

STAFF MEMO

DATE OF COUNCIL MEETING: AUGUST 26, 2019 / AGENDA ITEM NO. 10
SEPTEMBER 9, 2019 / AGENDA ITEM NO. 18

To: Mayor and City Council

From: Travis Parker, Director of Planning, 303-987-7908

Subject: **6045 W. MISSISSIPPI AVE. REZONING CASE RZ-18-004**

This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays.

SUMMARY STATEMENT: The applicant, Adrienne M. Nikoleav, is proposing to rezone a portion of the property at 6045 W. Mississippi Ave. from One Acre Residential (R-1-43) to Two-Family & Small Lot Residential (R-2). The land area is approximately 6.2 acres in size. Rezoning applications are a quasi-judicial process and the role of the City Council is to review the Planning Commission recommendation and make a final determination on the application.

BACKGROUND INFORMATION: The current zoning allows for the construction of single-family detached homes on one acre lots and the applicant is requesting a rezoning so he can build single-family detached homes on smaller lots. The applicant has clearly expressed that the intent is to build single-family homes; however, the R-2 zone district also allows for duplex units. The surrounding property to the east is zoned R-1-6, the property to the west is zoned R-1-43, the property to the north is zoned R-2, and the property to the south is zoned M-N-S. All properties are vacant except for the eastern property, which has single-family homes.

BUDGETARY IMPACTS: There is no significant budget impact associated with the rezoning.

STAFF RECOMMENDATIONS: Both the Planning Commission and staff recommend approval as proposed rezoning satisfies the review criteria.

ALTERNATIVES: The City Council may approve, deny or continue the rezoning application. More specifically, the City Council may approve the rezoning application because the Council agrees with the findings of the Planning Commission. And, City Council may have additional reasons why the application satisfies the review criteria.

Or, the City Council may deny the rezoning application based on a determination that the application does not satisfy the rezoning review criteria. More specifically, the City Council may find evidence that the rezoning does not promote the purpose of the Zoning Ordinance, the proposed zone district does not have compatibility with existing surrounding land uses (or the land uses envisioned in the Comprehensive Plan) or the rezoning does not meet one of the additional review criteria (promoting implementation of the Comprehensive Plan, material change in neighborhood, or zoned in error). Such a determination that the review criteria has not been satisfied could be based on evidence presented on Lakewood Speaks, findings discovered during the public hearing or disagreement with staff findings.

Or, the City Council may also continue the public hearing because additional information is needed. If continued, staff recommends picking a date certain for the (new) public hearing. Please note that it is staff's understanding that the rezoning may not be approved with conditions because it would be contrary to case law.

PUBLIC OUTREACH: As required by the Zoning Ordinance, there were three neighborhood meetings held to discuss the proposed rezoning application. These meetings were held on February 27, 2018, April 3, 2018 and November 1, 2019. The first neighborhood meeting was held prior to the formal application submittal. At the neighborhood meeting, the primary concerns were about the zone district, private deed restrictions, height of homes and views, privacy and traffic generation.

The applicant described the housing type as low maintenance single-family homes with a private deed restriction to address neighborhood concerns that would eliminate duplex units, restrict the height of the units along the eastern property line to 1-story with walkout basements and to increase the rear yard setback for these eastern lots to a minimum of 20 feet.

NEXT STEPS: The 1st reading is scheduled for August 26th and the public hearing is scheduled for September 9th.

ATTACHMENTS: O-2019-33
Planning Commission Staff Report, Attachments and Public Comment
Planning Commission Resolution
Planning Commission Draft Meeting Minutes

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Timothy P. Cox, City Attorney