

AGENDA  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LAKEWOOD, COLORADO  
**HYBRID MEETING**  
LAKEWOOD CIVIC CENTER  
480 SOUTH ALLISON PARKWAY  
SEPTEMBER 26, 2022  
7:00 P.M.  
COUNCIL CHAMBERS & ZOOM

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)

or

Lakewood Speaks: [Lakewoodspeaks.org](https://lakewoodspeaks.org)

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**How to Connect to Provide Public Comment:**

By Computer: <https://lakewood.zoom.us/j/87017960123>

By iPad, iPhone, or Android device on the Zoom App, enter webinar ID: **870 1796 0123**

By Telephone: **720-707-2699**

Webinar ID: **870 1796 0123, #**

Participant ID: **#**

Press \*9 to Request to Speak, you will be prompted when to speak.

Press \*6 to Unmute

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**ITEM 1 – CALL TO ORDER**

**ITEM 2 – ROLL CALL**

**ITEM 3 – PLEDGE OF ALLEGIANCE**

**ITEM 4 – STATEMENT OF CONFLICT OF INTEREST**

**ITEM 5 – PROCLAMATION – CYBER SECURITY MONTH**

**ITEM 6 – MAYOR’S INSPIRATION AWARDS**

[The City Council meeting will recess to celebrate the award recipients.]

**ITEM 7 – PUBLIC COMMENT**

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

**ORDINANCES ON SECOND READING AND PUBLIC HEARINGS**

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**ITEM 8 – ORDINANCE O-2022-16** – TO REZONE A PORTION OF LAND LOCATED AT 1031 S. UNION BLVD., LAKEWOOD, CO 80228, COUNTY OF JEFFERSON, STATE OF COLORADO

**ITEM 9 – ORDINANCE O-2022-15** – AMENDING TITLE 3, CHAPTER 3.04 OF THE LAKEWOOD MUNICIPAL CODE BY REPEALING THE EXISTING CHAPTER 3.04 AND REPLACING IT WITH A REVISED CHAPTER 3.04, ALL IN REFERENCE TO ESTABLISHING THE PURCHASING POLICIES OF THE CITY OF LAKEWOOD, COLORADO

**ITEM 10 – ORDINANCE O-2022-17** – AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.05 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING ADOPTING BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL PLUMBING CODE, INCLUDING APPENDICES B, C, D AND E, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

**ITEM 11 – ORDINANCE O-2022-18** – AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.10 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL FUEL GAS CODE, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

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**ITEM 12 – GENERAL BUSINESS**

**ITEM 13 – EXECUTIVE REPORT**

A. CITY MANAGER

**ITEM 14 – MAYOR AND CITY COUNCIL REPORTS**

A. COUNCIL MEMBERS BY WARD

B. MAYOR

**ITEM 15 – ADJOURNMENT**

# PROCLAMATION

## Recognizing October 2022 as National Cyber Security Awareness Month

**WHEREAS,** the City of Lakewood recognizes it has a vital role in identifying, protecting, and responding to cyber threats which may have significant impacts to the city, its citizens, and the surrounding areas; and

**WHEREAS,** the city is increasingly reliant on information systems to support financial services, telecommunications, utilities, government service delivery, emergency response systems, and public safety; and

**WHEREAS,** internet users and our information infrastructure face an increasing threat of malicious cyber-attacks which often times result in significant financial and personal privacy losses; and

**WHEREAS,** maintaining the security of cyberspace is a shared responsibility in which each of us has a critical role to play and monitoring accounts, keeping computer software current, creating unique passwords and changing them regularly, installing anti-virus programs and firewalls, and using mobile devices and online services safely are ways you can protect yourself from phishing, malware, ransomware, financial loss, and loss of sensitive data; and

**WHEREAS,** this year's cyber awareness month theme is "See Yourself in Cyber" which places a focus on the "people" part of cybersecurity, and which fosters awareness of computer security essentials and key action steps to protect online information and privacy, bolstering the strength of the City of Lakewood information infrastructure and the economy; and

**WHEREAS,** in guidance of The President of the United States of America and the U.S. Department of Homeland Security, the City of Lakewood recognizes October as National Cyber Security Awareness Month; and, all citizens are encouraged to learn about cybersecurity and to put that knowledge into practice in their homes, schools, workplaces, and businesses to better combat cyber threats as they continue to grow.

**NOW, THEREFORE,** on behalf of the City Council and the people of the City of Lakewood, I, Adam Paul, Mayor of the City of Lakewood, Colorado, by virtue of the authority vested in me, do hereby recognize

### OCTOBER 2022 AS NATIONAL CYBER SECURITY AWARENESS MONTH

GIVEN under my hand and Seal of the City of Lakewood, this 26th day of September 2022.

A handwritten signature in blue ink, appearing to read 'Adam Paul', is written over a faint circular seal.

Adam Paul, Mayor

# STAFF MEMO

**DATE OF COUNCIL MEETING: SEPTEMBER 26, 2022 / AGENDA ITEM NO. 6**

To: Mayor and City Council

From: Ben Goldstein, Deputy City Manager, 303-987-7050

Subject: **RECOGNIZING THE 2022 MAYOR'S INSPIRATION AWARD WINNERS**

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**SUMMARY STATEMENT:** City Council will formally recognize and honor six remarkable residents and Lakewood organizations for their inspiring work and commitment in the community with the Mayor's Inspiration Award.

A panel of evaluators made up of city staff and volunteers reviewed the 12 nominations and Mayor Adam Paul made the final selection based on contributions in community engagement, collaboration, inclusiveness, diversity, innovation and community impact.

**BACKGROUND INFORMATION:** The Mayor's Inspiration Award's inaugural year was 2017. The Lakewood Advisory Commission, which consists of residents who advise City Council on issues important to Lakewood, recommended the creation of the award to acknowledge those having a significant impact in the community. The awards program is also carrying forward the values of the All-America City Award that Lakewood has won in 2016 and 2011 by recognizing contributions in community engagement, collaboration, inclusiveness, diversity, innovation and community impact. Due to the COVID-19 pandemic, there was no 2020 Mayor's Inspiration Awards process.

**Organization Winner:**

- Joy's Kitchen

**Individual Winners:**

- Katie Gill
- Hedy Margolis
- Shirley Bradsby
- Shermita West
- Israel Ontiveros-Platt

**BUDGETARY IMPACTS:** This is no significant budget impact associated with the recognition of these award winners.

**STAFF RECOMMENDATIONS:** Staff recommends that City Council recognize the selected winners.

**ALTERNATIVES:** City Council could decide to postpone or delay the recognition to a later time.

**PUBLIC OUTREACH:** Significant public outreach regarding the awards has occurred, including promotion in Looking@Lakewood, the Friday Report, and on social media and various media outlets.

**NEXT STEPS:** There is no further action required for this item.

**ATTACHMENTS:** None.

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

# STAFF MEMO

**DATE OF COUNCIL MEETING: SEPTEMBER 12, 2022 / AGENDA ITEM NO. 9**  
**SEPTEMBER 26, 2022 / AGENDA ITEM NO. 8**

To: Mayor and City Council  
From: Travis Parker, Department Director (303-987-7908)  
Subject: **1031 S. UNION BLVD. REZONING, CASE RZ21-0006**

**This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nay.**

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**SUMMARY STATEMENT:** The applicant, Matthew T. Dendorfer, is proposing to rezone the northern portion of the property at 1031 S. Union Blvd. from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6). The land area is approximately 2.3 acres in size.

Planning Commission held a public hearing on July 20, 2022 and approved the resolution for case RZ21-0006, which adopted the Findings of Fact and Order with a recommendation that City Council approved 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:** The Green Mountain Swim Club (GMSC) operates as a nonprofit and currently owns and operates a membership based seasonal swim and fitness facility and is home to a swim team for children between the ages of 6 and 18.

Tract C of the Green Mountain Village Filing No. 6 subdivision was conveyed to the Green Mountain Swim Club, Inc. by two separate deeds. The northern portion of Tract C is vacant, and the total land area is approximately 2.3 acres. There is a private deed restriction over the subject property that limits the use of the property to park or recreational uses, public educational or school use, or private single-family use. The current M-E-S zone district does not allow for single-family residential. Single-family residential is compatible with the surrounding residential uses and the proposed zone district aligns with the surrounding residential zoning.

The proposed rezoning is supported by the GMSC Board of directors and received both support and opposition from local Green Mountain residents. If the property is rezoned, the property is to be sold to a single-family residential developer and the proceeds from the sale will be used for improvements and deferred maintenance for the GMSC facilities.

**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 has not satisfied could be based on findings discovered during the public hearing or based on *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 on July 15, 2021, prior to the formal application submittal, and then a public hearing was held before the Lakewood Planning Commission on July 20, 2022. At the neighborhood meeting, the primary concerns were about traffic generation, traffic speed mitigation, site layout and access, and entitlement and development process.

**NEXT STEPS:** The 1<sup>st</sup> reading is scheduled for September 12<sup>th</sup> and the public hearing is scheduled for September 26<sup>th</sup>.

**ATTACHMENTS:** Planning Commission Staff Report and Attachments  
Planning Commission Resolution  
Planning Commission Meeting Minutes  
Ordinance O-2022-16

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



## PLANNING COMMISSION STAFF REPORT

**REZONING CASE NO.** RZ21-0006

**CASE NAME:** 1031 S. Union Blvd. Rezoning

**REPORT DATE:** June 22, 2022

**PC DATE:** July 20, 2022

**ADDRESS(ES) OF REZONING:**

1031 S. Union Blvd.  
Lakewood, CO 80228

**CASE ADDRESS:**

1031 S. Union Blvd.  
Lakewood, CO 80228

**APPLICANT:**

Epiphany Developers, LLC  
Matthew T. Dendorfer  
5000 Quitman St.  
Denver, CO 80212

**PROPERTY OWNER:**

The Green Mountain Swim Club  
1031 S. Union Blvd.  
Lakewood, CO 80228

**REQUEST:**

The request is to rezone the northern portion of Tract C of the Green Mountain Village Filing No. 6 subdivision addressed as 1031 S. Union Blvd. from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) to allow for the development of detached single-family homes.

**CITY STAFF:**

Development Review Planning  
Development Review Engineering  
Traffic Engineering  
Development Review Planning  
Community Resources  
Comprehensive Planning & Research

Kara Mueller, Senior Planner  
Shawn DeJong, Engineering Development Coordinator  
Toni Bishop, Transportation Engineering  
Garrett Downs, Right-of-Way Agent  
Ross Williams, Parks Planner  
Matthew Seubert, Principal Planner

**STAFF RECOMMENDATION:**

That the Planning Commission recommends that the City Council approve Case No. RZ21-0006.

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Kara Mueller, Senior Planner  
Planning – Development Assistance

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Paul Rice, Manager  
Planning – Development Assistance

**CONTENTS OF THE REPORT:**

Report Detail  
Attachment A – Aerial Map  
Attachment B – Zoning Map  
Attachment C – Applicant's Written Description  
Attachment D – Conceptual Land Use Plan  
Attachment E – Deed Restriction  
Attachment F – Neighborhood Meeting Summary  
Attachment G – Public Correspondence  
Attachment H – Resolution

## SUMMARY OF REQUEST

The request is to rezone the northern portion of Tract C of the Green Mountain Village Filing No. 6 subdivision located at 1031 S. Union Blvd. from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) to develop detached single-family homes.

Tract C of the Green Mountain Village Filing No. 6 subdivision was conveyed to the Green Mountain Swim Club, Inc. by two separate deeds (the northern and southern portions of Tract C). The northern portion of Tract C is vacant, and the total land area is approximately 2.3 acres. As depicted in Figure 1 below in yellow, the subject property is located west of South Union Boulevard, east of South Van Gordon Court, south of the Green Mountain Elementary School, and north of the Green Mountain Swim Club. There is a private deed restriction over the subject property that limits the use of the property to park or recreational uses, public educational or school use, or private single-family use. The current M-E-S zone district does not allow for single-family residential. Single-family residential is compatible with the surrounding residential uses and the proposed zone district aligns with the surrounding residential zoning, as depicted in Figure 2 below.



Figure 1



Figure 2

## PROCESS – REQUIRED CITY APPROVALS

**Overview** – 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 will review the rezoning request at the public hearing and then make its recommendation to City Council. The City Council will then review the Planning Commission public hearing minutes, the Planning Commission recommendation, the 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, then the applicant may proceed with a proposal for major subdivision preliminary and final plats, which is a subdivision of 10 or more lots to subdivide the property into individual single-family lots and dedicated right-of-way. A major subdivision requires a public hearing before Planning Commission for review and approval. The major subdivision must meet the City's subdivision ordinance, and design and development standards. A Public Improvements Agreement (PIA) will be required based on the future major subdivision proposal. Residential allocations will be required per residential unit prior to issuance of any building permits per Chapter 14.27 Residential Growth Limitation Ordinance.

**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 D). 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 and final plats associated with the major subdivision, which are not a part of the rezoning process, will determine final layout of roads, buildings, parking, open space, building architecture, landscape design and other site elements. The preliminary and final plats will be reviewed against the standards in the Zoning Ordinance, the Subdivision Ordinance, the Engineering Regulations as well as the Conceptual Land Use Plan. The major subdivision preliminary and final plats will require a hearing before Planning Commission.

**ZONING AND LAND USE**

	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Adjacent Zoning Designation</b>	Small Lot Residential (R-1-6)	Mixed-Use-Employment Suburban (M-E-S)	Small Lot Residential (R-1-6) Mixed-Use Employment Suburban (M-E-S) Mixed-Use Neighborhood Suburban (M-N-S)	Small Lot Residential (R-1-6)
<b>Adjacent Land Uses</b>	Green Mountain Elementary School	Green Mountain Swim Club	Single-family home Early Learning Center Dairy Queen	Single-family homes

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

**Existing Conditions and Development History** –The northern portion of Tract C is currently vacant. The topography of the property slopes from the northern property line to the southern property line dropping off toward the swim club, there is a steep slope along the eastern edge of the property towards South Union Boulevard.

The surrounding residential properties are zoned Small Lot Residential (R-1-6) with school and community uses to the north and south. Various office and commercial uses are to the east of South Union Boulevard. An office building and a pocket of legal non-conforming single-family homes are to the south of the Green Mountain Swim Club. The subject property is located within a Neighborhood Activity Area.

The zoning of the property prior to December 10, 2012 was Office (OF). The legislative rezoning in 2012 zoned the property Mixed-Use Employment Suburban (M-E-S). The M-E zone district was the closest match to the OF zone district.

The deed restriction over the property limits the use of the property to park or recreational uses, public educational or school use, or private single-family use; which does not allow for many of the uses within the M-E-S zone district. This deed restriction over the property is a set of private rules that limit the uses on the property. This deed restriction is included as an attachment to this staff report (Attachment E).

**AGENCY REVIEW AND NOTIFICATION**

Notice of the Planning Commission public hearing for the rezoning request was mailed to 120 tenants and owners of property within 500 feet and to 9 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
West Metro Fire Protection District			X	X
Green Mountain Water and Sanitation District			X	
Xcel Energy			X	
Century Link			X	
Comcast Cable			X	
Lumen			X	
Lakewood Police Department			X	X
Jefferson County Public Schools			X	X
Lakewood Community Resources			X	X
Property Owners within 500 feet	X	X		
West Lochwood Civic Association	X	X		
Glennon Heights HOA	X	X		
Nevada Place Condo Association	X	X		
Shadow Hills Condo Association	X	X		
Union Corridor Professionals Group	X	X		
South Lakewood Business Assoc.	X	X		
Dakota Terrace	X	X		
Ward 4 Coalition	X	X		
Ponderosa Ridge HOA	X	X		

**Referral Agencies' Comments** - The City received no objections in response to the case referrals. 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. Fire service will be provided if provisions of the currently adopted 2015 edition of the International Fire Code, including City of Lakewood amendments, are met in development.

2. The Police Department Crime Prevention Through Environmental Design (CPTED) review will be conducted with the future development proposal.
3. Jefferson County Public Schools reviewed the information and has no objections to the proposed rezoning and will evaluate any development proposal when additional information is available.
4. Community Resources Department stated that the city has an ownership interest in the southern portion of Tract C that has the swim club. This portion of Tract C is covered by a clause that would vest ownership of the southern portion of Tract C to the city if the swim club ceased to operate. Sale and development of the northern portion of Tract C may affect the city's interest in the southern portion. The Department would like to see both portions of Tract C remain in the ownership of the swim club; however, the ownership clause is not over the northern portion of Tract C and the City does not control or have an ownership interest in the property. Community Resources has stated a desire for additional parkland in this area of Lakewood.

**Neighborhood Comments** –The neighborhood meeting was held on July 15, 2021 to introduce the proposal and gather feedback on the rezoning request to change the zone district from M-E-S to R-1-6.

Neighborhood stakeholders asked questions about the following issues:

- Traffic generation & speed mitigation
- Site layout and access
- Process

The applicant introduced their company and the single-family housing type. The applicant provided information about the deed restriction over the property and the limitation of uses. The deed restriction over the property limits the uses to park or recreational uses, public educational or school use, or private single-family use. The current M-E-S zoning does not allow for single-family development, which is why the applicant is requesting the property be rezoned to R-1-6 to allow for single-family residential.

The differences in the zone districts were discussed including the residential uses allowed if the deed restriction is removed. A Green Mountain Swim Club representative stated that the goal of the sale of the property is to renovate the pool and site with the funds.

The proposed access location to South Van Gordon Court and traffic generation were a concern. The applicant stated that they will investigate the topography and access point location. There was also a concern with the speed of the existing traffic on South Van Gordon Court and a desire for traffic mitigation, such as speed bumps to be provided.

Staff went over the rezoning and major subdivision processes. Notification requirements for these processes was covered.

One of the goals of the Comprehensive Plan is to reduce speeding on local street through residential neighborhoods through evaluating and determining the need for traffic calming methods on local streets when requested by neighborhood organizations or neighborhood groups (Goal M-MT8; Action Step b.) Staff reached out to Transportation Engineering after the

neighborhood meeting to follow up on the criteria for speed bumps and traffic mitigation and a traffic count was conducted to see if the speed and traffic count on South Van Gordon Court would meet the criteria for a speed bump. The traffic count and speeds did not meet the criteria at this time, Transportation Engineering will continue to monitor the situation accordingly.

See Attachment F for a summary of the neighborhood meeting and Attachment G for public correspondence.

