

**LAKESWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES**

April 15, 2009

COMMISSIONERS PRESENT:

George Brown III
Julia Burroughs
Jerald Golley
Carrie Mesch
John Plotkin
Ray Schoch
Rich Urbanowski

STAFF PRESENT:

Rebecca Clark, Director, Community Planning and Development
Anne Heine, City Engineer, Public Works
Timothy Gelston, Manager, Development Review
Roger Wadnal, Manager, Comprehensive Planning and Research
Adrian Stanciu, Manager, Property Management
Ross Williams, Facilities Planner, Community Resources
John Padon, Principal Traffic Engineer, Public Works Traffic
Rob Smetana, Principal Planner, Comprehensive Planning and Research
Paul Rice, Principal Planner, Development Review
Mark Doering, Principal Planner, Development Review
Kara Mueller, Associate Planner, Development Review
Walter Jauch, Secretary to the Planning Commission

Following are the minutes of April 15, 2009 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

ITEM 1: ROLL CALL

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

ITEM 2: ELECTION OF THE SECRETARY OF THE PLANNING COMMISSION

George Brown III unanimously elected as Secretary of the Planning Commission by voice vote.

COMMISSIONER URBANOWSKI stated that the next items are two separate cases, but are related to 8105 and 8205 W. Mississippi and would be heard at the same time. However, each case would have it's own motion.

ITEM 3: PA-08-002 – Preliminary Map for Richland Gardens Filing No. 2, Request to subdivide two existing single-family residential lots into 19 new single-family residential lots for the purpose of evaluating the proposed subdivision prior to commencing a final plat and detailed engineering. The properties are located at 8105 and 8205 West Mississippi Avenue and are zoned Large Lot Residential (1-R).

ITEM 4: FA-08-002 – Final Plat for Richland Gardens Filing No. 2, Request to subdivide two existing single-family lots into 19 new single family residential lots for the purpose to be used as an instrument for the recording of real estate interests with the Jefferson County Clerk and Recorder. The properties are located at 8105 and 8205 West Mississippi Avenue and are zoned Large Lot Residential (1-R).

MR. ANDY KELLY, Martin/Martin Engineering, 12499 W Colfax Avenue, Lakewood, CO 80215 presented the cases for the applicant. The applicant is proposing to create 19 new lots to build new custom homes of sizes ranging from 4,600 to 7,400 square feet.

MR. PAUL RICE, wished to point out an inconsistency in attachment D (Applicant's Submittal Letter) of the Staff Report that states 15 lots are being proposed. After a few different layouts, and revisions the current and requested proposal is for 19 lots. He continued by requesting to enter in the record the staff report, case files, plans, reports, pictures, Lakewood Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plan, Community Resources Master Plan, all amendments, neighborhood and corridor plans and all associated materials.

COMMISSIONER RICH URBANOWSKI accepted.

MR. RICE continued with the presentation of the Staff Report. Two comments were received regarding this case. The first concern was from a person in Belmar Park Filing No. 2 regarding an existing fence along the east edge of their development that has blown down and has not yet been repaired and also that the required drainage for the Richland Gardens proposal has not yet been completed.

The second comment from a resident of the Palomino Park subdivision about the Allison Glen Filing No. 4 subdivision had concerns about construction debris in that location, that a fence discussed in that proposal has not been installed, and that some of the lots have not been completely seeded.

Finally, a phone call was received from Belmar Civic Association wishing to confirm this process was not a rezoning and only a plat.

Public Comment OPENED at 7:27 p.m.

MS. ANNETTE DIGIACOMO, 1108 S Brentwood Street, Lakewood, 80232 submitted pictures of the Allison Glen subdivision and wished to comment that there are a number unsold lots that are not developed and are vacant. They are also strewn with construction debris. She wished Marquis Builders and the City of Lakewood be held accountable for the condition of the Allison Glen subdivision. Her fear is that a similar circumstance will happen in another subdivision. She stated that Allison Glen is a blight and an eyesore to the City and the residents. She feels these types of homes cannot sell in this economy.

MS. STEPHANIE FISHER, 1050 S Ammons Circle, Lakewood, 80226. She represents some of the people in the Estates at Belmar Park Filing No. 2. They have concerns about the access to the area. They need clarification about what access points will be available to the area. She commented that to the east is another large property being developed and people drive in to ask what is being developed and why it is currently in its unfinished state after 10 years of construction and exposed to the weather. There are also unfinished public improvements for which they have concerns. Finally, there is currently no lighting in the area.

Public Comment CLOSED at 7:35 p.m.

COMMISSIONER URBANOWSKI requested information on the distinction of building and subdividing and for staff to address the concerns stated by the public.

