

**Record of Proceedings
City of Lafayette**

**Planning Commission Meeting Minutes
Wednesday, January 12, 2022**

I. Roll Call/Attendance

Chair Thomas called the meeting to order at 6:00 p.m. Those in attendance included Chair Thomas, Vice Chair Smith, and Commissioners Fischer, Phillips, Stephens, and Watson.

Staff Present: Planning & Building Director Jeff Brasel, Principal Planner Phil Kleisler, Planning Manager Jana Easley, Senior City Planner Millissa Berry, Water Resources Manager & Principal Utilities Engineer Melanie Asquith, City Attorney Mary Lynn Macsalka, and Recording Secretary Michelle Verostko

II. Meeting Minutes for October 13, 2021, October 27, 2021 and Workshop Minutes for December 8, 2021

Commissioner Phillips moved to approve the Meeting Minutes for October 13, 2021, October 27, 2021, and Workshop Minutes for December 8, 2021. Vice Chair Smith seconded the motion. All voted in favor of the motion.

III. Items from the Public

None.

IV. Scheduled Items

A. Water Reclamation Plant Expansion Annexation

Vice Chair Smith disclosed that he works for the solar company that owns and operates solar equipment on City owned property. He explained he had previously been a manager that oversaw these projects, but his role has changed. He stated he can make a fair and unbiased decision for this application.

Chair Thomas opened the public hearing. She asked staff if the public hearing was properly noticed under the applicable regulations for this type of land use hearing. Senior City Planner Millissa Berry stated it was.

Ms. Berry entered the staff report into the record. She reviewed the order of the meeting. She stated this application is a request for approval for annexation of City-owned property and the city is the applicant. She presented an aerial map to illustrate the location of the property. The site is located just north of the intersection of Baseline Road and East County Line Road and is immediately west of the City's water reclamation facility. The property is approximately 6.361 acres and is zoned Boulder County A – Agriculture and the land use designation is Agriculture.

Ms. Berry explained that the purpose of the annexation is to bring the land into the city for the future expansion of the City's water reclamation facility. She presented photos of the property showing what the site looks like today.

Water Resources Manager & Principal Utilities Engineer Melanie Asquith explained that the city is interested in annexing the properties to expand the existing water reclamation plant

onto city-owned properties. She gave a brief history of the property and the city's plan for this project. She explained the project is needed so the City can meet stricter regulations that are required. She presented an aerial view of the site and explained the project will be constructed on both sides of E. County Line Road and is in the design phase. The city estimates that construction would begin late Spring 2022.

Staff Analysis

Ms. Berry presented staff analysis. She reviewed the annexation application against the Colorado State Statutes review criteria for eligibility and discussed how the application meets the requirements.

Ms. Berry reviewed the annexation application against the criteria for planned unit development (PUD) specified in Section 26-18-5 and discussed how the application met the criteria.

Staff recommended the Planning Commission approve the annexation finding that the proposal meets the requirements of Colorado Revised Statutes for annexation, complies with the goals of the comprehensive plan, and complies with the criteria of the Lafayette Development and Zoning Code Section 26-18-5.

Public Input.

Chair Thomas opened the meeting for public input at 6:21 p.m. No one addressed the Planning Commission.

Questions of Applicant and Staff

The Planning Commission asked the applicant whether County Line Road will be rerouted and whether the city will need to expand the facility in the future. Ms. Asquith explained how the road will be rerouted and the city does not anticipate any additional expansions but would rather repurpose the existing space.

Chair Thomas closed the public hearing.

Discussion

The Planning Commission discussed the merits of the annexation.

Motion

Commissioner Phillips moved to recommend approval of the subject annexation finding the application complies with applicable state statutes, complies with the goals of the comprehensive plan, and complies with the criteria of the Lafayette Development and Zoning Code Section 26-18-5. Commissioner Watson seconded the motion. All voted in favor of the motion.

B. Water Reclamation Plant Expansion Initial Zoning

Vice Chair Smith disclosed that he works for the solar company that owns and operates solar equipment on City owned property. He explained he had previously been a manager that oversaw these projects, but his role has changed. He stated he can make a fair and unbiased decision for this application.

Chair Thomas opened the public hearing. She asked staff if the public hearing was properly noticed under the applicable regulations for this type of land use hearing. Senior City Planner Millissa Berry stated it was.

Ms. Berry entered the staff report into the record. She reviewed the order of the meeting. She stated this application is a request for rezoning a to-be annexed municipal-owned land as P – Public. She stated the city is the applicant. She presented an aerial map to illustrate the location of the property. The site is located just north of the intersection of Baseline Road and East County Line Road and is immediately west of the City’s water reclamation facility. The property is approximately 6.361 acres and is zoned Boulder County A – Agriculture and the land use designation is Agriculture.

Ms. Berry explained that Colorado States Statutes require that any annexed land shall be zoned within 90 days after the effective date of the annexation ordinance.

Applicant Presentation

Water Resources Manager & Principal Utilities Engineer Melanie Asquith stated she would be available for any questions and did not have a presentation.

Staff Analysis.

Senior City Planner Millissa Berry presented the staff analysis and recommendation. She reviewed the rezoning application against the city’s code criteria outlined in Section 26-16-8 and discussed how the application met the criteria.

Staff recommended the Planning Commission recommend approval of the requested zoning, P-Public, finding the application complies with the criteria of Section 26-16-8 of the municipal code.

