



## PLANNING COMMISSION STAFF REPORT

**REZONING CASE NO.** RZ-20-001

**REPORT DATE:** Dec.18, 2020

**CASE NAME:** 8600 W Colfax Avenue Rezoning

**PC DATE:** Jan. 20, 2021

**ADDRESS OF REZONING:**

8600 & 8650 W. Colfax Avenue  
Lakewood, CO 80215

**Parcel ID:** 49-031-00-011, 49-031-00-021 and 49-031-00-020

**APPLICANT:**

David Leibowitz  
2060 Biscayne Blvd. 2<sup>nd</sup> Floor  
Miami, FL 33137

**PROPERTY OWNER:**

Tanweer Malik  
1129 Broadway Street  
Denver, CO 80203

**REQUEST:**

The request is to rezone 8600 & 8650 W. Colfax Ave from the Mixed-Use Neighborhood Urban (M-N-U) to Mixed-Use General Suburban (M-G-S) zone district.

**CITY STAFF:**

Development Review Planning  
Development Review Engineering  
Transportation Engineering  
Property Management

Brea Pafford, Case Planner  
Ben Mehmen, Case Engineer  
Toni Bishop, Engineering Technician  
Spencer Curtis, Right-of-Way Agent

**STAFF RECOMMENDATION:**

That the Planning Commission recommends that the City Council approve Case No. RZ-20-001.

Brea Pafford, Case Planner  
Planning – Development Assistance

Paul Rice, Manager  
Planning – Development Assistance

**CONTENTS OF THE REPORT:**

Attachment A – Conceptual Land Use Plan  
Attachment B – Applicant's Written Description  
Attachment C – Aerial Map  
Attachment D – Zoning Map  
Attachment E – Neighborhood Meeting Summary  
Attachment F – Letters in Support  
Attachment G – Rezoning Boundary Legal Description  
Attachment H – Draft Resolution

## SUMMARY OF REQUEST

The applicant, David Leibowitz, is requesting to rezone the properties at 8600 & 8650 W. Colfax Avenue from the Mixed-Use Neighborhood Urban (M-N-U) to Mixed-Use General Suburban (M-G-S) zone district. Combined, the three existing metes and bounds parcels are approximately 2.3 acres in size.

As depicted in Figure 1 below, the subject site is located south of W. Colfax Avenue and west of Dover Way. This area is identified in the Lakewood Comprehensive Plan as part of the Garrison Station West Rail Line Growth Area.

