



PLANNING COMMISSION STAFF REPORT

REZONING CASE NO. RZ-18-001
CASE NAME: Lennar Rezoning

REPORT DATE: November 7, 2018
PC DATE: December 5, 2018

ADDRESS(ES) OF REZONING:
1950, 1960 & 1970 S. Newland St.
Lakewood, CO 80227

CASE ADDRESS:
6000 W. Jewell Ave.
Lakewood, CO 80227

APPLICANT:
Lennar
Kent Pedersen
9781 S. Meridian Blvd., Ste. 120
Englewood, CO 80112

PROPERTY OWNER:
Heitler Land Company
Bruce Heitler
1410 Grant Street, Ste. A201
Denver, CO 80203

REQUEST:

The request is to rezone Lot 4 of the Lakeridge Subdivision Filing No. 3 addressed as 1950, 1960 & 1970 S. Newland St. from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2) to allow for the development of single-family detached homes.

CITY STAFF:

Development Review Planning
Development Review Engineering
Traffic Engineering
Property Management
Community Resources

Kara Mueller, Senior Planner
Shawn DeJong, Engineering Development Coordinator
John Padon, Manager, Traffic Engineering
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-18-001.

Kara Mueller, Senior Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

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SUMMARY OF REQUEST

The request is to rezone the Lot 4 of the Lakeridge Subdivision Filing No. 3 located at 1950, 1960, & 1970 S. Newland St. from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2). The applicant is proposing deed restrictions that:

1. allow for only single-family detached, one-story homes;
2. provide an R-1-43 zoned lot for the existing barn;
3. provide a tract with a minimum width of 75 feet to create a buffer between the proposed lots and the existing residences directly to the east;
4. assure the eastern most four lots will be larger adjacent to the minimum 75-foot wide buffer with the two closest of these lots being a minimum of ½ acre each;
5. provide either landscape or an eight-foot solid decorative precast concrete panel wall.
(See Attachment F).

The total land area is approximately 5.7 acres. As depicted in Figure 1 below in yellow, the subject property is located west of the West 6200 Jewell neighborhood, north of existing R-1-43 zoned properties, is south of Shwayder Lake and east of the Green Gables development. The area shown in red is the landscaped buffer tract and barn lot that are to remain zoned R-1-43.



Figure 1

PROCESS – REQUIRED CITY APPROVALS

Overview – The rezoning process includes a 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 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.

Currently, there is a minor subdivision (Lakeridge Subdivision Filing No. 3) being processed that will plat this site into one buildable lot. If the rezoning is approved, the applicant will record the deed restrictions and minor subdivision plat after the required 45-day referendum period. Then the applicant may proceed with a proposal for a major subdivision and major site plan. The subdivision in review meets the City's subdivision, design and development standards and the future major subdivision and major site plan proposals must meet these City standards. A Public Improvements Agreement (PIA) will be required based on the future Major Subdivision and Major Site Plan proposal.

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 E). 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 Major Subdivision Plat, which are not a part of the rezoning process, will determine final layout of roads, buildings, parking lots, open space, building architecture, landscape design and other site elements. The Major Site Plan and Major 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 may be approved administratively provided the proposal(s) meet the City's standards. The Major Subdivision will require a hearing before Planning Commission.

The Minor Subdivision is approvable and final notice of the Director's Determination will be sent in accordance with the Lakewood Zoning Ordinance. This minor subdivision will plat the subject property as Lot 4 of the Lakeridge Subdivision Filing No. 3. If this rezoning request is approved, then the Lakeridge Subdivision Filing No. 3 plat will be recorded after the required 45-day referendum period for the rezoning case and before the rezoning ordinance and deed restrictions.

ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	One Acre Residential (R-1-43)	One Acre Residential (R-1-43)	One Acre Residential (R-1-43)	Unincorporated Jefferson County Planned Unit Development (PUD)
Adjacent Land Uses	Vacant land and Shwayder Lake	Single-family homes	Gated Community of Single-family homes	Single-family homes

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

Existing Conditions – The property is currently vacant with the exception of a barn and agricultural building in the southeast portion of the property and house to the southwest. The topography of the property slopes from the southern property line to the northern property line.

