



Lakewood
Colorado

Planning Department

Civic Center North
470 South Allison Parkway
Lakewood, Colorado 80226-3127
303.987.7505
303.987.7057 TTY/TDD
Lakewood.org/Planning

TO: Planning Commission

**CC: Planning Department
Travis Parker, Director**

FROM: Paul Rice, Manager – Development Assistance

DATE: July 17, 2019

SUBJECT: Zoning Ordinance – Pigeon Policy (Continued from January 19, 2019)

Background

Planning Commission held a public hearing on January 19, 2019 to discuss possible amendments to the small animal provisions of the zoning ordinance. At this hearing the Planning Commission's decision was to hold a study session to discuss potential code amendments to the Small Animal provisions of the Zoning Ordinance.

A Planning Commission study session was held on May 22, 2019 to discuss changes to the staff recommendation for Small Animals. After further discussion, the Planning Commission recommended including pigeons in the small animal regulations and allowing pigeons as a limited use with eight additional standards specific to pigeons. The following details amendments to the Small Animal provisions as proposed by the Planning Commission:

Planning Commission Recommendation

Amend Section 17.4.3.1.D.2 to include pigeons as a Limited Use:

D. Animals, Small

1. Where identified as a limited use, small animals shall be limited to hens, ducks, drakes, domestic pigeons, and dwarf goats, or other similar small breed goats, and shall be accessory to the permitted use. The keeping of small animals shall be subject to the following:
 - a. [no change]
 - b. [no change]
 - c. Domestic Pigeons:
 - i. A Small Animal permit for the keeping of pigeons shall be obtained from the City.
 - ii. The number of pigeons kept at any one time shall be limited to 15 pigeons.

- iii. Coops shall provide 4 square feet of gross floor area for every bird kept and coops are limited in height to a maximum of 10 feet.
- iv. All coops shall be setback a minimum of 5 feet from side and rear property lines.
- v. In Mixed-Use zone districts, the keeping of pigeons may be allowed only where an occupied single-family home or duplex exists on a lot.
- vi. Pigeon feed shall be stored in sealed containers to protect against intrusion by rodents and other vermin.
- vii. Pigeons shall not be allowed to perch or linger on buildings or property of individuals other than the owners of pigeons.
- viii. The Director may revoke a permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. The proposed amendments to the Zoning Ordinance are necessary based upon staff's review and evaluation of the adopted Zoning Ordinance; and
- B. Amendment of the proposed Zoning Ordinance is consistent with and will implement the goals of the City's Comprehensive Plan; and
- C. Amendment of the proposed Zoning Ordinance promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance; and
- D. Amendment of the proposed Zoning Ordinance is in the public interest.

That the Planning Commission adopt the findings of fact and order, A through D, as presented for Case No. OA-18-001 and that the Planning Commission ADOPT the amended Lakewood Zoning Ordinance and recommend that the City Council APPROVE the amended Lakewood Zoning Ordinance.

**LAKWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES**

COMMISSIONERS PRESENT:

Johann Cohn
Alan Heald
Henry Hollender
Dale Miller
Glenda Sinks

STAFF PRESENT:

Paul Rice, Manager, Planning-Development Assistance
Kara Mueller, Senior Planner, Planning-Development Assistance
Erin Bravo, Planner, Planning-Development Assistance
Toni Bishop, Transportation Engineering Tech II, Public Works
Diana Brown-Evens, Secretary to the Planning Commission

Following are the minutes of the July 17, 2019 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

Minutes are not a verbatim transcription, but rather an attempt by the Secretary to capture the intent of the speakers.

ITEM 1: CALL TO ORDER

ITEM 2: ROLL CALL

The roll having been called, a quorum was declared and the following business was conducted:

ITEM 3: SU-17-00, UHAUL SELF-STORAGE SPECIAL USE PERMIT – 830 WADSWORTH BLVD

WILL WAGENLANDER presented on behalf of U-Haul and stated the request is for a Special Use permit to allow for mini-warehouse (self-storage) in the Mixed-Use General Urban (M-G-U) zone district. He stated that U-Haul has owned the building at 830 Wadsworth Blvd for 24 years has offered services such as vehicle rental, propane sales, moving solutions and there is a retail center. He explained CDOT acquired part of the U-Haul property to widen Wadsworth Blvd. and improve drainage and stated these improvements have impacted the business operations. He added with the expansion, CDOT removed trees and screening within Lakewood Gulch. U-Haul is requesting the Special Use Permit to utilize the remaining portion of the site to continue to serve the Lakewood community by building a 41-foot-high moving and

storage facility that would also include truck and trailer rental, a retail center and propane sales.

Mr. Wagenlander went over the Conceptual Site design pointing out the building footprint and showed the retail area which will be orientated to the Wadsworth street frontage. Equipment staging will be located at the rear of the property. He added U-Haul will install an 8-foot tall screening fence to screen neighbor's views.

