



PLANNING COMMISSION STAFF REPORT

REZONING CASE: RZ-18-003 **REPORT DATE:** September 6, 2018

CASE NAME: 13th & Newland
Rezoning **PLANNING
COMMISSION
DATE:** October 3, 2018

**ADDRESSES OF
REZONING
PROPOSAL:** 6600 W. 13th Ave.
1275 Newland St.
Lakewood, CO 80214 **APPLICANT:** Anthony Brocato
Broco 4, LLC
PO Box 181057
Denver, CO 80218

**APPLICANT'S
CONSULTANT:** Eric Blase
Studio 646 Architecture
15940 S. Golden Rd.
Golden, CO 80401

REQUEST:

To rezone the properties located at 6600 W. 13th Avenue and 1275 Newland Street, Lakewood, CO 80214 from Small Lot Residential (R-1-6) and to Mixed-Use Residential Urban (M-R-U).

CITY STAFF:

Planning - Development Assistance
Engineering - Development Assistance
Traffic Engineering
Property Management
Community Resources

Stephen Wilson, Project Manager
Keith Hensel, Civil Engineer III
John Padon, Traffic Engineering Manager
Spencer Curtis, Right-of-Way Agent
Ross Williams, Parks Planner

STAFF RECOMMENDATION:

That the Planning Commission recommends that the City Council approve Case No. RZ-18-003.

Stephen Wilson, Principal Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

ATTACHMENTS TO THE REPORT:

Attachment A – Conceptual Land Use Plan
Attachment B – Aerial Map
Attachment C – Zoning Map
Attachment D – Neighborhood meeting summary
Attachment E – Neighborhood support letters

SUMMARY OF REQUEST

The applicant has submitted an application to rezone the properties located at 6600 W. 13th Avenue and 1275 Newland Street from Small Lot Residential (R-1-6) and to Mixed-Use Residential Urban (M-R-U). The land area is approximately ½ acre in size and the existing structures have already been removed.

As depicted in Figure 1 below, the subject properties are located west of the Lamar Light Rail Station, south of W. 13th Avenue and west of the West Line Flats apartments.

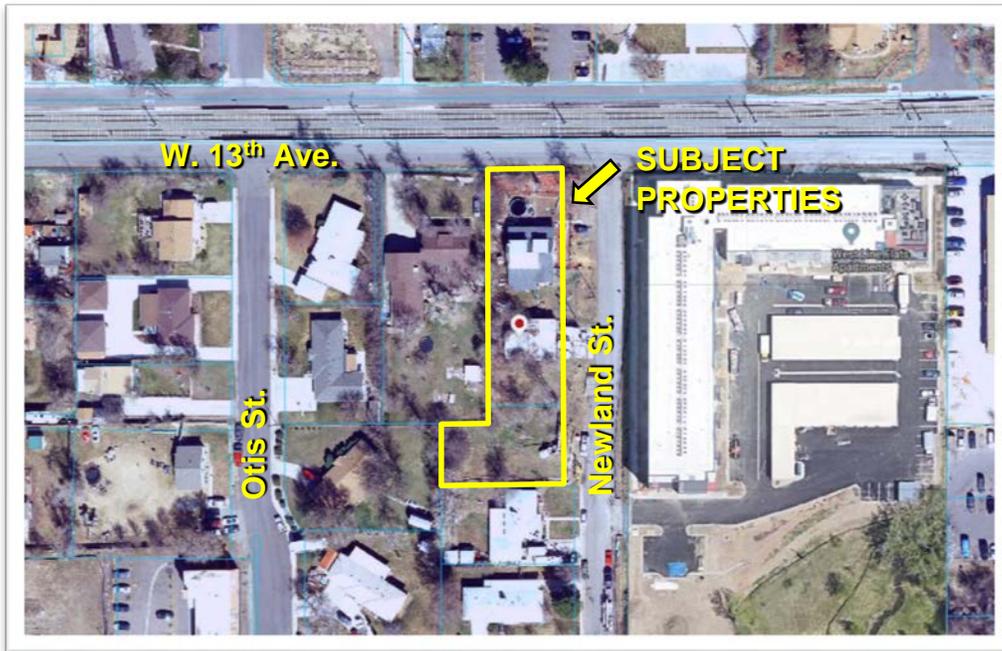


Figure 1 – Aerial Photograph

PROCESS – REQUIRED CITY APPROVALS

Overview - The rezoning process includes a preplanning application, neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing with the Lakewood City Council. The Planning Commission will review the rezoning request at the public hearing and then make its recommendation to City Council. The City Council will then review the Planning Commission public hearing meeting minutes, the Planning Commission recommendation, the staff report, and then hold a second public hearing, after which they will make a final decision on the rezoning application.

