicant shall reduce any lighting levels so not to exceed 8 foot-candles;
8. The applicant shall work with staff on the color of the light fixtures;
9. The pedestrian connections between Lot 9 and Lot 10 and between Lot 12 and Lot 20 shall be incorporated into Outlot A;
10. The Final Plat shall specifically detail that Outlot A is a recreation area and pedestrian connection for the benefit of the Galt Plaza residents, business owners and patrons;
11. The applicant shall work with staff on appropriate pedestrian crossing materials and/or striping.
12. All wall mounted mechanical equipment shall be painted to match or compliment the building;
13. The parapet feature on the west elevation of the southernmost mixed-use building shall be continued wrapped back to appear as a solid architectural feature, not a false front;
14. All rooftop mechanical equipment shall be screened from the public view and all rooftop vents be painted to match or complement the building;
15. No two building color schemes shall be located next to or directly across the street from each other;
16. Bike racks shall be added at the mixed-use and commercial buildings, location and design to be approved by Staff.
17. The applicant shall add a note of the plat that states the blend of users in the mixed-use buildings will not exceed a percentage of restaurant users that the parking cannot support;
18. If there are residential units in the southern mixed-use building, eight (8) residential only parking signs will be added to the most east parking aisle in the parking lot adjacent to the building;
19. All ramps in sidewalks and walkways shall meet ADA requirements, including adequate walkway space around ramps;

20. The applicant shall work with staff to provide lighting in the tuck-under garage space;  
and
21. The applicant shall work with staff on locations of infrastructure for future EV charging stations and the possibility of prewiring in the tuck-under garages.

**V. Other Business**

**A. Commission Comments / Committee Reports**

Commissioner Kusjanovic expressed concern about the quality of the recent street projects that were done in Old Town. Commissioner Thomas expressed concern about what she sees as gaps in the zoning code that may need revised. Commissioner Varley noted that consultant who worked on the Public Road Plan did a nice job and he encouraged others to take a look at it. Chair Godfrey discussed the need for the Planning Commission and City to give more thought and/or consideration on how we require electric vehicle charging stations and give good direction and incorporate into the City's code.

**B. Department Comments**

Planning Manager Jana Easley stated that staff will investigate that further. She asked for some clarification on pooling time requirements. She noted that the Request for Proposal for the Comprehensive Plan is on the City's website and the APA site. She stated that staff will be bringing the solar code items to the Commission and City Council in the next couple of months.

**VI. Adjournment**

*Commissioner Thomas moved to adjourn the meeting, seconded by Commissioner Bent. All voted in favor of the motion. The meeting adjourned at 12:05 a.m.*

City of Lafayette

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Doug Godfrey, Chair

Attest:

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Michelle Verostko, Recording Secretary