

**LAKWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES**

December 5, 2007

COMMISSIONERS PRESENT:

Tracy Sheffield
Jerald Golley
John Plotkin
Rich Urbanowski
George Brown III
Ray Schoch
Michael Rohr

STAFF PRESENT:

Rebecca Clark, Director, Community Planning and Development
Roger Wadnal, Manager, Comprehensive Planning and Research
Holly Boehm, Principal Planner, Comprehensive Planning and Research
Jonathan Wachtel, Associate Planner, Comprehensive Planning and Research

Following are the minutes of December 5, 2007 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

ROLL CALL

The roll having been called, a quorum was declared and the following business was conducted:

ITEM 1, PL-07-006 Addenbrooke/Belmar Park Neighborhood Plan, Request the Planning Commission to adopt the Addenbrooke/Belmar Park Neighborhood Plan as an amendment to the Comprehensive Plan. Strong, clean and safe neighborhoods are identified as major goals of the Comprehensive Plan. The Addenbrooke/Belmar Park Neighborhood Plan supports the goals of the Comprehensive Plan by identifying issues of concern to the neighborhood and developing strategies to address identified neighborhood issues.

MR. JONATHAN WACHTEL asked all case files, plans, reports, drawings, pictures, city Zoning Ordinance, Subdivision Ordinance, Comprehensive Plan and all amendments be entered into the record.

COMMISSIONER RICH URBANOWSKI accepted.

MR. WACHTEL presented case information. He commented that the November 14, 2007 Study Session resulted in the Planning Commission requesting specific word changes to the Action Steps to make them more measurable. In addition, a change was made regarding the name of the ditch from "Colorado Agricultural Ditch" to "Agricultural Ditch".

OPEN TO PUBLIC COMMENT at 7:14

MS. PEGGY PHILLIPS, 1061 S. Independence Court, President of Sun Valley Homeowner's Association, commented that the neighborhood is a unique area with much diversity. In addition, they feel the area is under a great deal of pressure from growth, population, and traffic changes. They feel the Neighborhood Plan addresses concerns of the neighborhood. The Plan puts forth action steps and goals and acts as a guideline for future Planning Commissions regarding development in this area. She also wished to commend staff on the preparation of the Plan.

MS. SHARON MONTAGUE, 694 S. Yarrow Street, stated that between her and her husband at least one of them had attended every neighborhood meeting. They felt that everyone's concerns were noted, all mentioned ideas were included in the Plan, and that priorities were set in a fair and equitable manner.

MR. GORDON CALAHAN, 513 S. Carr Street, stated that several buildings on his property are non-conforming to the zoning and wished to know if, under this new plan, he could still operate his garden railroad.

PUBLIC COMMENT CLOSED at 7:19 P.M.

COMMISSIONER JERALD GOLLEY asked when staff reviews the Plan to determine if goals have been met.

MS. HOLLY BOEHM answered that, generally, staff continually watches that the plan is meeting goals and that within 5 years a full review is completed to ensure goals are being met and to see if any changes are needed and that the department does rely on comments from the public for guidance in any changes. Comments are also forwarded to appropriate departments.

COMMISSIONER JERALD GOLLEY asked if the communication and comments are from the homeowner's associations.

MS. BOEHM answered affirmatively and that the homeowner's associations and individuals were an important component in implementing the plan.

COMMISSIONER URBANOWSKI stated that he had attended a number of the neighborhood meetings and was impressed with the process, especially with regards to the education of the public and with querying them about their desires, identifying them, and then setting them forth in the goals and action steps of the plan. The Plan represents a partnership between the city and the neighborhood organizations.

COMMISSIONER JOHN PLOTKIN asked if the neighborhood plans are advisory documents and about the non-conforming use previously mentioned by Mr. Calahan.

MS. BECKY CLARK answered affirmatively. In addition, it provides a basis for plan cases that come before the Planning Commission and that the Plan provides guidelines and indicates the desires of the neighborhood. She further stated that, with regards to non-conforming uses, regardless of whether they are part of the plan or not, they still are a non-conforming use and are treated as such and that there are certain treatments to continue non-conforming uses until they are discontinued or become legally conforming through other measures.

COMMISSIONER PLOTKIN asked if the plan would have an affect on Mr. Calahan.

MS. CLARK responded that it would not.

COMMISSIONER PLOTKIN asked what competitive process is used to determine which neighborhood is chosen.

MS. BOEHM answered that applications were collected after promotion and advertisement of the ability for neighborhoods to apply for a neighborhood plan were performed.

COMMISSIONER PLOTKIN questioned how the prioritization of implementation steps are completed and if this information is gathered from the neighborhood's input.

