LAKEWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES

August 7, 2013

COMMISSIONERS PRESENT:
Stuart Crawford
John Davis
Jay Goldie
Karen Harrison
Henry Hollender
Julia Kirkpatrick

STAFF PRESENT:
Travis Parker, Director, Planning Department
John Padon, Traffic Engineering Manager, Public Works Department
Mark Doering, Principal Planner, Planning-Development Assistance
Walter Jauch, Secretary to the Planning Commission

Following are the minutes of August 7, 2013 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

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

ITEM 1: CALL TO ORDER

ITEM 2: ROLL CALL

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


MR. ELIOT HOYT, Applicant Representative, Design Workshop, 1390 Lawrence St, Denver, CO 80204.
He stated that Vernon Taylor III, who is the trustee of this property, is not able to attend tonight but as he stated at the neighborhood meeting the family is committed to having the property become a part of the city of Lakewood as this property is a jewel in the community and they feel Lakewood shares these values.

He wished to make it clear in the beginning of this meeting that the family does not have plans to pursue development of this property and they wish to maintain the status quo of current use. The family feels that the staff and vision of the City share the same values regarding the special qualities of this property. If the property was to be developed in the future the Taylor family wants to have the process done through the city of Lakewood instead of other entities.

He then displayed aerial maps and pictures of the general area and pictures of specific areas on the property and the access to the property from the east via Lakeridge Road. He stated that if there ever were to be development on this property alternate methods of access would be needed.

He stated that there are four tax parcels that make up this property with one parcel being residential and the rest as agricultural.

He showed a map displaying the locations of the boundaries of Jefferson County, the city of Denver, and the city of Lakewood.

He identified the locations of the buildings within the property, the primary residence, other caretaker residences, areas that are irrigated and farmed for hay, pasture areas, areas that are not irrigated which are home to numerous wildlife, as well as the boundary shared with Ward Lake and the boundary shared with the Green Gables development.

The property is surrounded by Lakewood on three sides, by Denver in one area, and unincorporated Jefferson County on the north. The Jefferson County South Plains Area plan calls for a density of 4-7 dwelling units/acre for this area.

Notifications were sent to the surrounding properties and multiple signs have been posted on the property as required by the Lakewood ordinances for the annexation petition and the request for zoning.

The applicant selected the R-1-43 district as it most closely matches the current use of the property and is the lowest density district in Lakewood, it allows some agricultural uses, and is less dense than what the county plan states as a recommendation.

In April a neighborhood meeting was held and some comments regarding traffic and open space were received. Since the property will continue to be used in the same way, these issues will not change, too.

MR. MARK DOERING stated that a letter from Charlotte Baron was received this afternoon and placed on the dais for the Commission and is now part of the record.
He stated that there is only one staff report and presentation that covers the annexation and zoning cases. Two separate resolutions are necessary.

He stated that the applicant is proposing to annex a property of 122.3 acres into the city of Lakewood. They are proposing to zone the property as the One Acre Lot Residential (R-1-43) district and they are not proposing any development at this time.

He explained that the process involved is:

1. Applicant submits the Petition of Amendment to be accepted by City Council, which happened on July 22, 2013.
2. Planning Commission makes a recommendation (this evening’s hearing).
3. City Council considers the proposal
   a. First Reading on August 26, 2013
   b. Second Reading on September 9, 2013 (public hearing)

He displayed an aerial map illustrating the property boundaries, city of Lakewood boundaries, Jefferson County boundaries, and the city of Denver boundaries.

He explained that there is an additional property owned by the Taylor family and there was some confusion at the neighborhood meeting about it. Research by Lakewood staff indicates that this small property is already a part of the city of Lakewood.

He displayed a zoning map of the area and that the area to the north is zoned as Jefferson County Planned Unit Development (PUD) which allows for multi-family, single family, and some commercial uses.

