

**Record of Proceedings  
City of Lafayette  
Planning Commission  
Tuesday, March 26, 2019**

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

Absent: Commissioners Kusjanovic and Thomas

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

**II. Moment of Silence for Aaron Asquith, Former City Engineer**

*Chair Godfrey stated they would take a moment of silence in remembrance of former City Engineer Aaron Asquith who recently passed away.*

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

Mike Kotlarczyk, 770 Niwot Ridge Lane, Lafayette, stated he had some questions about the 40 North Subdivision.

Commissioners Bent and Fischer stated they would need to recuse themselves from this topic. Chair Godfrey explained that since the 40 North Subdivision is a quasi-judicial proceeding, he has concerns about hearing any comments/questions until the public hearing is held. Chair Godfrey recommended Mr. Kotlarczyk contact staff with his questions

**IV. Meeting Minutes for January 22, 2019, and February 26, 2019 and Workshop Minutes for January 22, 2019**

*Chair Godfrey moved to approve the January 22, 2019 and February 26, 2019 Meeting Minutes and the Workshop Minutes for January 22, 2019. Commissioner Varley seconded the motion. All voted in favor of the motion.*

**V. Scheduled Items**

**A. Baseline Old Town Village – Mixed Use Subdivision Minor Subdivision, Preliminary Plan/PUD Review, Special Use Review and Site Plan/ Architectural Review**

Planner II Jon Hoffman stated that staff provided a copy of an additional public comment received after the staff report to the Planning Commission and then entered the staff report into the record. Mr. Hoffman stated this application is a request for approval of: Minor Subdivision, Preliminary Plan/Planned Unit Development (PUD) Review, Special Use Review and Site Plan/Architectural Review for Old Town Village Mixed Use Subdivision. The property is located at 404 West Baseline Road adjacent to Baseline Road between N. Carr Street and Cornelius Street. The property is zoned B1 Community Services Business and is located in the Lafayette Urban Renewal District (LURA).

Mr. Hoffman explained the proposal is a mixed-use development that includes three buildings with twelve (12) residential units, 2,255 square feet of commercial space, and 2,115 square feet of office space. The property is approximately 0.89 acres in size.

Mr. Hoffman presented a vicinity map to help illustrate the location of the property. He provided pictures of what the site looks like today, how the site is configured, how one accesses the property, and the current condition of the alley that the property is located next.

Mr. Hoffman noted that the developer has applied for a demolition permit which the Historic Preservation Board has reviewed and approved.

Mr. Hoffman reviewed the Minor Subdivision application and explained that the replat will combine the existing unplatted tracts of land to create one lot. Easements for the subdivision will include fire

and emergency vehicular access, utility, pedestrian access, maintenance, and sanitary sewer easements.

Staff found that the Minor Subdivision application meets the applicable requirements of Section 26-17-7 and recommended approval of the Minor Subdivision subject to the recommended condition of approval.

Mr. Hoffman presented the Preliminary Plan/PUD for the proposed mixed-use project which includes three buildings on one lot. The site plan includes two buildings that front to W. Baseline Road and an alley loaded residential building backing onto the alley at the south portion of the lot. The two buildings along W. Baseline Road include a mixed-use two-unit residential with two-stories of retail and office building, and a two-unit residential building. The proposal includes 12 residential units. The commercial component includes 2,255 square feet of retail space and 2,115 square feet of office space.

Mr. Hoffman reviewed the PUD modifications being requested which include front yard setback reductions for the commercial building and the residential building, rear yard setback reductions, reduction in landscaped area, multiple buildings on a single lot, increase the allowable dwelling units and increase the allowable compact car parking spaces. He reviewed the requested modifications against the criteria and aspirational standards and discussed staff's findings for support of the modifications.

Mr. Hoffman reviewed access to the site, parking, traffic flow of the site, and alley improvements.

Staff recommended approval of the Baseline Old Town Village 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. 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.

Mr. Hoffman presented the Special Use Review application for Baseline Old Town Village. He explained that a Special Use Review approval is required for a mixed-use development in the B1 (Community Service Business) zoning district LURA (Lafayette Urban Development Area) boundaries. He reviewed the mixed-use development proposal against the special use review criteria and discussed how the application met the criteria.