MR. RICE responded that platting a piece of property is a technical review to ensure that the City's technical requirements are being met.

MS. ANNE HEINE responded that with each subdivision the City requires the developer to sign a Public Improvement Agreement (PIA). This has been done for this case and the Estates at Belmar Park Filing No. 2 and for the Allison Glen Filing No. 4. It does take time for these Public Improvements to be completed and accepted by the City. The City is currently working with the developers on the last parts of the improvements for the two areas commented upon.

For the Estates at Belmar Park, there is an issue with an underdrain installed in the public right-of-way that has not been accepted. Public Works is working with the developer to resolve this issue and has collected collateral in the event that it needs to be repaired.

Construction debris and erosion issues in the Allison Glen area are also being addressed through Public Works with the developer. Erosion Control collateral is held by the City for this property. The lots were seeded in the fall and the City is waiting for change in the weather to verify this seeding has taken root.

The fence issue is with the Code Enforcement personnel and they are working with the developer to get this issue resolved.

COMMISSIONER JOHN PLOTKIN asked if the access to this subdivision has been reviewed for safety and if different access points were reviewed for a better flow.

MR. JOHN PADON responded that it is difficult to apply a grid to this particular area. This subdivision has four connections to an area with 1-R zoning. The flow through the area is somewhat circuitous, but has fairly good connectivity. In addition, the flow will keep cut-through traffic from Wadsworth Boulevard or Mississippi Avenue minimized. In the future, there will be more connectivity to the arterials upon build-out of the whole area.

COMMISSIONER RAY SCHOCH asked about Attachment D and the connection between Kentucky Avenue and Tennessee Avenue.

MR. PADON indicated that grades in the area are fairly steep. In addition, there is a lot of blue shale in the area, which will result in costly excavation. There was an appeal to the Public Works Director of the time (Dick Plastino) and his decision was that a connection was not necessary.

COMMISSIONER PLOTKIN asked about pedestrian access to the park in the area.

MR. ROSS WILLIAMS answered that the pedestrian connection from this development to Belmar Park is from Butler Way through an existing pathway connected to the cul-de-sac.

COMMISSIONER JERRY GOLLEY asked the applicant if the homes are custom.

MR. KELLY stated that these homes are custom and will be built as the lots are purchased.

COMMISSIONER GOLLEY asked when construction is to begin.

MR. KELLY responded that building would begin as soon as the plat is recorded and approved, as there is already interest in the northern lots.

COMMISSIONER GOLLEY asked for a comment from the builder about the public comments.

MR. KELLY stated the builder, Marquis, retained ownership of 17 of the 55 lots platted. A lot of the erosion problems were due to construction activity outside of their control. Marquis will need to follow-through and are in contact with the City.

COMMISSIONER GEORGE BROWN asked if the lighting issues can be addressed.

MR. PADON responded that the Traffic Engineering Design Standards (TEDS) do not require street lighting on local streets. The City has moved away from having lights on every block due to costs and dark sky initiatives for light pollution. Since 2004, new subdivisions are required to have photocells on single-family homes to automatically turn exterior lights on at sunset and off at sunrise.

COMMISSIONER URBANOWSKI asked if all access requirements have been met.

MR. PADON replied that there are multiple access points and the requirements for access have been met.

COMMISSIONER SCHOCH asked what blue shale was.

MR. KEN HARGRAVE replied that is a very hard and common shale throughout the Front Range area and it makes it very difficult and costly to excavate.

COMMISSIONER BROWN asked if the lateral was a ditch, pipe, or another type of item and if it is to be changed.

MR. HARGRAVE answered that currently is an open ditch and would be changed to a pipe in the areas where it is being relocated.

COMMISSIONER JULIA BURROUGHS asked if the ditch and piping would be sufficient for a 100-year event.

MR. HARGRAVE responded that this ditch is strictly an irrigation lateral. Detention facilities and storm sewers handle stormwater and those plans have been reviewed and are acceptable.

COMMISSIONER SCHOCH asked how the avoidance of parallel water mains was addressed.

MR. KELLY responded that they are running parallel water mains since Bancroft Clover Water and Sewer does not allow a individual single-family units to attach to their 16 inch main line.

COMMISSIONER URBANOWSKI asked about the overlap of a park and a 1-R district.

MR. WILLIAMS responded that this property was zoned 1-R before the City purchased the area for a park. Parks are allowed in any zone district.

PA-08-002 – Preliminary Map for Richland Gardens Filing No. 2 Motion

COMMISSIONER SCOCH made a MOTION for APPROVAL of the Preliminary Map Case No. PA-08-002.

Motion was SECONDED by COMMISSIONER BROWN.