If the rezoning is approved, the applicant may proceed with a proposal for a site plan or a proposal for both a site plan and a subdivision. Future site plan and subdivision proposals must meet the City's development standards and a Public Improvements Agreement (PIA) will be required based on the specific proposal at that time.

Plans: All rezoning applications are required to include a Conceptual Land Use Plan. The Conceptual Land Use Plan for this case is included as an attachment to this staff report (Attachment A). The Conceptual Land Use Plan outlines the specific elements that are unique to the site and the plan is intended to supply enough information about the rezoning request for the Planning Commission to make its recommendation and the City Council to make a decision.

The Major Site Plan and Subdivision Plat, which are not a part of the rezoning process, will determine final layout of buildings, open space, building architecture, landscape design and other site elements. The Major Site Plan and Subdivision Plat will be reviewed against the standards in the Zoning Ordinance, the Subdivision Ordinance, the Engineering Regulations as well as the Conceptual Land Use Plan. The Major Site Plan and Minor Subdivision Plat may be approved administratively provided the proposal(s) meet the City's standards.

ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	Residential Multifamily (R-MF)	Small Lot Residential (R-1-6)	Mixed-Use Residential Urban (M-R-T)	Small & Large Lot Residential (R-1-6 & R-1-12)
Adjacent Land Uses	Light rail and multifamily	Single family residential	Multifamily residential	Single family residential

(See Attachment B - Aerial Map and Attachment C - Zoning Map)

Existing Conditions – The properties are part of the Lakewood, Block 27 Lot Line Adjustment No. 1 plat. The plat, recorded in 2004, combined the 12 existing lots created by the Lakewood Subdivision into 2 lots. The original lots were approximately 33 feet wide.

There were two dilapidated structures on site that have already been removed. There are currently no improvements such as curb, gutter and sidewalks on the perimeter of the properties and the topography is generally flat. The existing homes to the west are in good condition and the apartment building to the east is new.

AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 485 tenants and owners of property within 500 feet and to 5 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The project material was also sent to 8 outside referral agencies for review, as indicated in the table below.

Agency	Notification for Neighborhood Meetings Sent	Notification for Planning Commission Hearing	Referral Sent	Comments Received
Century Link			X	X
Comcast Cable			X	
Consolidated Mutual Water Company			X	X
Jefferson County Schools			X	
Lakewood Police Department			X	X
Lakewood Sewer Utility			X	X
West Metro Fire Protection District			X	X
Xcel Energy			X	X
Property Owners within 500 feet	X	X		

Capistrano Court	X	X		
Country Club Condos HOA	X	X		
Luckland Vista HOA	X	X		
Two Creek Neighborhood Organization	X	X		X
West Colfax Community Association				

Agency Review - The City received no objections in response to the case referrals. The following is a summary of the comments received in response to the agency referral documented in the chart above.

1. Century Link: No objections to the proposed application.
2. Consolidated Mutual Water Company: No objection to the proposed rezoning. A new application for water service will be required with a change of use, at which time, the property will be required to comply with the all rules, regulations, and requirements for such use.
3. The Lakewood Police Department: Crime Prevention Through Environmental Design (CPTED) recommendations will be provided with a site specific development.
4. Lakewood Sewer Utility: Rezoning to higher densities may case more capacity issues than what were identified in the current Wastewater Management Plan. Lakewood Utility will require a sewer capacity study with site development.
5. The West Metro Fire Protection District: No comments regarding the proposed rezoning request. Fire service will be provided as long as the provisions of the International Fire Code, 2012 edition, including amendment, are met in the development. Fire access, water supply, and other fire protection requirements will be addressed with the site plan and building permit submittals.
6. Xcel Energy: Owns and operates existing electric facilities within the proposed project area. Xcel Energy has no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights for electric distribution facilities.
7. Two Creeks: Supports the rezoning. See Attachment D regarding letter of support.