## PROJECT ANALYSIS

**Overview** – There is a deed restriction over the subject property that limits the uses of the property to park or recreational uses, public educational or school use, or private single-family use. The subject property is currently zoned M-E-S. The M-E-S zone district does not allow for single-family residential use. The applicant is proposing this rezoning to align the zone district with the allowed uses; and the proposed R-1-6 zone district allows for the uses listed in the deed restriction and is consistent with the surrounding single-family neighborhood. Currently, the subject property is within a Neighborhood Activity Area, which aligns with the mixed-use zoning on the property. The Neighborhood Activity Area are intended to accommodate small-scale commercial and mixed-use area within residential neighborhoods. Currently several community, service, and commercial uses, as well as a pocket of single-family homes are located within the Neighborhood Activity area, meeting its intent. This rezoning request will effectively fulfill the goal of providing additional housing within Lakewood.

**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 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 Comprehensive Plan has a Land Use Vision Map (Map 3-d, page 3-21) that indicates Neighborhood Activity Areas. The Neighborhood Activity Areas are intended to accommodate small-scale commercial and mixed-use areas primarily found within or in close proximity to residential neighborhoods. These areas are generally accessible to pedestrians and bicyclists, as well as motor vehicles. These areas are typically designated as Mixed-Use Neighborhood on the Zoning Map. The subject property is within a Neighborhood Activity Area.

- The property is within the Foothills neighborhood area, which is characterized by predominately smaller lot single-family housing. Existing zoning and land use to the west of the subject property is R-1-6, developed as single-family dwelling units. To the north, the zoning is R-1-6, developed as a school and then single-family dwelling units further north. Zoning to the east is a mixed of R-1-6, developed as single-family dwelling units, M-E-S, developed as a daycare, and M-N-S, with restaurant, personal service, and auto land uses. The properties to the south are zoned M-E-S and M-N-S and include the Swim club, legal

non-conforming single family dwelling units, and an auto repair shop. There is a mix-of-uses existing within this Neighborhood Activity Area. The rezoning request will aid in providing housing to meet the city's housing needs and allow the swim club to remain in operation and provide a neighborhood service.

- The deed restriction on the property prohibits most of the land uses permitted under the existing M-E-S zoning as it only allows for single family dwelling units, community center, school, and park. Single-family dwelling units are prohibited within the M-E-S zone district. Rezoning from M-E-S to R-1-6 does not significantly conflict with the intent of the Neighborhood Activity Areas nor does it change the character of the neighborhood, especially given the unique circumstances of the deed restriction. This Neighborhood Activity Area does include a mix of uses, even if the subject property is re-zoned to R-1-6 and developed as single-family dwelling units.

This staff report evaluation is based on the land uses allowed in the proposed R-1-6 zone district. The existing deed restriction did not directly affect staff's evaluation of the land uses, as the restriction could be lifted. Staff has evaluated this rezoning proposal and the land uses allowed in the R-1-6 zone district are a better fit in this location within the Neighborhood Activity Area and surrounding neighborhood than the land uses allowed in the M-E-S zone district. Please see the applicant's written description for how this rezoning proposal meets the goals of the Comprehensive Plan.

**Lakewood Zoning Ordinance** - The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and planning process. As stated in Article 3: Zone Districts, "The R-1-6 district is intended to provide for small lot, single-family residential development".

Development standards vary depending on the zone district and the zone district standards directly affect the use and form of allowable development. For a comparison of the M-E-S and R-1-6 zone district standards, see Attachment D.

**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:

- The public health, safety and welfare of the citizens of the City of Lakewood will be maintained.
- Implements the vision, goals, and recommendations of the Comprehensive Plan by providing quality infill development that is compatible with surrounding residential uses, while providing housing options for the City's growing population.
- Fills a need for housing for the growing population through providing a market driven housing type and price point to meet the needs of the current and future population of Lakewood.

- Promotes the orderly development of this property by providing single-family development adjacent to other single-family residential properties.
  - Ensures effective integration of development with surrounding residential land uses.
  - Respects the character of the surrounding neighborhood through similar residential land use and zoning.
  - Will promote sidewalk connections along adjacent streets and newly proposed streets.
  - Quality site and building design will be met through the development process, including connectivity, design, and landscaping.
  - Will not harm the economic vitality of the Neighborhood Activity Area by promoting compatible residential development that blends with adjacent uses and meets housing needs.
- 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 proposed rezoning will allow for single-family residential uses that are compatible with the existing surrounding land uses and with the character of the Foothills neighborhood; and there is an existing mix of uses within the Neighborhood Activity Area to meet the intent of the Comprehensive Plan for this Neighborhood Activity Area. The Alameda Parkway Community Area is located to the north along Alameda and further provides commercial and service uses. Single-family development will be more respectful of the adjacent residences and community land uses than many of the higher density residential and commercial uses allowed with the existing M-E-S zone district.

**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 demographics of Lakewood illustrate a growing population as evidenced in the Comprehensive Plan. This results in the need for additional housing accommodations. The proposed R-1-6 zoning will allow for single-family residential use that is consistent with the character of the surrounding neighborhood; while the existing M-E-S zoning allows for higher density residential and commercial uses.
- The proposed rezoning will support the community's guiding principles, goals, and actions steps by:
  - Goal L-N2 – Respect and protect the existing character of Lakewood's stable neighborhoods.
    - Only support rezoning of properties in stable neighborhoods when the rezoning request is consistent with existing surrounding land uses and the character of the area (Goal L-N2, Action Step a).
      - Both the Foothills and Green Mountain neighborhoods were developed in the 1960s and 1970s. These neighborhoods consist of smaller lot single-family homes and are conveniently located near William F. Hayden Green Mountain

Park and Bear Creek Lake Park. In addition, there are several smaller parks scattered throughout including Beech Park and Hutchinson Park. West Lakewood contains the largest mass of parkland in Lakewood.

The Comprehensive Plan locates this property within a Neighborhood Activity Area. The Neighborhood Activity Area already has a mix of uses, including legal non-conforming single-family homes. Rezoning to R-1-6 would be consistent with the character of the surrounding Foothills neighborhood and single-family homes. The M-E-S zone district allows higher density residential and commercial uses that may negatively affect the surrounding residences. The proposal will provide an infill of detached single-family homes. This proposed zoning will be in character with the surrounding single-family land uses and neighborhood.

- Goal L-H1 – Provide an adequate mix of housing to meet the needs of all segments of the community.
  - The R-1-6 zone district allows for smaller lots that are appropriate for lower maintenance living and that meet the need for a housing type within the City of Lakewood.
- Goals I-NA1 & I-NA2 - Encourage the evolution of Neighborhood Activity Areas into small-scale mixed-use centers, creating community focal points with these activity centers.
  - Additional residential will support the existing mix of uses within the Neighborhood Activity Area by providing users to the existing commercial, community, and service uses while allowing the swim club, a community focal point and gathering place to renovate and remain open.

**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 character of the neighborhood or in the city generally.

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

Not applicable.

**B. Engineering Analysis.** Engineering documents were not required as part of this rezoning request. If the rezoning request is approved, then engineering will be required with the submittal of major subdivision preliminary and final plat applications.

**FINDINGS OF FACT AND ORDER**

Based upon the information and materials, 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. Matthew T. Dendorfer has requested a rezoning of the Property from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) (the "Request"); and
- B. Notice of the public hearing on the Request was provided to the residents and fee owners of property within 500 feet, and registered neighborhood organizations within 1/2

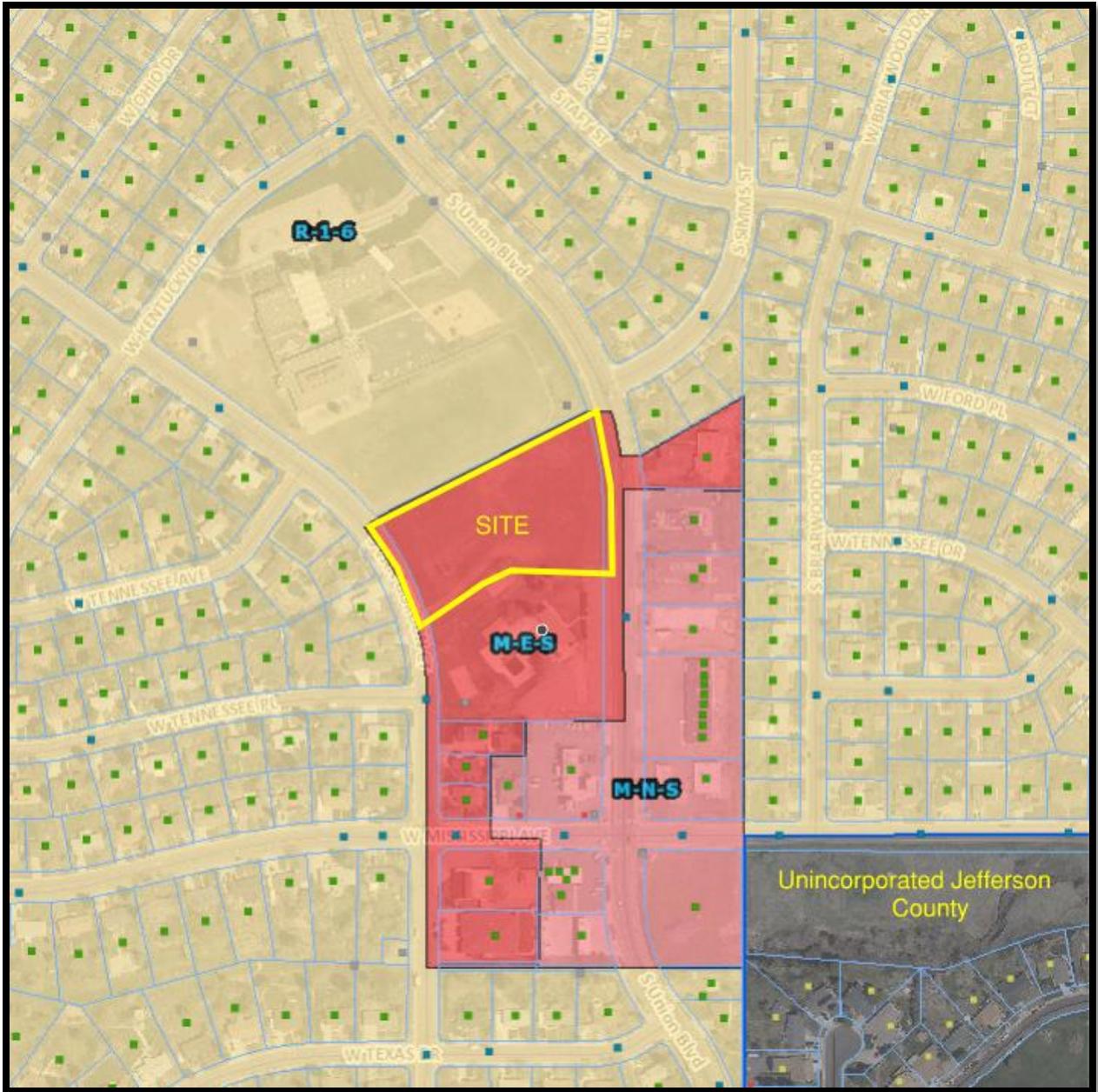
- mile, of the Property as required by the Lakewood Zoning Ordinance; and
- C. Notice of the public hearing was published in the official City newspaper at least six days prior to the public hearing; and
  - D. The request was reviewed by the appropriate referral agencies; and
  - E. Rezoning the Property in accordance with the Request will:
    - 1. Promote the purposes of this Zoning Ordinance, as stated in Section 17.1.2.;
    - 2. Be compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan;
    - 3. Promote the implementation of the Comprehensive Plan.

AND

The Planning Commission adopts the findings of fact and order, A through E, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ21-0006.

cc: Case File- RZ21-0006  
Matthew T. Dendorfer, Applicant  
Eric Brown for the Green Mountain Swim Club, Property Owner

# ATTACHMENT B – ZONING MAP



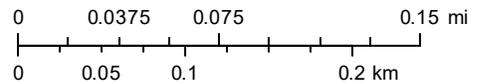
# 1031 aerial



6/29/2022, 10:24:49 AM

1:4,514

● Active Address	□ Parcel	<b>Roads</b>	<b>Lakewood 2020</b>
● Utility Address	<b>Road Labels</b>	— Interstate	■ Red: Band_1
■ Out of city Address	Interstate	— Freeway	■ Green: Band_2
■ Block Address	Freeway	— Arterial	■ Blue: Band_3
■ Historic Address	Arterial	— Collector	
□ Lakewood Boundary	Collector	— Local	
	Local		



City of Lakewood  
 Denver Regional Council of Governments  
 Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

City of Lakewood

03/14/2022

Matt Dendorfer  
Managing Partner  
Compendium Developers, LLC 5000  
Quitman St.  
Denver, CO 80212

Kara Mueller  
Senior Planner  
City of Lakewood  
Planning Department  
Civic Center North  
470 South Allison Parkway  
Lakewood, CO 80226-3127

RE: Application For Rezone – 1031 S. Union Blvd. – Project# **RZ21-0006**

To Whom It May Concern:

1031 S. Union Blvd is currently occupied by the Green Mountain Swim Club, which operates as a nonprofit and is governed by an all-volunteer board of directors. The Board and much of the membership base reside within the Green Mountain area. Specifically, the Hutchinson Green Mountain Village neighborhood of Lakewood, Colorado. The Club provides members a seasonal swim and fitness facility and has served the area since 1962.

The Swim Club needs major repairs and is doing what it can to operate with outdated equipment and facilities. The Club would like to start a complete remodel of its existing facility to attract new members and bring down the costs of maintaining its current facility.

In order to finance the cost of a remodel, the Board has agreed to sell approximately 2 Acres of vacant land to the north of their facility; also known as “Tract C” (see attached map). The vacant portion of the GMSC property is situated directly south of Green Mountain School Age Center and north of the swim club.

Currently, Matt Dendorfer with Compendium Developers, LLC has entered into an agreement to purchase Tract C, comprised entirely of vacant land from the Swim Club. The Green Mountain Swim Club in partnership with Matt Dendorfer and Compendium are seeking a rezone for the site. The Application for Rezone is currently logged in with the City of Lakewood Planning Department under project number **RZ21-0006**.

Matt Dendorfer and his family have lived in the Denver/Lakewood area for 4 generations, and he began his development career in the nearby Sloans Lake and West Highlands neighborhoods of Northwest Denver in 2007. He attended Devinney Elementary School and Dunstan Middle School, Columbine High School, and went on to CU Boulder studying Political Science. Currently Matt and his team have a multitude of projects in various stages of planning and construction across the front range. Matt’s

family lives in the Green Mountain area and as such has a deep personal connection to this site and its future development.

The rezoning application for 1031 S. Union Blvd. seeks to change the current zoning, which is Mixed Use Employment Suburban (M-E-S), allowing for 50% residential 50% commercial high density projects up to 60 feet in overall height, to (R-1-6) zoning, which allows for up to 6 single family homes per acre. The proposed rezoning will allow for the construction of up to 12 single family residences on the approximately 2 acre site.

The neighborhood in which the subject property lies is known as Green Mountain Village. It is located on the eastern slope of Green Mountain.

Hutchinson was the largest builder/developer of the area from 1960-1982, having completed over 5000 single family homes during that timeframe. In 1982 they discontinued their building activities and sold off their remaining ground to Village, Ryland, Fairfield and Pulte who finished out the remaining developments previously owned by the Hutchinson family.

When the neighborhood was originally platted there were restrictive covenants placed on Tract C that restrict the use of the property to educational, recreational, or Private Single-Family Residences.

In partnership with the Green Mountain Swim Club, and in purchasing Tract C, Matt Dendorfer and Compendium Developers, LLC require a rezone in order to develop 12 single family homes at the subject property. The restrictive covenants conflict with the uses allowed by the existing zoning.

The proposed rezoning of Tract C promotes the purposes of the Lakewood Zoning Ordinance as stated in Section 17.1.2 as follows.

- 1.) The rezone and subsequent single-family development promote the health, safety, and welfare of the Citizens of Lakewood. (Comprehensive Plan, Goal L-N2, Action Item A, B, D)
  - a. 12 new single-family homes will bring additional property tax revenues to the City bolstering tax revenue streams for schools and social programs.
  - b. The residents will frequent the local business located along Union and elsewhere throughout the City bringing additional sales tax revenues.
  - c. Land vacancy brings with it blight, crime and attracts the unhoused away from programs set up to serve them. A single-family residential neighborhood will activate the site providing students to the school next door, members to the Swim Club next door, and an infill project that will further serve to improve the image of the city as referenced in the Lakewood Comprehensive Plan.
  - d. The Property is not currently zoned for horses and this re-zone request does not change that.
- 2.) The proposed rezone and development of single-family homes further provides for and meets the housing needs of the current and future citizens of the City.
  - a. The project will bring in new residences to a community within Lakewood that hasn't had new single-family homes developed since 1982. When paired with the remodel of the adjacent Swim Club, this is an opportunity to improve the image of a site located along an important corridor within the City of Lakewood.
- 3.) The project will promote the orderly development of land within the City of Lakewood.

(Comprehensive Plan, Goal L-N3, Action Item A and Goal L-N2, Action Item D)

- a. The surrounding Green Mountain Village neighborhood is predominantly single-family homes, our proposed rezone coincides with the character of the surrounding area and neighboring homes.
- 4.) The rezone will ensure effective integration of development within surrounding land uses.  
(Comprehensive Plan, Goal L-N2, Action Item A)
- a. The surrounding land uses are Hutchinson Elementary School to the North and Swim Club to the South, with mixed use commercial and residential across Union to the East. The area to in all directions surrounding the subject property is predominantly single-family homes.
  - b. Our proposed project integrates these uses by providing a complimentary residential element between two institutional uses.
  - c. Our project as planned provides linkage between the School and the Swim Club by providing potential students to the school and members to the Swim Club.
  - d. As planned this single-family development will integrate future residents with the amenities of the surrounding area. Some will attend the swim club as well as become members. This provides a year-round opportunity for new and current residents to engage with each other, either via the School or Club, or both.
  - e. Membership to the Swim Club will be included as part of the HOA fees of the 12-home neighborhood.
- 5.) The development respects the attributes of the individual neighborhood within which it is located. (Comprehensive Plan, Goal L-N2, Action Item A)
- a. The neighborhood is primarily single-family homes. The rezone ensures that the use of the site remains consistent with what the predominant and surrounding land uses are.
- 6.) The project will enhance the appearance of the City through quality site and building design.  
(Comprehensive Plan, Goal L-N2, Action Item C)
- a. The developer intends to design the single-family homes with a Mid Century Modern architectural style, paying homage to the era in which the existing community was developed.
  - b. This is accomplished by building ranch style single story structures with a configuration that is very similar to what exists throughout the community today, but with a modern element that reflects the current trends of design.

The rezone promotes the purpose of the Zoning Ordinance and is consistent with the recommendations, vision and goals of the City of Lakewood Comprehensive Plan.

