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**MINUTES
PLANNING AND ZONING COMMISSION
NOVEMBER 16, 2011**

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1. **Called To Order**

12 The November 16, 2011, meeting of the Planning and Zoning Commission was called to order
13 by Vice Chairperson Peairs at 7:03 p.m. in the City Council Chambers.

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2. **Roll Call**

16 Recording Assistant Jane Madrid called the roll. Present on the Commission were: Stan
17 Tomkinson, Michael Shernick, Chris Teta, Paula Peairs, Melinda Yale, George Oliver and
18 Council Member Gabe Santos. Jonathan Singer arrived late. In attendance also Development
19 Services Manager Joni Marsh, Deputy City Attorney Jay Rourke, Senior Planner Ava
20 Pecherzewski, Senior Planner Don Burchett, Senior Planner Erin Fosdick, Transportation
21 Planner Phil Greenwald and Transportation Engineer Tyler Stamey.

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3. **Communications**

24 Development Services Manager Marsh advised at each station there is an email with questions
25 from Commissioner Shernick regarding the Mill Village project.

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4. **Public Invited to Be Heard**

28 Vice Chairperson Peairs opened the public invited to be heard for items not on the agenda.

29 Teresa Foster, 712 Thornwood Wy. Ms. Foster spoke to the board about fracking.

30 No one else wished to speak.

31 Vice Chairperson Peairs closed the public invited to be heard.

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5. **Approval of the minutes**

34 August 24, 2011, meeting minutes.

35 Vice Chairperson Peairs asked for approval or discussion of the August 24, 2011, meeting
36 minutes.

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Motion

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**COMMISSIONER TOMKINSON MOVED FOR APPROVAL OF THE AUGUST 24,
2011, MEETING MINUTES AS SUBMITTED. COMMISSIONER YALE SECONDED
THE MOTION.**

1 Additional Discussion of the Motion

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3 No additional discussion of the motion.

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5 Vote

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7 **MOTION CARRIED: 7-0**

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9 **6. Mill Village Subdivision, Comprehensive Land Use Amendment Request, PZR 2011**
10 **13A, B, C, Senior Planner Ava Pecherzewski**

11
12 Location: Three parcels on the south side of Ironhorse Drive between Sugarbin Court and
13 Harvest Street, and three parcels on the north side of Ironhorse Drive between
14 Harvest Street and Mill Village Court.

15
16 Purpose: A request has been filed to change the Longmont Area Comprehensive Plan's
17 land use designation of six parcels in the Mill Village subdivision from
18 Industrial/Economic Development to High Density Residential. Six parcels are
19 the subject of the request: Mill Village Filing 2, Replat E, Lots 1-3, Filing 2, Lot
20 1, and Filing 5, Lots 1-2. The applicant requests the land use amendment in
21 order to develop a 228-unit apartment complex on these parcels.

22
23 PZ: PZ makes a recommendation to the City Council who is the Decision
24 Making Body on this application. The application has elements which
25 are both legislative and quasi-judicial elements and as such, should be
26 treated as a quasi-judicial proceeding.

27
28 Staff Presentation

29
30 Senior Planner Pecherzewski began the discussion with a Power Point presentation. She states
31 the application in front of the commission is for a land use amendment from the Longmont Area
32 Comprehensive Plan to change the land use designation of property in the Mill Village
33 subdivision from Industrial Economic Development to High Density Residential.

34
35 Senior Planner Pecherzewski displayed a vicinity map of the land where the change is being
36 proposed. The land is adjacent to Iron Horse Dr, Kylie Drive, Harvest Street and Mill Village
37 Court and is also bounded by Highway 119 on the north (expressway in the LACP), 3rd Avenue
38 (expressway in the LACP), and County Line Road (arterial) to the east. The property is within
39 the City's scenic entry corridor which has certain allowed and prohibited uses. There are several
40 different zoning districts in Mill Village including: Mixed Use/PUD, Business Light Industrial,
41 General Industrial and Residential PUD.

42
43 Senior Planner Pecherzewski said this property is located in the Mixed Use PUD Zoning and
44 permitted uses would be anything permitted in a Commercial and Business Light Industrial, as
45 well as all residential uses. She states the properties are currently designated in the Longmont
46 Area Comprehensive Plan as Industrial/Economic Development but there is a mix of different

1 land uses in Mill Village (low density residential, medium density residential, high density
2 residential). There is High Density Residential designated across County Land Road behind the
3 Sandstone Marketplace project.

4
5 Senior Planner Pecherzewski said the subdivision was annexed in 1994. The original plan was
6 the north 20 acres of the site would be designated in the Comp Plan as Industrial/Economic
7 Development and the southern 35 acres would be low, medium and high density residential. In
8 terms of entitlements, the parcel closest to Harvest Street received final development plan
9 approval in 2005 for mixed use with two stories (3 stories was requested), commercial on the
10 ground floor and residential above. She said the property owners desire to change the land use
11 designation and the plan is to develop a 228 unit apartment complex. If this land use amendment
12 were to be approved, then the property owner would need to file an application for preliminary
13 and final PUD development plan approval for site planning. Senior Planner Pecherzewski said
14 the commission is not going to discuss building layout, setbacks, parking spaces, etc., tonight,
15 only the concept of high density residential land use versus an Industrial/Economic Development
16 use.

17
18 Senior Planner Pecherzewski states the permitted land uses for Industrial/Economic
19 Development are: Low intensity industrial uses, light manufacturing, warehousing, distribution,
20 research and development, commercial services, high quality employment facilities such as
21 corporate offices, limited support services (restaurants, supermarkets) and residential if vertically
22 integrated up to 25% of total development floor area.