Neighborhood Comments - A neighborhood meeting was held on March 17, 2018 to introduce the proposal and gather feedback. Neighborhood stakeholders were supportive of the proposal and asked questions about the following issues:

- Existing Conditions
- Building and Site Design
- Public Improvements
- Process

See Attachment E for a summary of the neighborhood meeting.

PROJECT ANALYSIS

Overview - The subject properties are currently zoned Small Lot Residential and the zoning does not allow for townhomes which is the type of development intended by the applicant. The zoning across the street is Mixed-Use Residential Urban and the new West Line Flats is a 155 unit, 6 story apartment building. If rezoned, the subject properties will have a height transition zone that will limit the building height to 35 feet. Based on the shallow depth of the subject property and the height transition zone, townhomes are not only a logical residential product, they would provide a transition in height and density between the single family residential to the west and the multifamily to the east.

Comprehensive Plan - The primary document for guiding land use decisions is the *Lakewood 2025: Moving Forward Together Comprehensive Plan*. The Comprehensive Plan is a long-range plan that looks 10 years into the future. It is a policy document that provides guidance to City Council, Planning Commission, City staff, residents, businesses, and developers to make informed decisions about the current and future needs of the community.

The purpose of the Comprehensive Plan is to identify and articulate the residents' values and goals and help the community achieve its desired future through a vision statement, guiding principles, goals and actions steps. The City's Vision Statement is articulated on pages 3-5 & 3-6 of the Comprehensive Plan and it is intended to set a direction for the future of the city rather than being simply a prediction.

The context for the City's Community Vision, and an important factor shaping the City's future, is population growth. The Denver Regional Council of Governments (DRCOG) projects that Lakewood's population will increase by approximately 47,000 people between 2010 and 2035. DRCOG also estimates that employment within the city will increase by approximately 33,500 jobs.

The Comprehensive Plan has a Land Use Vision Map (Map 3-d, page 3-21) that indicates Growth Areas. The Growth Areas are intended to accommodate the vast majority of the residential and employment increase anticipated for the City. As depicted in Figure 2 below, the subject property is within a Growth Area.

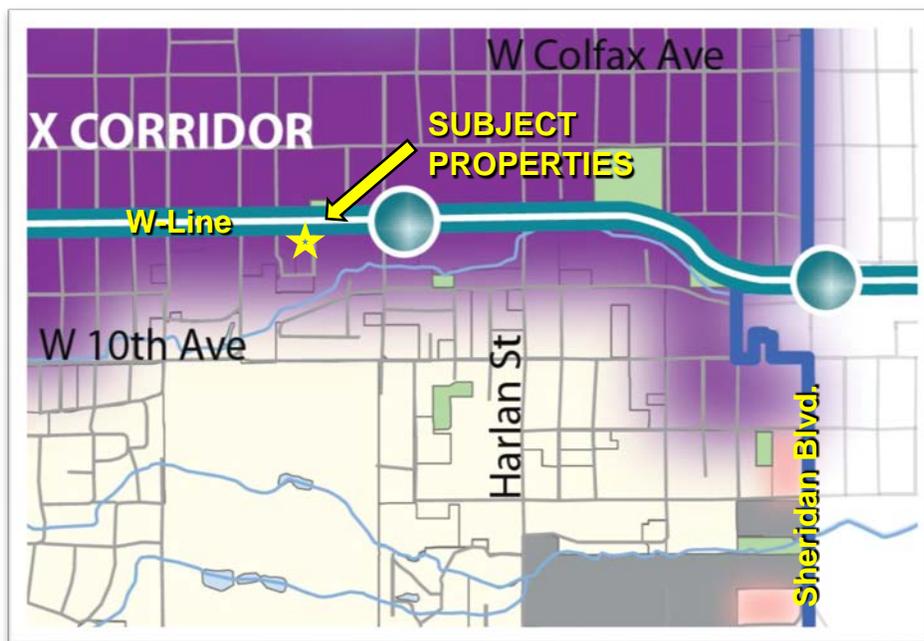


Figure 2 - Excerpt from the Growth Area map.