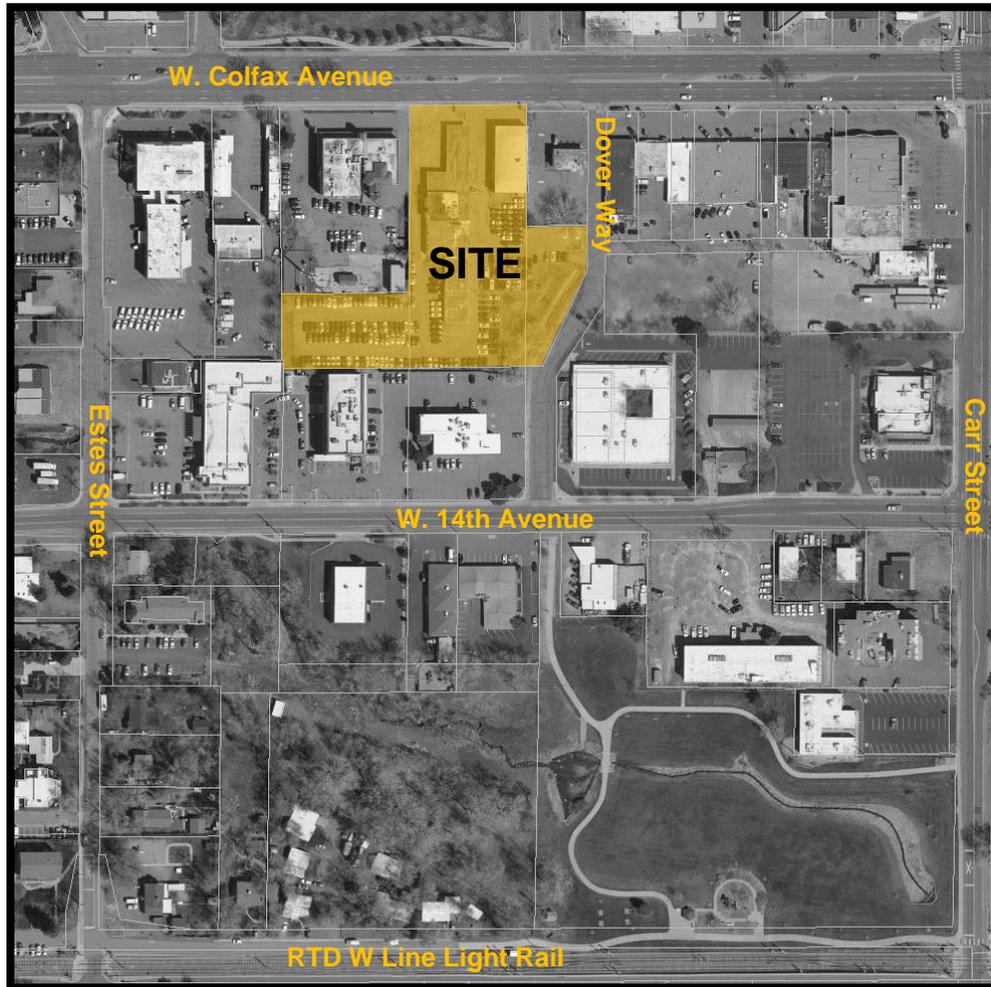


Figure 1 – Aerial Image

## PROCESS – REQUIRED CITY APPROVALS

**Overview:** The purpose of the rezoning request is to allow for minor motor vehicle service, motor vehicle sales with outdoor display and outdoor storage land uses on the project site. Prestige Imports is currently leasing and using the site for overflow vehicle storage associated with the dealership at 9201 W. Colfax Avenue and wishes to purchase the property. A special use permit (SU-18-003) was approved by the Lakewood Planning Commission to allow outdoor storage as a long-term temporary land use that is set to expire in 2021. Prestige Imports is requesting this rezoning so that the site can continue to be utilized as a satellite property to the existing automobile dealership.

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 reviews the rezoning request at a 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 application is approved, a 45-day referendum period is required.

**Plans:** All rezoning applications are required to submit a Conceptual Land Use Plan, included as Attachment A to this staff report. The Conceptual Land Use Plan outlines the specific elements that are unique to the site. It 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.

A major site plan and final plat (which are not a part of the rezoning process) may be required with future redevelopment of the site. The major site plan is a review of the proposed layout of new buildings, site circulation, open space configuration, building architecture, landscape design and other site elements. A site plan or subdivision plat is reviewed for compliance with the Zoning Ordinance, Subdivision Ordinance and Engineering Regulations as well as the Conceptual Land Use Plan. A site plan and plat are administrative approvals, provided the proposal complies with the applicable development standards.

**ZONING AND LAND USE**

	North	South	East	West
<b>Adjacent Zoning Designation</b>	Mixed-Use General Suburban (M-G-S)	Mixed-Use Neighborhood Urban (M-N-U)	Mixed-Use Neighborhood Urban (M-N-U)	Mixed-Use Neighborhood Urban (M-N-U)
<b>Adjacent Land Uses</b>	Park (Charles Whitlock Park & Recreation Center)	Community Building (Action Center)	Office	Office & Retail

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

**Existing Conditions:** The existing site is comprised of three parcels under a single ownership. Access to the site is taken from W. Colfax Avenue and Dover Way. Existing improvements include two structures. The building addressed as 8630 W. Colfax Avenue is vacant, in poor condition and proposed to be demolished following rezoning approval. Most of the site is paved with asphalt surface for the purpose of parking/storing the overflow vehicles. The condition of the previously vacant property has improved under the Prestige Imports tenancy. This includes removing illegally dumped items, installing security fencing around the property perimeter and mowing landscape areas on a regular basis during the growing season.