The property to the east is within Unincorporated Jefferson County and is zoned Planned Unit Development (PUD). The PUD allows for a maximum density of 15 du/acre across from the northern portion of the site and a maximum density of 5 du/acre across from the southern portion of the site. The properties to the north, south and east are zoned One Acre Residential (R-1-43) and allow for 1 du/acre. The lot sizes within Green Gables that are directly adjacent to this site

range from 7,496 to 16,551 square feet in size. The plats of the eastern portion of Green Gables have a wide range of lot sizes ranging from 4,000 to 18,000 square feet in size.

Development History – This property has historically been used as farm land. The Green Gables Country Club and golf course to the west is currently being developed in Unincorporated Jefferson County as a residential development of various densities with some commercial near South Wadsworth Boulevard.

In January of 2017 two rezoning proposals went to a public hearing before Planning Commission to rezone the subject property from R-1-43 to R-2 with deed restrictions in order to develop detached single-family homes and to rezone the property north of Shwayder Lake adjacent to West Jewell Avenue from R-1-43 to R-MF to construct a group residential facility. Both of these rezoning applications were recommended for approval by the Planning Commission to the City Council. The applicant chose to remove both applications to continue to work with the surrounding neighbors that still had concerns with the proposals. The property north of Shwayder Lake is not part of this rezoning proposal. After working with the surrounding neighbors the applicant revised the deed restriction so that the closest four lots would be larger, with the closest two being a minimum of a ½ acres in size to address the neighbors' concerns.

AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 111 tenants and owners of property within 500 feet and to 12 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 7 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
West Metro Fire Protection District			X	X
Bancroft-Clover Water and Sanitation District			X	X
Xcel Energy			X	X
Century Link			X	X
Comcast Cable			X	
Lakewood Police Department			X	X
Jefferson County Public Schools			X	X
Property Owners within 500 feet	X	X		
South Lakewood Business Assn.	X	X		
Greenbrier-Cloverdale HOA	X	X		
Lakewood Estates HOA	X	X		
Ward Lake Association, Inc.	X	X		
West 6200 Jewell HOA	X	X		
Emerald Estates HOA	X	X		
Lakewood Estates Patio HOA	X	X		
Bit-O-Sea Lake Association	X	X		
Wild Flower Patio Homes	X	X		
Sun Pointe II HOA	X	X		
Summer Field Townhomes	X	X		
Sanderson Creek HOA	X	X		

Referral Agencies' Comments - 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. West Metro Fire Protection District had no objection to the proposed rezoning. Access to existing properties and structures must be maintained. The water plan, fire hydrant locations and fire apparatus access will be assessed as formal site development plans are submitted.
2. The Police Department performed a Crime Prevention Through Environmental Design (CPTED) review and had no concerns with the rezoning and will provide future comments with a development proposal.
3. Bancroft-Clover Water and Sanitation District had no objection to the proposed rezoning and water and sanitary sewer services will be provided to the subject properties based on the district's requirements.
4. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.
5. Century Link had no objection to the proposed rezoning.
6. Jefferson County Public Schools reviewed the information and has no objections to the proposed rezoning and will evaluate any development proposal when additional information is available.

Neighborhood Comments –The neighborhood meeting was held on January 30, 2018 to introduce the proposal and gather feedback on the rezoning request to change the zone district from R-1-43 to R-2.

Neighborhood stakeholders asked questions about the following issues:

- Density of units and layout
- Traffic generation
- Age-restriction
- Process

The applicant described the housing type as low maintenance lots with 1-story patio style homes with walkout basements. The applicant also stated that the units would be marketed to active seniors, however an age-restrictive deed would not be placed over the property.

Traffic generation onto West Jewell Avenue was a concern given the recent addition of traffic from the Green Gables development. The traffic generated from approximately 28 single-family homes will be minimal during peak times.