 Growth Area

More specifically, the project is in the Lamar Station Growth Area and is in an area with a designation of 'Lower Density Residential,' allowing projects with a density of up to 10 units per acre. So, the Comprehensive Plan would not support the proposal at the proposed density. However, the project is still within the growth area and not outside of it, so if there is strong neighborhood support, then it may be *considered* for compliance with the Comprehensive Plan. Additionally, it could be argued that there has been a material change in the neighborhood.

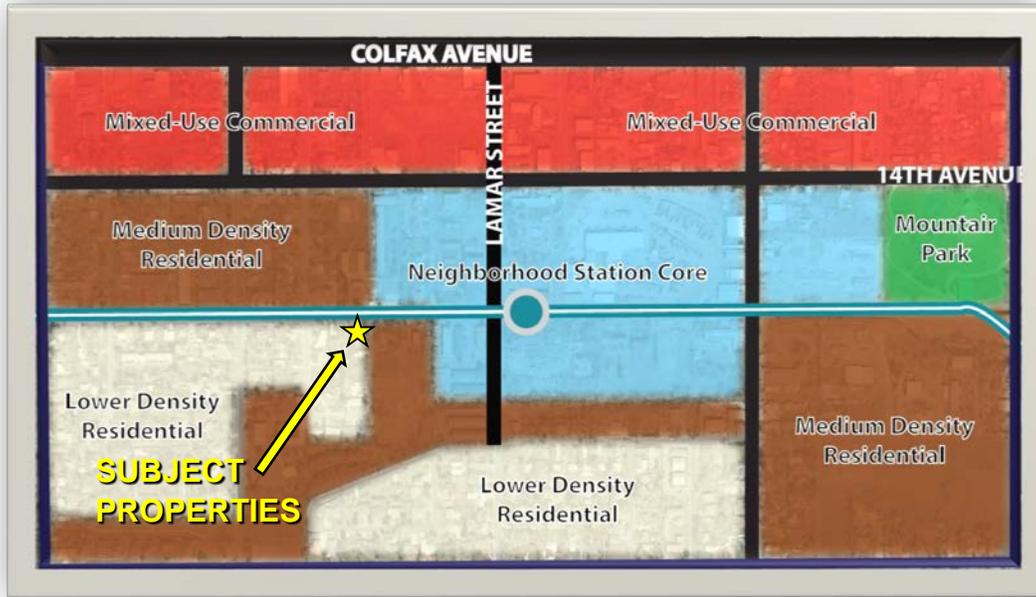


Figure 3 – Excerpt from the Lamar Station Map

Lakewood Zoning Ordinance - The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and planning process. As stated in the Mixed Use District Descriptions of the Zoning Ordinance (Section 17.3.4.2), the Mixed-Use *Neighborhood* description is as follows:

The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

The third letter in the zone district acronym represents the context. In the M-R-U zoning, the “U” stands for the Urban context and the Zoning Ordinance (Section 17.3.4.3) describes the Urban context as reflecting “...a more pedestrian-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is more conducive to pedestrian and bicycle access. The context requires that buildings be located within a short distance of adjacent public streets, with parking located behind or to the side of buildings.”

Development standards vary depending on the zone district and the zone district standards directly affect the use and form of allowable development. In the M-R-U zone district, there are specific dimensional and design standards that must be followed for all development. A summary of some of the main standards are as follows:

- The maximum commercial/office use per building is limited to 20% of the gross floor area. Or stated differently, there could be no commercial use without a residential use making up 80% of the gross floor area.

Although no commercial uses are proposed for the site, based on the buildable area of the site (site area minus setbacks and open space), the 35-foot height limitation and accounting for the required parking, the maximum commercial square footage that would fit on-site is ~3,000 square feet (a small site down restaurant or an extra-large coffee shop).

- A 75-foot wide height transition zone is required when an M zone district abuts and R zone district where a single-family or duplex structure exists. This effectively limits the maximum building height for the entire site to 35 feet.
- A 125-foot wide design transition zone is required when an M zone district abuts an R zone district where a single-family or duplex structure exists. This provision will allow staff to include neighborhood comments regarding the architectural style.
- A landscape transition zone is required whenever an attached dwelling (townhome), multifamily, institutional, mixed-use, commercial or light industrial development is adjacent to a single-family dwelling or duplex residential use within a single-family or duplex zone district.