**AGENCY REVIEW AND NOTIFICATION**

Notice of the Planning Commission public hearing for the rezoning request was mailed to 281 tenants and owners of property within 500 feet and 9 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The rezoning application was also sent to 7 outside referral agencies for review, as indicated in the table below.

Agency	Notification for Neighborhood Meeting	Notification for PC Hearing	Referral Sent	Comments Received
West Metro Fire Protection District			X	X
Consolidated Mutual Water			X	X
Xcel Energy			X	X
Century Link			X	
Comcast Cable			X	
Lakewood Police Department			X	X
Regional Transportation District			X	
Property Owners within 500 feet	X	X		
Eiber Neighborhood Association	X	X		
Pine Place Condominiums	X	X		
Lakewood Green Homes	X	X		
Holbrook Park Neighborhood Association	X	X		
West Colfax Community Association	X	X		
Morse Park Neighborhood Organization	X	X		
Balsam Manor Condominium Association	X	X		
Estes Square HOA	X	X		
North Lakewood Advocates		X		

**Referral Agencies' Comments:** The City received four responses from referral agencies. 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 and stated fire service will be provided as long as the provisions in the 2015 International Fire Code are satisfied. A Service and Emergency Vehicle Access (SEVA) easement is required, and the approved alignment is reflected in the CLUP.
2. Consolidated Mutual Water Company had no objection to the proposed rezoning and stated that water services may continue to be provided subject to compliance with company rules, regulations, and requirements.
3. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.
4. RTD had not comments on the rezoning but may have comments with future development on the site.

**Neighborhood Comments:** A neighborhood meeting was held on February 19, 2020 to introduce the proposal and gather feedback. Neighborhood stakeholders were supportive of the proposal and there was discussion with the applicant and staff on the following topics:

- Future improvements to the property
- Subdivision (parcel consolidation)
- Comparison of land uses and zone districts

**Letters of Support:** Staff also received letters of support for this rezoning from the 40 West Arts Creative District, West Colfax Business Improvements District, and the West Colfax Community Association.

See Attachment E for summary of the neighborhood meeting and Attachment F for the letters of support.

## PROJECT ANALYSIS

**Overview:** The subject site is currently zoned Mixed-Use Neighborhood Urban (M-N-U) and the zoning does not allow motor vehicle sales, minor motor vehicle service or outdoor storage as proposed by the applicant. A rezoning is necessary for the applicant to continue using the site for outdoor vehicle storage once the long-term temporary use approval expires. The proposed rezoning to Mixed-Use General Suburban (M-G-S) is appropriate to accommodate the applicant's desired land uses for this site.

**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 to 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 Lakewood 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, Neighborhood and Community Activity Areas. The Growth Areas are intended to accommodate the vast majority of the employment, retail and residential growth anticipated for the City. This property is located within the Garrison Street West Rail Station Growth Area and is designated as Mixed-Use Commercial future land use.