Mr. Wagenlander stated U-Haul has engaged in a very thorough community engagement process with 4 neighborhood meetings in addition to one on one meetings with adjacent residents. He stated, per community input, U-Haul has reduced the height of the building from 72 feet to 41 feet with the addition of a below grade floor. Mr. Wagenlander stated U-Haul has already planted several trees along the property to provide screening. In response to community comments, the building colors were made more neutral and windows were removed to prevent people from looking down into citizen's backyards. He added U-Haul will maintain Lakewood Gulch and keep it clean. He added the self-storage use will provide far less vehicle trips than a fast food restaurant, gas station or hotel uses that could be built on-site. Based on U-Haul's experience, they project 44 vehicle trips per day for a storage use. Mr. Wagenlander stated the new building will include a number of safety features including automated gates.

ERIN BRAVO stated the request is for a Special Use Permit is for mini-warehouse self-storage at 830 Wadsworth Blvd. She showed the site context and characteristics and state the property is zoned Mixed-Use General Urban (M-G-U). The current use of motor vehicle rental is a limited use in the M-G-U zone district. U-Haul has been operating since 1995. With the zoning update in 2013, there were supplemental standards added for motor vehicle rental. With the update, it states no more than 10 vehicles can be stored on-site. U-Haul has been operating for an extended time and will operate under a Non-Conforming Use. Ms. Bravo stated the current fleet is roughly 50-60 vehicles. She added with the CDOT acquisition and the proposed redevelopment of the site, the number of vehicles would be reduced. The increase of services will reduce the number of vehicles to around 40 and stated the number will be documented.

Ms. Bravo stated adjacent land uses include single-family residential, CDOT trail, restaurant, large equipment rental and multi-family residential. Ms. Bravo also showed a diagram with all the self-storage facilities that have been approved or proposed. Ms. Bravo went over the process for a Special Use Permit. She stated U-Haul held several neighborhood meetings. Upon formal submittal, there was a significant change so staff requested additional neighborhood meetings.

Ms. Bravo explained notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance. She added there was 4 neighborhood meetings over 3 years. Ms. Bravo stated there were between 13 and 35 attendees at the neighborhood meetings. Generally, the neighborhood was supportive of the self-storage use and wanted to limit the height of the building, requested adequate screening and appropriate lighting, and a neutral pallet for building materials.

Ms. Bravo went over the review criteria for the proposed Special Use Permit and stated all standards are met. She stated if a Special Use Permit is approved and a site plan is submitted to the City, there are additional Supplemental Standards that will need to be met. Ms. Bravo also went over the Conceptual Land Use Plan to help illustrate the building envelope. She pointed out the setbacks and the 10-foot electrical easement. Due to the adjacent residential zone district to the east, the zoning ordinance does have a 75-foot height transition zone which is also indicated on the Conceptual Land Use Plan. Ms. Bravo stated the build-to-zone in the M-G-U zone district is 55% and stated for this case there would be approximately 98 linear feet of building frontage required.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and approve case SU-17-001 with the following conditions. Any new construction will meet all of the requirements of the Lakewood Zoning Ordinance, the Special Use Permit is subject to the criteria for revocation based on the compliance with the conditions listed in Article 2, a Non-Conforming Use Certificate will need to be completed to document the number of rental vehicles stored on-site before a Major Site Plan would be approved, and an 8-foot fence will be provided along the southern property line to screen the single-family homes to the south.

Public Comment OPENED at 7:23 p.m.

CHERISH EDWARDS lives in the single-family homes is directly to the south of U-Haul and is in support of the proposal. The neighborhood was appalled at the original height that was proposed for the building. She added even though she is not super excited about self-storage, she understands that a business grows. U-Haul has worked with the neighborhood and made changes that were requested. She added U-Haul added more trees and stated it is nice to see someone take care of the neighborhood. She would like to see the number of trucks stored onsite reduced. She believes 40 trucks still sounds too high and was hoping they would store around 10 trucks.

Public Comment CLOSED at 7:27 p.m.

COMMISSIONER SINKS asked how U-Haul knows they will be successful with all the self-storage facilities in Lakewood.

YVETTE DALUZ answered the success for their business model is based on past history of other locations, an analysis of the population as opposed to the number of storage units in a certain area, and economy growth.

COMMISSIONER SINKS asked if U-Haul has self-storage facilities in the metro area and across the nation.

YVETTE DALUZ answered that U-Haul is better known for their truck and trailer rental business and stated they do have self-storage facilities around the nation.

COMMISSIONER SINKS asked where the rental trucks would be parked.

YVETTE DALUZ answered the trucks will be parked in the back portion of the lot. She mentioned there must be enough space around the trucks and provide a good turning radius.

COMMISSIONER HEALD asked what variety of trees U-Haul planted.

WILL WAGENLANDER stated there is a wide range of coniferous trees from spruce to pine. He added the trees provide a green, vegetative wall to provide screening.

COMMISSIONER HEALD asked if the City collects sales tax on the rental portion of the business.

PAUL RICE answered there is a use tax which is assessed by the finance department.

COMMISSIONER COHN stated there is a notch in the eastern fence and asked if some of the property is being conceded to the neighbor.

WILL WAGENLANDER answered fence is constructed along the U-Haul property.

YVETTE DALUZ stated the neighbor is aware of the property line and added the neighbor wanted to help pick out the type of fence that was installed.