The Conceptual Land Use Plan (see Attachment A) outlines the specific development standards that are applicable to the site.

Review Criteria - The review criteria for rezoning requests are outlined in Section 17.2.3.3.A of the Lakewood Zoning Ordinance. Staff's analysis of the project against these standards is provided below in Section A. Finally, there are specific engineering standards that must be met, which are summarized in Section B below.

A. Conformance with Standards for Rezoning Criteria §17.2.3.3.A:

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2.

The proposed rezoning will support the purpose and intent of the Zoning Ordinance as follows:

- Public health, safety and welfare of the citizens of the City of Lakewood will be improved because it will provide an opportunity for development that is adjacent to public transportation and an opportunity for new residential units where neighborhood security could be improved.
- Rezoning to the Mixed-Use Residential zone district is appropriate given the M-R district's intent to allow for compact multifamily and townhome residential development with a variety of densities.
- The rezoning process supports the intent of the Zoning Ordinance by promoting orderly development through a public process and allowing an opportunity in an area that is desired by the community (as demonstrated by the support at the neighborhood meeting).

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.

The proposed rezoning is compatible with the existing surrounding land uses as follows:

- The M-R-U zone district is a neighborhood serving residential-based zone district that limits the amount of commercial building allowed in new developments.
- The zoning standards, as mentioned above, limit the height of buildings when adjacent to single family and two family zoning. The limitation on height will provide a transition from the single family homes on the west to the multifamily residential on the east thus improving compatibility with the existing neighborhood.

3. The proposed rezoning meets at least one of the following:

The zoning ordinance requires that one of the following three factors must exist.

i. The proposed rezoning promotes implementation of the Comprehensive Plan.

The proposed rezoning will promote the implementation of Lakewood Comprehensive Plan as follows:

- The subject properties are within a Growth Zone and within the Lamar Station Area.
- The proposed rezoning will support the community's vision to be innovative and accommodate the changing economic, employment and housing conditions by enabling an opportunity adjacent to the Lamar Station.
- The proposed rezoning will support the community's guiding principles, goals and actions steps by:
 - Strengthening and supporting Lakewood's neighborhoods (L-N3) by allowing additional residential development within a walkable district to the Lamar Station.
 - Promoting clean and safe neighborhoods (L-N5) by allowing an opportunity for the development of underutilized properties; and
 - Encouraging and supporting communication among neighborhoods and between the City and neighborhoods (L-N6) through a public process; and
 - Providing a new opportunity to meet the housing needs of all segments of the community (L-H1) by expanding the allowable uses to include townhomes and multifamily residential; and

ii. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

- Based on the introduction of the W-Line and the new West Line Flats apartments, there has been a material change in the neighborhood. The proposed rezoning would be consistent with the change in the neighborhood because single family homes on 6,000 square foot lots, as required under the current zoning, are unusual in today's housing construction due to cost.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. Public improvements will be required with the development of these properties and will be identified in a Public Improvements Agreement (PIA) that will be finalized at the time of Subdivision Plat and/or Major Site Plan review. The requirements for public street(s) and sidewalk connections for vehicles and pedestrians will be based on future proposed site plans. Water quality and detention will be provided with site development.

FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood meeting, and this staff report, staff supports the rezoning request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

- A. Anthony Brocato, property owner, is proposing to rezone from Small Lot Residential (R-1-6) to Mixed-Use Residential Urban(M-R-U); and
- B. Notice of the Public Hearing was provided to the fee owners of property and residents within 500 feet and registered neighborhood organizations within a 1/2 mile as required by the Lakewood Zoning Ordinance; and
- C. Notice was published in the official City newspaper at least six days prior to the hearing; and
- D. Notice was posted at the property at least 14 days prior to the hearing; and
- E. The request was reviewed by the appropriate referral agencies; and
- F. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and
- G. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan; and
- H. The proposed rezoning promotes the implementation of the Comprehensive Plan; and

AND

The Planning Commission adopts the findings of fact and order, A through I, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-18-003.

cc: Case File- RZ-18-003
Anthony Brocato, Applicant