1.) The Purpose of Lakewood's Comprehensive Plan is to:

- Promote the community's vision for the future of Lakewood
- Maintain and improve the physical environment of the City
- Respond to the social, environmental, economic, and demographic realities and forecasts
- Identify and set budgeting priorities
- Provide for the health, safety and welfare of the entire Lakewood community;
- Plan in a thoughtful, cohesive, and comprehensive manner

According to the Comprehensive Plan Lakewood had a total of 64,392 housing units as of 2013. Most of which were built between 1969 and 1980. The greatest number of those housing units are single-family homes. The average household size in Lakewood is 2.27. Our proposed project will provide much sought-after single-family homes and attract new taxpayers and residents to the community. This is one of the stated missions of the Lakewood Comprehensive Plan.

The proposed rezone and subsequent development will provide new construction designed to meet the needs of the modern family in response to the demographic realities of the marketplace. Scarcity of housing in Lakewood is a major concern for the community, and the Comprehensive Plan calls for a focus on infill development and redevelopment, particularly along existing corridors with aging and underperforming office and commercial centers.

Our site falls within one of these corridors with aging and underperforming office and commercial centers, and the proposed development will activate the site and offer an opportunity of renewal to the surrounding area.

With the projected increase in population and employment projected by the Comprehensive Plan, Lakewood will need an increase of 812 units annually to meet the projected housing demand (Lakewood Comprehensive Plan, Chapter 3, Pg. 7).

The Plan contemplates that the population growth and demand for housing will be met by multifamily projects and will be concentrated within growth areas, but also calls for a focus on the preservation of the single-family character of neighborhoods through infill development.

Our proposed rezone and development is consistent with the Vision of the Lakewood Comprehensive Plan.

1.) The Vision of the Lakewood Comprehensive Plan:

- "In 2025 we envision a City that is:
  1. **Livable** with a high quality of life. Lakewood is an inviting, attractive, diverse and inclusive community. Lakewood is known for its hometown character and unique single-family neighborhoods, while also providing a variety of housing types and choices for all residents. Lakewood is a healthy, safe, and secure city with high-quality parks and recreation centers; a commitment to the arts, culture and heritage; and an active and engaged citizenry.
  2. **Mobile** with an integrated transportation system designed for pedestrians, bicycles, public transit and automobiles equally. Lakewood has facilities that are accessible and navigable to all regardless of physical mobility.
  3. **Innovative** with a diverse and resilient economic base of local businesses and national employers. The City accommodates changing economic conditions and innovations. Lakewood has a strong downtown and vibrant, well-designed and revitalized mixed-use urban and neighborhood centers.
  4. **Sustainable** with a commitment to social equity, protecting the unique natural environment, and responsibly integrating sustainable practices

into land use, built structures, transportation, and the local economy. Lakewood is a steward of environmental health and irreplaceable natural resources.

The Plan addresses city image, character, and design to attract residents and business, while advancing quality of life. Image and character also depend on the maintenance and reinvestment in older portions of the community; such as the area our subject property is located within.

Our proposed rezone and development is consistent with the Comprehensive Plan's call for the revitalization and redevelopment of underutilized commercial property. In the "Lakewood Innovates" chapter, It calls this the "key" to improving the overall image of the city and attracting new businesses and residents. Encouraging private development that reflects the mixed-use desires of both the babyboom and millennial generations, our project provides a linkage between what has been in the area for decades and what the marketplace demands today.

As a community that is almost completely built-out with little remaining vacant land, it is important to maintain the character of Lakewood's unique neighborhoods without precluding new development and re-development.

Our project in terms of design and quality fits very well into the existing neighborhood while giving new families the opportunity to become resident members of the community and engage with the many amenities both public and private that the neighborhood has to offer. In addition, our proposed rezone and development reinforces the neighborhood context and is consistent with the surrounding land uses.

As shown on our site plan, our project provides integration to the surrounding land uses via sidewalks which allow pedestrian access to the school, neighborhood and Swim Club.

In terms of Urban Design, and as stated in the Plan, our project will protect and improve upon the available variety of single-family residential neighborhoods while creating a sense of diversity. An opportunity for a new development in an older neighborhood fosters this diversity and variety of available housing.

This is an opportunity to beautify and augment an aging residential corridor with a new development on a scale that is consistent with the surrounding neighborhood.

The Lakewood Comprehensive Plan further addresses the vision for the West Lakewood Neighborhoods, specifically Foothills within which our subject property is located. The plan describes the area generally as neighborhoods consisting of smaller lot single-family homes, conveniently located near the major parks of William F. Hayden, Green Mountain, and Bear Creek Lake Park, with many smaller parks being scattered throughout including Beech and Hutchinson Park. West Lakewood contains the largest mass of parkland in Lakewood.

The Green Mountain/Alameda Avenue commercial area located between Union Blvd. and Alkire St. provides the primary retail needs for the West Neighborhoods.

Based on the above, as stated in the Comprehensive Plan, it is evident that the subject property and the surrounding land uses do not coincide with nor are they improved by a large or mid-scale mixed use commercial project, allowed under the M-E-S zoning code.

It is for this reason that we request a rezone to R-1-6. Specifically in addressing the issue of respect and protection of the existing character of this stable residential neighborhood, as described in GOAL L-N2 in Chapter 4 of the Plan. The provisions of the zoning code for an M-E-S scale project would negatively impact the surrounding land uses by allowing for the development of a high-density mixed-use development within a predominantly residential neighborhood.

In keeping with this Goal, our team has sought the input of neighbors and neighborhood organizations via an initial neighborhood meeting. At this neighborhood meeting we received support for a single-family oriented development and the public expressed concern about the current zoning, notably how a mixed-use project would negatively impact the surrounding land uses of the school, swim club and residences.

We fielded comments from neighbors regarding traffic along Van Gordon, and access to the site. Due to the topography being steeper and the street being busier along Union Blvd., it was determined that the access to the site is most feasibly provided via Van Gordon. While the access off Van Gordon is along a curve, it was proposed that the City could implement some traffic mitigation such as signage or speed bumps. Parking will be provided on the new cul-de-sac and surrounding local streets.

Additionally, the neighbors mentioned concerns about site drainage due to storm removal. We responded by demonstrating how the snow can be plowed toward, and the overall site drainage will be directed to the detention pond that is tied to the City's stormwater system. Our ultimate drainage plan will meet all City Ordinances.

Chapter 5 of the Lakewood Comprehensive Plan identifies the subject property as part of a Neighborhood Activity Area. This is defined in the Plan as small-scale commercial and mixed use found within or near residential neighborhoods. These areas provide for the convenience and service needs of the surrounding neighborhoods. Currently, there exists bakery, convenience store, gas station, automotive service, car wash, nail salon, insurance and assisted living within the area to meet this need.

Due to the location of the subject property, the surrounding land uses, and its proximity to existing retail and employment in the nearby Green Mountain/Alameda Avenue commercial area, the primary retail needs of the neighborhood are already met. An infill mixed use project that would have to provide higher density commercial and residential uses is out of context in consideration of the surrounding land uses and is not consistent with the single-family character of the surrounding neighborhood.

We respectfully request that our proposed rezone of this site from M-E-S to R-1-6 be granted.

Sincerely,

Matt Dendorfer  
Managing Partner  
Compendium Developers, LLC 5000  
Quitman St.  
Denver, CO 80212  
303-249-8018

[Matt.dendorfer@gmail.com](mailto:Matt.dendorfer@gmail.com)

# 1031 S. UNION BLVD REZONING CONCEPTUAL LAND USE PLAN

## A PORTION OF TRACT C, GREEN MOUNTAIN VILLAGE FILING NO.6 COUNTY OF JEFFERSON, STATE OF COLORADO

1031 South Union Blvd. consists of approximately 2 acres of vacant land to the north of Green Mountain Swim Club, and to the South of Green Mountain Elementary School in Lakewood. The rezoning application for 1031 South Union Blvd. seeks to change the current Mixed-Use Employment Suburban to Small Lot Residential (R-1-6) zoning. The proposed rezoning will allow for the construction of up to 12 single family residences in an area which is predominately zoned R-1-6 and single family in character.

The Proposed rezoning is in conformance with the zoning ordinance and promotes the goals of the comprehensive plan. The subject property is located in a neighborhood activity area which is intended for small-scale commercial and mixed-use areas primarily found within or close proximity to residential neighborhoods. It is important to note that there are 4 single family homes within the neighborhood activity area, directly to the south of the swim club on the Northeast corner of West Mississippi Avenue and South Van Gordon Court.

The proposed zoning is compatible with the surrounding land uses and will provide additional residents and patrons for the adjacent swim club and local businesses. The surrounding neighborhood is single family in character, and the proposed zoning seeks to preserve the residential neighborhood character. Currently, the site is vacant and the proposed zoning will allow single family homes to activate the site while complimenting the adjacent uses.

Rezoning from M-E-S to R-1-6 satisfies the restrictive covenants that Govern the site. The restrictive covenant does not allow the small-scale commercial and mix of uses intended in the Neighborhood Activity Area. The restrictive covenants allow the following uses, single family homes, community center, and school.

**Site Opportunities & Constraints:**

- The subject property has been vacant since the Hutchinson Neighborhood was developed in the 1970's.
- Neighbors have expressed concerns over its current potential to attract the unhoused as with other sites in Lakewood.
- The development will activate the site and bring much needed housing to an already strained market.
- The proposed rezone will give families the opportunity to engage with the community in attending the school and becoming members of the Green Mountain Swim Club.
- Further activation of the neighborhood activity area is achieved in the proposed conceptual land use plan by providing a sidewalk access from Van Gordon directly to Green Mountain swim club encouraging walkability and community access.

**LEGAL DESCRIPTION: AS SURVEYED**

A PARCEL OF LAND IN THE SE1/4 OF SECTION 17, T4S, R69W OF THE 6TH P.M. BEING A PORTION OF TRACT "C", GREEN MOUNTAIN VILLAGE FILING NO. 6 AS FILED IN RECORDS OF JEFFERSON COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "C" ON A CURVE TO THE RIGHT HAVING A RADIUS OF 592.66 FEET, A CENTRAL ANGLE OF 17 38 25 AND WHOSE LONG CHORD BEARS S 8 48 59 E 181.75 FEET AN ARCH DISTANCE OF 182.47 FEET TO A POINT OF TANGENT; THENCE S00 00' 13" W ALONG SAID EAST LINE 120.00 FEET TO A POINT; THENCE N 89 59' 47" W 60.00 FEET TO A POINT; THENCE S 72 07' 33" W 302.99 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE WEST LINE OF SAID TRACT "C"; THENCE NORTHERLY ALONG SAID WEST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 566.40 FEET, A CENTRAL ANGLE OF 21 14' 10" AND WHOSE LONG CHORD BEARS N 28 49' 22" W 208.73 FEET AN ARC DISTANCE OF 209.93 FEET TO THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE N 63 29' 46" E ALONG THE NORTH LINE OF SAID TRACT "C" 470.55 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 2.32 ACRES; SUBJECT TO EASEMENTS, RIGHTS OF WAY, RESERVATIONS AND COVENANTS OF RECORD. PER DEED RECORDED JUNE 16, 1970 IN BOOK 2187 AT PAGE 438, JEFFERSON COUNTY, COLORADO, CLEARK AND RECORDER'S OFFICE

### SHEET INDEX

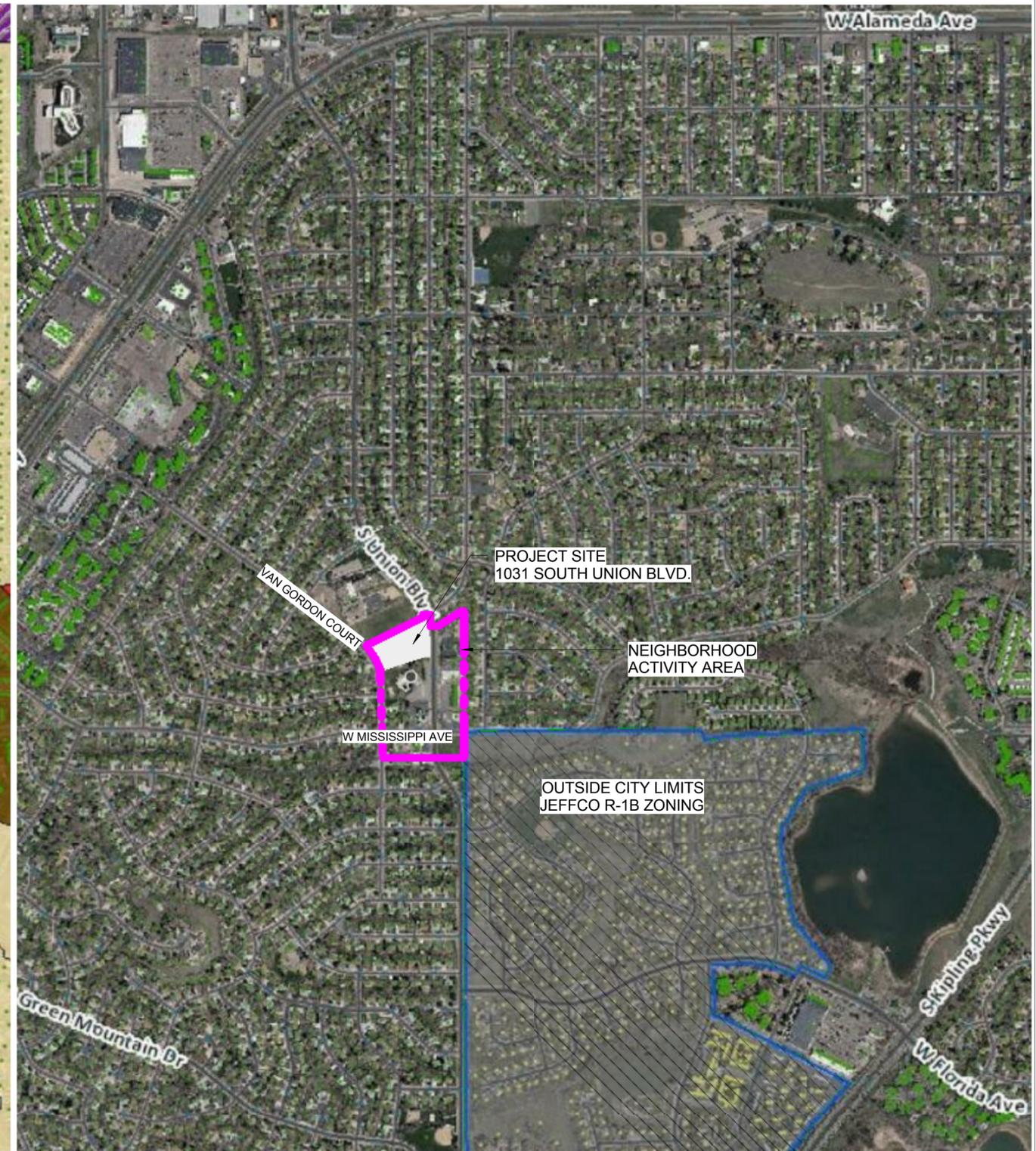
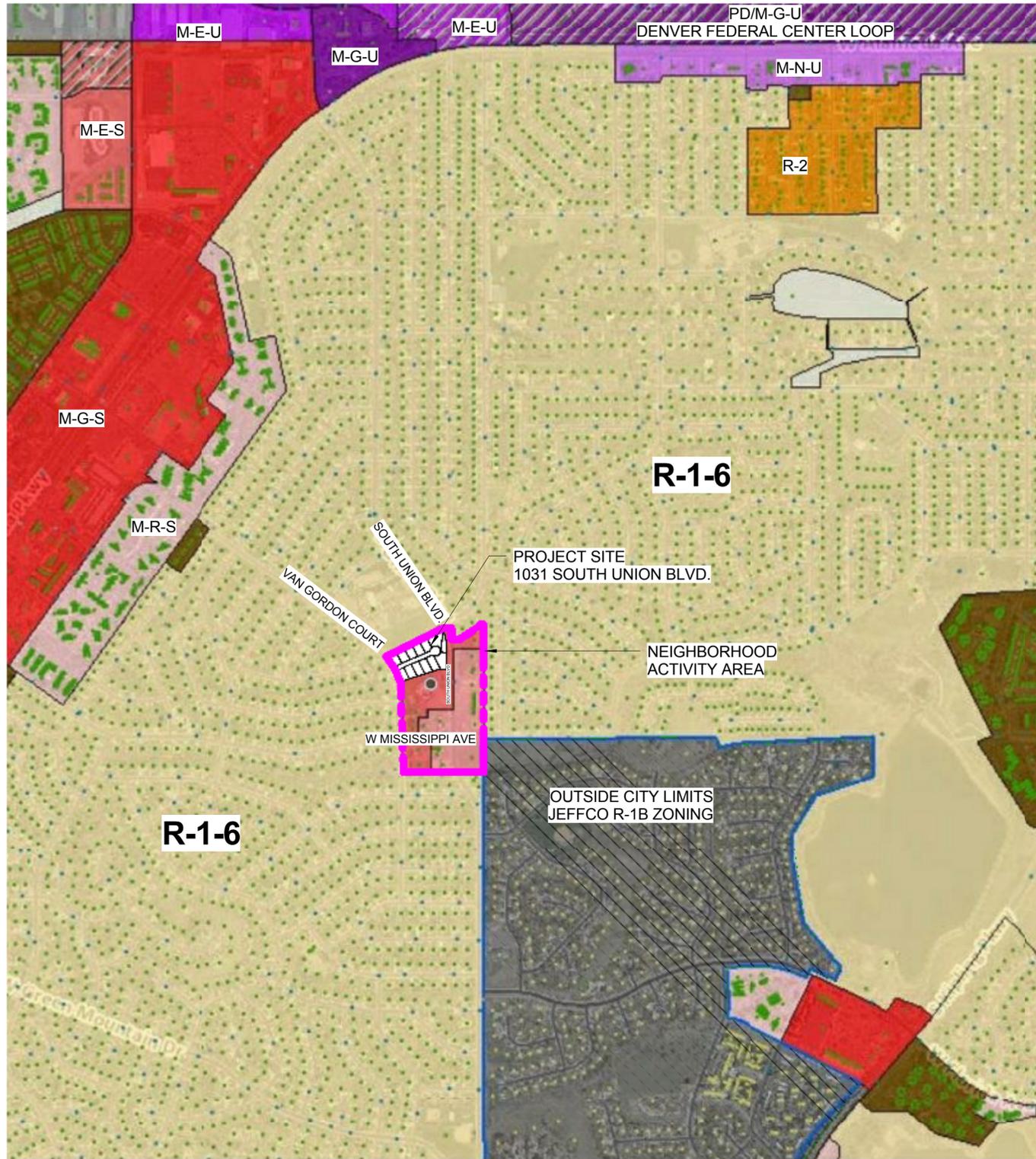
Sheet Name	Sheet Number
CONCEPTUAL LAND USE PLAN	SHEET 1
CONCEPTUAL LAND USE PLAN MAPS	SHEET 2
CONCEPTUAL LAND USE PLAN	SHEET 3
ZONING CONTEXT MAP	SHEET 4
LOT LAYOUT CONTEXT	SHEET 5