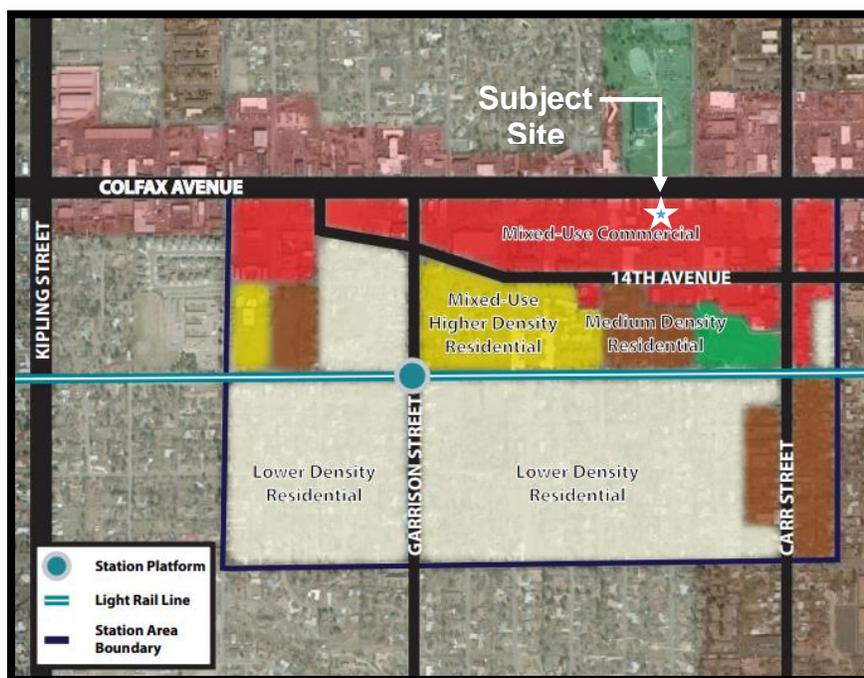


Figure 3 – Garrison Station Growth Area Land Use Map

Staff has evaluated the rezoning proposal and found that it is consistent with the Comprehensive Plan Growth Area Land Use, Mixed-Use Commercial Land Use Designation, and the M-G-S zoning designation along Colfax Avenue.

**Lakewood Zoning Ordinance:** The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and the planning process. As stated in Article 3 - Zone Districts:

- The M-G zone district is intended to allow for mixed-use and community commercial development generally along arterial streets. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged.

The proposed suburban context reflects a more auto-oriented environment. For a comparison of the M-N-U and M-G-S zone district standards, see Attachment A.

**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:

- Maintaining/improving public health, safety, and welfare of the citizens of the City of Lakewood by repurposing and improving a vacant and run-down site.
- Implementing the vision, goals and recommendations of the Comprehensive Plan through maintenance and reinvestment of underutilized commercial properties.
- Promoting orderly development through a public process.
- Accommodating the effective integration of a mixture of uses and redevelopment with surrounding land uses.
- Enhancing the appearance of the City through quality site and building design.
- Ensuring the economic vitality of the City of Lakewood by supporting existing businesses and industries that expand the primary employment base and contribute to the City's sales tax revenue.

**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 that include office, personal service, retail.
- The proposed rezoning is also compatible with the land uses envisioned in the Comprehensive Plan. The property is located within the Garrison Station Growth Area with a land use designation of Mixed-Use Commercial.

**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 proposed rezoning will support the community's guiding principles, goals, and actions steps by:
  - Goal I-CS1 – Encourage investment that creates new employment opportunities and advances the City's economic goals.
    - Supporting growth of an existing and established Lakewood Business (Action Step f)
  - Goal I-CS3 – Enhance commercial and mixed-use district to create quality working, living, shopping and dining experiences.
    - Working with owners of older commercial properties to accommodate reinvestment and redevelopment. (Action step b)
    - Promoting commercial and mixed-use investment and reinvestment in designated Growth Areas. (Action Step c).
  - Goal I-CS7 – Continue to diversify Lakewood's economy to strengthen and stabilize the tax base and maintain viability through fluctuating economic cycles.
    - Supporting business retention efforts for strategic industries that are important to Lakewood.
  - The Goal L-PS6 – Ensure adequate utilities are available for Lakewood's current and future residents and businesses.
    - Ensuring coordination of services with applicable utility and service providers is occurring early in the development process. (Action Step a)

**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 not been a material change in the neighborhood or City that would affect this rezoning proposal.

**iii. The property was rezoned in error.**

Not applicable.

**B. Engineering Analysis.** Engineering plans were not required as part of this rezoning request; however, pursuant to the Colorado Department of Transportation (CDOT) Access Code, the proposed change in land use will require the closure of the eastern site access from W. Colfax Avenue. Public improvements along the Colfax Avenue frontage will be required for the access closure. Additional site and public improvements may also be required with future development or redevelopment of the site and would be reviewed with a Major Site Plan application.

**FINDINGS OF FACT AND ORDER**

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

- A. The applicant, David Leibowitz, is proposing to rezone 8600 and 8650 W. Colfax Avenue from Mixed-Use Neighborhood Urban (M-N-U) zone district to Mixed-Use General Suburban (M-G-S).
- 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 and the land uses envisioned in the Comprehensive Plan; and
- H. The proposed rezoning promotes the implementation of the Comprehensive Plan;

AND

The Planning Commission adopts the findings of fact and order, A through H, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-20-001.

cc: Case File- RZ-20-001  
David Leibowitz, Applicant