



PLANNING COMMISSION STAFF REPORT

REZONING CASE:	RZ-18-002	REPORT DATE:	December 14, 2018
CASE NAME:	Richmond American Homes Rezoning	PLANNING COMMISSION DATE:	January 16, 2019
ADDRESSES OF REZONING PROPOSAL:	3113 S. Wadsworth Blvd. Lakewood, CO 80227	APPLICANT:	Matt Hengel Richmond American Homes 4350 S. Monaco Street Denver, CO 80237
		APPLICANT'S CONSULTANT:	Julia Summers Norris Design 1101 Bannock Street Denver, CO 80237

REQUEST:

To rezone the properties located at 3113 S. Wadsworth Boulevard from One Acre Residential (R-1-43) to Mixed-Use Neighborhood Urban (M-N-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-18-002.

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

SUMMARY OF REQUEST

The applicant has submitted an application to rezone the properties located at 3113 S. Wadsworth Boulevard from One Acre Residential (R-1-43) to Mixed-Use Neighborhood Urban (M-N-U). The land area is approximately 11 acres in size.

As depicted in Figure 1 below, the subject properties are located west of Wadsworth Boulevard, south and east of the Bear Creek Greenbelt and north of West Eastman Place.



Figure 1 – Aerial Photograph

PROCESS – REQUIRED CITY APPROVALS

Overview – The applicant intends to develop the properties with small lot single family residential. In conjunction with this rezoning application, the applicant has submitted an application for a Preliminary Plat as well as an application for right-of-way vacation. The Preliminary Plat, case PA-18-001, may be considered by the Planning Commission following the rezoning public hearing. If the rezoning recommendation is for approval, the Planning Commission can approve the Preliminary Plat conditional on the final rezoning approval by City Council. If the City Council approves the rezoning, the applicant will then be able to request a second public hearing before the Planning Commission for the Final Plat.

The right-of-way vacation will be presented directly to the City Council and the dedication of new right-of-way will occur with the Final Plat. By submitting applications concurrently, the applicant has demonstrated a clear intent to build small lot single family residential.

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 review the Planning Commission recommendation, meeting minutes, 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 the finalization of the plat, public improvements agreement and right-of-way vacation. Once the planning and entitlement approvals are complete, the applicant may proceed with building permit applications and then project construction.

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 Preliminary Plat, which has been submitted concurrently with the rezoning application, will determine final layout of buildings, roadways, open space, and other site elements. The plat has been reviewed against the standards in the Zoning Ordinance, the Subdivision Ordinance, the Engineering Regulations as well as the Conceptual Land Use Plan. Because the plat has more than 10 single family units, approval by the Planning Commission is required in order for the project to proceed.

ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	Small Lot Residential (R-1-6) & One Acre Residential (R-1-43)	Regional Commercial (C-R)	Regional Commercial (C-R)	Small Lot Residential (R-1-6) & Residential Multifamily (R-MF)
Adjacent Land Uses	City owned open space & privately owned undeveloped land.	Multifamily residential & commercial	Multifamily residential & commercial	City owned open space & multifamily residential

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

Zoning History – The subject properties are known as the Schnell Farm and the Schnell family still owns the properties and live there today. In 1969, when the City of Lakewood was incorporated, the Schnell Farm and the surrounding properties were all zoned for agriculture (A-1). Over time, the properties to the south were annexed into the City of Lakewood and zoned for multifamily residential development and the properties on the east side of S. Wadsworth Blvd. were rezoned to allow for commercial development. Prior to 1997, the property now known as Brookdale (located at the corner of Wadsworth and Duquesne), was part of the Schnell Farm. In 1997, a portion of the Schnell Farm was rezoned and parceled off for development. At that time, the new development was known as the Arc Assisted Living Facility. Also at that time, the Schnell family decided to leave their property with an agricultural zoning; however, in preparation for future development they dedicated right-of-way via the plat (approved in 1998).

Existing Conditions – The properties are part of the Schnell Farm Subdivision Filing No. 1 plat. The plat, recorded in 1998, created three parcels and dedicated right-of-way leaving two separate lots on either side of the right-of-way. The rezoning application includes Block 1 Lot 2 and Block 2 Lot 1 of the Schnell Farm Subdivision Filing No. 1 plat (Block 1, Lot 1, Brookdale, has already been rezoned and developed).

There are currently two wood frame houses on the property, with associated accessory structures, and there is a partial sidewalk in the existing right-of-way on the east side of the property adjacent to the Brookdale development. The Hodgson Ditch runs across the property from east to west and the topography is generally higher on the south and west sides.

AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 498 tenants and owners of property within 500 feet and to 6 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	
Bear Creek Water & Sanitation District			X	
Jefferson County Schools			X	
Lakewood Police Department			X	
West Metro Fire Protection District			X	X
Xcel Energy			X	X
Property Owners within 500 feet	X	X		
Bennett Bear Creek Farms Civic Association	X	X		
Snowbird II Phase I Condominium Association	X	X		
South Lakewood Business Association	X	X		
South Hampton Townhome Condominium Association	X	X		
Westgate Improvement Association	X	X		
Westgate Plaza West Home Owners Association	X	X		

Agency Review - The City received no objections in response to the case referrals. The following is a summary of the comments received from outside agencies”

1. Century Link: No objections to the proposed application.
2. 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. Based on the Preliminary Plat, the fire access is substantially acceptable.
3. 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.
4. No letters or calls were received from neighborhood organization representatives; however, staff received telephone calls from individuals in adjacent areas. Comments and concerns from individuals are summarized in the neighborhood meeting summary.

Neighborhood Comments - A neighborhood meeting was held on February 20, 2018 to introduce the proposal and gather feedback. Neighborhood stakeholders were mixed in their support for the proposal and the following main items were discussed:

- Characteristics of the proposed development and the number of units.
- Existing conditions and impacts to adjacent properties.
- Price and the conditions of the housing market.
- Public Improvements associated with the project.
- Process and timeline.

Although there were differing options on development in general, the neighborhood expressed a preference for single family development over other types of development. See Attachment D for a summary of the neighborhood meeting.

PROJECT ANALYSIS

Overview - The subject properties are currently zoned One Acre Residential (R-1-43) and the zoning does not allow for single family residential on small lots which is the type of development intended by the applicant. With the exception of the property to the north, the surrounding properties have been rezoned and developed with much higher intensity uses. The proposed small lot single family residential is worthy of consideration because it is possibly the lowest density proposal that is feasible for the site in today’s housing market. Although the rezoning cannot be conditioned to limit future development to small lot single family residential, the applicant has clearly established their intent to move forward with their proposal as demonstrated by the application of a Preliminary Plat and right-of-way vacation.

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 generally within a Growth Area.

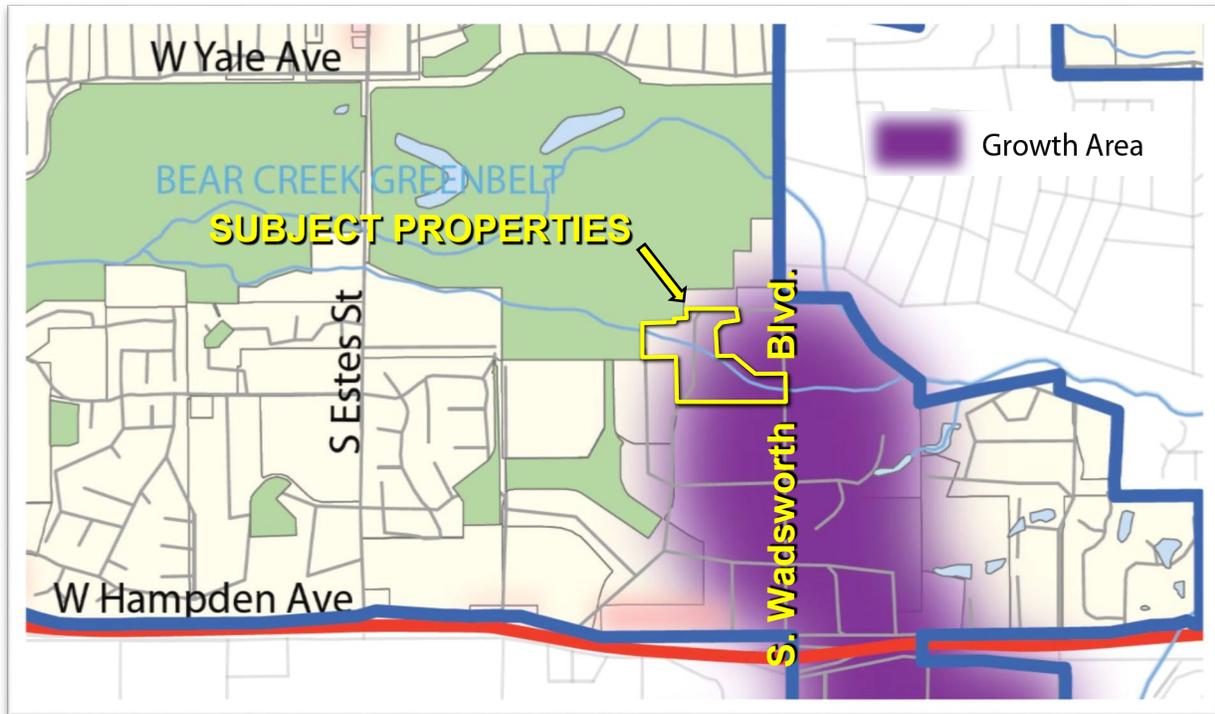


Figure 2 - Excerpt from the Growth Area map.