**LEGEND**

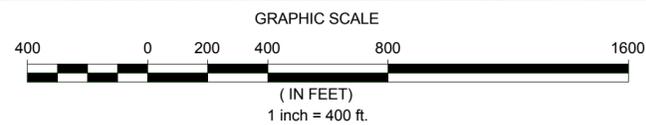
-  NEIGHBORHOOD ACTIVITY AREA
-  OUTSIDE OF LAKEWOOD  
JEFFERSON COUNTY ZONING R-1B

# 1031 S. UNION BLVD REZONING CONCEPTUAL LAND USE PLAN

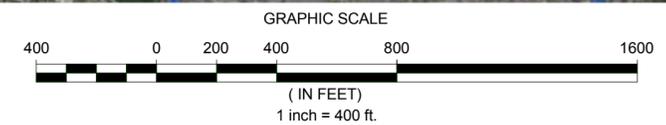
A PORTION OF TRACT C, GREEN MOUNTAIN VILLAGE FILING NO.6  
COUNTY OF JEFFERSON, STATE OF COLORADO



ZONING & NEIGHBORHOOD AREA MAP



VICINITY MAP



# 1031 S. UNION BLVD REZONING CONCEPTUAL LAND USE PLAN

## A PORTION OF TRACT C, GREEN MOUNTAIN VILLAGE FILING NO.6 COUNTY OF JEFFERSON, STATE OF COLORADO

### M-E-S LAND USES

#### M-E-S PERMITTED LAND USES:

GROUP HOME (1-8 CLIENT RESIDENTS)  
CLUB, LODGE, SERVICE ORG  
CONVENTION OR EXPOSITION CENTER  
DAY CARE FACILITY, ADULT AND CHILD  
EMERGENCY MEDICAL FACILITY  
FITNESS OR ATHLETIC FACILITY, PRIVATE  
GALLERY OR STUDIO  
HOTEL  
MANUFACTURING, LIGHT  
OFFICE  
PARKING, STAND ALONE, STRUCTURED  
PERSONAL SERVICE  
RESTAURANT  
RETAIL  
COMMUNITY BUILDING  
PARK  
RELIGIOUS INSTITUTION  
SCHOOL, PUBLIC OR PRIVATE  
SCHOOL, VOCATIONAL OR TRADE  
TRANSPORTATION FACILITY, PUBLIC  
UNIVERSITY OR COLLEGE  
UTILITY FACILITY, MINOR  
HOME BUSINESS, MAJOR  
HORTICULTURE  
WIRELESS COMMUNICATION FACILITY  
STEALTH  
NEW FREESTANDING STRUCTURE  
60 FEET IN HEIGHT OR LESS

#### M-E-S SPECIAL LAND USES:

BAR  
ENTERTAINMENT FACILITY, INDOOR  
VEHICLE DISPATCH FACILITY  
HOSPITAL  
UTILITY FACILITY, MAJOR  
SOLAR GARDEN  
TEMPORARY USE, LONG-TERM  
WIND-POWERED ELECTRIC GENERATOR, FREESTANDING  
WIRELESS COMMUNICATIONS FACILITY GREATER THEN 60 FT

#### M-E-S LIMITED LAND USES:

ACCESSORY DWELLING UNIT  
ATTACHED DWELLING UNIT  
MULTIFAMILY  
GROUP RESIDENTIAL FACILITY  
ACCESSORY DWELLING UNIT  
ANIMAL, SMALL  
APIARIES  
COMMUNITY GARDEN  
ANIMAL CARE  
CONTRACTOR SHOP  
MOTOR VEHICLE RENTAL  
PARKING, STAND-ALONE, SURFACE  
TEMPORARY USE, SHORT- TERM

#### M-E-S ACCESSORY LAND USES:

CONSTRUCTION OR SALES TRAILER  
OUTDOOR DISPLAY  
HOME BUSINESS, MINOR  
SATELLITE DISH ANTENNA  
SOLAR COLLECTION SYSTEM  
WIRELESS COMMUNICATIONS FACILITY, EXISTING STRUCTURES  
BUILDING FACADE MOUNTED  
ROOF MOUNTED  
OTHER FREESTANDING SUPPORT STRUCTURE

### R-1-6 LAND USES

#### R-1-6 PERMITTED LAND USES:

SINGLE-FAMILY DWELLING UNIT  
GROUP HOME (1-8 CLIENT RESIDENTS)  
PARK  
SCHOOL, PUBLIC OR PRIVATE  
UTILITY FACILITY, MINOR  
HORTICULTURE  
WIRELESS COMMUNICATION FACILITY  
STEALTH

#### R-1-6 SPECIAL LAND USES:

UTILITY FACILITY, MAJOR  
TEMPORARY USE, LONG/ SHORT TERM  
HOME BUSINESS, MAJOR  
WIND-POWERED ELECTRIC GENERATOR, FREESTANDING

#### R-1-6 LIMITED LAND USES:

ACCESSORY DWELLING UNIT  
OFFICE  
PERSONAL SERVICE  
COMMUNITY BUILDING  
RELIGIOUS INSTITUTION  
TRANSPORTATION FACILITY, PUBLIC  
ANIMAL, SMALL  
APIARIES  
COMMUNITY GARDEN

#### R-1-6 ACCESSORY LAND USES:

DAY CARE FACILITY, ADULT AND CHILD  
CONSTRUCTION OR SALES TRAILER  
ROADSIDE STAND  
AMATEUR RADIO TOWER OR ANTENNA  
HOME BUSINESS, MINOR  
SATELLITE DISH ANTENNA  
SOLAR COLLECTION SYSTEM  
WIRELESS COMMUNICATIONS FACILITY  
BUILDING FACADE MOUNTED  
ROOF MOUNTED  
OTHER FREESTANDING SUPPORT STRUCTURE

DIMENSIONAL AND DEVELOPMENT STANDARDS			
BUILDING SETBACK:		(M-E-S) - EXISTING	(R-1-6) - PROPOSED
FRONT	MINIMUM	10 FEET	25 FEET
	MAXIMUM	85 FEET	
SIDE	MINIMUM	5 FEET	5 FEET
	MINIMUM	10 FEET	15 FEET
OPEN SPACE REQ:			
	MINIMUM	20%	50%
BUILD -TO-ZONE REQ:		40%	NONE
HEIGHT REQ:			
	MINIMUM	NONE	NONE
	MAXIMUM	60 FEET	35 FEET

LEGEND

- NEIGHBORHOOD ACTIVITY AREA
- OUTSIDE OF LAKEWOOD  
JEFFERSON COUNTY ZONING R-1B
- LOCATION OF :  
GREEN MOUNTAIN SCHOOL AGE CENTER

# 1031 S. UNION BLVD REZONING CONCEPTUAL LAND USE PLAN

## A PORTION OF TRACT C, GREEN MOUNTAIN VILLAGE FILING NO.6 COUNTY OF JEFFERSON, STATE OF COLORADO





Recorded at 10:35 o'clock *A.* Ma APR 13 1962  
 Reception No. 908469 ROBERT W. NEWTON, Recorder

**BUILDING RESTRICTIONS FOR**

**Tract "C", Green Mountain Village, Filing No. 6**

KNOW ALL MEN BY THESE PRESENTS, That

WHEREAS, Green Mountain, Inc., a Colorado corporation is the owner of Tract "C", Green Mountain Village, Filing No. 6, according to the recorded plat thereof, situate in the County of Jefferson, State of Colorado, and

WHEREAS, certain restrictions were executed on January 5, 1962 and recorded January 16, 1962 in Book 1441 at Page 598 of the records of the Clerk and Recorder of the County of Jefferson, State of Colorado on all Blocks other than the said Tract "C" of the said Green Mountain Village Filing No. 6, and

WHEREAS, Skyline Builders, Inc., and Progressive Builders, Inc., are the present owners of all of the Lots and Blocks except the said Tract "C", Green Mountain Village, Filing No. 6.

NOW THEREFORE, the said owner does hereby publish and declare said Tract "C" to be subject to the following restrictions and conditions to run with the land, to-wit:

1. Tract "C" shall be subject and restricted in its use to only one of the following:
  - a. Park or recreational use
  - b. Public educational or school use or
  - c. For the use of private, single family residences.
2. In the event the said Tract "C" is utilized for park or recreational purposes, no building or other permanent structures of any kind may be placed closer than 125 feet from the curb line of Van Gordon Street at its nearest point.
3. In the event the undersigned owner of Tract "C" transfers, sells or conveys Tract "C" to be utilized for public school or educational purposes, the set back provisions with reference to park or recreational use shall not apply.

according to the recorded plat thereof, situate in the County of Jefferson, State of Colorado, and

WHEREAS, certain restrictions were executed on January 5, 1962 and recorded January 16, 1962 in Book 1441 at Page 598 of the records of the Clerk and Recorder of the County of Jefferson, State of Colorado on all Blocks other than the said Tract "C" of the said Green Mountain Village Filing No. 6, and

WHEREAS, Skyline Builders, Inc., and Progressive Builders, Inc., are the present owners of all of the Lots and Blocks except the said Tract "C", Green Mountain Village, Filing No. 6.

NOW THEREFORE, the said owner does hereby publish and declare said Tract "C" to be subject to the following restrictions and conditions to run with the land, to-wit:

1. Tract "C" shall be subject and restricted in its use to only one of the following:
  - a. Park or recreational use
  - b. Public educational or school use or
  - c. For the use of private, single family residences.
2. In the event the said Tract "C" is utilized for park or recreational purposes, no building or other permanent structures of any kind may be placed closer than 125 feet from the curb line of Van Gordon Street at its nearest point.
3. In the event the undersigned owner of Tract "C" transfers, sells or conveys Tract "C" to be utilized for public school or educational purposes, the set back provisions with reference to park or recreational use shall not apply.
4. In the event said Tract "C" is improved for the building of private, single family residential purposes, all of the building restrictions for Green Mountain Village, Filing No. 6, recorded in Book 1441, page 598 of the records of the Clerk and Recorder

of the County of Jefferson, State of Colorado shall apply in their entirety as if incorporated herein and made a part hereof.

The above and foregoing restrictions and covenants above set forth are deemed to be covenants running with the land and shall be binding on all parties and all parties claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the Lots have been recorded, agreeing to change said covenants in whole or in part.

The parties hereto or any of them, their heirs successors, assigns of any owner of real property in said subdivision may lawfully prosecute any proceedings in law or in equity against any party or parties either to prevent him or them from violating these covenants or to recover damage<sup>s</sup> therefor.

The invalidity or unenforceability of any one of the foregoing shall not affect the remainder thereof and the other provisions of this instrument shall not be affected by virtue thereof.

IN WITNESS WHEREOF, Green Mountain, Inc., has caused its name to be hereunto subscribed this 12th day of April, 1962.

GREEN MOUNTAIN, INC.

By [Signature]  
R. L. Smith, President  
Owner of Tract "C"

The foregoing is hereby accepted and approved:

SKYLINE BUILDERS, INC.

By [Signature]  
G. M. Mullin, Jr., President

PROGRESSIVE BUILDERS TRUST



Witness:  
[Signature]  
E. H. Milton, Jr., Sec'y



[Signature]  
Northway, Secretary

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The invalidity or unenforceability of any one of the foregoing shall not affect the remainder thereof and the other provisions of this instrument shall not be affected by virtue thereof.

IN WITNESS WHEREOF, Green Mountain, Inc., has caused its name to be hereunto subscribed this 12th day of April, 1962.

GREEN MOUNTAIN, INC.

By [Signature]  
K. L. Smith, President  
Owner of Tract "C"

The foregoing is hereby accepted and approved:

SKYLINE BUILDERS, INC.  
By [Signature]  
G. M. Mullin, Jr., President

PROGRESSIVE BUILDERS, INC.  
By [Signature]  
E. L. Northway, Vice-President



[Signature]  
Wilton, Jr., Sec'y



[Signature]  
Worthway, Secretary



[Signature]  
G. M. Mullin, Jr., Secretary

## NEIGHBORHOOD REFERRAL MEETING SUMMARY

**Project:** Rezoning for 1031 S. Union Blvd.

**Project Manager:** Kara Mueller, Senior Planner

**Applicant:** Matt Dendorfer, Epiphany Developments

**Owners:** The Green Mountain Swim Club

**Location:** 1031 S. Union Blvd.

**Request:** Rezone from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) to subdivide the property for single-family homes.

**Date:** July 15, 2021

**Time:** 6:00 – 7:00 p.m.

**Location:** Sheraton Denver West Hotel  
Lookout Mountain Meeting Room  
360 Union Blvd.  
Lakewood, CO 80228

**Neighborhood Groups Notified:** West Lochwood Civic Association, Glennon Heights HOA, Nevada Place Condominium Association, Shadow Hills Condominium Association, Inc., Union Corridor Professionals Group, South Lakewood Business Association, Dakota Terrace, Ward 4 Coalition, and Ponderosa Ridge Homeowners Association

**City Staff:** Kara Mueller, Planning – Development Assistance  
Paul Rice, Planning – Development Assistance

**Residents in attendance:** Approximately 16 citizens (4 online and 12 present) and 3 applicants were in attendance.

This is a summary of the neighborhood meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Staff opened the meeting with introductions, followed by an explanation of meeting protocol, the neighborhood-meeting format, and the rezoning process. Staff discussed

the location of the site, surrounding zoning, dimensional standards and land uses within the existing and proposed zone districts.

The applicant presented their rezoning request from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6). The applicant gave introductions and background on their company. The applicant stated that there is a covenant over the property that only allows single-family, or park uses. The current M-E-S zoning does not allow for single-family development, which is why the applicant is requesting the rezoning to R-1-6. The R-1-6 zone district will allow for both uses mentioned in the covenant.

### **Topics of Discussion:**

Questions from residents began around 6:25 p.m.

Q1: Why not take access from S. Union Blvd.?

A1: The topography is steeper along S. Union Blvd. making it difficult to access. South Van Gordon Ct. is more conducive of access and the street has less traffic.

Comment: S. Van Gordon Ct. is busier. Access to S. Van Gordon Ct. will place the drive entry in front of a house. The curve here is already dangerous. Look at Union access again.

Q2: Can traffic control be located along S. Van Gordon Ct.? Speed bump or school zone signs? S. Union Blvd. has flashing school zone signs; no signage on S. Van Gordon Ct.

A2: Will need to investigate traffic mitigation potential.

Q3: In the past we have been told that we cannot have a speed bump due to the traffic count along S. Van Gordon Ct., WMFPD and snowplow access routes. Is this true?

A3: Ms. Mueller stated that she would follow up with Transportation Engineering to find out the criteria for a speed bump and traffic count information.

Q4: Where will the overflow parking for the swim club be when they have swim meets?

A4: Parking will be allowed on the new cul-de-sac and surrounding local streets.

Comment: There would be a more positive reception if the access for the proposed homes is off S. Union Blvd.

Q5: Where will the snow go during a storm? Concerned with it being plowed into S. Van Gordon Ct. or S. Union Blvd.

A5: Snow removal will be covered by the HOA. Snow will be placed in/near the detention pond area so that it can drain through the detention pond that is tied to the

City's stormwater system. Engineering, including drainage will need to meet all City Ordinances.

Q6: What will be the price of the homes?

A6: \$700,000 - \$800,000 in today's market. It is estimated that the project will take 18 months – 2 years to complete.

Q7: What type of homes will be built?

A7: Approximately 2,400 square foot ranch homes with basements (approx. 1,400 SF 1<sup>st</sup> floor & 1,000 SF basement). Mid-Century Modern style.

Q8: What will be the height of the homes?

A8: Maximum height would be 2-story for walkout basements. Raised ranch model.

Comment: These homes may raise values, but they also raise property taxes. Equity does nothing if you do not sell your home and are on a fixed income.

Comment: If this goes in, we might sell and move.

Q9: Can these homes be rented?

A9: Yes, these homes can be rented.

Comment: Do not want investors to buy for rentals.

Response: A contract for the sale of the units can specify owner occupants, which can eliminate initial investors. There is no incentive to sell to investors and the target group is families.

Comment: In process of selling home, and it is very limited in what you can say in transaction language.

Response: You can add to contract.

Q10: Is anyone here from the swim club that can speak to the goal of selling this portion of the property?

A10: Eric Brown, Green Mountain Swim Club board member stated that the goal is to fix the pool and remodel with the funds. There is no intention of selling the swim club component. This will help the swim club remain open.

Q11: Will this remove parking for the swim club?

A11: Looking to redesign parking lot and increase parking with sale of the property.

Q12: Can you elaborate on the covenant?

A12: The private covenant permits only single-family homes, schools, community buildings and parks in-lieu of the swim club. It requires a vote of the neighbors to lift the covenant. This rezoning request to R-1-6 is to allow the single-family use listed within the covenant. The covenant is contradictory to the way the property is currently zoned.

Comment: Mixed-Use Employment (M-E) is the zone district that has allowed encroachment of multi-family within single-family neighborhoods.

Staff: Recent zoning code change limits residential use within the M-E zone district to 50% of gross building area of a development.

Q13: What was the zone district before?

A13: Office (OF).

Q14: Can you share a copy of the covenant?

A14: Yes, will provide a copy.

Q15: Will residential allocations be required?

A15: Yes, residential allocations will be required prior to permit issuance.

Applicant: These will be single-family homes and not slot homes or multi-family. Mid-century modern architecture.

Comment: Concerned that architecture does not match neighborhood.

Applicant: We like mid-century modern and will look at the surrounding neighborhood and materials.

Q16: Are you set on 12 units?

A16: 12 units appears to make the project feasible.

Q17: What are the requirements for the cul-de-sac street?

A17: City Public Works and Transportation Engineering standards will need to be followed.

Q18: If the rezoning is approved are there any other opportunities to participate in the process?

A18: Yes, Planning Commission reviews all major subdivisions at a public hearing. A major subdivision is a subdivision of 10 or more single-family or duplex lots.

Q19: How many lots can fit on this property?

A19: The maximum number of 6,000 SF lots that will fit on this property is 12.

Comment: The biggest concern is entrance and exit of property onto Van Gordon Ct.

Applicant: We will investigate the design and concerns.

Q20: How tall will the houses be?

A20: Approximately 20 feet, may have walkout or garden level basements.

Q21: If the zoning is approved, could the property be sold, and the units built taller?  
How tall?

A21: Yes, maximum height allowed within the R-1-6 zone district is 35 feet.