23
24 The proposal is for High Density Residential which allows for a range of 12-30 dwelling units
25 per acre. For these parcels, 9.38 acres, it allows a density between 113 to 281 dwelling units at
26 this land use category and the applicant's state they plan to construct 228 units. What would be
27 permitted would be multi-family residential housing, group living, or a mix of housing types and
28 densities and neighborhood services as part of a PUD.

29
30 Senior Planner Pecherzewski said in the Comp Plan's land use section, an amendment must meet
31 certain locational criteria in order to be designated as a particular land use.

32
33 For the current designation on this site (Industrial/Economic Development) the criteria are:

- 34
35 *Large sites with no extraordinary constraints to development
36 *Proximity to major highways/access to arterial streets without the need to travel through less
37 intensive land uses or with direct access to city truck routes
38 *Existing or planned uncommitted utility services (sewer/water/electricity)
39 *Location of heavy industrial uses away from the residential areas

40
41 The locational criteria for High Density Residential are:

42
43 *Areas adjacent to or within walking distance of schools, parks, and neighborhood or multi-
44 neighborhood shopping.

- 45 *The parcels are not within walking distance (less than ¼ mile) from the nearest public
46 school, but there is a dedicated bus stop for the St Vrain Valley School District. The

1 school district states the schools can accommodate the students from the new
2 development.

3 *Parcels are within walking distance to the St. Vrain Greenway

4 *Parcels are 1 mile from Sandstone Ranch Community Park

5 *Regional commercial area to the east (Wal-Mart), Harvest Junction retail shopping
6 center 1 mile west, grocery stores 2 miles north at Pace & 17th, commercial/industrial
7 zoned properties at Highway 119 and County Line Road could provide additional
8 shopping/employment opportunities.

9
10 *Areas in proximity to employment centers

11 *Site is close to downtown, within 5 miles of primary employers in southwest Longmont,
12 20 miles from Boulder, within 5 minutes of the I-25 corridor via Highway 119

13
14 *Areas adjacent to arterial streets or accessible to such without passing through less intensive
15 land uses

16 *Directly accessible from Highway 119

17 *Accessible from the local streets in subdivision

18 *Doesn't appear traffic would need to access residential area to the south

19
20 *Areas where high density residential is compatible with the surrounding neighborhood

21 *There are low, medium, and high density land use designations in the neighborhood

22 *Currently there is a mix in Mill Village of 329 built/platted dwelling units that includes
23 single family homes, duplexes, and a condo complex (144 units)

24
25 *Areas served by public transportation

26 *The closest fixed route bus stop to the development is 1 ½ miles west at 3rd and Alpine
27 Street. The site is served by Call and Ride and any resident could call for transit if
28 needed. Typically fixed route transit is not always in place when a vacant piece of
29 property is designated as high density residential. The built out density drives the
30 location of the bus stops.

31
32 Senior Planner Pecherzewski went through the review criteria for approval of land use
33 amendments:

34
35 *The proposed land use designation implements one or more of the policies and
36 strategies stated in the LACP. The decision-making body shall weigh competing LACP
37 goals, policies and strategies and may approve an amendment that provides a public
38 benefit even if the amendment is contrary to some of the goals policies or strategies in the
39 LACP.

40 *The requested land use amendment meets many goals, policies and
41 strategies in the housing section as well as the land use and urban design section.

42 *It is a priority for the City to ensure that we provide an adequate amount of
43 stock for a variety of housing types.

44 *City data shows that there is close to 3,000 acres of Industrial/Economic
45 Development land in Longmont, in which 50% is vacant. In this planning area
46 where this property is located, the vacancy rate is at 95%.

1 *28% of undeveloped land that has High Density Residential designation is
2 vacant.

3 *Data shows there is sufficient vacant Industrial/Economic Development land to
4 withstand the loss of 9.38 acres.

5 *Longmont Area Economic Council reviewed the plans and has no objection to
6 the loss of the Industrial/Economic Development land.

7
8 *The amendment shall not adversely affect existing or planned City facilities or services,
9 or the applicant will substantially mitigate any such impacts.

10 * The City’s Development Review Committee reviewed the application; utility
11 staff feels there is adequate capacity for public services and utilities (water, sewer
12 and electric) to serve the amount density proposed.

13 *Police and fire services are able to serve this site within necessary response time.

14 *SVVSD states there is adequate capacity to take on this number of students.

15
16 *The amendment shall not adversely affect existing or planned City transportation
17 facilities, or the applicant will substantially mitigate any such impacts.

18 *The City’s Traffic Engineer has concurred with the traffic study done that there
19 will be less traffic generated from the High Density Residential than from the
20 current Industrial/Economic Development use.

21 *The previously approved commercial use proposals were expected to generate
22 close to 3,500 vehicle trips per day into Mill Village. The traffic engineer’s data
23 shows the proposed apartment complex would generate just over 1,500 daily
24 vehicle trips, just over a 50% reduction.

25 *The site is served from two expressways (3rd Avenue and Highway 119)

26 *There is an existing ¾ movement intersection on Highway 119

27
28 *The amendment shall not adversely affect the existing or planned use of the adjacent
29 properties, or the applicant will substantially mitigate any such impacts.

30 *The proposed land use amendment does not adversely affect adjacent
31 properties, the subdivision is currently zoned mixed use and has a mix of
32 industrial/economic development, low density, medium density and high
33 density parcels all in the same neighborhood.

34 *Subdivision has single family homes, condominiums and townhomes
35 currently.

36
37 Senior Planner Pecherzewski states the property meets the review criteria for a land use
38 amendment, and because based on the overall supply of land in the city, there is more vacant
39 industrial/economic development land than high density residential land, staff is recommending
40 approval of the land use amendment as reflected PZR 2011-13A.