COMMISSIONER PLOTKIN commented that the Planning Commission has very little scrutiny of the subdivisions. If it meets the necessary requirements then he cannot oppose it. He is troubled by some of the compliance issues and hopes that staff ensure compliance, not only in this subdivision but also in others for which the developer is currently building.

COMMISSIONER GOLLEY commented that he believes it is in the best interest of the developer to maintain a pleasant neighborhood. It will be tougher to sell homes in a sloppier neighborhood. He believes this upscale subdivision will improve the area.

COMMISSIONER SCHOCH stated that he believes that homes of this size are more a trophy and not a home. However, the case before them is land subdivision, not land use. This development meets all the city standards and he will vote in favor of this subdivision.

COMMISSIONER CARRIE MESCH commented that there is a discrepancy about the size of the homes in the staff report with the testimony heard tonight. Staff report stated the homes to be approximately 3,500 to 4,700 square feet.

MR. KELLY replied to COMMISSIONER MESCH that the 3,500 to 4,700 s.f. size is if the home does not have a finished basement.

COMMISSIONER URBANOWSKI commented that there is a reasonable job with the connectivity to the bulk of the grid system. As to the economics of the homes, this is not under the review or purvey of the Planning Commission. The applicant has done a decent job and the plans meets the necessary requirements.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

FA-08-002 – Final Plat for Richland Gardens Filing No. 2 Motion

COMMISSIONER SCOCH made a MOTION for APPROVAL of the Final Plat Case No. FA-08-002.

Motion was SECONDED by COMMISSIONER BROWN.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

COMMISSIONER URBANOWSKI permitted a statement be made by Ms. Joan Young.

MS. JOAN YOUNG, 8145 W. Mississippi Avenue made a comment that a May 1, 2009 deadline requires a contract be supplied to them from the City and this has not been done at this time. They are out of town beginning April 16th for a week and this contract still needs to be reviewed by their attorney.

COMMISSIONER URBANOWSKI asked what happens if the deadline is not met.

MS. BECKY CLARK stated that the City would be in breach of the Planning Commission motion.

COMMISSIONER URBANOWSKI asked how the deadline was established.

MR. RICE responded that this deadline was established to ensure the execution of the agreements. Per a discussion with the applicant there was an agreement to this date and it was anticipated that the Youngs would get this contract prior to the hearing.

MS. CLARK suggested that the deadline be changed, especially given there is an appeal period.

COMMISSIONER PLOTKIN made a MOTION to amend the previously accepted motion to extend the lateral deadline to May 15, 2009.

Amended Motion – Cases PA-08-002 and FA-08-002

Motion was SECONDED by COMMISSIONER SCHOCH.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

ITEM 5: RZ-09-001 – Colfax Mixed-Use Legislative Rezoning, Request the Planning Commission approve the map identifying the parcels to be included in the Colfax Mixed Use Zone District and recommend to the City Council approval of the legislative rezoning for the areas adjacent to, and close proximity to, Colfax Avenue as defined on the maps attached to the staff report as Attachment B.

MR. ROB SMETANA requested to enter in the record the staff report, case files, plans, reports, pictures, Lakewood Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plan, Community Resources Master Plan, all amendments, neighborhood and corridor plans and all associated materials.

COMMISSIONER URBANOWSKI accepted.

MR. SMETANA continued presenting the Colfax Mixed Use Legislative Rezoning and the background of the zone district creation. This effort is an outgrowth of the West Colfax Avenue Action Plan. He made mention that a Focus Group of city officials and staff, residents, and

business owners was convened and met 15 times between July 2007 and September 2008. A new zone district was created, Colfax Mixed Use with three sub-areas; Neighborhood, Community, and Roadside. All are mixed use. Two Open Houses were held with approximately 60 attendees for the first and 70 attendees for the second. There were property owner meetings in June of 2008 and February 2009. In addition, courtesy notices of the Planning Commission hearing were sent to 371 property owners within the proposed area.

COMMISSIONER PLOTKIN asked what the Commissioners are specifically being requested to approve, with respect to the parcels for inclusion.

MR. SMETANA responded that it is the map labeled as Attachment D.

COMMISSIONER MESCH wished for clarification if the Commissioners are being asked to approve the district boundaries or the sub-districts.

MR. SMETANA clarified that as part of the recommendation for approval of the legislative rezoning the sub-districts would be included.

COMMISSIONER GOLLEY wished to point out that the boundaries are delineated on the map and that he is confident that staff has completed the necessary due diligence and that the Commissioners are being asked to approve the staff's delineation.

COMMISSIONER URBANOWSKI further wished to point out that the delineations are consistent with what has previously been supplied and discussed with the public throughout the entire Colfax Mixed Use development process.