COMMISSIONER COHN asked if the utility easement will stay in place.

YVETTE DALUZ answered the easement will remain.

COMMISSIONER COHN complimented U-Haul on planting trees.

COMMISSIONER HOLLENDER asked if the project is still economically feasible with the building height being lower.

YVETTE DALUZ answered yes; it is still feasible and with narrowed margins.

COMMISSIONER HOLLENDER asked if there is floodplain onsite.

ERIN BRAVO stated there is floodplain onsite. She added the floodplain does encroach into the parking spaces on the southwest corner of the site. You are allowed to park in the floodplain.

COMMISSIONER HOLLENDER asked if it is floodplain or floodway.

ERIN BRAVO stated it is floodplain.

COMMISSIONER HOLLENER asked if the building is in the floodplain.

ERIN BRAVO answered the building will not be in the floodplain. When a major site plan is submitted, a survey will be provided to make sure everything is in compliance.

COMMISSIONER HOLLENDER wanted to confirm there would be no outdoor storage.

ERIN BRAVO answered per the Zoning Ordinance; motor vehicle rental does not qualify as outdoor storage.

COMMISSIONER HOLLENDER stated Special Use Permit criteria A, no variance or waiver may be requested. He asked if the allowance of additional vehicle storage is a variance or waiver.

ERIN BRAVO answered U-Haul would need to apply for a Non-Conforming Use Certificate which is separate process.

COMMISSIONER COHN asked if it is Dry Gulch that passes through the area.

WILL WAGENLANDER answered it is Lakewood Gulch.

COMMISSIONER SINKS asked if the Non-Conforming Use Certificate carry with for the Special Use Permit.

PAUL RICE answered motor vehicle rental is an allowed use and has a cap on the number of vehicles permitted. The mini-storage use is allowed with a Special Use Permit. The Director has some discretion when approving a Non-Conforming Use Certificate and looks at a use coming closer into compliance with the parking standards. U-Haul would be adding another use and bringing the property closer to compliance. If the Non-Conforming Use is modified, the Director can reevaluate and reduce the number of vehicles allowed.

COMMISSIONER MILLER asked if the neighbors on the eastside of the property also want an 8-foot fence.

WILL WAGENLANDER stated there is currently a fence in place and added the fence will be replaced and/or redesigned.

COMMISSIONER MILLER asked how many vehicle trips per day there are for the truck rental business.

WILL WAGENLANDER stated the estimated 44 trips a day is based on both uses.

COMMISSIONER HOLLENDER asked if the non-standard 8-foot fence would require a waiver.

PAUL RICE answered there is a provision for waiver for additional fence height and those are looked at on a case by case. He added the 8-foot fence is a condition of approval and was required at the request made by the neighbors.

COMMISSIONER SINKS made a MOTION to adopt the findings of fact and order as presented in the staff report and APPROVE Special Use Case No. SU-17-001 with conditions outlined in the staff report.

SECONDED by COMMISSIONER COHN

COMMISSIONER HEALD appreciates the continued efforts by staff and the applicant to work with neighbors. He believes that is sign of good intent to benefit Lakewood and address concerns.

COMMISSIONER HOLLENDER stated every time he sees a Special Use Permit application for self-store says there are enough in Lakewood. He can see the property is be better utilized with this facility. He added U-Haul has been a good neighbor and the neighborhood is supportive of the request. Commissioner Hollender will be supporting the request.

COMMISSIONER SINKS echoed Commissioner Hollender. She stated U-Haul has served Lakewood well for decades and has been a good neighbor.

COMMISSIONER COHN also echo's Commissioner Hollender's comments but stated he would distinguish this from other storage applications because having storage available at the termination and origin point is a convenience and sound business model.

COMMISSIONER MILLER stated he is happy to see all the meetings with the neighbors and the changes that were made with the input received at the meetings. He is supportive of the project.

VOTE TAKEN –

Five Ayes – Commissioners COHN, HEALD, HOLLENDER, MILLER, SINKS,
Zero Nays.

MOTION PASSED

ITEM 4: RZ-18-004, 6045 W MISSISSIPPI AVE REZONING – 6045 W MISSISSIPPI AVE

COMMISSIONER HOLLENDER stated in 2008/2009 he did preliminary engineering work for the property at 6045 W Mississippi Ave. He added this is a different proposal. Mr. Hollender knows the engineer and made it clear that no Lakewood projects were discussed. He added he can be objective.

JIM ALLEN presented on behalf of the property owner at 6045 W Mississippi Ave. Mr. Allen showed an aerial view of the property and stated the site is split zoned. The southern portion of the property is Mixed-Use Neighborhood Suburban (M-N-S) and the norther portion on the

property is One Acre Lot Residential (R-1-43). The request is to rezone the northern lot from R-1-43 to Two Family and Small Lot Residential (R-2). He stated the property to the east is zoned R-1-6 and the property to the north is currently zoned R-2. He stated the southern portion of the lot would remain M-N-S.