Staff recommended approval of the special use review subject to the approval of the Site Plan/Architectural Review. Staff believes that the mixed-use project meets the Special Use Review criteria of Section 26-15-4(a), and the proposal is compatible with the surrounding uses which include a mixture of residential and commercial, possible adverse environmental influences are mitigated with site design; and the use is compatible with the Comprehensive Plan.

Mr. Hoffman stated the site plan and architecture, including site plan, grading, drainage, utilities, erosion control, building elevations, site details, landscaping, irrigation and lighting, have been reviewed by city staff from Planning, Engineering, Fire, Police, Building; the City Attorney; and relevant outside agencies, such as Xcel. The plans have been found to meet all applicable City codes and regulations subject to the recommended conditions herein are met. Mr. Hoffman added that the Lafayette Urban Renewal Authority (LURA) also reviewed the site plan and architecture component of the project at their February 12, 2019 meeting and recommended approval of the proposal with staff's ten recommended conditions of approval.

Mr. Hoffman reviewed the application against the Site Plan/Architectural Review Code criteria outlined in Section 26-16-7.1 and discussed how the application complies with the criteria.

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

Matthew Lawrence, MKL Architecture PC, 3200 Carbon Place, Boulder, Architect and Representative for Owner, presented their proposal and explained their design concept, reviewed the site, the landscape plan, the alley improvements, placement of their buildings, parking, building materials and colors, and how their proposal meets the city's goals and policies.

Chair Godfrey opened the public hearing at 7:50 p.m.

Ron Spalding, 597 Casper Drive, Lafayette, stated he supports the project and believes it will enhance the western gateway into the City.

D'Arla Mezzacapo Group

D'Arla Mezzacapo, 411 W. Geneseo St., Lafayette, Dianne Watts, 915 Harrison, Lafayette, and Tom Mezzacapp, 411 W Geneseo Street.

Ms. Mezzacapo expressed concern about alley issues, safety, traffic, height of building, whether there will be adequate parking provided, landscaping, trash pickup, and current traffic patterns and problems.

Chair Godfrey closed the public hearing at 8:05 p.m.

Planning Commission asked the applicant to explain the current traffic volumes and how it might affect their site, whether they are incorporating any solar applications into their project design, and whether they could add charging stations to their commercial and residential project. The Planning Commission asked the applicant if they knew what type of commercial uses they might have, whether the alley would be paved, and how the western portion of the site would be landscaped. The Planning Commission asked the applicant to review the access to their site, where the trash enclosures were, and how trash pickup would work. Other questions focused on parking and whether there would be parking in the apron area of the alley and where will parking be for the residents along Baseline Road. The Planning Commission focused on construction concerns and asked the applicant how they will manage construction impacts such as construction parking, construction traffic, and the phasing of their construction. Planning Commission asked the applicant to review the building architectural, the brick material, and how they choose the exterior colors proposed. Planning Commission asked whether the applicant agreed with the conditions of approval. Mr. Lawrence stated he agreed with the conditions of approval.

The Planning Commission asked staff whether the utility lines would be undergrounded and about electric charging stations. The Planning Commission has questions about the alley and how it would be used, emergency access, previous use of the property, and uses allowed in the B1 zoning district. The Planning Commission asked whether there were specific measures the City could take to improve the alley use and traffic flow, and signage. The Planning Commission asked staff to review some of the properties to the east and west of the site that use the alley such as the daycare. The Planning Commission asked staff whether a traffic report would be provided. Other questions focused on the design and brick color.

*The Planning Commission took a ten (10) minute recess at 8:50 p.m. and reconvened at 9:00 p.m.*

The Planning Commission discussion focused on architecture, color choices, alley and treatment of fencing. The Planning Commission added condition No. 16 to the Site Plan/Architecture Review conditions of approval requiring that no parking be allowed in garage aprons parallel to the alley.