41
42 Applicant Presentation

43
44 Jon Van Benthem, architect, 353 Main Street, is representing the applicant on this project. Mr.
45 Van Benthem said this is a conceptual adjustment to the comprehensive plan. He said the
46 applicant felt they needed to go into detail before this was brought to the Commission. Mr. Van

1 Benthem said the property is currently zoned as a PUD Mixed Use and High Density Residential
2 is currently allowed in the zoning district. They are looking to adjust the land use ratios allowed
3 in the comp plan designation.

4
5 Mr. Van Benthem said the original notion of this area was for a “Prague Dream”, a town center
6 design that was incorporated as part of the original marketing of the overall development. The
7 thought was live/work; the residents could walk up to a commercial zoning district. A block
8 model was shown to the commission, that model included two boomerang shaped two story
9 buildings and two parking garages (2 stories each).

10
11 Mr. Van Benthem states the project moved towards a town center concept in 2007 and the
12 architecture was refined according to some new marketing strategies at that time. That project
13 came to Planning and Zoning Commission asking for increase in the allowable uses for pad sites
14 along Highway 119 but was having difficulty getting traction for the commercial and retail uses.

15
16 Mr. Van Benthem said some of the main causes of the changes to this property are Highway 119
17 being rerouted, the highway being elevated, the intersection configuration changed and what had
18 been a relatively easy to access property became a little more difficult. He also said the retail
19 development at Harvest Junction came along and the acreage of this property is too small to get
20 an anchor tenant into the space to allow other commercial uses to develop. Another problem
21 with the project is the economy slowed down in 2008. The mixed use concept that was popular
22 was found to be difficult to function in small areas, it needs a larger area to work and additional
23 land annexed on the east side of town caused things to change.

24
25 Mr. Van Benthem said the Town Centre Concept model had two or three story buildings and the
26 urban layout is such that the building is along Kylie Drive at the south end of the property with
27 storefronts that are two sided. He said this was a commercial property at the north end of the
28 property that had no takers. The property owners were forced to decide what would make sense
29 for this property and how to align it with the comp plan. He said they looked at some LACP
30 strategies and goals and Land Use Development goals for a mixture of housing types, at the same
31 time that being weighed by an appropriate site design technique to minimize impact.

32
33 Mr. Van Benthem said the housing section of the LACP starts to spell out several goals they felt
34 they could accommodate in the project. The applicant developed a detailed plan to ensure if this
35 was going to move forward, that they had financial backing for it. A plan was prepared and
36 presented to the neighborhood on September 1, 2011, at the Longmont Public Library. He said
37 there were several issues that came up at the meeting: traffic and parking, height and mass,
38 noise, undesirability of tenants, parks and green space, dog walking in the neighborhood and kids
39 playing on the neighborhood equipment, commercial services for the neighborhood, traffic on
40 Great Western, feeling like an island and feeling tricked by housing developer.

41
42 Mr. Van Benthem said the biggest concern was traffic and parking generated by additional
43 people in the neighborhood. Mr. Van Benthem showed a graphic of the Town Centre concept
44 that would be allowable today and pointed out the direct vehicular access from the commercial
45 development into the neighborhood as it is currently laid out. He said the applicant’s current plan
46 eliminates all vehicular access to the residential neighborhood to the south and there is talk about

1 limiting much, if not all, of the pedestrian access from the apartment complexes. Mr. Van
2 Benthem said Fox Higgins Transportation Group calculations provided on the Mixed Use
3 Commercial versus all residential would indicate the total trips are reduced by half and feel the
4 experts are saying an all residential use reduces the amount of total traffic in the area. That
5 combined with reducing traffic access points, begins to address some of the traffic concerns.

6
7 Mr. Van Benthem said in the current concept plans, there are buildings that are 45 feet tall with a
8 30 foot setback from Kylie Drive, and given the land use goals in the LACP, they would like to
9 take the land use goal that talks about site design as a way to mitigate some of the impacts. He
10 said after the neighborhood meeting, they adjusted the plan to reduce the number of buildings
11 and the number of units. Since that meeting, they have created a new unit type along Kylie
12 Drive and scaling down the building by putting in a one bedroom walk up apartment. That in
13 turn reduced some of the density and has the effect of moving some of the taller buildings further
14 north and away from the residences in the neighborhood. The height of the buildings may be a
15 benefit because it buffers some of the noise from Highway 119, that along with extensive
16 landscaping, this may address the concerns with Highway 119.

17
18 Mr. Van Benthem said another concern is the commercial services for the neighborhood and Mr.
19 Van Benthem provided a map with all of the retail access close to the neighborhood. He also
20 provided a map with the commercial properties available immediately adjacent to the project.
21 The idea is that this project will be beneficial for building a case for some of the other parcels to
22 proceed with development. Mr. Van Benthem provided some additional maps of the
23 commercial/retail properties in the area and to the east of the project.

24
25 Mr. Van Benthem states there is 1,460 acres available commercial development land supply in
26 Longmont and they are looking at removing 9.4 acres from commercial and turning it into a type
27 of housing mode that supports a growing demographic in society, those who chose not to own
28 for whatever reasons.

29
30 **Public Invited to Be Heard – Public Hearing**

31
32 Jonah Reeger, 238 Sweet Valley Ct. Mr. Reeger spoke to the commission regarding the project
33 and addressed the locational criteria for the high density residential land use and is against the
34 development.

35
36 Paul Hart, 237 Mill Village. Mr. Hart states he has sent several letters, one containing the details
37 of the criteria of high density residential. He states he and his wife are opposed to high density
38 residential in the area. Property does need to be developed but there are concerns with what high
39 density will do.

40
41 John Wayne – no longer present at the meeting.

42
43 John Thieme – did not wish to speak, points already made.

44
45 Michelle Steffen – did not wish to speak, points already made.

