

**LAKESWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES**

November 19, 2008

COMMISSIONERS PRESENT:

George Brown III
Jerald Golley
John Plotkin
Michael Rohr
Ray Schoch
Rich Urbanowski

STAFF PRESENT:

Rebecca Clark, Director, Community Planning and Development
Roger Wadnal, Manager, Comprehensive Planning and Research
Rob Smetana, Principal Planner, Comprehensive Planning and Research
Walter Jauch, Secretary to the Planning Commission

Following are the minutes of November 19, 2008 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

ITEM 1: ROLL CALL

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

ITEM 2: Case OA-08-001, Request the Planning Commission to recommend to the City Council approval of the Colfax Mixed Use (CMU) Zone District as an amendment to the Lakewood Zoning Ordinance.

MR. ROB SMETANA requested to enter in the record the staff report, case files, plans, reports, pictures, Lakewood Zoning Ordinance and Subdivision Ordinance, the Comprehensive Plans, Community Resources Master Plan, Denver Federal Center Comprehensive Plan amendment, all amendments, neighborhood and corridor plans, and all associated materials.

COMMISSIONER JOHN PLOTKIN accepted.

MR. SMETANA presented information regarding the case. The CPD department recruited a Focus Group to meet and discuss this zone district 15 times in the past 1½ years. With the group's input, the zone district was created. The public has been involved through two open house meetings. Property owners were involved in the process and only had minor issues with the proposed district. The zone district is comprised of three sub-districts: Roadside, Neighborhood, and Community. The next level in this process is a legislative rezoning of the properties identified on the maps included with the packet. This process will include additional opportunities for public input. This evening's meeting is focused on the adoption of the language for the zone district. Implementation will be the next step.

Public Comment OPENED at 7:17 p.m.

MR. PAUL DITSON, 1305 Garrison Street, Lakewood, CO, was involved with the Focus Group and is a property owner and representative of the Eiber Neighborhood Association. The neighborhood association's board has been kept well apprised of this process and the information. Other members of the board were also involved in this process. He is in favor of the proposed zoned district and feels it will help re-invigorate West Colfax. He does feel this proposal respects the intent of the neighborhood plan.

MR. WALTER JOHNSON, 675 Estes and 6925 W. 14th Avenue, Lakewood, CO. He and his family have a certain mistrust once the city is involved and are skeptical. He has concerns about property rights and that property will be taken away and given to others through eminent domain. He does welcome the interest in development along West Colfax Avenue, as it does need help.

Public Comment CLOSED at 7:22 p.m.

COMMISSIONER RICH URBANOWSKI asked staff to allay the fears of the last citizen who spoke.

MR. SMETANA responded that this proposal simply addresses the zoning issues. It does not deal with acquisition of properties. It is an effort to rezone properties along and adjacent to Colfax Avenue to allow more uses than the current zoning classifications.

COMMISSIONER URBANOWSKI asked if this new zoning would ban any current uses.

MR. SMETANA responded that every use allowed today would remain a permitted use in its current form. Existing auto dealerships would remain as permitted uses, too. However, dealerships would lose that status if they remained vacant for 180 or more days.

COMMISSIONER URBANOWSKI asked if this version of the document is the same as the version with the joint study session (City Council/Planning Commission).

MR. SMETANA answered that it is the same with the exception to a public works matter regarding implementation of sidewalk cross-sections.

COMMISSIONER JERRY GOLLEY asked if a non-conforming use could be expanded thirty percent one year, and then another thirty percent in future years.

MR. SMETANA responded that this expansion is accumulative and a total of thirty percent is allowed. If an applicant wished to expand beyond the thirty percent threshold, they would need to conform to the zone requirements.

MS. REBECCA CLARK stated that the applicant would have to bring an application through the Community Planning and Development department for review.

MR. SMETANA stated that the new zoning is to promote and expand the possibility of development.

COMMISSION PLOTKIN asked for clarification about non-conforming uses and abandonment, in specific with auto dealerships.

MS. CLARK explained that if an auto dealership property is vacant and a contract for another auto dealership use is being negotiated between the property owner and a third party, the City would extend the 180-day requirement until the contract is completed. If the contract is not completed, and the property remains vacant for 180 or more days, then any future uses would need to conform to the zoning requirements.

COMMISSIONER RAY SCHOCH asked for explanation of the process for the determination of the sub-district boundaries.

MR. SMETANA responded that the Focus Group determined the boundaries utilizing the existing boundaries of the Lakewood Reinvestment Authority.

COMMISSIONER SCHOCH asked if there was consultation with the property owners and how much was involved.

MR. SMETANA responded that there were two public open houses and two property owner meetings. The open houses had around 60-70 people involved in each. The property owner's meetings were not as well attended with only about 15-20 people. There will be additional public outreach related to the legislative rezoning to take place after tonight's meeting.

COMMISSIONER SCHOCH asked if coordination is involved within the planning department with plans such as these and neighborhood planning.

MR. SMETANA responded that sometimes daily and hourly communications take place between staff.

MS. CLARK further noted that there are communications with the neighborhood organizations. In addition, this is an outgrowth of the West Colfax Corridor Action Plan adopted in December 2005.

COMMISSIONER GEORGE BROWN asked for the definition of gross floor area.

MR. SMETANA answered that everything “within the walls” is considered as gross floor area.

COMMISSIONER MICHAEL ROHR asked if this zone district language is going to be changed once the zoning rewrite takes place.

MS. CLARK responded that only time would tell.

COMMISSIONER GOLLEY made a MOTION for APPROVAL of the Colfax Mixed Use Zone District.

Motion was SECONDED by COMMISSIONER SCHOCH.

COMMISSIONER PLOTKIN commented that the issue of eminent domain brought up by this evening’s public comment was an undercurrent throughout the neighborhood’s consideration of change on Colfax Avenue. This issue was commented and discussed frequently by the Focus Group and they were very concerned that eminent domain be used sparingly and subject to great vigilance. The City, through its citizens and the Focus Group, has anticipated this issue. In addition, there is a great deal of concern from the Focus Group about respecting the neighborhoods and encouraging positive development along Colfax.

VOTE TAKEN -

Six Ayes - Commissioners Brown, Golley, Plotkin, Rohr, Schoch,
and Urbanowski.

Zero Nays.

MOTION PASSED.

APPROVAL OF MINUTES

Minutes from the Regular Meeting of September 3, 2008 approved by unanimous voice vote.

GENERAL BUSINESS:

COMMISSIONER PLOTKIN noted that there would be an election of officers in January.

MS. CLARK discussed the upcoming study sessions with speakers.


MS. CLARK discussed the recent incident and death of the City of Aurora’s Code Enforcement Officer.

COMMISSIONER URBANOWSKI attended the Walter Kerash seminar and found it very useful and informative. It emphasized that transportation and development go hand-in-hand. He also discussed the upcoming second Open House for the North Wadsworth Boulevard Corridor Plan.

ADJOURNMENT

Meeting adjourned at 07:51 PM.

January 7, 2009
Date Approved


Walter M. Jauch, Secretary
to the Planning Commission