Mr. Allen stated there have been 3 different neighborhood meetings. After receiving feedback from the neighborhood meetings, the applicant has proposed a covenant and deed restrictions. He showed a Conceptual Land Use Plan with single family detached lots being approximately 5,000 square feet in size. Right-of-Way will be dedicated to continue Tennessee Ave. as well as W Kentucky Ave. Mr. Allen stated the R-2 zoning has a 15-foot rear setback and with the deed restriction the rear setback would be 20 foot. The deed restriction would allow only single-family detached units and no duplexes would be allowed.

KARA MUELLER stated the request is to rezone the property at 6045 W Mississippi Ave from One Acre Lot Residential (R-1-43) to Two Family and Small Lot Residential (R-2). She stated the property size is 6.2 acres.

Ms. Mueller stated the rezoning process includes a preplanning application, neighborhood meeting, formal application, public hearing before the Lakewood Planning Commission and then a public hearing before the Lakewood City Council. Ms. Mueller showed an aerial view and pointed out areas around the subject property and showed a picture of the property's existing conditions.

Ms. Mueller provided site context, current zoning and adjacent land uses. She stated the current zoning is R-1-43 and showed zoning for the adjacent properties. The portion of the property directly to the south of the subject property along W. Mississippi Ave. is zone Mixed-Use Neighborhood Suburban (M-N-S) and is not a part of the rezoning proposal. Ms. Mueller stated the intent of the R-2 zone district is to allow for small lot single-family and duplex residential development. She also provided a use comparison chart to show the uses that are allowed in both the existing and proposed zone districts. She provided the dimensional standards between the two zone districts and stated the largest difference is the lot size and lot width.

Ms. Mueller showed the Conceptual Land Use Plan and provided information for what is currently on the site. She outlined the property boundary and showed the street connectivity. If approved, the applicant would move forward to the Major Subdivision and Major Site Plan process where staff would review pedestrian and street connectivity, detention and water quality, and all other requirements of the City Ordinances would need to be demonstrated and met. She added the Major Subdivision would come back before Planning Commission for approval.

Ms. Mueller stated there were 3 neighborhood meetings held on February 27, 2018, April 3, 2018 and November 1, 2018. The concerns brought forward were the choice of the zone district, the allowed uses, size of lots, density, privacy, height of the homes, traffic generation, and questions regarding the deed restriction.

Ms. Mueller explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance. Ms. Mueller went over the rezoning review criteria and stated this proposal meets the requirements.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and recommends that the City Council APPROVE rezoning case No. RZ-18-004.

Public Comment OPENED at 8:16 p.m.

CALVIN LAMBERT stated his house is directly up against the proposed new development. He added he has seen no pictures of what the houses will look like. He is concerned with losing the view of the mountains. Mr. Lambert is also concerned with the height of the houses. He added he is happy with the change of the setbacks.

JOHN REEVES shares the concerns regarding the height of the homes and the loss of mountain views.

RANDY GRAY is concerned with his yard being taken away when W. Kentucky Ave. is built out. His main concern is traffic. He would like the road from the development to exit out onto S. Pierce St. instead of S. Harlan St. He also brought up a concern with water rights for the ditch along the property.

HANNELORE LENZ lives north of the site. She stated the site has no access to sewer. She added there is 25-feet of platted road behind her property. She stated she owns the surface rights and never sold to Public Service Company. She added Xcel does come on her land to maintain the lines. Ms. Lenz believes the facts are misrepresented. She stated the posting signs were put on her land and added the City of Lakewood enters her land without permission.

BETTY MOORE has concerns with the traffic on W. Mississippi Ave. She added she is also a few hundred feet from a fire department which also increases traffic. She added she needs to know what the homes are going to look like.

SAM ZAKEM is the property owner and has lived in Lakewood for 40 years. The applicants are offering a badly needed housing option for the city. The project would enhance the Belmar area and added the applicant has listened to the neighbors. He stated there is a lack of affordable housing in Lakewood.

RUSSELL RENDLER stated the infrastructure in the area provides no sidewalks. He also mentioned how close the bike lane is to the driving lane on S Harlan St.

RENATE BARTHEL is a Lakewood Native and lives next to the subject property. She is concerned about the views and believes 28-feet is still too tall. She is also concerned about the traffic and is also concerned where the children will go to school. Ms. Barthel asked how long the construction would take to build the development.

JASON SMOKER stated he would like the zoning to be what Harlan Heights is zoned, which is R-1-6. He does not ever want to see the site developed with duplex lots. He also reiterated how bad the traffic is in the area. He appreciates that they have reduced the quantity of homes but is still concerned about the height.

Public Comment CLOSED at 8:47 p.m.

COMMISSIONER HOLLENDER asked what role the City plays with deed restrictions.

PAUL RICE stated the Planning Commission is looking at the rezoning request for R-2. The deed restrictions will not be enforced by the City. It is a document between the applicant/property owner and the neighborhood.

COMMISSIONER HOLLENDER asked what the Comprehensive Plan shows for the property.

KARA MUELLER answered when the 2015 Comprehensive Plan was adopted, the corridor and neighborhood plans were implemented and included in the goals and policies. The Jefferson Gardens Plan is rolled into the Comprehensive Plan through the goals and policies. The original Jefferson Gardens Plan spoke about preservation of large lots, rural neighborhoods, and it talked about neighborhood character.