The applicant presented their rezoning request from R-1-43 to R-2 and their proposed private deed restrictions that would effectively 1) limit the primary use to single-family detached ranch style units with walk-out basements, 2) provide a minimum 75-foot wide buffer, 3) provide two half acre sized lots adjacent to the buffer and 4) provide a transition in lot size to the west between these larger lots and the typical R-2 sized lots. The applicant stated that they have been working with the neighborhood to the east over the last several months to discuss the rezoning and deed restrictions that could meet both group's needs. This results in approximately 28 lots, which is 10 lots fewer than were proposed with the previous rezoning attempt for this property. The private deed restriction for this case is included as an attachment to this staff report (Attachment E).

See Attachment F for a summary of the neighborhood meeting and Attachment G for public correspondence.

PROJECT ANALYSIS

Overview - The subject property is currently zoned R-1-43. The R-2 zone district allows for single-family and duplex residential uses. The applicant has signed and notarized a deed restricting the type of housing to detached single-family 1-story homes with walk-out basements. Further there is a buffer with improvements proposed with four larger lots located at the eastern portion of the site that will provide a transition in the lot sizes from east to west across the site. The deed restriction will preclude duplexes and limit the height of the houses. The applicant is also intending on marketing to seniors to fill a community need for smaller lots with ranch style homes for independent senior living. There is not a deed restricting sale of the homes to seniors only. The request will effectively fulfill the goal of providing a variety of housing types within Lakewood, whether senior occupied or not.

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 Comprehensive Plan is available on the City's website under the following URL:
<http://www.lakewood.org/CommunityPlans/>

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 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. The subject property is to the east of the Jewell and Wadsworth growth area boundary. The recent material change in the area with the development of the Green Gables property to the west has altered the character of the immediate area surrounding the subject property.

The property is within the Thraemoor neighborhood area, which is characterized by predominately single-family housing with pockets of higher-density housing adjacent to the West Jewell Avenue corridor. This property is located adjacent to other single-family residential uses with varying lot sizes. The rezoning request will aid in providing a range of housing types within the Jewell and Wadsworth growth area and the City as a whole.

This staff report is being evaluated on the land uses allowed in the proposed R-2 zone district with the exception of those uses being restricted per the signed and notarized deed restriction. The applicant's intent is to market the single-family lots to active senior; however, a deed restriction is not proposed to limit the population of the residents. The population to be served for the proposed housing is not review criteria. Staff has evaluated this rezoning proposal and potential land uses for the City's overall population. Please see the applicant's written description for how this rezoning proposal meets the goals of the Comprehensive Plan specifically for the aging population.

Lakewood Zoning Ordinance - The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and planning process. As stated in Article 3: Zone Districts, "The R-2 district is intended to provide for small lot, single-family and duplex residential development". With recordation of the signed and notarized deed restriction only single-family residential units at 1-story will be allowed to be constructed.

Development standards vary depending on the zone district and the zone district standards directly affect the use and form of allowable development. For a comparison of the R-1-43 and R-2 zone district standards, see Attachment E.

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 rezoning request against these standards is provided below in Section A.

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:

- The public health, safety and welfare of the citizens of the City of Lakewood will be maintained.
- Implements the vision, goals and recommendations of the Comprehensive Plan by providing quality infill development that is compatible with surrounding residential uses, while providing housing options for the City's aging and growing population.
- Protects the natural environment by providing drainage ways that work with the floodplain along the northern edge of the site and providing open space with paths that will connect with the Green Gables development.
- Fills a need for senior living and housing for the growing population through providing a market driven housing type and price point to meet the needs of the current and future population of Lakewood.
- Promotes the orderly development of this property by providing 1-story single-family development adjacent to other single-family residential properties.
- Ensures effective integration of development with surrounding residential land uses.
- Respects the character of the neighborhood to the east by providing a tract for a landscape buffer adjacent to the nearest houses with four larger lots that provide a transition between the existing R-1-43 lots to the east and the proposed smaller R-2 lots. A wall and landscaping is also proposed along the eastern property line.
- Will promote sidewalk connections to South Newland Street and the Green Gables neighborhood to the west. The neighborhood to the east is gated and the opportunity for connectivity does not exist.
- Quality site and building design will be met through the development process, including connectivity, design and landscaping.
- Will ensure the economic vitality of the Wadsworth and Jewell growth area and nearby neighborhood activity areas by promoting compatible development that meets housing

needs.