1 Susan Waldvogel – did not wish to speak, points already made.
2

3 Mike Hakanson, 307 Mill Village. Mr. Hakanson is opposed to the change to high density
4 residential; he feels it would change the character of the neighborhood. Currently residences are
5 all owned by individuals and overseen by HOA's, the new proposal would allow an apartment
6 complex managed by a business and that may not be aligned with the neighborhood group.
7 Willing to make concessions, but this change is extreme.
8

9 Kerry Ott, 240 Cattail Ct. Ms. Ott states most of her points have been made. She has learned
10 about the comprehensive plan through this. Much of the rationale behind the proposal is low
11 vacancy rates and the increase in rent, but the information included in the packet notes rent is not
12 higher than last year or prior years and there are vacant apartments as listed in the Times Call
13 newspaper. Nothing she has read or heard has convinced her that it needs to be changed.
14

15 Shelly Bassman – not present.
16

17 Joe Bassman – not present.
18

19 Jennifer Hakanson, 307 Mill Village. Ms. Hakanson states a lot of her points have been stated
20 previously. Ms. Hakanson said with the addition of 200-500 residents; that will add more people
21 on the streets and in the parks. She is aware this meeting is about a change to the comp plan, but
22 is finding it difficult to get over the fact that there is very little, if any, park and green space in
23 this project and the residents from the apartments will use the neighborhood parks.
24

25 William Spaulding, 243 Mill Village. Mr. Spaulding spoke about the areas that are designated
26 on the comprehensive plan as high density residential, and that may be the case, be he doesn't
27 think there should be high density located there. Traffic is a concern with Mr. Spaulding.
28

29 Dave Whitcomb, Mill Village. Mr. Whitcomb is a real estate developer and was part of the
30 project team that built the residential area of Mill Village. He said the City and planners got it
31 right on the original plan and that worked. He is concerned about property values. Mass and
32 scaling wrong for the area, project will dominate the rest of the area.
33

34 No one else wished to speak.
35

36 Vice Chairperson Peairs closed the public invited to be heard.
37

38 Board Discussion
39

40 Vice Chairperson Peairs asked, if the Comp Plan Amendment were to go through, would there
41 still be opportunities for commercial development within walking distance of this area? Senior
42 Planner Pecherzewski said yes, all of the industrial and commercial land that is to the south and
43 west of the property would all remain as it is. Vice Chairperson Peairs said she wants to be sure
44 the opportunity for commercial within walking distance of the neighborhood is still available and
45 Senior Planner Pecherzewski said yes, it is.
46

1 Vice Chairperson Peairs asked for clarification on the high density surrounding the proposed
2 project parcels. Senior Planner Pecherzewski said when initially annexed and given the comp
3 plan designation, there was some High Density Residential in the middle, but they are not built
4 out to that density. There is one vacant piece of land that is zoned High Density Residential and
5 several years ago was approved for a 22 unit apartment complex; the developer did not construct
6 it and the entitlements have expired. She said the property on the east side of County Line Road
7 and south of the Sandstone Ranch project is designated High Density Residential.

8
9 Commissioner Yale asked what designation the land to the northeast of the proposed project is
10 currently. Senior Planner Pecherzewski stated it is designated as Industrial/Economic
11 Development. Commissioner Yale said there is a concern that people would be accessing
12 through Great Western Drive off of County Line Road and is there any plan in the future to
13 extend Iron Horse Drive to County Line Road. Transportation Planner Phil Greenwald said it is
14 not platted at this time for Iron Horse to go through.

15
16 Commissioner Singer asked if the zoning is changed to High Density Residential and the
17 applicant comes back with what they are proposing today, would there be any leeway for
18 Planning and Zoning to have a conversation to mold it to fit better with the character the
19 homeowners are concerned about. Senior Planner Pecherzewski clarified this is not a zoning
20 change, the zoning is Mixed Use, it is the Land Use amendment change to High Density
21 Residential. If the comp plan map is changed, the density is 12-30 units per acre and the
22 applicant could apply for that amount. She said the applicant would have to come back to the
23 commission for site plan review, but density could not be negotiated, the commission could talk
24 about other areas that could impact the number of dwelling units. Commissioner Singer said
25 now seems to be a good time to work out the give and take in terms of what people would like to
26 see on this property, once the property has been changed the give and take goes away.
27 Commissioner Singer asked if Public Invited to Be Heard could be reopened. Deputy City
28 Attorney Rourke said the commission could vote to do that but the issue is whether to change the
29 land use, not how to design a development.

30
31 Mr. Van Benthem clarified that they are not the owners of the area with single family homes,
32 while their property was used as a marketing tool, they did not sell the single family homes. He
33 said they have heard the concerns, they are real and there has been talk about access to parks.
34 They understand Highway 119 is not a hospitable place for people to walk on, however there is a
35 small portion of sidewalk right now that does not get you anywhere, and part of the
36 responsibility of the development would be to extend the sidewalk to allow people to walk or
37 ride their bikes, to start to connect the transportation network.

38
39 Mr. Van Benthem spoke about Iron Horse Drive and the concerns about commercial traffic,
40 specifically commercial traffic along Kylie Drive. Iron Horse Drive is a city right of way, 40
41 foot wide, full commercial traffic with parallel parking on both sides. The notion when the
42 parcel was platted and the street built, Iron Horse Drive would act as the main east/west
43 thoroughfare. With the Wal-Mart access point to the south, it causes people to head through on
44 the south end. He said their plan is to route the new traffic onto Iron Horse Drive and keep
45 commercial traffic out of the neighborhood.

1 Mr. Van Benthem said they heard the concerns about public transportation and they would like
2 the opportunity to work on finding ways to encourage more bus routes to the area.

3
4 Mr. Van Benthem said he does not agree with the previous statement made during the public
5 hearing that the city and the planners “got it right” when the property was first platted. He said
6 while it was right enough to sell a lot of houses, the commercial component has not happened
7 and it is not for the lack of trying. They are trying to find help the owner of the property find a
8 use for this property and also allow the region to develop to the way they think people would
9 want it.