Q22: Could townhomes or smaller lots be built?

A22: No, R-1-6 only allows single-family homes with a minimum lot size of 6,000 SF and minimum lot width of 60 feet.

Q23: How wide will the street be?

A23: 28-foot flowline to flowline for a local street width. Will need to meet all City standards.

Comment: Primary concern is traffic south of W. Tennessee Ave. traveling south on Van Gordon Ct. Van Gordon Ct. is a raceway.

Comment: This is a good opportunity to discuss traffic control and stormwater drainage.

Comment: If the current zoning remains then we could get something worse if the swim club closes. This does not look to bad. There are homeless people on occasion and this development will move them along.

Applicant: To build many of the uses in the M-E zone district the covenant would need to be removed. We want to provide a safe development and to work together.

Q24: What slows drivers down?

Applicant: We will need to investigate it.

Staff: We will follow up with Transportation Engineering on potential traffic mitigation options, including the required criteria for speed bumps and flashing signs.

The applicant stated that they worked with the swim club for several years and would like support. Eric and Julie with the Green Mountain Swim Club reiterated that the funds from the transaction will go back into the swim club. The applicant thanked everyone for coming.

**Closing:** Ms. Mueller thanked everyone for coming out to participate. This is a public process with two public hearings, and you can contact me with any comments or questions.

Meeting Adjourned at 7:50 p.m.

Bob Byers  
1031 So. Van Gordon Ct.

## Re-Zone Lot

Will Create Traffic Problems – More Traffic, More chances for accidents and parking problems. In today's world, people's lives are getting faster and harder to make pay for the thing need in life to live because of the increasing cost of living. This is causing more people in a house have to work. Therefore people are increases driving speeds, have less patience, combine it with more cars on a single lane street creates more of a chances for accidents and increases the chances of hitting children going to or from the Elementary School or playing in a neighborhood...

Elementary School right next to Lot, more people in the neighborhood puts kids in all kinds of danger. Kid's safety should be a priority.

More people closer together in a neighborhood, creates more friction, more stress and therefore the potential for more crime.

Developer is only interested in money and will sell to anyone with the money. Problems with some buyers looking or wanting to buy property for a rental, renters are not as responsible as a homeowners. A homeowners is a more responsible person because they are invested in their home. With a renter, you never know who is moving in. Can a buyer really afford to own and pay for a house? You never know the future, what would happen if they lose their income.

A developer does nothing to improve streets around projects, like widen roads, etc. Developers never allow for enough parking and can causes parking problems. Today's family has an average of 2-3 or 4 cars. We already have parking problems when they have a swim meet at the pool.

New houses in the area will increase property values, which will drive up all property taxes and make it much harder for senator citizens and retired persons on fixed incomes to pay.

Parking on the street, S Van Gordon Ct. would create problems for snow removal and water drainage problems. When have had Icey roads, we have had accidents because of the hill and curve. Some not reported to police. Park cars would limit the amount of ice melt or sand the city can lay down and cause problems of people running into park cars. Keeping the street clear is important for parents of Elementary School kids and would be a problem.

Cars already have dangerous visions problems of cars coming around the curve that increases when cars or parked on the street. Some drivers use S Van Gordon Ct. as a race track speeding around the curve and down the street. Pedestrians can be a high risk of being hit crossing the street. Park cars would create the possibility of more accidents by speeding cars hitting parked cars.

It is one thing to park in front of your own house where you can control it, it's another thing when to have someone else park there. I cannot get my boat in or out of my driveway if someone is parked in front of my house because of the angle of the driveway.

**I am a handicapped senator citizens. This makes it's a quiet and safe place for me to live.** Having an open field across from my house helps ensure my safety as well as the safety of other people that live in the neighborhood.

No Celde-Sac dumping out in front <sup>My</sup> House  
Interest on Union

## RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On July 20, 2022, the City of Lakewood Planning Commission (the "Commission") held a public hearing regarding Rezoning Case No. RZ21-0006 to rezone a portion of the property at 1031 S. Union Blvd. (the "Property") from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6).

Motion was made by COMMISSIONER \_\_\_\_ and seconded by COMMISSIONER \_\_\_\_ to recommend City Council APPROVAL, which passed by a vote of \_ to \_. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Steven Buckley  
William (Bill) Furman  
Eric Grebliunas  
Cathy Kentner  
Jenny O'Neill  
Rhonda Peters  
Theresa Stone

### FINDINGS OF FACT AND ORDER

The Commission finds that:

- A. Matthew T. Dendorfer has requested a rezoning of the Property from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) (the "Request"); and
- B. Notice of the public hearing on the Request was provided to the residents and fee owners of property within 500 feet, and registered neighborhood organizations within 1/2 mile, of the Property as required by the Lakewood Zoning Ordinance; and
- C. Notice of the public hearing was published in the official City newspaper at least six days prior to the public hearing; and
- D. The request was reviewed by the appropriate referral agencies; and
- E. Rezoning the Property in accordance with the Request will:
  1. Promote the purposes of this Zoning Ordinance, as stated in Section 17.1.2.;
  2. Be compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan;
  3. Promote the implementation of the Comprehensive Plan.

AND

Therefore, Commission hereby adopts the findings of fact and order, A through E above and recommends that the City Council **APPROVE** Rezoning Case No. RZ21-0006.

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Theresa Stone, Chair

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Cathy Kentner, Secretary of the  
Planning Commission

## CERTIFICATION

I, KAYLA REDD, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of the resolution duly adopted by the City of Lakewood Planning Commission at the public hearing held in Lakewood, Colorado, on the 20<sup>th</sup> day of July, 2022, as the same appears in the minutes of said meeting.

July 20, 2022  
Date approved

Kayla Redd, Clerk to the Planning  
Commission

## RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On July 20, 2022, the City of Lakewood Planning Commission (the "Commission") held a public hearing regarding Rezoning Case No. RZ21-0006 to rezone a portion of the property at 1031 S. Union Blvd. (the "Property") from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6).

Motion was made by COMMISSIONER KENTNER and seconded by COMMISSIONER FURMAN to recommend City Council APPROVAL, which passed by a vote of 6 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

Steven Buckley	AYE
William (Bill) Furman	AYE
Eric Grebliunas	AYE
Cathy Kentner	A Y E
Jenny O'Neill	AYE
Rhonda Peters	AYE
Theresa Stone	AYE

### FINDINGS OF FACT AND ORDER

The Commission finds that:

- A. Matthew T. Dendorfer has requested a rezoning of the Property from Mixed-Use Employment Suburban (M-E-S) to Small Lot Residential (R-1-6) (the "Request"); and
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- E. Rezoning the Property in accordance with the Request will:
  1. Promote the purposes of this Zoning Ordinance, as stated in Section 17.1.2.;
  2. Be compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan;
  3. Promote the implementation of the Comprehensive Plan.

AND

Therefore, Commission hereby adopts the findings of fact and order, A through E above and recommends that the City Council **APPROVE** Rezoning Case No. RZ21-0006.

  
\_\_\_\_\_  
Theresa Stone, Chair

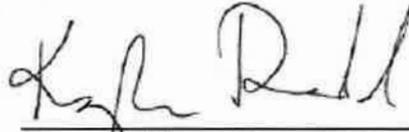
  
\_\_\_\_\_  
Cathy Kentner, Secretary of the  
Planning Commission

## CERTIFICATION

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July 20, 2022

Date approved

Handwritten signature of Kayla Redd in black ink, written over a horizontal line.

Kayla Redd, Clerk to the Planning  
Commission

**LAKWOOD PLANNING COMMISSION  
REGULAR MEETING  
MINUTES  
July 20, 2022**

**COMMISSIONERS PRESENT:**

Steven Buckley  
William Furman  
Eric Grebliunas  
Cathy Kentner, Secretary  
Jenny O'Neill, Vice Chair  
Rhonda Peters  
Theresa Stone, Chair

**STAFF PRESENT:**

Lauren Stanek, Assistant City Attorney  
Paul Rice, Manager, Planning-Development Assistance  
Toni Bishop, Transportation Engineering Technician II, Public Works  
Brad Chronowski, Landscape Architect, Community Resources  
Kara Mueller, Senior Planner, Planning-Development Assistance

Following are the minutes of the July 20th, 2022 Lakewood Planning Commission Regular 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 Clerk 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: RZ21-0006 – GREEN MOUNTAIN SWIM CLUB REZONING**

MATT DENDORFER, Applicant, provided the applicant presentation for case RZ21-0006 – Green Mountain Swim Club Rezoning.

KARA MUELLER, Senior Planner, provided the staff presentation for case RZ21-0006 – Green Mountain Swim Club Rezoning.

COMMISSIONER PETERS inquired about the timeline, location, metrics, and results for the traffic studies noted in the report.

TONI BISHOP, Transportation Engineering Technician II, noted concerns of speeding on South and Gordon Ct from the neighborhood. The streets were assessed on volume and speed in 2020 and 2022 and did not meet the criteria required for a speed hump. This also included an assessment on traffic of a nearby school which did not result in an additional pedestrian crossing.

COMMISSIONER PETERS inquired about recommendations to address concerns of traffic in the area.

MRS. BISHOP reported the request for stop signs at Texas and S Bend Gordon Ct. Stop signs are not used as speed controllers so do not meet the criteria for installment. Speed display signs also do not meet the criteria. While this is a concern which will continued to be monitored, there will only be change if there is significant change with the speed.

COMMISSIONER PETERS inquired about recommendations which can address pedestrian access for narrow public sidewalks.

MRS. BISHOP reported that the sidewalks were constructed before the City was incorporated and are substandard. There is a program through the Engineering Department to address access and connectivity issues with public walkways, however; the program is prioritizing places without any sidewalks.

COMMISSIONER PETERS inquired about striping on the street which can contribute to the safety of pedestrians.

MRS. BISHOP stated the City can consider and investigate that suggestion.

COMMISSIONER PETERS inquired about the criteria to lift the private deed restriction.

MRS. MUELLER reported the deed specifies how it can be modified or lifted. A majority of the residential owners would need to approve of the modification.

COMMISSIONER BUCKLEY inquired about additional traffic calming devices which could be employed beyond the options discussed, specifically a curb extension.

MRS. BISHOP stated the curb extensions are an expensive option which would require findings of speeds that would warrant the extension. Pedestrian islands are not recommended due to efficiency and safety effects.

COMMISSIONER BUCKLEY emphasized the traffic concerns of the community and inquired about creative solutions the developer could provide to make the streets more walkable.

MRS. BISHOP stated the City can continue to monitor the location and study feasible solutions, in conjunction with the developer.

COMMISSIONER KENTNER inquired if there was a time in the development process where traffic standards as well as a sidewalk connection could be written in.

MRS. BISHOP stated traffic mitigation within the right-of-way is considered a public improvement which is required of the developer so long as it is in direct correlation to their development. With this development, we are working on an ongoing concern which precedes the development proposal. There needs to be more discussion of whether this development project is where the preceding concerns can be addressed.

COMMISSIONER KENTER stated that rezoning and subdivision cases were the only opportunities for public process which restricts public engagement in development.

MRS. BISHOP emphasized the continual investigation of the traffic concerns of the area regardless of what the decision is for RZ21-0006.

COMMISSIONER BUCKLEY stated the intersection is a legal pedestrian crossing which impacts the development. It is an existing and it is also a new issue.

COMMISSIONER BUCKLEY highlighted the public concerns related to affordable housing and inquired about opportunities to reduce pricing for the development.

MR. DENDORFER stated the pricing guidance is consistent with what the market is but there is great difficulty in Colorado with affordability due to land costs, construction and labor, and overall patterns of inflation. There are better options in Lakewood with higher density corridors in comparison to this specific location.

COMMISSIONER FURMAN inquired about the final product and how it will match the character of the area.

MR. DENDORFER outlined the vision to be a raised ranch with modern elements. There is no incentive to not develop something that is out of character.

COMMISSIONER FURMAN inquired about any intention for the Green Mountain Village Swim Club entrance as the development will affect it.

ERIC BROWN, President of the Green Mountain Village Swim Club, stated how the project would restrict the entrance to overflow parking.

COMMISSIONER O'NEILL inquired about height concerns.

MR. DENDORFER stated the size of each unit would approximate 2,400 sqft and there is greater priority to horizontal versus vertical oriented development.

COMMISSIONER O'NEILL emphasized the concern in consolidating affordable housing to one area and the importance in heeding to traffic perceptions in addition to data.

COMMISSIONER GREBLIUNAS inquired about the City's interest for an open park space.

BRAD CHRONOWSKI, Landscape Architect, stated the City's interest, however; there are no current actions to obtain the property.

COMMISSIONER KENTNER inquired about the standards of the deed restriction in relation to additional single-family housing.

MRS. MUELLER displayed the private deed and the subject map.

COMMISSIONER KENTNER emphasized her interest in affordable housing and inclusionary zoning for any new development project.

KAYLA REDD, Clerk, read questions from Lakewood Speaks which specifically asked to be addressed in the meeting. A question from Jennifer Powanski inquired about the role of the HOA to the new development.

MRS. MUELLER stated that if an HOA exists, it is subject to the platted lots on the plat as it's formed.

MR. DENDORFER stated the intention for an HOA.

MRS. REDD read a question from Jennifer Powanski which inquired about traffic improvements to Van Gordon Ct.

COMMISSIONER STONE emphasized the discussion we had earlier.

MRS. BISHOP emphasized it is an ongoing analysis which holds two analyses in the last year and a half.

MRS. REDD read a question from Jennifer Powanski which inquired about if homeowners have a say in the review and approval of the build plan.

MRS. MUELLER explained the process in which the build plan and elevations would be reviewed per the Zoning Ordinance. The Planning Commission would review this proposal based on technical standards.

MRS. REDD read a question from Jennifer Powanski which inquired about whether the rezone would impact the current homes under Lakewood building codes.

PAUL RICE, Manager, stated the project will not affect current homes under building codes but will impact future projects.

MRS. REDD read a question from Lori Raymer which inquired about crime alleviation and crime rates.

MRS. MUELLER explained the rezoning process and the crime prevention test typically conducted by the police department. Rezoning do not often warrant crime concerns. Crime rates can be included in the packet to City Council if desired.

MRS. REDD read a question from Leslie Perez which inquired about road safety and the criteria for speed humps.

MRS. MUELLER noted the city council approved criteria for speed humps. The city will continue to monitor speed in the area. Stop sign installation and a three-way stop would not be viable options.

MRS. REDD read a question from Leslie Perez which inquired about plans for future parking given the additional homes.

MRS. MUELLER stated street parking is permitted under the municipal code standards. The proposed zone district of R-1-6 is most compatible with the surrounding residential zoning.

MRS. REDD read a question from Leslie Perez which inquired about how the aesthetics of the home will integrate into the Hutchington homes which currently exist.

MR. DENDORFER restated the intent to match the ranch style while including modern features to the homes.

MRS. REDD read a question from Leslie Perez which inquired about the potential for the proposed developments to change to anything other than single family homes.

MRS. MUELLER clarified that the proposed R-1-6 zone district does not allow for townhome, condo, or apartment complexes.

MRS. REDD read a question from Lori Raymer which inquired about the traffic studies along Van Gordon between West Tennessee Pl and West Tennessee Ave.

MRS. BISHOP explained the mixed methods which are involved in conducting the traffic studies and stated there is much involved in determining the appropriate location for these tests.

COMMISSIONER STONE closed public comment.

MR. CHRONOWSKI stated the City has not made any previous negotiations with the past or current owner.

COMMISSIONER KENTNER made a MOTION that the Planning Commission adopt the findings of fact and order as presented in the staff report for case number RZ21-0006 and ADOPT the Green Mountain Village Swim Club Rezoning.

COMMISSIONER FURMAN seconded the MOTION.

**VOTE TAKEN –**

Seven Ayes – Commissioners BUCKLEY, FURMAN, GREBLIUNAS, KENTNER, O’NEILL, PETERS, and STONE.

No Nays

The motion PASSED unanimously.

**ITEM 4: ADOPTION of 2022-01-05 PC MEETING MINUTES**

COMMISSIONER KENTNER made a MOTION to APPROVE the 2022-01-05 PC Meeting Minutes.

COMMISSIONER GREBLIUNAS seconded the MOTION.

COMMISSIONER KENTNER made a MOTION to AMEND the 2022-01-05 PC Meeting Minutes to clarify the subject motion on page 5 to read “15 years,” change “incentive” to “incentivize”, and change “trans-oriented” to “transit-oriented.”

COMMISSIONER STONE seconded the MOTION.

**VOTE TAKEN –**

4 Ayes – Commissioners KENTNER, O’NEILL, PETERS, and STONE.

3 Obtains – Commissioners BUCKLEY, FURMAN, and GREBLIUNAS.

The motion PASSED.

**ITEM 5: ADOPTION OF 2022-04-06 PC MEETING MINUTES**

These minutes have already been adopted.

**ITEM 6: GENERAL BUSINESS**

MR. RICE discussed future calendar dates.

COMMISSIONER BUCKLEY made a note to discuss the nature of the Planning Commission meetings at the next meeting.

## ITEM 7: ADJOURNMENT

Meeting adjourned at 10:42 PM.

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Date Approved

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Kayla Redd, Clerk to the  
Planning Commission

DRAFT



# Crime Analysis Report

## 1031 S Union Blvd



This report analyzes incidents that occurred between September 1, 2019– August 31, 2022 at 1031 S Union Blvd as well as within a half mile radius of this location. It also analyzes the number of motor vehicle collisions which occurred between Mississippi Ave and Union Blvd and Mississippi Ave and Van Gordon Ct.

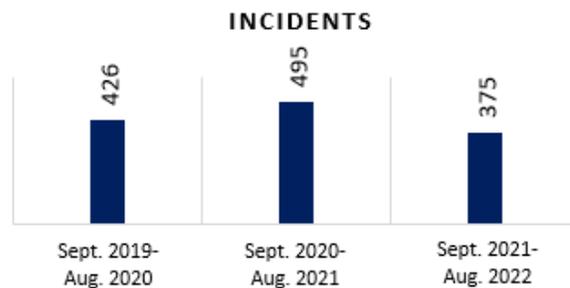
Analysis showed that between September 2019—August 2022, at the intersection of Mississippi Ave and Union Blvd, there were a total of 7 motor vehicle collisions; all of which occurred between September 2021-August 2022. There were zero documented motor vehicle collisions at the intersection of Mississippi Ave and Van Gordon Ct.

When conducting analysis on incidents occurring specifically at 1031 S Union Blvd, it was discovered that there were 5 total incidents; these are listed in the table below.