#### **Minor Subdivision Motion**

*Commissioner Bent moved the Planning Commission recommend City Council approve the minor subdivision, subject to the recommended condition of approval, finding that the plat complies with*

*the requirements of Section 26-17-7 of the Code. Vice Chair Viers seconded the motion. All voted in favor of the motion.*

**Preliminary Plan / Planned Unit Development Motion**

*Commissioner Varley moved the Planning Commission approve the Preliminary Plan/PUD, subject to staff's recommended conditions, 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. Chair Godfrey seconded the motion. All voted in favor of the motion.*

**Special Use Review Motion**

*Chair Godfrey moved the Planning Commission approve this request for Special Use Review, subject to the recommended condition of approval, finding that the use meets the criteria of Section 26-15-4; the proposal complies with the Municipal Code, is compatible with the surrounding area, presents no potential for adverse environmental impacts, and it is compatible with the Comprehensive Plan. Vice Chair Viers seconded the motion. All voted in favor of the motion.*

**Site Plan/Architectural Review Motion**

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

**Minor Subdivision Conditions of Approval:**

1. Staff recommends that all clerical and grammatical errors shall be corrected by the applicant prior to recording of the plat.

**Preliminary Plan/PUD Conditions of Approval:**

1. Staff recommends the applicant work with the staff to determine if a historic interpretive sign or plaque is appropriate for the site;
2. A note shall be added to the PUD and incorporated into the homeowners' association documents that the garage space is to be used primarily for vehicle parking, not storage.
3. Preliminary Plan and Planned Unit Development approval subject to Site Plan and Architectural Review and Special Use Review approval.

**Special Use Review Conditions of Approval:**

1. Special Use Review approval subject to site plan/architectural review approval.

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

1. Staff recommends the W. Baseline Road tree grates, decorative concrete and bricks match the sidewalk design to the west of the subject property, 408 W. Baseline Road (Take A Break Childcare). Materials, colors, and location to be approved by staff;
2. The PUD and final CC&R's shall include provisions that require the garage to be used only for the parking of vehicles and for the Homeowner's Association (HOA) to have the ability to enforce the parking requirements;
3. Two parking spaces shall be equipped with electric vehicle charging stations (one at each space);
4. The applicant address the City Engineer memo prior to recording of the Plat or submittal of building permits;
5. All lighting temperature shall be 3000K temperature to be within the "warm" temperature level;

6. Staff recommends that the buildings be pre-wired for solar panels to help promote sustainable development within the City.
7. Staff recommends the brick color shall be a color more closely matching the historic Lafayette orange color brick;
8. Commercial building signage shall be channel letters and/or logos only. Illuminated signage on the north facade only. No freestanding signage;
9. The applicant shall work with staff on the appropriate window glazing of the commercial spaces (taking into consideration the use of the space);
10. The residential unit's front door and garage door shall be various colors. Colors to be approved by staff;
11. The applicant shall either change the fencing materials along Baseline Road to a more durable fencing material such as a composite or metal, or if wood is desired, work with staff on a compatible paint or stain color, to be maintained in perpetuity by the owners' association. Regardless of the materials, the fencing shall remain in a non-faded/non-peeling condition;
12. Trash enclosure shall be enlarged to be able to accommodate compost, recycling and trash;
13. All wall mounted mechanical equipment shall be painted to match field color and that ground mounted mechanical be screened via plantings where possible;
14. Brick shall be added to the alley elevation of the south building from the ground to the top of the garage doors;
15. All rooftop mechanical equipment shall be screened from the public view and all rooftop vents be painted to match field color.
16. The PUD and final CC&R's shall include provisions that require there be no vehicle parking in front of the garage access along the alley and for the HOA to have the ability to enforce the parking requirements.

**B. Vista Business Park, Lots 29 & 30 PUD (Planned Unit Development), Site Plan/Architectural Review and Minor Subdivision**

Planning Manager Jana Easley entered the staff report into the record. Ms. Easley stated this request is for approval of a Planned Unit Development (PUD) Amendment, Site Plan/Architectural Review and Minor Subdivision for a 3.48 acre property in order to construct a two-story, 48,840 square foot flex/office-warehouse building with a 38,890 square foot footprint and up to eight units on Lots 29 and 30 of Vista Business Park.

Ms. Easley presented a vicinity map to help illustrate the location of the project. She showed pictures of the site and how it looks today. She gave a brief history of the Vista Business Park subdivision and Planned Unit Development.

Ms. Easley presented the PUD Amendment application and reviewed the site plan and layout of the building on the site. She reviewed the building materials and the parking. She discussed the PUD modifications being requested. She reviewed the application against the PUD criteria.

Ms. Easley discussed the first phase and second phase. She reviewed the plan, the landscaping, the site distance triangles, colored elevations, building material, architecture and architectural elements, lighting plan. She reviewed sidewalks, parking, trash enclosure, mechanical equipment screening.