10
11 Mr. Van Benthem responded about statements made about green space and access to parks. The
12 area at the north end of the project will be the green space and pet buildings. The demographics
13 they are expecting would be about 60 children, but they do not believe it will be that many.

14
15 Mr. Van Benthem said the owner of the property also owns the Ute Creek Apartments at 17th and
16 Pace Street and stated that while that complex is close to shopping, the notion of putting
17 apartments close to shopping so people can walk, is an argument that can go either way.

18
19 Commissioner Singer asked about the resident’s concerns about the distance of some of the
20 dwelling units from Highway 119 in terms of safety, and asked how far set back from Highway
21 119 are the units. Mr. Van Benthem said the project will be fenced along Highway 119 and the
22 distance is approximately 140 feet from the right of way to the outside face of the architecture.
23 Commissioner Singer asked whether AM and PM peak hour projected traffic data was included
24 in the traffic study. Mr. Van Benthem said their traffic engineer predicted that under the current
25 industrial/commercial approvals for the site, there would be 227 A.M. peak hour trips and 274
26 P.M. peak hour trips. In the currently proposed land use, the trips drop to 117 trips in the A.M.
27 peak hour and 143 trips in the PM peak hour.

28
29 Commissioner Singer said he would like to consider high density residential because in the past
30 the commission has taken away high density residential in other areas of the town.

31
32 Vice Chairperson Peairs asked the owner if there is any coordination that goes on between the
33 apartments at 17th and Pace Street and the surrounding residential neighborhoods. Roger
34 Pomainville, 4106 Heatherhill Circle, developer of the proposed property, stated that there has
35 not been a problem or arrangement with the neighbors and the Ute Creek apartments, the
36 apartments are the buffer between the residential and commercial areas. He said about one third
37 of the residents at Ute Creek are senior citizens and they are seeing more seniors now wanting to
38 go into apartments than they have seen in the last 30 years. The Ute Creek apartments have
39 approximately 30 children in the 210 units.

40
41 Commissioner Shernick said one of the problems for this neighborhood is projects have been
42 started and stopped, some are completed. What is the plan for this project, will it be phased? Mr.
43 Van Benthem said that is the reason for the detail at this point in the project, it is to get financing
44 so the entire project can be completed in one phase.

1 Vice Chairperson Peairs asked about the height limit for the buildings. Senior Planner
2 Pecherzewski said in the comprehensive plan land use designation there are no height
3 limitations, the zoning as a PUD zoning does not have height restrictions, but it would be based
4 off a type of project that would be similar to R3 High Density Residential zoning at 40 feet.
5 Vice Chairperson Peairs said she assumes the current multi-story commercial buildings would be
6 used as a benchmark when determining height. Senior Planner Pecherzewski said if approved
7 tonight, it will come back to the Commission for development review, which would include
8 height.

9
10 Vice Chairperson Peairs said some residents spoke about the timing of the light at 3rd Avenue
11 and Highway 119, and inquired as to whether it is adjustable. Traffic Engineer Tyler Stamey
12 said there is capacity at that intersection to add traffic from the proposed development. He said
13 some of the concerns about the length of the light are due to the lack of demand, they counted
14 approximately 30 cars in the left turn lane onto Highway 119 during the P.M. peak hours, while
15 there is green time allotted for the movement, there is not demand at this time for the green
16 arrow timing to be extended and a resident may have to wait up to two minutes for the green
17 signal light. Vice Chairperson Peairs asked if there were more volume would the cycle be more
18 rapid. Traffic Engineer Stamey said the overall cycle length will be 115 seconds, but with more
19 cars in the queue it would extend the green signal time to allow more cars through. Vice
20 Chairperson Peairs asked if there are plans to put a light at the Ken Pratt & Great Western
21 intersection. Traffic Engineer Stamey said he not aware of any plans at this time.

22
23 Commissioner Shernick asked about the intersection of Great Western and County Line Road,
24 right now traffic coming out of Wal-Mart has some painted directions on the street to make a left
25 or right hand turn, but those marking can be ignored. Is there anything planned to build changes
26 so traffic is forced a certain direction and not cross over into the neighborhood or a signal at that
27 intersection. Traffic Engineer Stamey said several traffic mitigation devices were installed along
28 Great Western Drive to address the concerns, but there is nothing to prevent the cross movement
29 into the neighborhood. He states traffic counts were done prior to and after the installation of the
30 traffic mitigation devices on Great Western and the numbers before installation were just over
31 1,000 cars per day, and in the last month they counted just over 900 cars per day, a decrease
32 since Wal-Mart opened.

33
34 Commissioner Shernick said there was a letter from a resident about parking and congestion in
35 the neighborhood. They are concerned residents from the apartments will park on the street and
36 block on-street mailboxes and he said it seems like that is something that would need to be taken
37 up with the post office. Senior Planner Pecherzewski said parking is not addressed at the land
38 use amendment phase; it would be addressed during the development review phase. The
39 conceptual plan shows parking on site and angled parking along Iron Horse.

40
41 Commissioner Oliver asked what the height of the existing commercial building is. Development
42 Services Manager said it is two stories, 35 feet in height.

43
44 Commissioner Singer asked how many homeowner associations there are in Mill Village. The
45 response was three.

1 Motion

2
3 **COMMISSIONER SINGER MOVED TO REOPEN PUBLIC INVITED TO BE HEARD**
4 **FOR A MAXIMUM OF 15 MINUTES TO ALLOW THE PUBLIC TO RESPOND TO**
5 **THE DISCUSSION THAT HAS TAKEN PLACE. COMMISSIONER SHERNICK**
6 **SECONDED THE MOTION.**

7
8 Vote

9
10 **MOTION CARRIED: 6-1 WITH COMMISSIONER TOMKINSON DISSENTING.**

11
12 Vice Chairperson Peairs explained the Public Invited to be Heard will be 15 minutes in length
13 and the Commission would like to hear from the residents on what they would like to see on this
14 property.