COMMISSIONER HOLLENDER asked if the Jefferson Gardens Plan called specifically for larger lots on this property.

KARA MUELLER answered it was not specific to this property but the larger general plan area.

COMMISSIONER HOLLENDER asked if the discussion of height and setback in the deed restriction are to be considered.

PAUL RICE answered the concessions of the deed restriction are between the applicant and the neighborhood and stated the Planning Commission's decision needs to be made on the comfort level with the R-2 zone district.

COMMISSIONER HOLLENDER can issues of height and setbacks be addressed with the Major Subdivision and Major Site Plan that goes before Planning Commission.

PAUL RICE answered the Planning Commission would be looking at the Final Plat. As long as it meets the standards for providing water and sewer, utilities, meets setbacks, the decision criteria on a Final Plat is meeting the standards of the Subdivision Ordinance which provides for less discretion.

COMMISSIONER HOLLENDER asked if there is platted right-of-way on the property to the north. He asked if the fence on the property is the right-of-way boundary.

KARA MUELLER answered there is dedicated right-of-way for W. Kentucky Ave. from S Harlan St. along the Harlan Heights property. If this project goes forward, the southern portion

would need to be dedicated to align with what is to the east and would come from the land owned by the applicant. Ms. Mueller stated the location of the signs should be posted on the property line with the 25 feet of right-of-way between the property owner to the north and the subject property.

COMMISSIONER HOLLENDER stated the property owner to the north stated the City was entering her property.

KARA MUELLER stated the applicant needs answer where the signs were posted because they know where their property line is staked.

MIKE MCDERMOTT answered they were shown 4 general locations to put the signs. He feels the signs were placed on the property line in the right-of-way.

PAUL RICE stated when direction is given in posting the site, the intent is to spread the signs to provide proper notice. The City gave general locations where the signs should be placed with the condition that they need to be placed in the right-of-way or on private property. The applicant needed to verify the location of signs. The planner could not get back to verify the location of the signs to the north, however the other signs to the south and east were in City right-of-way.

KARA MUELLER added an additional sign was placed on W. Mississippi Ave. to provide additional notice although not required.

COMMISSIONER HOLLENDER asked when and if a traffic study will be done in conjunction with this project.

TONI BISHOP answered with this rezoning and proposed subdivision; no traffic study was required. She added the single-family lots have a straightforward proposed number of trips. If a proposal for mixed-use or other advanced use came in, then it would be reassessed.

COMMISSIONER MILLER asked if W. Tennessee Ave. is full width.

TONI BISHOP answered yes, it is 28-foot flow line to flow line for local single-family residential road and would allow for parking on both sides of the street.

COMMISSIONER HOLLENDER asked if Ms. Bishop can confirm if the property on S. Harlan St. adjacent to W. Kentucky Ave. is not private property and is platted right-of-way.

TONI BISHOP answered yes; it is platted right-of-way north of the single-family homes.

COMMISSIONER COHN asked about the history of the underground storage facility.

PAUL RICE stated it was a rezoning proposal in the late 80's to early 90's.

COMMISSIONER COHN asked if a referral was sent out to the ditch company.

KARA MUELLER stated it is the Green Ditch and board representatives attended the neighborhood meetings. Any development proposal would be referred out to the ditch company.

COMMISSIONER COHN asked if someone owns Weir Gulch.

KARA MUELLER answered the City often gets easements for maintenance. She believes it would be owned by the property owner unless it is dedicated to the City.

COMMISSIONER COHN stated his other inquiry is about the 80-foot strip of land that is directly west of the property and asked if there is a zoning and building challenge.

KARA MUELLER answered along W. Mississippi Ave., most properties are split zoned. Between 205-210 feet along W. Mississippi Ave are zoned mixed-use. To the north the properties are zoned R-1-43. It is a historic pattern that exists down W. Mississippi Ave in this area.

COMMISSIONER COHN asked if the southern part of the lot is in the rezoning proposal.

JIM ALLEN answered no the southern portion of the lot will stay zoned M-N-S.

COMMISSIONER COHN asked if the applicant will be completing right-of-way through to S. Harlan St. along W. Kentucky Ave.

JIM ALLEN answered the applicant will dedicate 25 feet of right-of-way. He added public improvements will be required.

COMMISSIONER SINKS asked if one story ranch units will be built on the eastern side of the property.

JIM ALLEN answered yes the eastern side will be built as one story with possible basements, but not on the western side.

COMMISSIONER SINKS asked what the price point will be for the houses.

MIKE MCDERMOTT stated the price depends on the unit and who builds the homes.

COMMISSIONER SINKS referenced the letter from Linda Shepard and stated one of her points is that this will not fit in the character of the neighborhood. She asked if the applicant believe R-2 zone district fits the character of the neighborhood. She asked if one story ranches would fit on 5,000 square foot lots. She does not believe R-2 fits the character of the neighborhood and stated she would be more comfortable with R-1-6.

MIKE MCDERMOTT answered 50% of the lot can be built on. He would expect the homes to be 1600 – 1800 square feet in size with 2 car garages. The ranches might have a basement which would increase the square footage of the home.

COMMISSIONER SINKS asked what style of homes will be built on the west side.