Staff recommended approval of the PUD Amendment and PUD modifications, subject to the recommended conditions. The amendment complies with the criteria of Section 26-18-5, many of the relevant 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 PUD modifications are in the best interest of the City and the neighborhood.

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

Ms. Easley presented the minor subdivision and explained the applicant is proposing to combine two lots into one for the purpose of developing the site. Staff believes the plat meets the submittal criteria of Section 26-17-7 of the Development and Zoning Code once all redline comments have been addressed.

Staff recommended approval of the Minor Subdivision to combine two lots into one, subject to the recommended conditions, finding that the request complies with the criteria Section 26-17-7 of the Development and Zoning Code.

Barbara Clinard, EnVision Construction, 1824 Samos Circle, Lafayette presented their proposal and noted that adding solar panels was out of their price point but they are providing skylights, electrical vehicle charging stations, and energy efficient materials. She reviewed the building architecture and discussed the materials they proposal to use, parking, and type of uses they anticipate for the building.

Chair Godfrey opened the public hearing at 9:45 p.m. No one addressed the Planning Commission, therefore, Chair Godfrey closed the public hearing.

Planning Commission asked the applicant to break down the uses of the spaces, to explain why they propose a parapet if equipment is on the ground, and the reason for the material they choose, particularly glass doors. The Planning Commission asked whether the tenants could add solar panels to their units. The Planning Commission asked the applicant to review their detention pond area, whether their signage would be for multiple users and how it would work.

Ms. Easley noted that the sign code requires a separate permit for building signage. She also noted that the proposed uses are warehousing and office and not storage units.

The Planning Commission asked staff what landscaping would be provided in Phase I and Phase II. Other questions included whether the property could be divided and developed if Phase II did not occur.

Planning Commission discussed the retaining wall, no solar requirement, energy efficient materials, other ways to get energy efficiency besides solar, and landscaping. The Planning Commission added a condition to Site Plan/Architectural Review condition no. 2 requiring the applicant to provide temporary irrigation for landscaping of native grasses for the Phase II area.

#### **PUD Amendment Motion**

*Chair Godfrey moved the Planning Commission recommend approval of the PUD Amendment, subject to the recommended conditions, finding that the proposal complies with the requirements for PUD plan submittal; complies with the PUD criteria of Section 26-18-5(d) of the Lafayette Code of Ordinances; 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 PUD modifications are in the best interest of the City and the neighborhood. Commissioner Bent seconded the motion. All voted in favor of the motion.*

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

*Commissioner Varley 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 of the Lafayette Code of Ordinances; the submittal requirements of Section 26-17-9 have been met; and the architecture promotes transition*

*in scale and character in the neighborhood and will complement the existing nearby development. Commissioner Fischer seconded the motion. All voted in favor of the motion.*

#### **Minor Subdivision Motion**

*Vice Chair Viers moved the Planning Commission recommend approval of the Minor Subdivision, subject to the recommended conditions, finding that the subdivision plat complies with the requirements of Section 26-17-7 of the Lafayette Code of Ordinances. Chair Godfrey seconded the motion. All voted in favor of the motion.*

#### **Planned Unit Development (PUD) Amendment Conditions of Approval:**

1. A note shall be added to the PUD stating, *“Warehousing as a primary use, mini-storage and personal storage are not allowed. Inside storage of goods, materials, tools or vehicles in connection with and ancillary to a permitted business use is allowed.”*
2. Final engineered retaining wall drawings shall be submitted for review and approval by staff prior to issuance of building permit.
3. Address all of staff’s redline comments.
4. The PUD Amendment is conditioned upon the Site Plan/Architectural Review and Minor Subdivision being approved.