15
16 Public Invited to Be Heard

17
18 Paul Hart, 237 Mill Village. Mr. Hart would like to have something that integrates in with the
19 development. Low to medium density, no more than two stories in height, same design and feel
20 of the current neighborhood.

21
22 John Thieme, 307 Sugarbin Ct. Mr. Thieme would like to see development as opposed to a weed
23 field. He is interested in something smaller that would integrate into the neighborhood.

24
25 Will Spaulding, 243 Mill Village. Mr. Spaulding would be comfortable with something that is
26 medium density, he said we should not stop this, but it would be better fitting at a lower density.

27
28 Marilyn Ulrich – 246 Mill Village Blvd. Ms. Ulrich is concerned with the density. States as an
29 “empty nester”, she does not want to live in a three story building. She would like to see the land
30 developed with something where they could walk to a dry cleaner or coffee shop. She does not
31 want to see the empty lot any longer, two story maximum, do not put up a three story apartment
32 complex.

33
34 David D., 233 Riverview Ct. He said the area is currently zoned Mixed Use allowing up to 50%
35 residential. Use the land for what it is already designated as.

36
37 Jonah Reger, 238 Sweet Valley Ct.. Mr. Reger states the condominium complex to the south is
38 considered high density residential and it is roughly the same size as the proposed project;
39 however, the density at the proposed project will be greater.

40
41 Mike Hakanson, 307 Mill Village. Mr. Hakanson realized when he bought his property the land
42 owners were not obligated to deliver on the concepts that were presented. There is a high density
43 area but it is not built out that way. He said currently there is bumper to bumper parallel parking
44 for the condos on the south side of Great Western. Mr. Hakanson said if he were the developer
45 with a high density project, he would try to maximize his return and go for the 281 units.

1 Sandra Mitchum, Ciao Bella Hair Salon, 1715 Iron Horse Dr. Ms. Mitchum owns the hair studio
2 in the development and exposure is difficult for a retail establishment. She is concerned high
3 density development in the area will crush any kind of future commercial development. Keeping
4 it mixed use would be better for the community.

5
6 Chris Johnson, 1901 Marti Cir. Ms. Johnson said this is an outlying neighborhood. The
7 development as proposed is bigger than the neighborhood in the number of residents and mass
8 and it will be overwhelming. The only exit to go west out of the neighborhood is at 3rd Avenue.

9
10 Jennifer Hakanson, 307 Mill Village. Ms. Hakanson wants to see the lot developed in a low or
11 medium density. If changed to high density, it could go up to 280 units, almost as many units as
12 the three homeowner's associations. She is afraid that it will change demographics of the
13 neighborhood.

14
15 Time expired for the Public Invited to Be Heard.

16
17 Vice Chairperson Peairs closed the Invited to Be Heard.

18
19 Board Discussion

20
21 Vice Chairperson Peairs said she hears the residents want something low to medium density.
22 The issue is the area is already zoned for Mixed Use, so by definition, Mixed Use has low,
23 medium and high density residential, commercial and possibly some light industrial. Some
24 details like the fencing and having the project fit in can be addressed at the platting stage. She
25 said one thing the residents should be happy to see, the road connections between the current
26 neighborhood and the new development have all been eliminated except Harvest Street. Vice
27 Chairperson Peairs said the height restrictions will be addressed later; there should be good
28 transition from low to high building height. She said there have been attempts to put commercial
29 development in the community, but it is not happening right now. She said the traffic studies
30 done show less traffic with residential than commercial, and if there was commercial or light
31 industrial, there would be issues with deliveries and trucks in the neighborhood. The amount of
32 detail at this point in the process is great and allows this level of conversation. She said if this
33 does go to High Density Residential, she sees the connection of Iron Horse to County Line Road
34 as important.

35
36 Commissioner Oliver has mixed thoughts on the project. He said no one has objected to
37 developing the property, and what the residents want is what was originally presented, but it is
38 obvious that is not going to happen. He said of the 11 apartment buildings being proposed,
39 there are four that are on the southern part of the development that would be directly across from
40 the existing houses. He said there is not a final definitive plan for the apartment buildings or the
41 development, there are still details to come. Commissioner Oliver said he is also very aware that
42 the Planning & Zoning Commission was founded as a citizen's bastion against unrestricted
43 development and citizen's get a right to appeal to fellow citizen's to say this is not what they
44 want. He said he believes if this gets changed to high density there are things that can be done
45 about the development of the individual buildings later in the process.

1 Commissioner Tomkinson said he understands there is a huge need for high density residential in
2 Longmont but he feels they have an obligation to weigh the balance between what is good for the
3 community and what is good for the neighborhood. He said everyone wants to have a project
4 built but not “next to me”, and in this case considering Mill Village is by itself and it is going to
5 be a long time before commercial gets built. If High Density Residential is approved, it can be
6 pared down later in the process, although it may not be and the developer may go for the
7 maximum amount they can. In this case the residents are at our mercy and he is not in favor of
8 high density, if the developer wants to go with medium density they could come back with that.

9
10 Commissioner Shernick states a resident asked if this is needed and it reminds him of the
11 question “what I want versus what I need”. He can see two sides, the developer needs rentals,
12 that is what is selling in the market. He said no one is going to do a development of single
13 family homes; it is a very thin market right now. The neighborhood needs low density
14 residential, mixed use, single family homes. He said the commission has to look at the macro
15 level, what does the city need and that is where he has not heard much discussion.

16
17 Commissioner Yale said she heard a lot of people say they would like to coffee shops and things
18 they can walk to, but until you have enough people to give those types of businesses reason to be
19 there and ability to make a profit, you will not see that. She would be in favor of the change to
20 the property.