MIKE MCDERMOTT answered the west side will not infringe on the view of the neighbors and envisions building 2-story homes with basements.

COMMISSIONER SINKS asked how many lots the development would have.

MIKE MCDERMOTT answered there will be 30-38 lots.

COMMISSIONER SINKS asked if the applicant plans on putting in sidewalks.

JIM ALLEN answered yes, the full local street section would be constructed.

Adjourned for a 10-minute break at 9:26 PM

Meeting called back to order at 9:38 PM

COMMISSIONER SINKS asked who owns the fence that separates the existing homes and the new lots and asked if the fence would remain.

JIM ALLEN answered he does not know who owns the current fence, but stated there would most likely be a new fence around the new neighborhood.

COMMISSIONER HEALD asked if a Public Improvement Agreement places a requirement on the developer for improvements that are needed.

KARA MUELLER answered a Public Improvement Agreement would be processed with the Major Subdivision Final Plat.

COMMISSIONER HEALD asked, in regards to traffic signal, when is a traffic study required.

TONI BISHOP answered if it is in reference to a requirement for a traffic signal without a development there is a process for warranting a traffic signal. She added there are currently no traffic warrants for a traffic signal in this area. Data including accidents, cross traffic, site distance has to be collected and studied. The increase in traffic from this development will generate 30 trips in a peak hour which goes onto a local road and then onto a collector road which can be handled. She added at any time after the development, someone can request a traffic signal analysis.

COMMISSIONER HEALD asked if there is a plan for slope change for the property that will impact drainage.

JIM ALLEN answered no, but stated there will be terracing between lots and each lot will be individually graded.

COMMISSIONER HEALD asked if there is a visual concept in terms of materials.

MIKE MCDERMOTT answered he sees the houses being suburban style ranches. He hasn't given much thought about materials but believes the market will demand upscale materials.

COMMISSIONER MILLER asked if right-of-way takes precedence including if Xcel will have to move power poles.

KARA MUELLER answered yes.

COMMISSIONER MILLER stated it sounded like the developer has been working with the neighborhood, and stated it is these cases that these need to proceed forward with reliance on the integrity of all concerned. He doesn't blame people wanting to know what the houses will look like. He asked if the houses will be more of a modern style of house.

MIKE MCDERMOTT stated he is not thinking flat roofs. He would like to use modernize styles from the 70's and 80's. He has given more thought to the square footage of the homes and what the market will demand in interior quality.

COMMISSIONER MILLER asked for the width for most of the lots.

MIKE MCDERMOTT answered they are around 50' x 100'.

COMMISSIONER MILLER asked if the eastern row of houses would have a 28-foot height limit.

MIKE MCDERMOTT answered yes and by doing so, ranch style homes, which infringe as little as possible on the views of the neighboring homes.

COMMISSIONER MILLER asked how far the homes would be built from the existing houses.

MIKE MCDERMOTT answered the Zoning Ordinance requires a 15-foot setback, and the deed restriction has a 20-foot setback.

COMMISSIONER MILLER asked if the property to the north that is zone R-2 for duplexes is currently built.

KARA MUELLER answered there are currently duplexes built on S. Kendall St and showed these on an aerial view.

COMMISSIONER MILLER asked, on the south side of Weir Gulch, are there any properties being used as residence in R-1-43 zone district.

KARA MUELLER answered there are pockets of R-1-43 zone district that are bisected by the underground storage facility. A lot of the larger areas have a drop off and quite a bit of grade that is similar to the 6045 W. Mississippi Ave. property. She added there are a lot of storage and horse trailers on the properties, however few homes.

COMMISSIONER MILLER addressed the safety of walking along S. Harlan St. and asked if there are plans for sidewalks or bike plans to widen the pavement.

TONI BISHOP answered the City of Lakewood does have a Bicycle Master Plan, but this area does not call for detached or multi-use trails. She added most often sidewalks are added with development generated projects.

COMMISSIONER HOLLENDER asked about the verbiage in the Comprehensive Plan regarding maintaining rural or horse property and how does this property fit in to the suggestion.

KARA MUELLER answered the Comprehensive Plan calls for the preservation of property that could house large animals. She stated the staff report does cover the concept that there is a lot of R-1-43 along the Mississippi Corridor. She stated balancing all the concepts of stable neighborhoods and large lot preservation was taken into account.

COMMISSIONER COHN noted there is a bike path on the south side of W. Mississippi Ave.

COMMISSIONER SINKS made a MOTION to adopt the findings of fact and order as presented in the staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-18-004.

SECONDED by COMMISSIONER COHN

COMMISSIONER SINKS does not believe the R-2 zone district is a good balance between the horse properties in the area and the character of the neighborhood. She added she understands the R-2 zone district is around, but she would prefer the property not be zone to R-2. She will not be supporting the request.

COMMISSIONER HEALD agrees the change should not be made from R-1-43 to R-2. He stated he has a difficult time supporting the increase in density. He appreciates the comments of the neighbors. Density can work well in some locations, but he thinks they need to honor and consider the character of the area. He will not be supporting the request and stated if approved, he can see how this might be construed as a material change in the neighborhood and would then become the foundation to allow additional change for additional density.