MR. WACHTEL answered that the process is built from two components, the first being input from the neighborhood, which identifies the most pressing issues. Secondary are the resources available to the city.

COMMISSIONER MICHAEL ROHR stated that the first speaker, Ms. Peggy Phillips mentioned water and drainage issues. He believes that these issues will be approached as development takes place. He asked if there other issues in this area and are there any specific Action Steps that address any water and drainage issues.

MR. WACHTEL recalled one specific note relating to water drainage that came up through the survey process and at a neighborhood meeting. There was not a lot of emphasis on this issue from the public.

COMMISSIONER URBANOWSKI commented that this neighborhood is undergoing sewer revitalization projects at this time.

COMMISSIONER PLOTKIN made a MOTION for ADOPTION of Case #PL-07-006 based on the evidence presented, the findings of fact and conclusions in the Staff Report in accordance with the City's conditions:

SECONDED BY COMMISSIONER SCHOCH

COMMISSIONER SHEFFIELD thanked the citizens that participated in this process. He also stated that the Commission receives comments from citizens stating that the city does not listen to them. This process proves the city cares about the neighborhoods.

COMMISSIONER SCHOCH commented that he was pleased staff made corrections to the language mentioned in the study session. He further stated he was impressed with the foresight of predecessors to set aside land for the Addenbrooke Park and other parks. Also, the neighborhood plan is a nice complement to the Comprehensive Plan and complimented the staff and citizens on the good job.

COMMISSIONER URBANOWSKI stated that city staff did a terrific job educating the public about what the city does as well as addressing the needs of the citizens.

VOTE TAKEN -

Seven Ayes - Commissioners Sheffield, Golley, Plotkin, Urbanowski, Brown, Schoch and Rohr.

Zero Nays.

APPROVAL OF MINUTES – November 7, 2007 Planning Commission Hearing

VOICE VOTE SIX AYES, ONE ABSTENTION (Commissioner Plotkin)

GENERAL BUSINESS:

MS. CLARK complemented Sheila Lynch and Andrea Thompson on passing the American Institute of Certified Planners (AICP) certification. The AICP does require continuing education (CE) and the Citizen's Planning Academy may be put forth to the AICP as a means of CE credits.

The original Study Session of December 12, 2007 is now classified as a Regular Meeting with a Public Hearing. The case being heard is quasi-judicial and is De Novo, reviewed by Planning Commission as a new hearing with a new decision. Legal counsel and experts will be available at this meeting. She is encouraging that this case is heard and a decision be made that night. The next step would be an appeal to City Council, if filed.

COMMISSIONER URBANOWSKI commented that this is a contentious matter and expects significant attention be given to this matter. In addition, there are expectations of a crowd attending the meeting.

COMMISSION PLOTKIN asked if the Commission would be going to Executive Session to seek legal advice.

MS. CLARK responded that the Commission would be seeking legal direction, questions and answers and there should not be a need for an Executive Session.

COMMISSIONER PLOTKIN asked if the Commission is expected to generate discussion with legal counsel relative to the standard for subdivision approval.

MS. CLARK responded affirmatively. She further stated that staff would be available to answer any technical questions. Staff has been working with applicant and appellant and their respective presentations are included in the staff report and each entity has been counseled about how to present before the Planning Commission.

COMMISSIONER SHEFFIELD asked if the appellant is allowed to make a presentation.

MS. CLARK answered that this is treated as a fresh and new case to be heard by Planning Commission. With an appeal case everyone is given their due process, the ability to present their case and the time necessary to present the information. The order of presentations will be as follows: APPLICANT, then STAFF, and then APPELLANT each making presentations.

COMMISSIONER PLOTKIN asked if there would be public comment.

MS. CLARK responded affirmatively. She further stated that it is very important that procedures be followed in the proper order and that everything the Commission needs to accomplish this is included in their packet.

COMMISSIONER BROWN asked if the notification process is the same.

MS. CLARK answered that process was followed as per our ordinance.

MS. CLARK stated information regarding the joint Study Session on January 7, 2008 regarding RTD and Light Rail, the Neighborhood Participation Program and approval of the Addenbrooke/Belmar Park Neighborhood Plan.

COMMISSIONER URBANOWSKI asked about the new website.

MS. CLARK answered that a final review is being performed and it will be up on January 3, 2008.

COMMISSIONER URBANOWSKI asked about the sound wall presentations.

MR. WADNAL answered there is another meeting scheduled for next week.

ADJOURNMENT

Meeting adjourned at 7:57 P.M.

January 16, 2008
Date Approved



Walter M. Jauch, Secretary
to the Planning Commission