21
22 Vice Chairperson Peairs said she is a volunteer on the Commission, she is not representing the
23 City, she said this is a lot of information to have at this point and to have this discussion is
24 amazing. She thinks there is a need for rental properties in the community, and everyone has a
25 different subjective concept of what an apartment means and in general there is a negative
26 connotation. She heard several residents mentioning it is not amenable to seniors, but there are
27 ground floor units. There is not commercial in the area, but in the “build it and they will come”
28 scenario, it could happen, that is how Prospect was built. She said it is true that some people will
29 live here for the easy access to I-25 and they will work outside of the community, but they will
30 still live here, they will shop and eat in the community.

31
32 Commissioner Oliver asked whether they had to give full approval to high density residential
33 which would allow the maximum amount of density, or could they add conditions to their
34 Resolution suggesting a cap on maximum density? Development Services Manager Marsh said
35 as part of a land use amendment, the Commission is a recommending body to City Council; they
36 do not necessarily approve or deny. Having conditions is an option and in the past the
37 Commission has recommended the lower range of the high density. She said the range is 12-30
38 units per acre and the commission may want to consider that if they are hearing from the
39 residents that they would like to see medium density. The developer is looking for high density,
40 which may aid in a compromise at the time of development review.

41
42 Motion

43
44 **VICE CHAIRPERSON PEAIRS MOVED APPROVAL OF 2011-13A AS WRITTEN.**
45 **COMMISSIONER YALE SECONDED THE MOTION.**

1 Discussion of the motion
2

3 Commissioner Yale asked if there was a maximum put on the motion. Vice Chairperson Peairs
4 said no conditions were put on the motion.
5

6 Commissioner Singer said he would not be in favor of the motion. He said two things he is
7 looking at: Is there a need? He thinks there is a need. At this place and time? He said the time
8 is right because of the need and the money is there, but he is not sure this is the right place. He
9 would prefer to see this item postponed and the HOA and the applicant come back with some
10 medium ground.
11

12 Commissioner Tomkinson said if they want it to be medium, they should vote no, and make the
13 applicant come back with a medium proposal.
14

15 Vote
16

17 **MOTION FAILED: 4-3 WITH COMMISSIONERS TOMKINSON, SHERNICK,
18 SINGER AND OLIVER DISSENTING.**
19

20 Deputy City Attorney Rourke said at this point are they going to deny the application or move to
21 make a recommendation with modifications.
22

23 Commissioner Singer asked the commissioners if there was a conditional PZR 2011-13B, what
24 types of conditions would go on the PZR.
25

26 Commissioner Shernick asked if the only condition that could be presented would be on density
27 and he received a “yes” response. He said to look at a potential “bird in the hand” for the
28 development and then turn it away is possibly a very bad idea, as a neighborhood they could now
29 be waiting an extremely long time for anything else to come along.
30

31 Motion
32

33 **COMMISSIONER SHERNICK MOVED APPROVAL OF PZR 2011-13B WITH THE
34 CONDITION THAT THE DENSITY BE KEPT AT 12 DWELLING UNITS PER ACRE.
35 COMMISSIONER SINGER SECONDED THE MOTION.**
36

37 Discussion of the motion
38

39 Commissioner Singer said the more he considers this, he just wants to get a motion going with
40 his “second”. If the motion passes and goes to City Council, he encouraged the homeowners to
41 speak with City Council about the discussion this evening. He said he will be voting “no” on the
42 motion and he thinks there is an opportunity for the homeowners to come back to City Council
43 and discuss their concerns.
44

45 Vote
46

1 **MOTION FAILED: 5-2 WITH COMMISSIONERS TETA, PEAIRS, YALE, SINGER**
2 **AND OLIVER DISSENTING.**

3
4 Vice Chairperson Peairs said it appears there are some on the Commission who are looking to
5 approve the high density land use as requested and there is another point of view that it should be
6 deferred and worked out with the developer and the neighbors. Deputy City Attorney Rourke
7 reminded the Commission that this is a recommendation to the City Council.

8
9 Commissioner Oliver said if the Commission starts dictating densities, he does not know the
10 economics of the project, but it could go away or not be feasible. He does not feel competent to
11 know where the happy medium is, he would like to see the developer and the HOA's try to come
12 up with an organic compromise.

13
14 Vice Chairperson Peairs said she feels the Commission is micromanaging the process at a point
15 where it should not be and there has been so much work put into this, there has already been
16 some compromise made and does not want the developer to feel like they shot themselves in the
17 foot by giving so much information early on. A recommendation needs to be made to City
18 Council but it should stay within the parameters of the land use that is available.

19
20 Commissioner Oliver said the option is to vote yes on PZR 2011-13C, a denial of the high
21 density, and forward it on to City Council. Vice Chairperson Peairs said that would be a denial
22 of the high density and that would open it up for the developer to come back with another plan,
23 but we don't want to deny development entirely.

24
25 Commissioner Yale said some people were concerned the developer would go to the maximum
26 density allowed, and the developer is at 81% right now. She suggested a condition capping the
27 density at 80%.

28
29 Motion

30
31 **COMMISSIONER YALE MOVED APPROVAL OF 2011-13B WITH THE CONDITION**
32 **THE DEVELOPER KEEP THE DENSITY AT 80% OF THE MAXIMUM UNITS FOR**
33 **HIGH DENSITY RESIDENTIAL.**

34
35 Discussion of the motion

36
37 Vice Chairperson Peairs said that is where the developer is right now. She asked for a second on
38 the motion.

39
40 Vote

41
42 **MOTION DIES DUE TO LACK OF SECOND.**

43
44 Commissioner Oliver said he thinks the commission is getting back to micromanaging this and it
45 seems they are leaning towards not having it developed as densely as proposed and the
46 commission should deny it. He said they could also do the middle ground with PZR 2011-13B

1 with the recommendation of medium density, but that is not what is in front of the commission
2 right now.