1031 S Union Blvd Incidents		
Date range	# incidents	Incident types
September 2019- August 2020	1	Code enforcement
September 2020- August 2021	1	Theft from motor vehicle
September 2021- August 2022	3	Theft from motor vehicle, non-criminal incident, code enforcement

Additionally, there were 1,296 incidents that occurred within a half mile radius of 1031 S. Union Blvd within this three year period; these are broken down by year below. This analysis also showed that the top two offenses in this area were consistently traffic and code enforcement-related.

Incidents	
Date range	# incidents
September 2019- August 2020	426
September 2020- August 2021	495
September 2021- August 2022	375



The following pages provide additional information on these incidents.



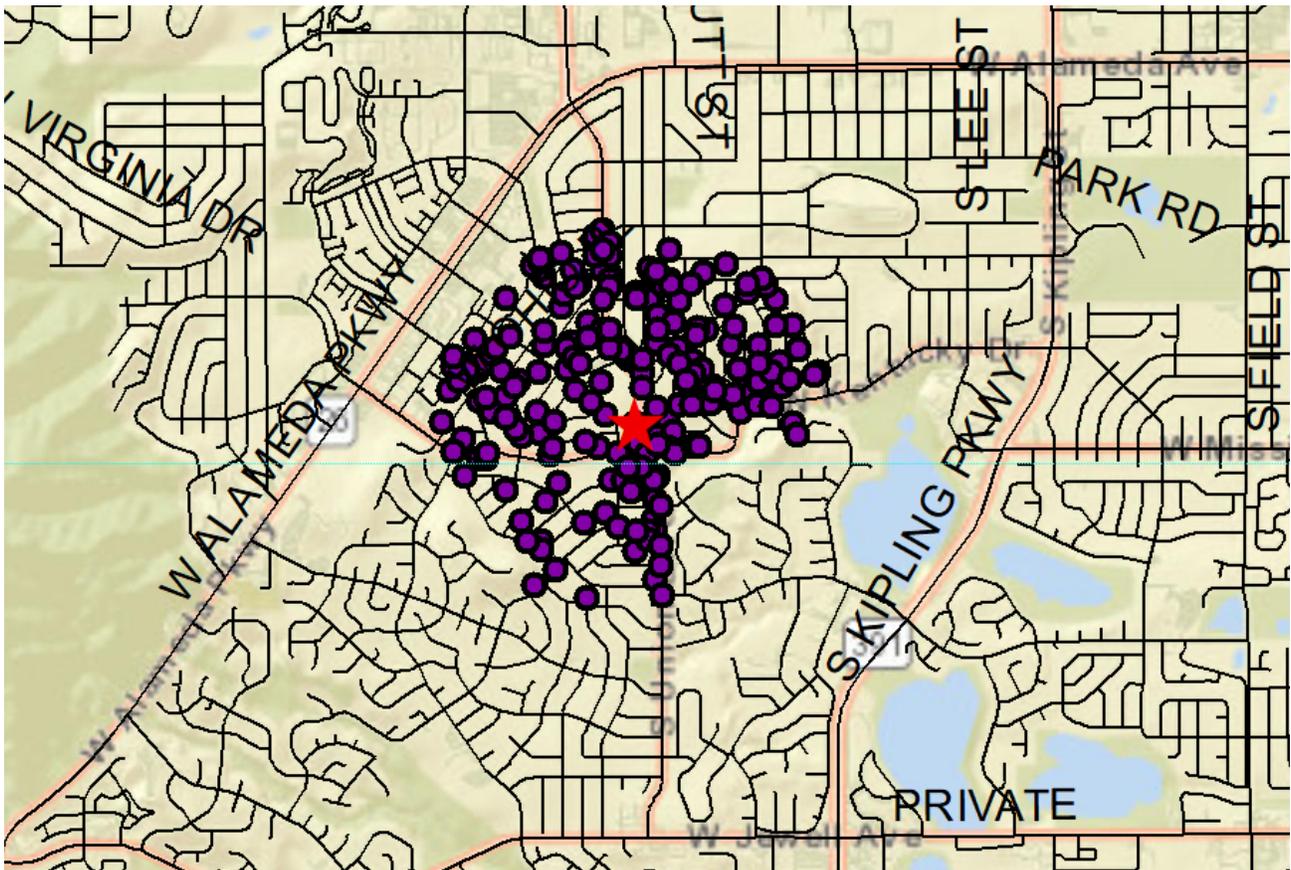
# Crime Analysis Report

## September 2019—August 2020



Below lists the top ten incident types between September 2019-August 2020 as well as provides a crime map for this time period. 1031 S Union Blvd is marked with a red star.

Sept. 2019 – Aug. 2020	
Incident type	# Incidents
Traffic	162
Code Enforcement	42
Motor Vehicle Collision	24
Non-Criminal Incident	22
Criminal Mischief	18
Theft	17
Fraud	16
Assault/Intimidation/Menacing	15
Animal	12
Protection Order Violation	12





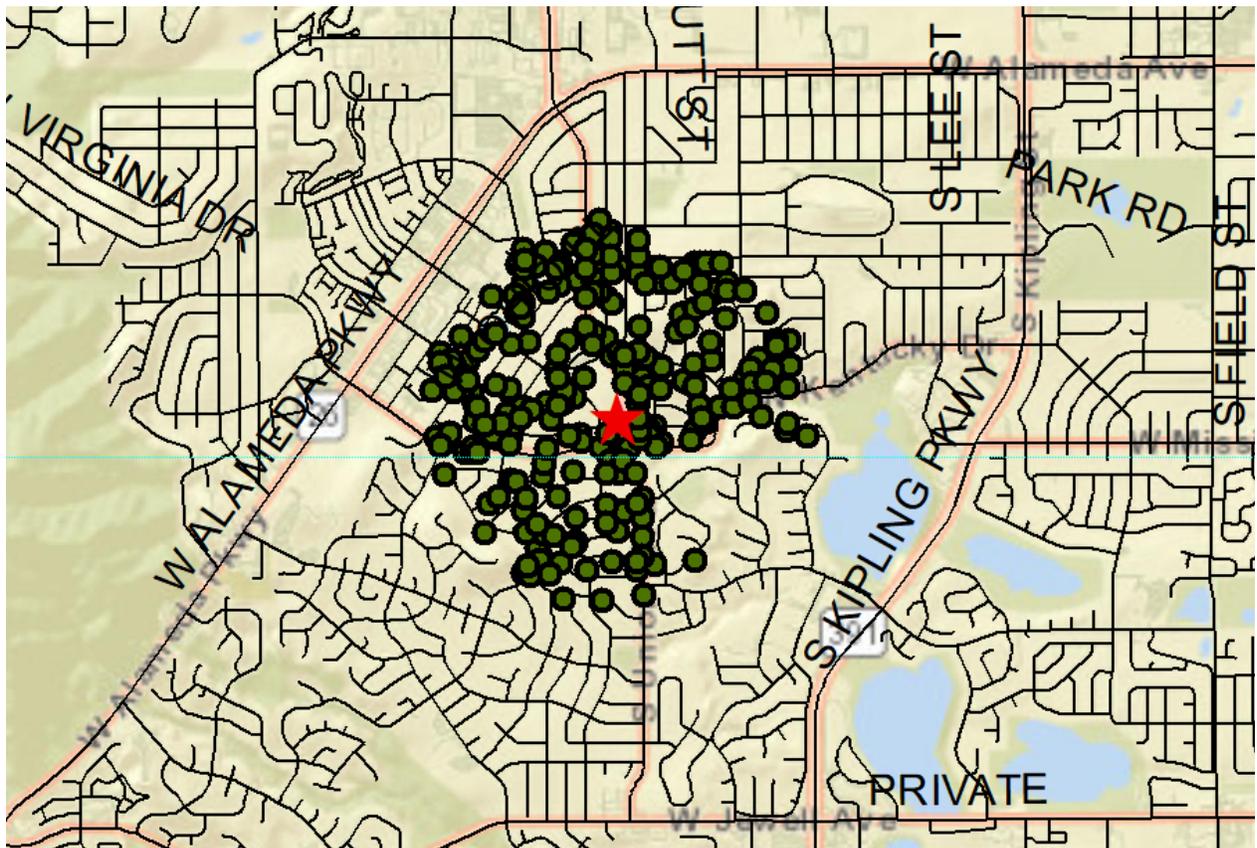
# Crime Analysis Report

## September 2020—August 2021



Below lists the top ten incident types between September 2020-August 2021 as well as provides a crime map for this time period. 1031 S Union Blvd is marked with a red star.

Sept. 2020– Aug. 2021	
Incident type	# Incidents
Traffic	155
Code Enforcement	67
Fraud	31
Theft	30
Motor Vehicle Collision	21
Non-Criminal Incidents	18
Criminal Mischief	16
Assault/Intimidation/Menacing	15
Trespassing	14
Motor Vehicle Theft	14





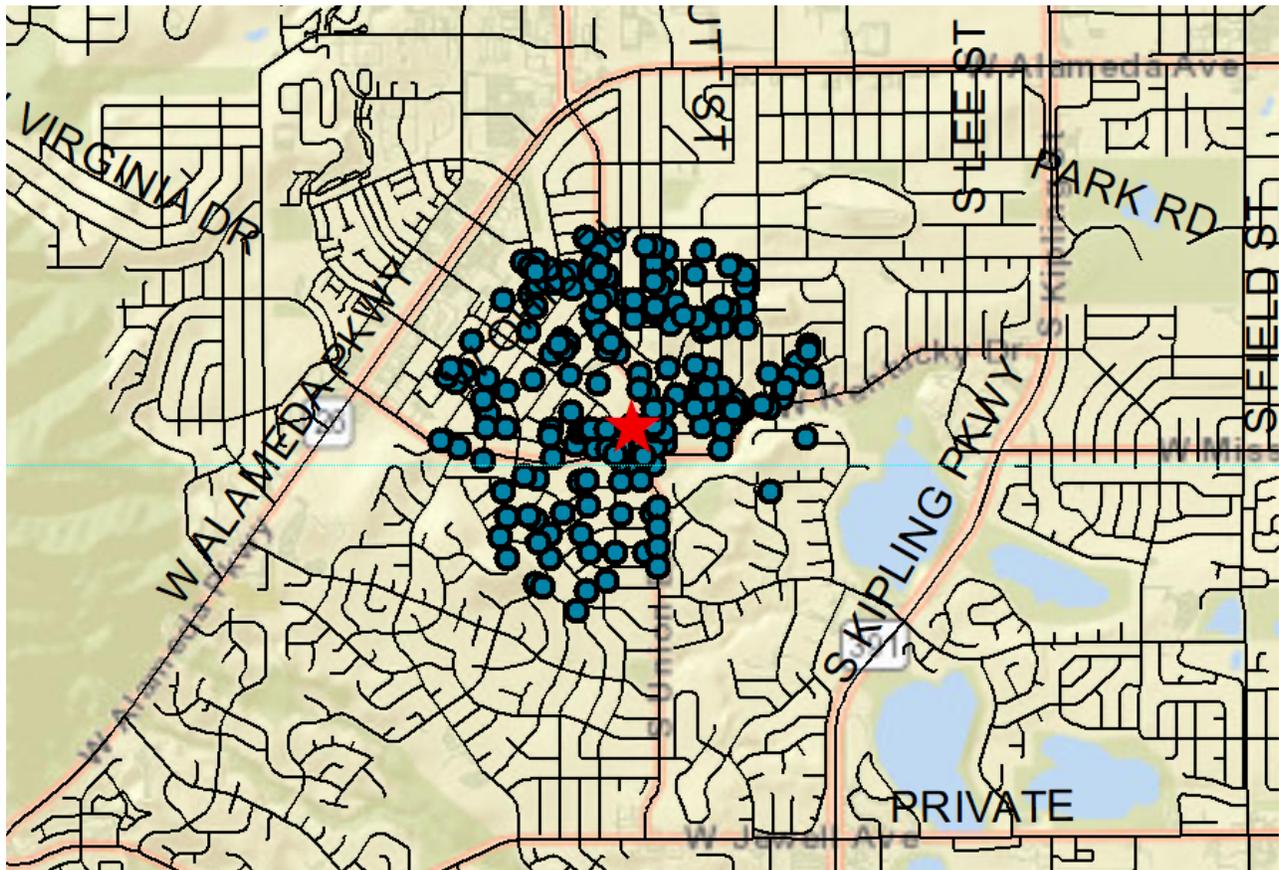
# Crime Analysis Report

## September 2021—August 2022



Below lists the top ten incident types between September 2021-August 2022 as well as provides a crime map for this time period. 1031 S Union Blvd is marked with a red star.

Sept. 2021– Aug. 2022	
Incident type	# Incidents
Traffic	84
Code Enforcement	57
Theft	27
Criminal Mischief	22
Non-Criminal Incident	21
Animal	18
Harassment	17
Disturbance	16
Motor Vehicle Collision	14
Assault/Intimidation/Menacing	12



O-2022-16

AN ORDINANCE

TO REZONE A PORTION OF LAND LOCATED AT 1031 S. UNION BLVD.,  
LAKEWOOD, CO 80228, COUNTY OF JEFFERSON, STATE OF COLORADO

BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Upon application by Mr. Matthew T. Dendorfer, Applicant, Rezoning Case RZ21-0006, and upon a recommendation of approval from the Lakewood Planning Commission on July 20, 2022, Lakewood Zoning Maps are hereby amended to exclude from the Mixed-Use Employment Suburban (M-E-S) zone district and to include in the Small Lot Residential (R-1-6) the properties described in Exhibit A attached hereto and made a part hereof.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to certify the within and foregoing approval and record with the Clerk and Recorder of Jefferson County a certified copy of this Ordinance attached thereto, pursuant to the effective date thereof, and upon satisfaction of the conditions for recording relating to the property described in Exhibit A.

SECTION 3. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of September 2022; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 15th day of September 2022; set for public hearing on the 26th day of September 2022; read, finally passed and adopted by the City Council on the \_\_\_\_ day of September 2022, and signed, and approved by the Mayor on the \_\_\_\_ day of September, 2022.

\_\_\_\_\_  
Adam Paul, Mayor

ATTEST:

\_\_\_\_\_  
Jay Robb, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alison McKenney Brown, City Attorney

## Exhibit A

## LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SE1/4 OF SECTION 17, T4S, R69W OF THE 6TH P.M. BEING A PORTION OF TRACT "C", GREEN MOUNTAIN VILLAGE FILING NO. 6 AS FILED IN RECORDS OF JEFFERSON COUNTY, COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT "C"; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "C" ON A CURVE TO THE RIGHT HAVING A RADIUS OF 592.66 FEET, A CENTRAL ANGLE OF 17 38 25 AND WHOSE LONG CHORD BEARS S 8 48 59 E 181.75 FEET AN ARCH DISTANCE OF 182.47 FEET TO A POINT OF TANGENT; THENCE S00 00' 13" W ALONG SAID EAST LINE 120.00 FEET TO A POINT; THENCE N 89 59' 47" W 60.00 FEET TO A POINT; THENCE S 72 07' 33" W 302.99 FEET TO A POINT ON A CURVE, SAID POINT BEING ON THE WEST LINE OF SAID TRACT "C"; THENCE NORTHERLY ALONG SAID WEST LINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 566.40 FEET, A CENTRAL ANGLE OF 21 14' 10" AND WHOSE LONG CHORD BEARS N 28 49' 22" W 208.73 FEET AN ARC DISTANCE OF 209.93 FEET TO THE NORTHWEST CORNER OF SAID TRACT "C"; THENCE N 63 29' 46" E ALONG THE NORTH LINE OF SAID TRACT "C" 470.55 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 2.32 ACRES; SUBJECT TO EASEMENTS, RIGHTS OF WAY, RESERVATIONS AND COVENANTS OF RECORD. PER DEED RECORDED JUNE 16, 1970 IN BOOK 2187 AT PAGE 438, JEFFERSON COUNTY, COLORADO, CLERK AND RECORDER'S OFFICE.

# STAFF MEMO

**DATE OF COUNCIL MEETING: SEPTEMBER 12, 2022 / AGENDA ITEM NO. 8**  
**SEPTEMBER 26, 2022 / AGENDA ITEM NO. 9**

To: Mayor and City Council

From: Holly Björklund, Chief Financial Officer, 303-987-7601

Subject: **AN ORDINANCE ADOPTING AN AMENDED CHAPTER 3.04 AND ANCILLARY MUNICIPAL CODE CHANGES**

**This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nay.**

---

**SUMMARY STATEMENT:** Staff has rewritten the Purchasing Code to incorporate standardized definitions, simplified language, more clearly articulate current processes and requirement, and update purchasing thresholds for inflation.

**BACKGROUND INFORMATION:** The Lakewood Municipal Code (“LMC”) has been revised to update standardized definitions of purchasing terms. The intent of this resolution is to simplify and clarify and more clearly articulate current processes as best practices have changed over time. Additionally, the purchasing thresholds have been updated for inflation since the last update in 2012.

**BUDGETARY IMPACTS:** There isn’t a budgetary impact for these changes.

**STAFF RECOMMENDATIONS:** Staff recommends that City Council adopt the Ordinance.

**ALTERNATIVES:** Leave the purchasing code and regulations as they currently exist.

**PUBLIC OUTREACH:** This item was promoted through the regular communication channels for items that come before the City Council.

**NEXT STEPS:** Ordinance 2<sup>nd</sup> Reading on September 26, 2022.

**ATTACHMENTS:** Ordinance O-2022-15 Revised Purchasing Code

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

O-2022-15

AN ORDINANCE

AMENDING TITLE 3, CHAPTER 3.04 OF THE LAKEWOOD MUNICIPAL CODE BY REPEALING THE EXISTING CHAPTER 3.04 AND REPLACING IT WITH A REVISED CHAPTER 3.04, ALL IN REFERENCE TO ESTABLISHING THE PURCHASING POLICIES OF THE CITY OF LAKEWOOD, COLORADO

WHEREAS, the City of Lakewood (“Lakewood” or “City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of the Home Rule Charter for the City of Lakewood (Charter);

WHEREAS, Sections 1.2 and 2.1 of the Charter vests all municipal legislative powers in the City Council, and authorizes the City Council to establish those laws necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of such municipality and the inhabitants thereof;

WHEREAS, Title 3, Chapter 3.04 of the Lakewood Municipal Code was last revised and updated in 2012;

WHEREAS, since that time, current fiscal and accounting processes and best practices have changed, and inflation has impacted pricing, necessitating a revision of Chapter 3.04 to simplify, clarify and more clearly articulate the City’s established purchasing processes and procedures;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

**SECTION 1. REPEAL AND ADOPT.** Repealing the existing Title 3, Chapter 3.04, and adopting a revised Title 3, Chapter 3.04, entitled Purchasing Policies, such revised Chapter to read as follows:

**3.04.010 - Purpose and Scope**

The purpose of this Chapter 3.04 is to ensure consistency in the procurement of goods and services for the City. The objectives of the Chapter are to:

- A. Provide a uniform, fair, and impartial procedure for the purchase of materials, equipment, and services with the quality needed to effectively meet the needs of City operations at the lowest possible cost and greatest advantage to the City;
- B. Provide appropriate budgetary and fiscal control over all municipal expenditures;
- C. Minimize or eliminate disruptions in City operations resulting from lack of material, equipment, or supplies;
- D. Maximize purchasing value of public funds;
- E. Comply with all applicable laws;
- F. Require all Contractors and other suppliers to fulfill all terms and conditions of contracts and other purchasing agreements;
- G. Secure all applicable federal and state tax exemptions appropriate to purchases or contracts for services; and
- H. Maintain quality and integrity of the procurement process.