He stated that all required notifications have been or will be completed:

1. Zoning Ordinance requirements
   ● Neighborhood Meeting held on April 2, 2013
   ● Property posted
   ● Publication in newspaper
   ● Notices mailed

2. State statute requirements
   ● Publication for four consecutive weeks
   ● Notification of County and Special Districts
   ● Distribution of Annexation Impact Report

He discussed the comments received:
1. Outside Agencies
   ● Jefferson County
   ● Alameda Water and Sanitation District
   ● Xcel Energy
2. Neighborhood Stakeholders
   • Construction impacts
   • Allowed uses
   • Open space

He stated that the Alameda Water and Sanitation District board meeting will be held next Wednesday, August 14th and they are working on the process to include three parcels into their district. A condition has been placed into the resolution that this process must be completed.

Staff received four letters from three people with concerns of impacts about the impacts to wildlife, construction, streets, and drainage patterns. Since no development is taking place at this time, there are no changes to these concerns, the current uses are allowed to continue with the proposed zone district, and if any development happens in the future the Lakewood Municipal Code has requirements that must be met regarding open space.

He discussed the Annexation Criteria:
1. Comprehensive Plan – Proposal meets all the requirements.
2. Three Mile Plan – Deferred to Jefferson County South Plains Area plan, which recommends residential use with a density of 4 to 7 dwelling units per acre.
3. Colorado Revised Statutes – Requires than annexations must be within three miles of current city boundary and at least 1/6th abuts the city boundary. Approximately 67% of this property abuts the city of Lakewood.

He explained the Zoning Criteria:
1. Promotes Lakewood Zoning Ordinance
2. Compatibility of surrounding land uses
3. At least one of the following:
   a. Implements the Comprehensive Plan
   b. Change in character of the area
   c. Property was zoned in error
4. Engineering Requirements

He stated that this proposal promotes orderly development in the city, interacts well with its neighbors and is compatible with the surrounding uses and with the proposed R-1-43 zone district. Additionally, the buildings on the property already exist and will be considered non-conforming and will be covered by the non-conforming use section of the zoning ordinance.

He displayed a concept map of the property and discussed the current buildings and use on the property.

Staff recommends the Planning Commission to recommend approval by the City Council for this proposal.

Public Comment OPENED at 7:35 p.m.
MS. CHARLOTTE BARON, 6969 W. Yale Ave #62, Denver, CO 80227. She stated that she had delivered her letter to staff this afternoon and she is reassured by the hearing tonight that there are not any development plans for this property in the immediate future. She recognizes that, and believes the city and Planning Commission also understands, the jewel that this property is to the community. She is reassured that the wildlife will continue living there. She welcomes any opportunity to be a voice for the wildlife.

MR. CHARLES OLSON, 5852 W. Pacific Circle, Lakewood, CO 80227. He stated that he is the Treasurer of the Lakewood Estates Homeowner’s Association. He is in favor of this proposal, but wants this proposal to assist in some of the traffic concerns from the Green Gables development. The Green Gables project does not have left turn access onto Wadsworth Boulevard. He believes a road through this property for a left turn onto Wadsworth at Morrison Road will greatly relieve traffic problems that might exist on Jewell Avenue.

MS. MARY VODNECK, 8122 W. Woodard Dr., Lakewood, CO 80227. She asked if the city of Lakewood has an agreement with the property owner to provide access at Wadsworth Boulevard and Morrison Road. She also wants to make sure that the current residences on the property will be considered non-conforming and arrangements will be made to make them conforming in the future. She also asked about the agreements regarding water for the property.

MR. BILL KEYES, 2385 S. Zephyr Way, Lakewood, CO 80227. He commented that this proposal does not state that no zoning will ever take place on the property. He asks if this property will ever be developed.

MR. CARY BRUTEIG, 7375 W. Vassar Ave., Lakewood, CO 80227. He lives near the south side of the Taylor property. He is concerned that the small portion of property near his home will become an access road to the annexed property as this will change the character of their area. He also has concerns about the possible drainage problems that could happen if not carefully controlled.

Public Comment CLOSED at 7:44 p.m.