3
4 Vice Chairperson said she thinks a motion could be put out with a condition of medium density.
5 Development Services Manager Marsh said the Commission is make a recommendation to City
6 Council, and they will either accept the recommendation or not and they will act on the
7 application that is before them.

8
9 Mr. Van Benthem said the developer recognizes there is a density issue and they do not want an
10 overly dense project either. He said on the other hand the financial numbers need to work out;
11 they tried to come in with a number that makes financial sense and still allow design latitude to
12 address the concerns of the neighbors.

13
14 Motion
15
16 **COMMISSIONER TOMKINSON MOVED APPROVAL OF PZR 2011-13C AS**
17 **WRITTEN. COMMISSIONER SHERNICK SECONDED THE MOTION.**

18
19 Discussion of the motion
20
21 No additional discussion of the motion.

22
23 Vote
24
25 **MOTION FAILED: 4-3 WITH COMMISSIONERS PEAIRS, YALE, SINGER AND**
26 **OLIVER DISSENTING.**

27
28 Motion
29
30 **COMMISSIONER SINGER MOVED FOR A 5 MINUTE RECESS. COMMISSIONER**
31 **TETA SECONDED THE MOTION.**

32
33 Discussion of the motion
34
35 No additional discussion of the motion.

36
37 Vote
38
39 **MOTION PASSED: 5-2 WITH COMMISSIONER PEAIRS AND YALE DISSENTING.**

40
41 Motion
42
43 **COMMISSIONER YALE MOVED APPROVAL OF PZR 2011-13B WITH THE**
44 **CONDITION THE DEVELOPMENT ON THIS PROPERTY FALL IN THE MID-**
45 **RANGE OF THE HIGH DENSITY RESIDENTIAL UNITS PER ACRE.**
46 **COMMISSIONER TETA SECONDED THE MOTION.**

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Discussion of the motion

Commissioner Singer said the Commission is not going to pick the winners and losers, but it is their responsibility to provide to the City Council, some concrete direction. He asked to amend PZR 2011-13B to include that the applicant and presidents of the HOA’s work together. Deputy City Attorney Rourke said this is a land use amendment and does not feel that is appropriate at this time. Commissioner Singer asked to make a motion to recommend that the applicant and the HOA presidents provide a list of areas of common ground. Deputy City Attorney Rourke said that does not fall into the criteria. Commissioner Singer withdrew.

Vote

MOTION PASSED: 4-3 WITH COMMISSIONERS TOMKINSON, SHERNICK AND SINGER DISSENTING.

Vice Chairperson Peairs read the process notice.

7. Final Call – Public invited to be heard

Vice Chairperson Peairs opened the final call – public invited to be heard.

Joe Bassman, 3414 Lake View Cir. Mr. Bassman spoke to the commission about fracking.

Shelley Bassman, 3414 Lake View Cir. Ms. Bassman spoke to the commission about fracking.

No one else wished to speak.

Vice Chairperson Peairs closed the final call – public invited to be heard.

Vice Chairperson Peairs asked about the involvement of the Commission with the fracking issue. Development Services Manager Marsh said there are no applications submitted to the City at this time. The wells are located on city property where mineral rights have been severed or leased, so there are some pre-existing conditions. The super-committee idea was raised at City Council and the role of Commission would be as the quasi-judicial board making the final decision. The education information they receive will be part of the record so staff will be sure the Commission has the same information the other boards and commissions receive. Deputy City Attorney Rourke advised the commission, as a quasi-judicial body, they can only make a decision on the evidence presented as a part of the public hearing and not to consider anything that has not come in as part of the record.

Vice Chairperson Peairs said this issue is coming fast before the City is prepared for it. Council Member Santos said when City Council met with Boulder County Commissioners, Boulder County did give a one sided view of this type of drilling. He states he recommended to City Council and directed staff to bring back an educational piece which was presented to City

1 Council November 15th. Council Member Santos said this is a rush to educate and get City
2 Council up to date on what can and cannot be done.

3
4 **8. Items from the Development Services Manager.**

5
6 Development Services Manager Marsh said there are not items for the December 21st meeting
7 and that meeting will be cancelled.

8
9 **9. Items from the Commission**

10
11 Commissioner Tomkinson asked if they should be educating themselves on fracking. Deputy
12 City Attorney Rourke said there is nothing to stop them from doing that but advised they need to
13 consider the information the City provides to commission.

14
15 Commissioner Oliver reviewed with the Commission what they voted on tonight with the Mill
16 Village project. He said the applicant is at 81% of the maximum of the allowable density, to him
17 that translates to 25 units per acre. The commission recommended the middle range of high
18 density, which is 21 units per acre. Vice Chairperson Peairs said the Commission gave a
19 recommendation to Council, but the applicant heard what the concerns are. She thinks there was
20 good discussion, it is in the record, the neighbors are involved and they will get to a point where
21 something works.

22
23 **10. Items from the Council Representative Gabe Santos**

24
25 Council Member Santos commented this was a very interesting meeting. He said he does know
26 of elderly people over 70 years of age who are looking for apartments and they will take
27 anything on the 3rd floor. He said his concern is with opening Public Invited to Heard again,
28 everyone has an opportunity to speak at the beginning and the end and it opens it up to more than
29 they are bargaining for.

30
31 Council Member Santos thanked the board and advised the commission he will be leaving this
32 board and allow another council member the opportunity.

33
34 **11. Adjournment**

35
36 **VICE CHAIRPERSON PEAIRS MOVED ADJOURNMENT OF THE MEETING. NO**
37 **ONE WAS OPPOSED.**

38
39 The meeting was adjourned at 10:19 p.m.

40 Respectfully submitted,

41
42
43 Vice Chairperson Peairs
44 Planning and Zoning Commission

45
46 /jm 11/17/11