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

1. The site plan shall be revised to defer six regular spaces until and if those spaces are needed. Those areas shall be landscaped with shrubs and groundcover. The site plan shall also be revised to make the oversized parking spaces wider and shorter for better turning allowance.
2. A noted shall be added to the plans that states, *“In the event the Phase II portion is not commenced within one (1) year following receipt of the final sign-off from the City’s Planning & Building Department for the core and shell for Phase I, the owner shall immediately apply for a minor site Plan/Architectural Review within thirty (30) days showing:*
  - a. *The temporary fire access paved to City standards;*
  - b. *Materials added to the east elevation to match the other sides, including at least 50% masonry;*
  - c. *Street trees as shown on the approved site plan for Phase II and native grass seed to be applied to all undeveloped portion of Phase II along with a temporary irrigation system to be operated until grasses and trees are established.*

*All improvements shall be completed promptly following approval of the Site Plan/Architectural Review.”*

3. Additional grasses or shrubs shall be placed along the edge of the detention pond closest to the drive aisle to provide additional screening and a more defined edge for the detention pond, as long as it will not negatively impact flow into the pond.
4. A note shall be added to the elevation drawings stating wall mounted equipment will be painted to match field color and that ground mounted mechanical be screened via plantings where possible
5. All redline comments from staff shall be addressed.
6. The Site Plan/Architectural Review is conditioned upon the PUD Amendment being approved.

**Minor Subdivision Conditions of Approval:**

1. All redline comments from staff shall be addressed prior to recording.
2. The address shall be 1360 Horizon Ave.
3. The Minor Subdivision is conditioned upon the PUD Amendment and Site Plan/ Architectural Review being approved.

**C. Amendment to Chapter 26 of the Lafayette Code of Ordinances regarding Wireless Communication Facilities**

Planning Manager Jana Easley entered the staff report into the record. Ms. Easley explained that in October 2018, the Wireless Communication Facilities ordinance was amended to reflect changing technology and standards of practice in the wireless communications industry. At that time, an important section of the ordinance was inadvertently omitted which allows for changes to existing “eligible facilities” and what constitutes a “substantial change” as mandated by Federal law. The proposed amendment to Section 26-22.5-3 is to put back in that language, written to reflect the current Federal Communications Commission’s (FCC) Section 6409 language.

Ms. Easley explained that the second proposed amendment to Section 26-25.5-5(a)(6) is a result of Council discussions at the October 2018 meeting concerning having the tree removal language consistent with that of the Old Town regulations.

Ms. Easley explained that the proposed changes to the Code are needed to stay current and lawful with the FCC’s regulations and to have consistency within our Code sections. Staff believes these are appropriate amendments and recommended approval.

Chair Godfrey opened the public hearing at 10:35 p.m. for public testimony. No one addressed the Planning Commission, therefore, Chair Godfrey closed the public hearing.

**Motion**

*Chair Godfrey moved the Planning Commission recommend approval of an amendment to Chapter 26 of the Lafayette Code of Ordinances modifying Section 26-22.5-3, Definitions, and Section 26-22.5-5(a)(6), Landscaping and Fencing Requirements, finding that the proposed amendments are in the best interest of the City of Lafayette. Commissioner Varley seconded the motion. All voted in favor of the motion.*

**V. Other Business**

**A. Commission Comments / Committee Reports**

Commissioner Bent thanked staff and the City for the opportunity to attend the RMLUI Conference. He gave an update on some of the topics discussed. Vice Chair Viers also updated the Planning Commission on items from the RMLUI conference such as walkable and sustainable communities, tiny homes, master planning, green roof requirements, and incentive zoning. Commissioner Fisher gave an update on the Lafayette Open Space Advisory Committee meeting, the Boulder map app, staff referrals, PROBST update, property evaluations, and prairie dogs. Vice Chair Viers noted that climate change was also discussed at the conference. Chair Godfrey asked whether a storm water prevention plan was in place for the old gas station along Baseline Road.

**B. Department Comments**

Planning Manager Jana Easley updated the Planning Commission on what Sustainability Coordinator Tony Raeker is working on which includes a budget and time line. She noted that the Building Official is intending to adopt the IRC 2018 code later this year. She added that staff wants to update Chapter 26, Zoning and Development Code. She asked the Planning Commission for their feedback on the change in the staff report format. She noted that City Council recently had a workshop on ducks and goats and electronic message signage.

Ms. Easley noted that staff is aware of issues at the old gas station and is working on getting them resolved.

Planning Commission asked staff about neighborhood meetings, comment cards, and the planning application referral process.

**VI. Adjournment**

*Vice Chair Viers moved to adjourn the meeting, seconded by Commissioner Fischer. All voted in favor of the motion. The meeting adjourned at 11:25 p.m.*

City of Lafayette

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Doug Godfrey, Chair

Attest:

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Michelle Verostko, Recording Secretary