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:

- There has been a material change in the area with the development of Green Gables directly to the west. The R-2 zone district along with the landscaping tract and buffer will allow denser residential development on this property while providing a transition in densities to the east. Shwayder Lake will be maintained as a natural amenity in the area.

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 demographics of Lakewood illustrate an aging and growing population as evidenced in the Comprehensive Plan. This results in the need for additional housing accommodations.
- The proposed rezoning will support the community's guiding principles, goals and actions steps by:

- Goal L-N2 – Respect and protect the existing character of Lakewood's stable neighborhoods.

- Only support rezoning of single-family properties in stable neighborhoods when the rezoning request is consistent with existing surrounding land uses and the character of the area (Goal L-N2, Action Step a).

- While there are no specific land use recommendations for this property in the Comprehensive Plan. The surrounding area is predominantly single-family residential. The proposal will provide an infill of 1-story detached single-family homes with smaller lots that will allow for less maintenance. Four larger lots are proposed along the east side of the site to provide transition between the existing R-1-43 zoned properties to the east and the smaller proposed R-2 properties. A buffer will be provided along eastern property line through a large landscape tract and via a landscaped detention pond area.

According to the Comprehensive Plan the predominant character of the South Lakewood neighborhoods is single-family with pockets of multi-family and commercial uses adjacent to arterial corridors. Preserving the character of the neighborhood does not always mean maintaining the status quo; so long as new development and land uses contribute to the creation and preservation of community character. This proposed zoning will be in character with the surrounding single-family land uses.

- Preserve the existing zoning that allows for the keeping of horses in current locations (Goal L-N2, Action Step b).

- The R-1-43 zone district allows for the keeping of horses and other large animals. The applicant is proposing to keep a portion of the property owned by Heitler Land Company, located to the south, zoned R-1-43.

- Goal L-H1 – Provide an adequate mix of housing to meet the needs of all segments

of the community.

- Planning receives inquiries regularly about low maintenance housing, including patio homes and townhomes, showing there is a clear need for these housing types. The R-2 zone district allows for smaller lots that are appropriate for low maintenance living and that meet the need for a housing type and price point within the City of Lakewood.
- Goals I-NA1 & I-NA2 - Encourage the evolution of Neighborhood Activity Areas into small-scale mixed-use centers, creating community focal points with these activity centers.
 - This property is close to several neighborhood activity areas and the Jewell & Wadsworth growth area. Higher density single-family residential will provide additional customers to these nearby areas.

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.

The redevelopment of Green Gables golf course to the west brought residential and commercial development to the southeast corner of the South Wadsworth Boulevard and West Jewell Avenue intersection. This new development has established a material change in the character of the neighborhood and surrounding area. The proposed R-2 rezoning would be consistent with this change by allowing smaller single-family residential lots that will provide housing types at price points that are driven by market needs. The deed restriction will provide a buffer and larger lots to the east that are compatible with the lot sizes within the neighborhood to the east.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. Engineering documents were not required as part of this rezoning request. If the rezoning request is approved, then engineering will be required with the submittal of major subdivision and major site plan applications.

FINDINGS OF FACT AND ORDER

Based upon the information and materials, 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. Kent Pedersen, Lennar, is proposing to rezone from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2); 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. The request was reviewed by the appropriate referral agencies; and
- E. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and

- F. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan; and
- G. The proposed rezoning promotes the implementation of the Comprehensive Plan; and

AND

The Planning Commission adopts the findings of fact and order, A through G, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-18-001 with the condition that:

- i. The Lakeridge Subdivision Filing No. 3 and Private Deed Restriction, Attachment F, be recorded if this rezoning is approved by City Council after the 45-day referendum period expires.

cc: Case File- RZ-18-001
Kent Pedersen, Applicant
Bruce Heitler, Property Owner