COMMISSIONER JULIA KIRKPATRICK asked for answers to the questions posed regarding road access to Wadsworth Boulevard.

MR. JOHN PADON stated that he does not believe there is any agreement.

MR. HOYT stated that there is no agreement for this access.

COMMISSIONER KIRKPATRICK asked for a response to the issue of non-conformance.

MR. DOERING replied that there are possible ways for a non-conformance to be made conforming, such as:
• A subdivision where each home currently on this property is on its own lot.
• A future zoning change that makes it conforming.

He stated that the property owner does retain some rights, such as if the buildings on the property being destroyed by natural acts they could be rebuilt to a state similar to what currently exists. However, if the applicant were to take them down, they could not be replaced.

COMMISSIONER KIRKPATRICK asked for an answer about the water issues brought up during the public comment.

MR. HOYT replied that an agreement with Alameda Water and Sanitation exists that if any future development is completed that they are the district to serve the property and that staff placed this requirement into this proposal.

He stated that the Taylor family does own some water rights via the agricultural and Ward ditches.

COMMISSIONER KIRKPATRICK asked for replies regarding the questions about the length of zoning brought up in public comment.

MR. DOERING replied that the currently adopted ordinance process was recently completed resulting in a new ordinance, the first new ordinance in 30 years and that zoning is not guaranteed to stay the same.

COMMISSIONER HENRY HOLLENDER stated that he does not think it is good practice to zone and make existing buildings non-conforming and asked why a Planned Development (PD) district was not considered for this property.

MR. TRAVIS PARKER explained that rezoning is done for new developments and that this proposal is unique as they are not proposing any development at all. The simplest and most closely matching zoning was chosen and that it is not necessary to put an applicant through that process of creating a new PD for existing uses. If another party was to come in and try to develop this property, they would need to bring these changes to a public hearing process.

COMMISSIONER KAREN HARRISON asked what happens if the annexation is approved, but not the zoning.

MR. DOERING responded that under the state statutes a property has to have a zoning designation within 90 days of being annexed.

COMMISSIONER HARRISON asked if there is a designation in the zoning ordinance for parkland and she wishes to see this property remain the same, but to become a park. She asked what would happen if the water district decides not to provide for this property.
MR. DOERING replied that there is no park zoning district and part of this annexation process is to ensure the property is being served by utilities such as water, sanitation, power, and gas. The water district has indicated they want to serve this property and the decision will be made on August 14, 2013.

COMMISSIONER HARRISON asked the applicant if they are confident that this service would be approved by the district.

MR. HOYT said he is confident they will approve this decision.

COMMISSIONER JAY GOLDIE asked if that decision will be a vote of the people or the water district board.

MR. DOERING replied that he believes it will be the board that makes that decision but he is not completely familiar with the district’s rules and regulations regarding that matter.

COMMISSIONER GOLDIE asked for clarification regarding the county’s comment requesting access.

MR. DOERING responded that the county has requested access to the Green Gables development. One of the requirements in the Lakewood Zoning Ordinance is that if properties are subdivided they should have access to adjoining areas. The Green Gables development has a road stub on the northern portion of their property and originally wanted to add a signalized intersection at Evans Avenue. The city of Lakewood has jurisdiction for Wadsworth Boulevard in that area and did not want to have that intersection placed as the city has long-term vision of access and a connection to Morrison Road at Wadsworth Boulevard and that intersection would serve the Green Gables development.

COMMISSIONER GOLDIE asked if access would be allowed through that R-2 parcel discussed earlier.

MR. PADON replied that Vassar Avenue is a local street and has a cap to the allowed number of vehicles per day. Lakewood could not allow the traffic from a full development of the 122 acre property through Vassar Avenue as it would change the character of that neighborhood. If the applicant proposed, for example, a subdivision of 15 – 20 homes as a cul-de-sac with a road extended from that R-2 property, this would be deemed acceptable but would still need to meet fire department requirements.