### **3.04.015 - Definitions**

**Bid** – either an offer or a proposal for goods or services submitted to the City in response to a written solicitation from the City.

**Budgeted** - included in the City Council's approved budget.

**Chief Financial Officer** – the Chief Financial Officer/Treasurer of the City, or a designee.

**Competitive bidding** – a formal solicitation process to identify and request products and/or services, as established by the Controller, through which multiple Contractors, contractors or service providers are invited to submit responsive bids.

**Contract** - any type of City agreement, including a purchase order, between the City and a contractor or vendor, where the principal purpose is to acquire goods, services, or construction for the benefit of the City. Contract includes a modification to a contract.

**Contractor** – any party entering into an agreement with the City pursuant to this Chapter, and shall include the terms “provider”, “service provider” and “vendor”.

**Controller** - the manager of the City's purchasing processes and program, or such manager's designee.

**Cooperative Purchase** - A purchase made cooperatively with other government agencies, such as the State of Colorado or via a cooperative program. The City, when deemed appropriate, may also extend its awarded contracts to other governmental agencies.

**Debarment**: The inability for a Contractor/Vendor to do business with the City.

**Department Buyer** – City employee authorized to make purchases on behalf of their respective Department.

**Electronic signature** - an electronic or digital sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record to which it is affixed.

Invitation to Bid (ITB) - a competitive, formal solicitation process for interested and eligible Respondents to provide the City with a formal written bid. Each such ITB includes specifications, delivery requirements, plans, drawings, and other items that must be addressed as part of the City's r bid package.

Person - A natural person, individual, sole proprietorship, limited liability company, corporation, partnership or other entity.

Purchase Order – the City's standard computerized form which serves as a contractual document, used to purchase goods and services.

Purchase/Procurement - the acquisition, on behalf of the City, of goods and services including software and software-as-a-service.

Purchasing Procedures – procedures developed by the Controller in conformance with the Chapter set forth within this Chapter.

Purchasing Threshold – the dollar amount established by the Chief Financial Officer in conformance with §3.04.050 of this Chapter.

Request for Quotes (RFQ) – A request for an itemized cost to provide a specific good or service anticipated to be below the dollar threshold required for a competitive bid.

Request for Information (RFI) – A formal request for information the City needs to collect information about (i) the ability of Contractors or suppliers to provide a good or service; (ii) the products, services or solutions sought; and/or (iii) the market.

Request for Proposals (RFP) - A competitive, formal solicitation, including all documents, whether attached or incorporated by reference, utilized for soliciting proposals from qualified Respondents for the provision of goods or services.

Request for Qualifications (R4Q) - Process used to compare the expertise of Contractors or Vendors that typically focuses on a potential Contractor's or Vendor's knowledge, experience and industry reputation.

Respondent: A natural person, individual, sole proprietorship, limited liability company, corporation, partnership or other entity that has submitted a bid or proposal in response to a solicitation.

Responsive - a bid or proposal submitted in a form prescribed by the City that meets the specifications, acceptability requirements, and terms and conditions of the solicitation.

Specification - any description of the physical or functional characteristics or of the nature of a good or service, or a description of any requirement for inspecting, testing, or preparing a good or service for delivery.

Suspension: The inability of a Contractor or Vendor to do business with the City for a set period of time.

### **3.04.020 - Controller.**

A. The Chief Financial Officer shall designate a Financial Controller for the City.

B. The Controller shall:

1. Establish, administer, and enforce purchasing procedures.
  - a. The Controller, or designated representative, shall consult with the various department(s) to determine the type of solicitation needed to meet the product specifications established by the impacted department(s);
  - b. The Controller, after consultation with the City Attorney's Office and Risk Management shall establish requirements for the term of each agreement, insurance coverage, bid bonds, performance bonds, payment bonds, retainage, liquidated damages, final payment, independent contractor status, and all other standard provisions of contracts utilized by the City.
2. Have authorization, with the approval of impacted department directors, to transfer between offices and/or other City departments or to send to the City's Auction Services Contractor, surplus or unused materials.
3. Procure materials, supplies, and services at the best value to the City.
4. Carry out any other duties as assigned by the Chief Financial Officer.

**3.04.030 - Competitive bidding and exceptions.**

- A. Before any purchase is made in excess of the established purchasing dollar threshold, and subject to the provisions hereinafter set forth within these Chapter, there shall be reasonable opportunity for competitive bidding subject to such exemptions as the City Council may, upon recommendation of the City Manager, prescribe within this Chapter or by ordinance or resolution.
- B. Purchases exempted from this Chapter due to the total amount of such purchase being below the purchasing dollar threshold set forth within this Chapter shall still be subject to appropriate signature authority as set forth in 3.04.080.

The following items are exempted from competitive bidding:

1. Purchases made cooperatively with other units of government such as the State of Colorado, other government agencies or via cooperative programs. The City of Lakewood may also extend its contracted awards to other governmental agencies;
2. Services of individuals/firms possessing a high degree of professional skill (such as licensed architectural and engineering services). However, departments are encouraged to use a formal selection process whenever practical for all types of professional services;
3. Purchases made through other governmental entities as may be authorized by ordinance or statute;
4. Magazines, books, subscriptions, advertisements, or periodicals;
5. Memberships and conference registrations;
6. Clean-up and disposal of hazardous materials;
7. Items or products purchased by the City of Lakewood for retail sale to the public;

8. Supplies, products, services, or maintenance agreements indispensable to the City of Lakewood which are obtainable, for practical purposes, only from a single or sole source, as approved by the Controller using the procedure set out in the Finance Department Procurement Policy. The Controller is authorized to negotiate with the single or sole source regarding pricing, delivery, and other relevant factors.
9. Purchases made in response to a City Manager declared emergency situation.

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**3.04.040 - Purchasing Thresholds**

CONTRACT DOLLAR LEVEL (TOTAL, IF PURCHASING MULTIPLE ITEMS)	REQUIREMENTS	CITY'S TERMS AND CONDITIONS	* PURCHASE ORDER AND/OR CONTRACT	SIGNATURE AUTHORIZATION
<b>\$0 to \$9,999</b>	DEPARTMENT BUYER'S DISCRETION	CITY'S TERMS AND CONDITIONS (APPLICABLE ONLY IF VENDOR ONSITE)	P-CARD PAYMENT JDE VOUCHER ENTRY AND/OR PURCHASE ORDER IF REQUIRED	PER 3.04.080
CONTRACTUAL SERVICES <b>\$0 to \$74,999*</b>	MINIMUM THREE (3) QUOTES OR *SOLE/SINGLE SOURCE (AS APPROVED BY CITY CONTROLLER)	CITY'S TERMS AND CONDITIONS	CONTRACT AND/OR PURCHASE ORDER	PER 3.04.080
PROFESSIONAL SERVICES <b>\$0 to \$74,999*</b> LICENSED PROFESSIONAL GOVERNED BY PROFESSIONAL STANDARDS/REGULATIONS (E.G., ARCHITECT /ENGINEER)	PROPOSAL FROM CONTRACTOR	CITY'S TERMS AND CONDITIONS	CONTRACT AND/OR PURCHASE ORDER	PER 3.04.080
* <b>\$75,000 OR GREATER</b>	FORMAL SOLICITATION VIA PURCHASING	PER SOLICITATION REQUIREMENTS	CONTRACT AND PURCHASE ORDER	PER 3.04.080

\*SEE § 3.04.050 REGARDING INCREMENTAL INCREASES TO PURCHASING DOLLAR THRESHOLD AND PURCHASING LIMITS.

**3.04.050 - Purchasing threshold.**

- A. The purchasing dollar threshold for competitive bids (purchasing threshold) shall be established as \$75,000 effective January 1, 2023. The purchasing limit for contractual and professional services shall be established as one dollar less than the purchasing threshold for competitive bids.

- B. In January 2024 and thereafter, the Chief Financial Officer will conduct an annual review of the previous three years of purchases. If the number of purchases in excess of \$75,000 are greater than 20% of all purchases, the Chief Financial Officer may increase the purchasing threshold in an amount up to \$5,000 on February 1<sup>st</sup>.
- C. In 2025 and thereafter, the annual review as described in subsection B above shall occur as described therein except that the previous three years of purchases shall be evaluated to determine if 20% of all purchases were in excess of the previous year's established purchasing threshold prior to determining whether to increase the purchasing threshold in that year.
- D. The amount of the purchasing threshold shall not be raised in excess of \$125,000 without approval of the City Council.
- E. Any reference in this Chapter to the purchasing threshold shall be interpreted in conformance with this section.
- F. The current purchasing threshold will be communicated to staff via the Finance Department on an annual basis.

**3.04.060 - Budgeted/Unbudgeted purchases at or greater than the established purchasing threshold.**

**Budgeted:** Items included for purchase within the approved budget of the City in excess of the established purchasing threshold shall be included within the Capital Project List set forth within such budget. Such items shall be purchased in conformance with this Chapter but do not require further approval by the City Council.

**Unbudgeted:** Unbudgeted purchases and any purchase with a change in funding source in excess of the established purchasing threshold shall require City Council approval.

**3.04.070 - Purchases at or greater than the established purchasing threshold when a competitive process is not utilized.**

When a competitive process is not used, any purchase in excess of the established purchasing threshold shall require approval by the department head, the City Manager, and the City Council.

**3.04.080 - Signature Authority.**

Subject to the limitations and requirements of this Chapter, the following are authorized to execute contracts and purchase orders on behalf of the City:

- A. City Manager or Mayor. The City Manager, or the Mayor with City Council approval, may approve and execute contracts and Purchase Orders for procurements of any expenditure amount. Unless initiated by the City Manager or City Council, no such contracts or Purchase Orders may be executed unless recommended and approved as to content by the applicable Department Director.
- B. Department Directors. Department Directors shall be responsible for all purchases made within their department and for authorizing purchasing authority of employees.

Department Directors or their designees may approve and execute contracts and Purchase Orders within the established purchasing thresholds.

#### **3.04.090 - Formal solicitations; Requirements.**

- A. Any purchase that meets or exceeds the established purchasing threshold shall be made only pursuant to a formal solicitation unless exempt according to the procedures set forth herein.
- B. Formal solicitation may include, at the discretion of the Controller, multi-step, total-cost or lifecycle-cost procedures, or formal competitive proposals as set out in a Procurement Policy as established by the Controller. Formal competitive proposals may be used when the cost of a product or service is not the primary selection factor and where it is not possible to directly compare a product or a service to another.
- C. Notwithstanding anything to the contrary herein, the City Manager may require a formal solicitation to be issued for any purchase.
- D. All formal solicitations shall include a clear statement that the City reserves the right to withdraw such request or to reject any or all proposals/bids submitted in response to such request.

#### **3.04.100 - Successful bids; Local preference.**

- A. Bids shall be awarded to the lowest responsive, responsible, and qualified bidder as determined by the City. Factors to be considered in evaluating the lowest responsive, responsible, and qualified bidder may include, cost, quality, availability, and delivery of the product, qualifications of the contractor or vendor, and any special requirements relevant to the subject matter of the bid as determined by the Controller.
- B. The City will solicit bids via a third-party electronic bid system and local advertising. Where all other award factors are equal, a contract will be awarded to the Respondent with its principal place of business located in Lakewood.

#### **3.04.110 - Emergency procedures.**

Notwithstanding any of the provisions above, when by reason of emergency or immediate public necessity, it is not feasible or practicable to follow the bidding procedures herein set forth or to obtain City Council approval, and it is necessary to authorize the purchase of equipment, supplies or services, or emergency repair or maintenance work, without sealed or other bidding procedures, the City Manager or designee is authorized, on behalf of the City Council, to grant authority for such purchase of equipment, supplies, or services in the event of emergency or immediate public necessity deemed to exist by the City Manager or designee.

As soon as practicable, the Chief Financial Officer or designee shall notify City Council of purchases in excess of the established purchasing threshold. Wherever possible, the Chief Financial Officer or designee shall solicit the bids for the emergency purposes and shall make certain that whenever possible the lowest responsive, responsible, and qualified bidder has been selected.

**3.04.120 - Contracts for public improvements.**

- A. Contracts for public improvements shall be let in accordance with City of Lakewood bidding procedures. These contracts are subject to approval in accordance with the authorization limits stated herein.
- B. When a contract for public improvements is awarded in excess of the established purchasing threshold, the following bonds or security shall be delivered to the City prior to the finalization of any contract and shall become binding on the parties upon execution of the contract:
  - 1. An original bid bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, in an amount equal to 5 percent (5%) of the Respondent's total bid; and
  - 2. A performance bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, in an amount equal to 100 percent (100%) of the price specified in the contract; and
  - 3. A payment bond satisfactory to the City, executed by a surety company authorized to do business in the State of Colorado or otherwise secured in a manner satisfactory to the City, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100 percent (100%) of the price specified in the contract.
- C. Nothing in this section shall be construed to limit the authority of the City to require a bid bond, payment or performance bond or other security in addition to those bonds or in circumstances other than those specified in subsection (B) of this section.

**3.04.130 – Term, Form and Execution of Contracts.**

- A. Unless otherwise authorized or directed by City Council, all contracts obligating the City may be executed on behalf of the City by the Mayor or the City Manager, or designee, and attested by the City Clerk, after approval of the contract form by the City Attorney. Contracts that meet all three of the following requirements do not require the City Attorney to approve as to form:
  - 1. are set forth on an unmodified City approved contract form,
  - 2. do not require approval by the City Council, and
  - 3. are for an amount less than that amount requiring inclusion on the capital project list.
- B. Contracts may be renewed up to four (4) annual times based on Contractor's or Vendor's satisfactory performance and competitive pricing.
- C. Generally, all contracts should be made using the City's approved contract forms, exceptions shall only be approved by the City Attorney, or designee. Irrespective of whether the City's approved contract form or the standard form of a contracting party

is used, all contracts entered into by the City of Lakewood shall be read and interpreted to incorporate all mandatory provisions of applicable Constitutional provisions, Charter provisions, statutes and ordinances, and the City's established terms and conditions, when applicable.

- D. Contracts may be approved via an electronic signature in lieu of an in-person ink signature using a digital electronic signature system approved by the City's Chief Information Officer.

#### **3.04.140 – Intergovernmental Agreements.**

The City may enter into Intergovernmental Agreements (IGAs) with other governmental units or special districts for the use of buildings, equipment, or facilities, and for furnishing or receiving commodities or services. IGAs are understood to be binding upon both parties and shall be entered into in accordance with 29-1-203, C.R.S. which authorizes the City to cooperate or contract with other governmental entities to provide, accept, or jointly carry out any function or service or, in regard to the use of buildings, equipment, or facilities, with the approval of the legislative bodies of each participating governmental entity. The City Manager, or designee, is hereby authorized to enter into those IGAs limited to a single department of the City concerning an action taken in the regular course of business and involving a financial commitment of less than the City's established purchasing threshold.

Memorandums of Understanding are not binding upon the signatories to such documents and are therefore not subject to the provisions of this Chapter, however, an MOU should not be used as a substitute for an IGA for ease of establishment if an IGA is the appropriate solution.

#### **3.04.145 – Cooperative Purchasing.**

- A. City staff may use State of Colorado Price Agreements, Multiple Assembly of Procurement Officials (MAPO), or established cooperative programs to obtain the benefit of the negotiated pricing made available. Similar organizations may be used with the approval of the Controller. While exempt from the formal bid process, these purchases are subject to the normal approval process. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest cost contractor/vendor.
- B. Cooperative purchasing may also include bidding with other governmental entities to purchase goods in larger quantities. This practice may sometimes be beneficial for all entities involved as it may result in lower per-unit costs, while still assuring bid requirements are met. When cooperative bidding is done, each entity shall supply its own requirements, however, one entity shall be chosen to administer the bid process. Bid awards are to be determined either on an individual basis or as a total, whichever is the most cost-effective to all governmental entities. Depending on the nature of the product or service, bids are not necessarily awarded to the lowest cost bidder.

### **3.04.150 - Debarment and suspension.**

#### A. Debarment procedures.

1. After reasonable notice to the person or firm involved and reasonable opportunity for that person to be heard, the Chief Financial Officer, after consultation with the City Attorney, shall have the authority to debar a person or firm for any reason set forth in subsection (B) of this section from consideration of award of contracts. The period of debarment shall be determined by the Chief Financial Officer or the Controller on a case- by- case basis based upon criteria set forth in the Finance Department Procurement Policy not to exceed three (3) years.
2. The Chief Financial Officer, after consultation with the City Attorney, shall have the authority to debar a person or firm from consideration for award of contracts if there is probable cause to believe such person or firm has engaged in activities that may lead to debarment. The period of debarment shall be determined by the Chief Financial Officer on a case-by-case basis based upon criteria set forth in the Finance Department Procurement Policy.
3. Debarment and suspension procedures shall be set out in the Finance Department Procurement Policy.

#### B. Reason for debarment.

1. Conviction of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract;
2. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property;
3. Conviction under state or federal antitrust statutes arising out of the submission of bids or proposals;
4. Failure without good cause to perform in accordance with the terms of any contract or unsatisfactory performance of any contract;
5. Attempt to influence a public servant; or
6. Debarment by another governmental entity for any of the above reasons.

#### C. Appeal.

1. Any person or firm who is debarred may protest to the City Manager.
2. The protest shall be submitted to the City Clerk's Office in writing within seven (7) working days after notification of debarment.
3. The City Manager shall have the authority to settle and resolve an appeal of a debarment.

### **3.04.160 - Protested solicitations or awards.**

- A. Any actual or prospective bidder, contractor, or vendor who is aggrieved in connection with the solicitation or award of a contract may protest to the Controller as set out in

this section. The protest shall be submitted to the City Clerk's Office in writing within seven (7) working days after such aggrieved person knows or should have known of the facts giving rise thereto.

- B. The Controller shall have the authority to settle and resolve a protest of an aggrieved bidder, contractor, or vendor, actual or prospective, concerning the solicitation or award of a contract pursuant to an established procedure as set forth within the Finance Department Procurement Policy.