Public Input.

Chair Thomas opened the meeting for public input at 6:35 p.m. No one addressed the Planning Commission.

There were no questions of staff or the applicant.

Chair Thomas closed the public hearing.

Motion

Commissioner Phillips moved to recommend approval of the requested zoning, P-Public, finding the application complies with the criteria of Section 26-16-8 of the municipal code. Commissioner Watson seconded the motion. All voted in favor of the motion.

V. Discussion Items

A. Land Use Code Goals and Topics

Principal Planner Phil Kleisler summarized some of the discussion points from the December 8, 2021 Planning Commission meeting. He discussed the anticipated schedule for additional Planning Commission input and City Council input on land use code goals and topics. Staff will be sharing an initial scope of work for the projects based on internal staff interviews and Planning Commission and City Council feedback.

Mr. Kleisler explained there are several options for structuring zoning codes: conventional, form-based Codes, performance-based zoning, and a hybrid code that incorporates different aspects of each code type. He reviewed in detail each of the code options and discussed use regulations, public use, predictability, creativity, administration, and readability.

Mr. Kleisler asked the Planning Commission for their input around the overall structure of the new code. Below is a summary of the key takeaways and comments from the Planning Commission feedback and discussion.

Key Takeaways

- Commissioners expressed interest in exploring form-based codes and applying performance-based standards to address specific impacts (but not implementing a scoring system).
- A hybrid code may be an ideal approach for Lafayette (i.e., applying form-based code in specific areas of the city).
- More information is needed to better understand the administrative workload, developer interests and concerns, and ways to avoid an overly complex code with fragmented zoning districts and standards throughout the city.

Commissioner Comments

- Form-based codes may be a good fit for allowing greater development outcomes.
- A hybrid code could be a good option for Lafayette.
- Consider ways to establish a tighter vision and/or more oversight of projects.
- Interest in knowing how developers may view form-based codes.
- Explore ways for future development applicants to develop their own identity (e.g., develop their own overlay standards.)
- Staff should speak with other cities about the effort involved with administering form-based codes. For example, do architects need to be hired to amend graphics?
- A hybrid code could give the city a greater number of options.
- In response to the question from a commissioner, Director Brasel noted that staff training for form-based codes is not a concern.
- Ensure that a hybrid code, if pursued, would not result in fragmented zones throughout the city that are hard to understand.
- The new code needs to be well organized and easy to amend.
- Allow for flexibility. The Planning Commission shouldn't be overly restricted by previous decisions.
- Some performance standards may be worth incorporating as dynamic standards to address specific impacts (but not scorecards or point systems.)
- Stay ahead of which areas to target for potential form-based code (e.g., King Soopers).
- Amend the consultant section in the draft scope of work to allow for young, different, and diverse teams, not just those with significant experience (e.g., "or demonstrate other experience".)
- Consider exploring several smaller projects instead of one big project.

B. Zoning Board of Adjustment

Planning and Building Director Jeff Brasel explained the Zoning Board of Adjustment (BOA) is the decision-making body for variances to zoning standards or appeals of certain exception in the Lafayette Zoning Code. He reviewed the make-up of the board and the powers and duties of the board. He explained that the city receives very few requests for variances or appeals due to its ability to modify certain standards through the Planned Unit Development process. As a result, the BOA holds very few meetings and often does not have a quorum of board members due to the lack of interest in an inactive board. Director Brasel explained that the BOA does serve an important role and may be required to act from time to time.

Staff is recommending the City Council at their February 15 meeting appoint five Planning Commissioners to act in the capacity of the BOA and two alternates. Staff recommends the Commissioners be appointed to the BOA based on seniority.

Director Brasel explained that if the City Council makes the appointments, staff will provide training for the Planning Commission on the BOA responsibilities.

The Planning Commission asked staff about potential conflicts of interest while serving on the BOA, whether staff would provide a staff report and recommendation on applications they would review, and whether a BOA decision can be appealed.

VI. Other Business

A. Commission Comments/Committee Reports

Chair Thomas stated she wanted to acknowledge the Marshall Fire and the devastation and loss of life. She suggested staff and the Commission think about the fire as we progress with code changes, consider how subdivisions are developed, building materials, and fire mitigation. She also suggested we look at lessons learned from California in their rebuilding process from areas destroyed by wildfires.

Vice Chair Smith gave an update on the recent Lafayette Open Space Advisory Committee (LOSAC) meeting he attended which included the following:

- Funding for 104th Trail may be delayed because of the Marshall Fire response
- Controlled burn of cattails at Greenlee Reservoir
- Waneka-Centennial Farm
- RFP to replace Isabelle Farms at Thomas Open Space and
- Grand opening of Outdoor Classroom.

Commissioner Phillips gave an update of the Historic Preservation Board meeting he attended which included the following:

- Interview applicant for Board
- Presentation by Rob Burdine on Waneka Centennial Farm
- World War I Pillars on Arapahoe Road

Commissioner Watson stated the war pillars will probably need to be moved because they are a traffic hazard. He added that a new location for them needs to be found.

B. Department Comments

None.

VII. Adjourn

Chair Thomas moved to adjourn the meeting, seconded by Vice Chair Smith. All voted in favor of the motion. The meeting adjourned at 8:10 p.m.

City of Lafayette

Darcia Thomas, Chair

Attest:

Michelle Verostko