He stated that it is possible that this could be dedicated as secondary right-of-way access, but definitely not primary access. There is a potential that Lakeridge Road could extend to Sheridan Boulevard or a potential for access to Yale Avenue through other subdivisions or if the parcel to the east were to ever develop.

COMMISSIONER GOLDIE asked if Lakeridge Road is a private road.
MR. PADON replied that Lakeridge Road from Sheridan Boulevard to approximately ½ mile in is public and then there is an access agreement between the Taylor family and other parties.

(Shout from a person in the gallery).

COMMISSIONER KIRKPATRICK acknowledged that a member of the audience was shouting out in the gallery and that the public comment portion of the meeting has already concluded, but she may allow him to speak after this portion of questioning is concluded.

COMMISSIONER STUART CRAWFORD asked what could develop if annexation is not completed and what limitations are in place. He commented that if the annexation is approved the city of Lakewood will have a say in the process of any development for this property, have public hearings, and afford some control over the development.

MR. DOERING replied that the current zone district is an A-1 in unincorporated Jefferson County and has the rights to pursue development that is allowed for that district. It could also be rezoned or subdivided. The city of Lakewood does not have jurisdiction over developments in the county.

He stated that staff heard the comments from the citizens about the Green Gables development and that they wanted the Green Gables properties annexed into the city and moved through the city’s development process.

He stated that the A-1 zone district is agricultural with a minimum lot size of five acres.

COMMISSIONER GOLDIE asked if enough of this property bordered Denver for them to be able to annex it.

MR. DOERING stated that it is not impossible, but there are unique situations to Denver’s annexation process.

COMMISSIONER KIRKPATRICK called to the podium the person who shouted out earlier.

MR. ROBERT KASTLE, 2047 S Gray Dr., Lakewood, CO 80227. He stated that there are two places that exit from the Taylor property onto S. Fenton Dr. to W. Iliff Dr. He asks if access could ever be given at these areas.

MR. DOERING replied that this type of connection would require right-of-way dedication from multiple property owners and is highly unlikely to happen. He restated that no development is taking place with this proposal.
COMMISSIONER GOLDIE made a MOTION for APPROVAL of the case AX-13-001.

Motion was SECONDED by COMMISSIONER HOLLENDER.

VOTE TAKEN -

Six Ayes - Commissioners Crawford, Davis, Goldie, Harrison, Hollender, Kirkpatrick.

Zero Nays.

One Absent – Commissioner Mesch.

MOTION PASSED.

COMMISSIONER GOLDIE made a MOTION for APPROVAL of the case RZ-13-002.

Motion was SECONDED by COMMISSIONER HARRISON.

COMMISSIONER HOLLENDER commented that he wanted people to be aware and understand that development could take place on this property in the future. He does believe that there are a lot of protections in place through the Lakewood process and there will be multiple opportunities for more input from the public.

COMMISSIONER KIRKPATRICK commented that if the property was ever sold a public hearing process is necessary for that future development and the issues brought up in this meeting could be addressed and the public could comment at that time. She is comfortable knowing that this will happen with any possible future developments.

VOTE TAKEN -

Six Ayes - Commissioners Crawford, Davis, Goldie, Harrison, Hollender, Kirkpatrick.

Zero Nays.

One Absent – Commissioner Mesch.

MOTION PASSED.

GENERAL BUSINESS:

SECRETARY JAUCH advised the Commission that there are Planning Commission meetings scheduled for August 21 and September 25, 2013. Also, the Comprehensive Plan and Sustainability Plan Open House is scheduled for September 18.
MR. PARKER stated that the Citizens’ Planning Academy (CPA) is still currently taking applications and encouraged people to apply and for the Commissioners to spread the word.

COMMISSIONER KIRKPATRICK stated that the CPA is a great opportunity for the citizens to learn about the planning process.

ADJOURNMENT

Meeting adjourned at 8:11 p.m.

August 12, 2013

Date Approved

Walter M. Jauch, Secretary to the Planning Commission