### **3.04.170 - Construction Management-General Contractor (CMGC) Contracts.**

Notwithstanding anything in Chapter 3.04 of the Lakewood Municipal Code to the contrary, the City may negotiate Construction Management-General Contractor (CMGC) Contracts and a variety of Construction Management-General Contractor (CMGC) Contracts, that may include Design Build and Construction Management, provided:

- A. The City of Lakewood issued a formal competitive solicitations to complete the contract project; and
- B. The contract is awarded to the most qualified, responsible and responsive contractor, considering the purpose and nature of the contract.

### **3.04.180 - Revenue contracts.**

Notwithstanding anything in this Chapter to the contrary, the City may negotiate revenue-producing contracts.

### **3.04.190 - Green procurement.**

The City of Lakewood's sustainability efforts encourage the procurement of green products that meet or exceed current performance levels and are not prohibitive in terms of cost, delivery time, or other logistical factors, as determined by the City of Lakewood.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall take effect thirty (30) days after final publication.

**SECTION 3. SEVERABILITY.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of September 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 15th day of September 2022; set for public hearing on the 26th day of September 2022; read, finally passed and adopted by the City Council on the \_\_\_ day of September 2022, and signed, and approved by the Mayor on the \_\_\_ day of September, 2022.

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Adam Paul, Mayor

ATTEST:

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Jay Robb, City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF COUNCIL MEETING: SEPTEMBER 12, 2022 / AGENDA ITEM NO. 10**

**SEPTEMBER 26, 2022 / AGENDA ITEM NO. 10**

To: Mayor and City Council

From: Max Kirschbaum, Director of Public Works, 303-987-7901

Subject: **ORDINANCES ADOPTING THE INTERNATIONAL PLUMBING AND FUEL GAS CODES, 2018 EDITION**

**This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nay.**

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**SUMMARY STATEMENT:** These ordinances would adopt the International Plumbing and Fuel Gas Codes, 2018 editions with state and local amendments, as part of the Lakewood Building Code.

**BACKGROUND INFORMATION:** The Lakewood Building Code is contained within Title 14 of the Lakewood Municipal Code and comprises a series of published building codes and local amendments to the published code. The State of Colorado Plumbing Board requires the 2018 editions of the International Plumbing and Fuel Gas Codes be adopted. These ordinances adopt the 2018 International Plumbing and Fuel Gas Codes as published by the International Code Council.

All plumbers working as registered contractors in Lakewood are also licensed by the State of Colorado and are required to meet the requirements of the Plumbing and Fuel Gas Codes as adopted by the state. Adopting the 2018 editions of the International Plumbing and Fuel Gas Codes will be consistent with this state requirement for plumbers working in Lakewood.

A public access version of the published codes are available at <https://codes.iccsafe.org/content/IPC2018> and at <https://codes.iccsafe.org/content/IfgC2018>. The published codes are proposed to be adopted by reference. The State of Colorado Plumbing Board requires state amendments to be adopted, and limits local amendments to be more stringent than state amendments. Local amendments are the same amendments made when adopting previous versions of the International Plumbing and Fuel Gas Codes.

The Municipal Code requires the Board of Appeals to provide a recommendation to the City Council regarding the adoption and amendment of the Lakewood Building Code. The Board reviewed the proposed ordinances and unanimously voted to recommend the City Council approve the ordinances adopting the International Plumbing and Fuel Gas Codes, 2018 editions.

**BUDGETARY IMPACTS:** These ordinances have no budgetary impacts.

**STAFF RECOMMENDATION:** Approval of the ordinances.

**ALTERNATIVES:** City Council could choose not to approve these ordinances and the 2015 editions of the International Plumbing and Fuel Gas Codes would remain as the adopted plumbing and fuel gas codes in the Lakewood Building Code. This would not meet the State of Colorado Plumbing Board requirements.

**PUBLIC OUTREACH:** Notification has been made through the City Council agenda process.

**NEXT STEPS:** If the City Council approves these ordinances, the Lakewood Building Code will be updated and will become effective 30 days from the final publication of the ordinance.

**ATTACHMENTS:** Ordinance O-2022-17 International Plumbing Code  
PowerPoint Presentation

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

O-2022-17

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.05 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING ADOPTING BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL PLUMBING CODE, INCLUDING APPENDICES B, C, D AND E, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Public Works Department Staff, including the Building Official and City Engineer, have presented for adoption by reference the 2018 International Plumbing Code, including amendments and modifications thereto, to replace the current versions thereof;

WHEREAS, the City of Lakewood Board of Appeals was established by Lakewood Municipal Code section 14.12.010 and charged with reviewing proposed additions, changes or amendments to the City's building codes and to make recommendations to the City Council with respect to the adoption thereof;

WHEREAS, the Board of Appeals has reviewed, considered and recommended for adoption the 2018 edition of the International Plumbing Code, including the amendments and modifications set forth herein;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

**SECTION 1.** Chapter 14.05 of the Lakewood Municipal Code is repealed and reenacted as follows:

**14.05.010 International Plumbing Code, 2018 Edition, adopted by reference generally.**

In accordance with Colorado Revised Statutes Section 31-16-201, *et seq.*, and the City of Lakewood home rule charter, the International Plumbing Code of the International Code Council, 2018 Edition, including Appendices B, C, D, and E, herein after "International Plumbing Code," is hereby adopted by reference, subject to the deletions, amendments, and additions contained herein.

**14.05.020 Purpose of International Plumbing Code.**

The purpose of the International Plumbing Code is to protect the public health and safety by regulation of the installation, alteration or repair of plumbing and drainage systems and providing for the inspection thereof within the City of Lakewood. The subject matter of the International Plumbing Code is the installation, alteration or repair of plumbing and drainage systems and the inspection thereof.

**14.05.030 State amendments to certain provisions of the International Plumbing Code.**

Pursuant to Title 31, Article 16, C.R.S. and the City of Lakewood home rule charter, the amendments to the International Plumbing Code adopted in the Colorado Plumbing Code, 3 C.C.R. 720-1(1.2)(E)(1)(a)-(ooo), as of July 15, 2022, unless otherwise stated in section 14.05.040 below, are hereby adopted by reference.

**14.05.040 Local amendments to certain provisions of the International Plumbing Code.**

Certain provisions of the International Plumbing Code, as indicated herein, are hereby amended.

A. The provisions of chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted.
2. Section 103 is deleted.
3. Subsection 106.6.2 is replaced with the following:  
**106.6.2 Fees.** Fees and valuation for permits required by this Code shall be as specified in Section 14.01.060 of the Lakewood Building Code.
4. Subsection 106.6.3 is deleted.
5. Section 109 is replaced with the following:  
**Board of Appeals.** Persons aggrieved under this chapter 14.05 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of chapter 3 shall include the following amendments:

1. Subsection 305.4.1 is replaced with the following:  
**305.4.1 Sewer Depth.** Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below finished grade.

2. Subsection 312.9 shall remain and read as follows:

**312.9 Shower liner test.** Where shower floors and receptors are made water tight by the application of materials required by section 421.5.2, the completed liner installation shall be tested. The pipe from the shower drain shall be plugged water tight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inch (51 mm) measured at the threshold. Where a threshold of 2 inches (51 mm) high or greater does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches (51 mm) deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes, and there shall not be evidence of leakage. *[Note: The Colorado Plumbing Code removed this subsection 312.9. This deletion is not adopted. Shower liner tests are required within the City of Lakewood.]*

- C. The provisions of chapter 4 shall include the following amendments:

1. Subsection 403.1 is replaced with the following:

**403.1 Minimum number of fixtures.** Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the *International Building Code*. Lavatory to water closet or urinal ratios in accordance with table 403.1 shall be maintained in all restrooms.

2. Table 403.1 add footnote (g) stating the following:

g. Required drinking fountains may be substituted with a water dispenser for an occupant load of 50 or fewer.

3. Subsection 421.3 is replaced with the following:

**421.3 Shower waste outlet.** Waste outlets serving showers shall be at least 2 inches in diameter and, for other than waste outlets in bathtubs, shall have removable strainers not less than 3 inches in diameter with strainer openings not less than ¼ inch in minimum dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.

- D. The provisions of chapter 6 shall include the following amendment:

1. Subsection 603.1 is amended by adding a second paragraph to read as follows:

The minimum size of the cold-water distribution pipe from the entry to the building to the water heater shall be 1 inch for dwelling units with more than two bathrooms roughed in or complete.

- E. The provisions of chapter 7 shall include the following amendments:
1. Subsection 706.3 is amended by deleting the exception.
  2. Table 709.1 is amended by changing the minimum size of trap for a shower with a flow rating of 5.7 gpm or less from 1½ inches to 2 inches.
- F. The provisions of chapter 9 shall include the following amendments:
1. Subsection 903.1 is replaced with the following:  
**903.1 Roof Extension.** All open vent pipes that extend through a roof shall be terminated at least 8 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vents shall be extended at least 7 feet above the roof.
  2. Subsection 909.1 is amended by deleting the exception.
  3. Subsection 915.2 is amended by replacing the first paragraph as follows:  
**915.2 Installation.** The only vertical pipe of a combination drain and vent system shall be the connection between the fixture drain of a sink, lavatory or drinking fountain and the horizontal combination drain and vent pipe. The maximum vertical distance shall be 8 feet.
- G. The provisions of chapter 11 shall include the following amendments:
1. Subsection 1108.1 is replaced with the following:  
**1108.1 Secondary drains or scuppers.** Secondary (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason. The secondary (emergency) drains and scuppers shall be installed with the inlet located 2 inches above the low point of the roof.

#### **14.05.050 Penalties for violation of Plumbing Code.**

- A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken and decided so as to permit such action, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.020. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**SECTION 2.** All provisions of Chapter 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered and in full force and effect.

**SECTION 3.** This ordinance shall take effect thirty (30) days after final publication.

**SECTION 4.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of September 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 15th day of September 2022; set for public hearing on the 26th day of September 2022; read, finally passed and adopted by the City Council on the \_\_\_ day of September 2022, and signed, and approved by the Mayor on the \_\_\_ day of September, 2022.

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Adam Paul, Mayor

ATTEST:

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Jay Robb, City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney

# STAFF MEMO

**DATE OF COUNCIL MEETING: SEPTEMBER 12, 2022 / AGENDA ITEM NO. 11**

**SEPTEMBER 26, 2022 / AGENDA ITEM NO. 11**

To: Mayor and City Council

From: Max Kirschbaum, Director of Public Works, 303-987-7901

Subject: **ORDINANCES ADOPTING THE INTERNATIONAL PLUMBING AND FUEL GAS CODES, 2018 EDITION**

**This ordinance was approved on 1st Reading by a vote of 10 ayes 1 nay.**

---

**SUMMARY STATEMENT:** These ordinances would adopt the International Plumbing and Fuel Gas Codes, 2018 editions with state and local amendments, as part of the Lakewood Building Code.

**BACKGROUND INFORMATION:** The Lakewood Building Code is contained within Title 14 of the Lakewood Municipal Code and comprises a series of published building codes and local amendments to the published code. The State of Colorado Plumbing Board requires the 2018 editions of the International Plumbing and Fuel Gas Codes be adopted. These ordinances adopt the 2018 International Plumbing and Fuel Gas Codes as published by the International Code Council.

All plumbers working as registered contractors in Lakewood are also licensed by the State of Colorado and are required to meet the requirements of the Plumbing and Fuel Gas Codes as adopted by the state. Adopting the 2018 editions of the International Plumbing and Fuel Gas Codes will be consistent with this state requirement for plumbers working in Lakewood.

A public access version of the published codes are available at <https://codes.iccsafe.org/content/IPC2018> and at <https://codes.iccsafe.org/content/IfgC2018>. The published codes are proposed to be adopted by reference. The State of Colorado Plumbing Board requires state amendments to be adopted, and limits local amendments to be more stringent than state amendments. Local amendments are the same amendments made when adopting previous versions of the International Plumbing and Fuel Gas Codes.

The Municipal Code requires the Board of Appeals to provide a recommendation to the City Council regarding the adoption and amendment of the Lakewood Building Code. The Board reviewed the proposed ordinances and unanimously voted to recommend the City Council approve the ordinances adopting the International Plumbing and Fuel Gas Codes, 2018 editions.

**BUDGETARY IMPACTS:** These ordinances have no budgetary impacts.

**STAFF RECOMMENDATION:** Approval of the ordinances.

**ALTERNATIVES:** City Council could choose not to approve these ordinances and the 2015 editions of the International Plumbing and Fuel Gas Codes would remain as the adopted plumbing and fuel gas codes in the Lakewood Building Code. This would not meet the State of Colorado Plumbing Board requirements.

**PUBLIC OUTREACH:** Notification has been made through the City Council agenda process.

**NEXT STEPS:** If the City Council approves these ordinances, the Lakewood Building Code will be updated and will become effective 30 days from the final publication of the ordinance.

**ATTACHMENTS:** Ordinance O-2022-18 International Fuel Gas Code  
PowerPoint Presentation

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

O-2022-18

AN ORDINANCE

AN ORDINANCE REPEALING AND REENACTING CHAPTER 14.10 OF TITLE 14 OF THE LAKEWOOD MUNICIPAL CODE, ADOPTING BY REFERENCE THE 2018 EDITION OF THE INTERNATIONAL CODE COUNCIL'S INTERNATIONAL FUEL GAS CODE, WITH DELETIONS AND AMENDMENTS AS SET FORTH BELOW, AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

WHEREAS, Public Works Department Staff, including the Building Official and City Engineer, have presented for adoption by reference the 2018 International Fuel Gas Code, including amendments and modifications thereto, to replace the current versions thereof;

WHEREAS, the City of Lakewood Board of Appeals was established by Lakewood Municipal Code section 14.12.010 and charged with reviewing proposed additions, changes or amendments to the City's building codes and to make recommendations to the City Council with respect to the adoption thereof;

WHEREAS, the Board of Appeals has reviewed, considered and recommended for adoption the 2018 edition of the International Fuel Gas Code, including the amendments and modifications set forth herein;

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

**SECTION 1.** Chapter 14.10 of the Lakewood Municipal Code is repealed and reenacted as follows:

**14.10.010 - International Fuel Gas Code, 2018 Edition, adopted by reference, generally.**

In accordance with Colorado Revised Statutes Section 31-16-201, *et seq.*, and the City of Lakewood home rule charter, the International Fuel Gas Code of the hereinafter "International Fuel Gas Code," is hereby adopted by reference, subject to the deletions, amendments and additions contained in this chapter.

#### **14.10.020 Purpose of the International Fuel Gas Code.**

The purpose of the International Fuel Gas Code is to provide minimum standards to safeguard life and limb, health and property and public welfare by the regulation of the design, construction, installation and quality of materials, location operation and maintenance of fuel gas systems.

#### **14.10.030 State amendments to certain provisions of the International Fuel Gas Code.**

Pursuant to Title 31, Article 16, C.R.S. and the City of Lakewood home rule charter, the amendments to the International Fuel Gas Code adopted in the Colorado Plumbing Code, 3 C.C.R. 720-1(1.2)(E)(3)(a)-(k), as of July 15, 2022, unless otherwise stated herein in section 14.10.040 below, are hereby adopted by reference.

#### **14.10.040 Local amendments to certain provisions of the International Fuel Gas Code.**

Certain provisions of the International Fuel Gas Code, as indicated in this section, are hereby amended.

A. The provisions of Chapter 1 shall include the following amendments:

1. Subsection 101.1 is deleted
2. Subsection 101.2 is amended by deleting the exception.
3. Section 103 is deleted.
4. Subsection 106.6 is replaced with the following:  
**106.6 Fees.** Fees and valuation for permits required by this Code shall be specified in section 14.01.060 of the Lakewood Building Code.
5. Section 109 is replaced with the following:  
**Board of Appeals.** Persons aggrieved under this chapter 14.10 shall file an appeal with the Board of Appeals of the City of Lakewood as provided in Chapter 14.12 of the Lakewood Municipal Code.

B. The provisions of chapter 3 shall include the following amendments:

1. Subsection 303.3 is amended by deleting exceptions 3 and 4.
2. A new subsection 305.13 is added to read as follows:  
**305.13 Roof mounted equipment.** Equipment or appliances installed on a roof shall be a minimum of 12 inches above the roof on an approved or listed curb or platform.

C. The provisions of chapter 4 shall include the following amendments:

1. Subsection 404.6 is replaced with the following:

**404.6 Underground penetrations prohibited.** Gas piping shall not penetrate a building foundation wall below grade. When passing through masonry or concrete exterior walls, gas piping shall be encased with a protective pipe sleeve. The annular space between the gas piping and the sleeve shall be sealed to prevent the infiltration of water.

2. Subsection 404.12 is replaced with the following:

**404.12 Minimum Burial Depth.** Underground piping systems shall be installed a minimum depth of 12 inches below grade, except as provided in section 404.12.1 Underground plastic gas piping shall be installed a minimum of 18 inches below grade.

3. Subsection 406.4.1 and 406.4.2 are replaced with the following:

**406.4.1 Test pressure and duration.** Threaded gas piping shall be tested to 20 psi for 15 minutes. Welded or medium pressure gas piping shall be tested at 60 psi for 15 minutes.

- D. The provisions of chapter 6 shall include the following amendments:

1. Subsection 621.1 is replaced with the following:

**621.1 Unvented room heaters.** Unvented gas burning appliances shall not be installed in any occupied building.

2. Subsection 623.2 is amended by adding an exception to read as follows:

**Exception:** Commercial cooking appliances installed in accordance with the manufacturer's specifications for residential installation may be approved by the Building Official.

#### **14.10.050 Penalties for violations of the International Fuel Gas Code.**

- A. Any person who violates any of the provisions of the code adopted by this chapter or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate of permit issued thereunder, and from which no appeal has been taken and decided so as to permit such action, or who fails to comply with such an order, as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed in this chapter, shall severally for each and every violation and noncompliance respectively, be subject to the penalties set forth in Section 1.16.20. The imposition of one penalty for any violation shall be excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or deficits within a reasonable time, and when not otherwise specified, each that the prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**SECTION 2.** All provisions of Chapter 14 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered and in full force and effect.

**SECTION 3.** This ordinance shall take effect thirty (30) days after final publication.

**SECTION 4.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of September 2022; published by title in the Denver Post and in full on the City of Lakewood's website, [www.lakewood.org](http://www.lakewood.org), on the 15th day of September 2022; set for public hearing on the 26th day of September 2022; read, finally passed and adopted by the City Council on the \_\_\_ day of September 2022, and signed, and approved by the Mayor on the \_\_\_ day of September, 2022.

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Adam Paul, Mayor

ATTEST:

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Jay Robb, City Clerk

APPROVED AS TO FORM:

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Alison McKenney Brown, City Attorney