



# STAFF REPORT

**DATE OF MEETING: FEBRUARY 22, 2021 / AGENDA ITEM NO. 12**

To: Mayor and City Council

From: Travis Parker, Department Director 303-987-7908

Subject: **8600 W Colfax Avenue Rezoning - CASE RZ-20-001**

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**SUMMARY STATEMENT:** The applicant, David Leibowitz, is proposing to rezone the properties at 8600 and 8650 W. Colfax Avenue from the Mixed-Use Neighborhood Urban (M-N-U) zone district to Mixed-Use General Suburban (M-G-S). The land area is approximately 2.3 acres in size and comprised of three metes and bounds parcels.

Planning Commission held a public hearing on January 20, 2021 and approved Resolution RZ-20-001, which adopted the Findings of Fact and Order with a recommendation that City Council approve the rezoning request. 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:** Prestige Imports is currently leasing the site and using it for overflow vehicle storage pursuant to a long-term temporary use that was approved by the Planning Commission in 2018. The existing zoning does not allow motor vehicle sales, minor motor vehicle service or outdoor storage land uses, and a rezoning is necessary for the applicant to continue using the site once the 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.

The rezoning proposal is supported by the West Colfax Community Association, West Colfax Business Improvement District and the 40 West Arts Creative District. If rezoned, the applicant also intends to proceed with additional site improvements, including the demolition of an existing building that is no longer habitable and screening the outdoor vehicle storage area.

The topic of neighborhood walkability and pedestrian connectivity along Colfax Avenue was discussed during the Planning Commission hearing. The property owner has signed a Development Agreement committing to a formal site plan submittal following a rezoning approval. This formal land development application will address the proposed and required site improvements along with all required public improvements adjacent to W. Colfax Avenue. The owner-signed agreement and draft resolution are included with this packet for Council's consideration. City Council may approve the agreement by resolution following an approval of the rezoning request.

**BUDGETARY IMPACTS:** N/A

**STAFF RECOMMENDATIONS:** The Planning Commission and staff recommend approval because the 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. A determination that the review criteria is not satisfied could be based on findings discovered during the public hearing or based on the proposal *not* promoting the purpose of the Zoning Ordinance or *not* having compatibility with existing surrounding land uses (or the land uses envisioned in the Comprehensive Plan) or *not* meeting one of the additional review criteria (promoting implementation of the Comprehensive Plan, material change in neighborhood, or zoned in error).

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, a neighborhood meeting was held last February, prior to the formal application submittal, and then a public hearing was held before the Lakewood Planning Commission in January. Support for the rezoning was expressed at the neighborhood meeting and through written letters of support.

**NEXT STEPS:** The 1<sup>st</sup> reading is scheduled for February 22<sup>nd</sup> and the public hearing is scheduled for March 22<sup>nd</sup>.

**ATTACHMENTS:** Planning Commission Staff Report and attachments  
Planning Commission Resolution  
Planning Commission Meeting Minutes (DRAFT)  
Rezoning Ordinance  
Development Agreement Resolution  
Development Agreement

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Alison McKenney Brown, City Attorney