COMMISSIONER PLOTKIN asked for clarification on how the motion should read.

MS. CLARK clarified that Attachments B, C and D are what the Commissioners will need to incorporate into the motion for approval.

COMMISSIONER PLOTKIN made a MOTION for APPROVAL of the Case RZ-09-001, specifically Attachments B, C, and D of the Staff Report.

Motion was SECONDED by COMMISSIONER SCHOCH.

COMMISSIONER PLOTKIN wished to congratulate everyone on the Focus Group and Tracy Sheffield who was instrumental and involved with the process. He stated this is an exciting vision and hopes to see it come to reality soon. He believes this will revitalize Colfax Avenue as a vibrant area.

COMMISSIONER URBANOWSKI stated that the zone district was well thought out and planned. He believes that the new zone district will provide more opportunity for the property owners that is currently available.

COMMISSIONER BURROUGHS stated that she believes this will enhance the Colfax Avenue corridor. The Focus Group was able to come up with this proactive vision for the City and that the neighbors and business owners will be pleased.

COMMISSIONER MESCH stated that she lives near the area and was pleased with the outcome. She did ask about the comment from Mr. Ramsey and if it was a land use issue.

MR. SMETANA responded that Mr. Ramsey is one of three properties in an area where heavy commercial zoning (5-C) existed more than ½ block from Colfax. It was difficult to craft new zoning for such circumstances. However, the City is working to accommodate Mr. Ramsey.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

ITEM 6: PL-09-001 – 2009 Three-Mile Plan Update, Request that the Planning Commission adopt and recommend that the City Council approve the 2009 annual update of the City's Three-Mile Plan.

MR. MARK DOERING requested to enter in the record the staff report, case files, plans, reports, pictures, Lakewood Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plan, Community Resources Master Plan, all amendments, neighborhood and corridor plans and all associated materials also to include the Jefferson County General Land Use Plan, the Central Mountains Community Plan, the C-470 Corridor Plan, and the South Jefferson County Community Plan.

COMMISSIONER URBANOWSKI accepted.

MR. DOERING presented information regarding the case. He stated that this type of update is required by state statute.

Public Comment OPENED at 8:40 p.m.

Public Comment CLOSED at 8:41 p.m.

COMMISSIONER MESCH pointed out a discrepancy on page 4, of the plan.

MR. DOERING stated that this is a typo and would be corrected.

COMMISSIONER BROWN asked how if this "Three-Mile Plan" is the technical name.

MR. DOERING responded that this is what the City of Lakewood has deemed to call the plan. Other jurisdictions refer to the plan under other names.

COMMISSIONER GOLLEY made a MOTION for APPROVAL of the Case PL-09-001.

Motion was SECONDED by COMMISSIONER SCHOCH.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

ITEM 7: OA-09-001 – Repeal Article 20: Rooney Valley Overlay District Development Standards, Request the Planning Commission recommends that the City Council repeal Article 20: Rooney Valley Overlay District Development Standards.

MS. KARA MUELLER requested to enter in the record the staff report, case files, plans, reports, pictures, Lakewood Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plan, Community Resources Master Plan, all amendments, neighborhood and corridor plans and all associated materials.

COMMISSIONER URBANOWSKI accepted.

MS. MUELLER presented information about the case.

Public Comment OPENED at 8:50 p.m.

Public Comment CLOSED at 8:51 p.m.

COMMISSIONER SCHOCH asked why the name “Springfield Green” persisted in light that the development is called “Solterra”.

MS. MUELLER responded that the original name of the Official Development Plan is the “Springfield Green ODP” and remains on legal documents.

MS. CLARK further responded that one is a legal name the other is a marketing name.

COMMISSIONER BROWN asked for clarity about the motions on the slide in comparison to Attachment A.

MS. MUELLER responded that it should state “Recommend that the City Council APPROVE”

COMMISSIONER BROWN made a MOTION for APPROVAL of the Case OA-09-001.

Motion was SECONDED by COMMISSIONER SCHOCH.

VOTE TAKEN -

Seven Ayes - Commissioners Brown, Burroughs, Golley, Mesch, Plotkin, Schoch, and Urbanowski

Zero Nays.

MOTION PASSED.

APPROVAL OF MINUTES

Minutes from the Regular Meeting of April 1, 2009 approved by unanimous voice vote with Commissioners Plotkin and Mesch abstaining.


GENERAL BUSINESS:

MS. CLARK gave information about upcoming events.

ADJOURNMENT

Meeting adjourned at 09:05 PM.

October 7, 2009
Date Approved


Walter M. Jauch, Secretary
to the Planning Commission