COMMISSIONER COHN stated this may be more change that is desirable, but it also fills a community need for housing. It is denser than the property to the east, but not outlandish. He added there has been no established policy for preserving views. Even now, there are some existing undesirable things on the southern part of the properties. With the property graded and built on, it should be an added amenity and add value to existing homeowner's properties. He stated he would like to see this built out and will be supporting the rezoning.

COMMISSIONER HOLLENDER stated it is a difficult decision. He stated it is denser than anything immediately surrounding the property but there is also a need for more affordable housing within the City. In considering the accumulation of additional traffic in the area, this

project will not generate a considerable amount of additional traffic. He referenced the concessions that were made but stated the Planning Commission does not recommend on those concessions but rather the zoning that would allow duplexes and homes with more height. He stated, because of the need for more affordable housing, he would tend to support the request.

COMMISSIONER MILLER stated he is supporting the request and lives in an area similar to this. He added a lot of the properties are underutilized. He stated the R-2 zone district really does not affect the density with the number of homes proposed. The property has been sitting vacant for decades. He stated the objections from the neighborhood were issues that were addressed in the neighborhood meeting. He added that all concerns need to be addressed. He did hear some support for the project. Commissioner Miller stated he will be supporting the rezoning.

VOTE TAKEN –

Three Ayes – Commissioners COHN, HOLLENDER, MILLER,

Two Nays – Commissioners HEALD, SINKS

MOTION PASSED

ITEM 5: OA-18-001 – SMALL ANIMAL AMENDMENTS

PAUL RICE stated on January 19, 2019, the Planning Commission held a public hearing on amendments to the small animal provisions of the Lakewood Zoning Ordinance. At the public hearing they heard testimony both for and against the proposed amendments. The Planning Commission's decision was to hold a study session to receive addition information on small animal amendments as they relate to pigeons. A study session was held on May 20, 2019 and as a result of the study session, the Planning Commission determined 8 limitations that would provide for pigeons to be kept as a small animal.

The proposed modifications to Section 17.4.3.1.D.2 are as follows. A Small Animal permit for the keeping of pigeons shall be obtained from the City. The number of pigeons kept at any one time shall be limited to 15 pigeons. Coops shall provide 4 square feet of gross floor area for every bird kept and coops are limited in height to a maximum of 10 feet. All coops shall be setback a minimum of 5 feet from the side and rear property lines. In Mixed-Use zone districts, the keeping of pigeons may be allowed only where an occupied single-family home or duplex exists on a lot. Pigeon feed shall be stored in sealed containers to protect against intrusion by rodents and other vermin. Pigeons shall not be allowed to perch or linger on buildings or property of individuals other than the owners of pigeons. The Director may revoke a permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report, adopt the amended Lakewood Zoning Ordinance and recommends that the City Council APPROVE Zoning Ordinance case No. OA-18-001.

Public Comment OPENED at 10:19 p.m.

JIM GADBOIS stated he would like the Planning Commission to consider the number of pigeons. Pigeons populate quickly and added he thinks there should be a buffer. He stated by weight, 24 pigeons would equal 6 chickens. He believes the limit should be 20 birds. Pigeons are not ground birds; they are primarily perch birds. He recommends 2 places to perch for each bird. Mr. Gadbois stated 2 square feet of ground spaces per bird is enough. For easier enforcement, he would like to see standardize setbacks and referenced they are no different than a shed. He would encourage the Commission to place a provision for no flying in the R-1-6 and R-2 zone districts.

Public Comment CLOSED at 10:26 p.m.

COMMISSIONER COHN asked about noise and odor from pigeons.

JIM GADBOIS answered pigeons are not noisy. He added if you have 15 -20 pigeons, it sounds like a group of people mumbling. Pigeons are very clean birds, if you don't clean up after them, they could smell.

COMMISSIONER MILLER in reference to Mr. Gadbois comment about the enclosure being 2 square feet per pigeon, he asked if 4 square feet would be better to provide more space.

JIM GADBOIS answered if the enclosure is too big, their air speed goes up and the pigeon's landing is harder. Pigeons exercise on the perch and vigorously flapping their wings. He stated his enclosure is 42 square feet and he has 14 birds. He stated 2-3 square feet is a good amount of space.

COMMISSIONER MILLER asked if the maximum height of 10 feet is enough.

JIM GADBOIS stated he believes 10 feet is tall enough.

COMMISSIONER HOLLENDER asked how the number of pigeon was determined and asked if the number was reasonable.

PAUL RICE answered there is not a lot of info within the State of Colorado regarding pigeons. Nationally, the range is 2 to 4 square feet of coop area per pigeon. Staff went with the more conservative end of 4 square feet and stated he believes the 2 to 3 square foot range is acceptable. Mr. Rice stated the weight of 24 pigeons is equivalent to 6 chickens.

JIM GADBOIS reached out to 20 counties and cities and stated almost half have no provisions for pigeons. Those who allow pigeons had different standards. He gave a brief overview of surrounding cities and their restrictions on numbers.

COMMISSIONER SINKS asked if Mr. Gadbois knew of anyone in Lakewood that owns pigeons.