The Comprehensive Plan includes more detailed information for specific areas of the City and the Schnell Farm is near the Mission Trace & Academy Park Growth Area. This growth area is defined as primarily the retail and office development on the north and south sides of US 285 (Hampden Avenue) so the Schnell Farm is within an overall citywide growth area but not specifically within the Mission Trace & Academy Park growth area. As a result, the specific goals in this section are less applicable and staff has used the broader Comprehensive Plan goals to evaluate this proposal.

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-N district is intended to accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets and adjacent to light rail stations with walk-up access. Typical non-residential uses include those that provide goods and services to the residents of the surrounding neighborhoods. The district is intended to accommodate a high level of pedestrian activity and scale. Mixed-

use buildings and projects are encouraged.

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-N-U zone district, there are specific dimensional and design standards that must be followed for all development. A summary of some of the main zoning standards that will affect future development are as follows:

- The maximum gross floor area for retail is limited to 20,000 sq. ft. in the M-N-U zone district. Or stated differently, mid-box and large format buildings are not allowed in the zone district and the result of this standard is smaller scale development tends to be more neighborhood serving. For reference, sit-down restaurants, drug stores and small grocery stores are all often under 20,000 sq. ft. in building area and mid-box and large format retailers are much larger.
- The maximum non-residential building footprint is limited to 15,000 sq. ft. This standard applies to all non-residential buildings including retail and office buildings. The distinction with the gross floor area standard listed above is that office buildings, and other non-retail uses, may have an overall gross square footage of greater than 15,000 sq. ft. For example, an office building may have 2 floors and with a 15,000 sq. ft. footprint and it would have a total gross floor area of 30,000 sq. ft.
- Although no commercial uses are proposed for the site, a rezoning to M-N-U would allow for the non-residential uses allowed in the zone district. As stated previously, the applicant has established a clear intent to construction small lot single family residential and there is also a good argument that commercial uses are not feasible for the site due to limited access and limited visibility from the major thoroughfare (S. Wadsworth Blvd.).
- Single family residential standards are different than the non-single family and duplex standards in the zone district and more open space is required for single family and duplex developments.

The Conceptual Land Use Plan (see Attachment A) outlines the specific zoning 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 the Bear Creek Greenbelt.
- The Mixed-Use Residential zone district is appropriate given the M-N district's intent to allow for compact residential development with a variety of densities.
- A range of housing types and costs to meet the current and future needs of the citizens will be supported because the current zoning would only afford the subdivision into a few large

and expensive lots.

- The effective integration with surrounding land uses is respected because the M-N-U zone district limits the intensity of development to significantly lower than what is allowed by adjacent zoning.
- The rezoning process supports the intent of the Zoning Ordinance by promoting orderly development through a public process.

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-N-U zone district is a neighborhood serving residential-based zone district that limits the amount of commercial building allowed in new developments.
- The existing surrounding land uses include multifamily residential and commercial development with a relatively high intensity of development and the M-N-U zone district will not allow the intensity of development to be any higher than what's allowed on adjacent properties.

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 generally within a Growth Zone.
- 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 for small lot single family residential development.
- The proposed rezoning will support the community's guiding principles, goals and actions steps by:
 - Strengthening and supporting Lakewood's neighborhoods (L-N2) by supporting a rezoning that allows an increase in density that will be consistent with existing surrounding land uses.
 - 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
 - Supporting the development and maintenance of high-quality recreational facilities (L-PR5) by allowing development that will utilize and support the Bear Creek Greenbelt.

- 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.
 - There has been a material change in the neighborhood as demonstrated by the rezonings and development that has occurred surrounding the site over the past 50 years. Rezoning to M-N-U provide greater consistency with the zoning on surrounding properties.
- 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. A new roadway alignment, public sidewalks, 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. Matt Hengel, applicant, is proposing to rezone from One Acre Residential (R-1-43) to Mixed-Use Neighborhood Urban(M-N-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
- I. There has been a material change in the neighborhood;

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-18-002.

cc: Case File- RZ-18-002
Matt Hengel, Applicant