JIM GADBOIS answered he does not know of anyone in Lakewood owning pigeons.

COMMISSIONER SINKS asked if there was a Pigeon Association.

JIM GADBOIS stated no there is no association.

COMMISSIONER SINKS asked if Mr. Gadbois would be happier with 3 square feet per pigeon rather than 4 square feet.

JIM GADBOIS stated he would be happy if the Commissioner would leave a little leeway so people can remain compliant.

COMMISSIONER HOLLENDER asked if 24 pigeons would be a more appropriate number.

JIM GADBOIS answered he believes 20 pigeons would be enough.

COMMISSIONER HEALD made a MOTION to adopt the findings of fact and order as presented in the staff report, that the Planning Commission adopt the amended Lakewood Zoning Ordinance and recommends that the City Council APPROVE Ordinance Case No. OA-18-001.

SECONDED by COMMISSIONER SINKS

COMMISSIONER HOLLENDER AMENDS the motion increase the number of pigeons allowed to 20 and reduce the provision to provide 2 square feet per pigeon.

Motion FAILED due to lack of a SECOND

COMMISSIONER HOLLENDER AMENDS the motion increase the number of pigeons allowed to 20 and reduce the provision to provide 3 square feet per pigeon.

Amendment SECONDED by COMMISSIONER SINKS

COMMISSIONER HEALD stated while he appreciates Mr. Gadbois for his dedication to caring for pigeons, he has a concern for people keeping pigeon and not doing so with Mr. Gadbois integrity. He asked if there is a way for the Planning director to grant a variance or exception without changing policy.

PAUL RICE answered there were discussions early on pertaining to supplemental uses and stated this is a use and the Director cannot vary or waive a use provision.

COMMISSIONER HEALD stated he is concerned with the impacts on the neighborhood. He added the issue of disease concerns him as well. He wished there was a way to issue an exception to Mr. Gadbois without opening up the opportunity for others to keep pigeons.

COMMISSIONER MILLER stated the City does allow pigeons in other zone districts without restricting the number. This has been the only pigeon complaint. He stated this is a hobby that will attract people that want to do it well.

COMMISSIONER COHN stated he could see this topic being revisited if the City suddenly became a magnet for people moving into the R-1-6 zone district that want to raise pigeons; however, he does not see that happening.

COMMISSIONER HOLLENDER stated people who are raising pigeons will do the right thing and if they don't there will be complaints. He added if the amendment is a problem, the Ordinance will need to be changed later.

COMMISSIONER SINKS stated there is a provision with #1, a permit has to be obtained and #8, the Director may revoke the permit. She believes this will take care of any issues.

VOTE TAKEN on the Amendment –

Four Ayes – Commissioners COHN, HOLLENDER, MILLER, SINKS,

One Nay Commissioners HEALD

MOTION on the Amendment PASSED

VOTE TAKEN on Motion with the Amendment –

Four Ayes – Commissioners COHN, HOLLENDER, MILLER, SINKS,

One Nay Commissioner HEALD

MOTION PASSED

ITEM 6: APPROVAL OF MINUTES

Minutes from the June 5, 2019 Regular Meeting were approved by unanimous voice vote.

ITEM 7: General Business

ADJOURNMENT

Meeting adjourned at 11:05 PM.

Date Approved

Diana Brown-Evens, Secretary
to the Planning Commission

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On July 17, 2019, the Lakewood Planning Commission reviewed ordinance amendment Case No. OA-18-001 to amend the Lakewood Zoning Ordinance. Case address of 480 South Allison Parkway.

Motion was made by COMMISSIONER HOLLENDER and seconded by COMMISSIONER SINKS to recommend approval by City Council, with two proposed zoning ordinance amendments. The motion passed with a vote of 4 to 1. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Alex Bartlett	Absent
Johann Cohn	Aye
Allan Heald	Nay
Henry Hollender	Aye
Dale Miller	Aye
Glenda Sinks	Aye

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- a. The proposed amendments to the Zoning Ordinance are necessary based upon staff's review and evaluation of the adopted Zoning Ordinance; and
- b. Amendment of the Zoning Ordinance is consistent with and will implement the goals of the City's Comprehensive Plan; and
- c. Amendment of the Zoning Ordinance promotes the health, safety and welfare of the inhabitants of the City and the purposes of this Ordinance; and
- d. Amendment of the Zoning Ordinance is in the public interest.

AND

That the Planning Commission adopt the findings of fact and order, A through D, as presented for Case No. OA-18-001 and that the Planning Commission ADOPT, with amendments listed below, the updated Lakewood Zoning Ordinance and recommend that the City Council APPROVE the amended Lakewood Zoning Ordinance. Adopted amendments include:

- Increase the number of pigeons allowed to 20.
- Reduce enclosure minimum requirement to 3 square feet per pigeon.



Dale Miller, Chair



Glenda Sinks, Secretary of the Planning Commission

CERTIFICATION

I, Diana Brown-Evens, Secretary to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 17th day of July, 2019 as the same appears in the minutes of said meeting.

July 17, 2019
Date approved


Diana Brown-Evens
Diana Brown-Evens, Secretary to the
Planning Commission