

PRELIMINARY STAFF REPORT FOR REZONING

REZONING CASE NO. RZ-19-CPA

REPORT DATE: October 10, 2019

CASE NAME: Pawn on the Lawn Mixed-Use
Development Rezoning

PC DATE: October 24, 2019

ADDRESSES OF REZONING PROPOSAL:

903 Sheridan Boulevard, 935 Sheridan Boulevard, 955 Sheridan Boulevard, 965 Sheridan Boulevard and 5340 W 10th Avenue

PROPERTY OWNER:

Orin Buffett, HIROI Group LLC.
1000 Broadway
New York, NY 10112

APPLICANT'S CONSULTANTS:

Ivan Idea, Applicant's Planner
Boz Arts, Applicant's Architect
Ina Geneer, Applicant's Civil Engineer
Anna Lytical, Applicant's Attorney
Autum Bauhn, Applicant's Traffic Engineer

REQUEST:

The applicant is requesting to rezone the property from Residential (5-R), Office (OF), and Community Commercial (3-C) to Mixed-Use Core Transit (M-C-T) to allow for a mixed-use development containing multifamily residential and commercial uses.

CITY STAFF:

Planning Department
Planning Department
Public Works Department
Public Works Department

Will See, Planning Director
Justina Case, Principal Planner
Don Dadrain, City Engineer
Trey FK Jam, City Traffic Engineer

STAFF RECOMMENDATION:

Approve Case No. RZ-19-CPA.



Justina Case
Principal Planner



Willa See
Planning & Public Works Director

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Report Detail
Attachment 1 – Vicinity Map
Attachment 2 – Zoning Map
Attachment 3 – Conceptual Land Use Plan & Conceptual Site Plan
Attachment 4 – Letters received from the public

SUMMARY OF REQUEST

The applicant is requesting to rezone the five properties from Residential (5-R), Office (OF), and Community Commercial (3-C) to Mixed-Use Core Transit (M-C-T) to allow for a mixed-use development containing multifamily residential and commercial uses.

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 3). 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 a decision.

The Major Site Plan and Subdivision Plat, which are not a part of the rezoning process, will determine final layout of roads, buildings, parking lots, open space, building architecture, landscape design and other site elements. The Major Site Plan and Subdivision Plat 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 Site Plan and Minor Subdivision Plat may be approved administratively provided the proposal(s) meet the City's standards.

ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	Medium Residential Density (4-R) in Lakewood and Urban Center Mixed Use 8 Stories (C-MX-8) in Denver	Office (OF) and Convenience Commercial (1-C)	Commercial (B-2) and in Denver	Higher Density Residential (5-R) and Medium Density Residential (4-R)
Adjacent Land Uses	RTD Parking Structure, Multifamily Residential and Gas Station	Residential and Motor Vehicle Repair	Commercial and Single-Family Homes	Single-family homes and apartments

See Attachment 1 - Vicinity Map and Attachment 2 - Zoning Map.

The 5.4-acre development, is bounded by West 9th Avenue on the south side and multifamily and single-family homes to the west side that are within Lakewood. On the north and east sides are residential and commercial properties that are in the City and County of Denver, with one residential property in Lakewood on the north side of 10th Avenue. The site totals 5.4 acres in size and is divided into five properties. The largest parcel of the site is an existing commercial center along 10th Avenue and Sheridan Boulevard.

AGENCY REVIEW AND NOTIFICATION

The following agencies received a case referral and any comments received are analyzed under the Evidence and Conclusion section of this report. Notice of the rezoning public hearing was mailed to 251 residents and property owners within 500 feet and two registered neighborhood associations within 1,000 feet of the subject property as required by the Lakewood Zoning Ordinance.

<u>Agency</u>	<u>Notification Sent</u>	<u>Referral Sent</u>	<u>Comments Received</u>
West Metro Fire Protection District		X	X
East Lakewood Sanitation District		X	
Xcel Energy		X	X
Qwest		X	
Comcast		X	
Lakewood Police Department		X	
Jefferson County Schools		X	
Colorado Department of Transportation		X	X
Urban Drainage and Flood Control District		X	
Two Creeks Neighborhood Organization	X		
West Colfax Community Association	X		
Property Owners within 500 feet	X		X

Referral Agencies' Comments:

Comments received from Referral Agencies are listed below. Responses to the comments will be explained under the Evidence and Conclusion section of this report.

1. Urban Drainage and Flood Control District has determined that the preliminary engineering are acceptable.
2. West Metro Fire Protection District requested Service and Emergency Vehicle Easements over all internal drives as noted on the Conceptual Site Plan.
3. Colorado Department of Transportation (CDOT) will require the existing access points to Sheridan Boulevard be consolidated into a maximum of two access points. All other accesses to the property will be required to be from either 9th or 10th Avenue.

Summary of Neighborhood Meeting:

The applicant held an informal neighborhood meeting with the Two Creeks Neighborhood Organization on May 1, 2019 for the neighborhood to discuss comments and concerns related to the development proposal. The official, City-notified neighborhood meeting was conducted on May 20, 2019. Issues discussed were the height and densities of the proposed project. While the applicant noted that the proposed commercial uses for the properties would allow up to 120-foot tall buildings, they were planning to only build up to six stories. Adjacent to the single-family homes, building heights would be restricted to the same allowed height as the adjoining single-family residential properties (35 feet tall) and multifamily properties (50 feet tall) for the first 75 feet of the site along the west side of the property with their proposal. They also noted that the approved Sheridan Station Area Plan recommends up to eight stories.

Staff has responded to numerous requests for documents related to the case. Staff has also received a letter of objection and a letter of support for this proposal and these have been attached to the Staff Report for review as Attachment 4.

EVIDENCE AND CONCLUSION

The applicant, Orin Buffett, is requesting to rezone the five properties. The Planning Commission is being asked to review the rezoning request and make a recommendation to the City Council.

A. Conformance with Standards for Zoning Criteria §17.2.3.3.A.

1. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.

The proposed zoning will promote the public health, safety and welfare of the citizens of the City of Lakewood. The proposed M-C-T zone district will allow the proposed commercial and residential uses adjacent to an arterial roadway and public improvements, including sidewalks, will be required with this redevelopment.

The proposed zoning will ensure the effective integration of development and redevelopment with surrounding land uses. The proposed commercial and residential uses are compatible with the heights of the adjoining residential zone districts. This site is adjacent to single-family residential and multifamily properties to the east and single-family residential, commercial and park uses to the south. The site is adjacent to residential and commercial uses (including the light rail parking structure) to the north and adjacent to commercial and residential to east in Denver, across Sheridan Boulevard.

2. The proposed zoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.

The proposed rezoning will enhance the property and surrounding area by allowing uses that are compatible with the adjacent zone districts to the north, south and west in Lakewood as well as with the properties in Denver to the east and north. The height of buildings along the west side of the property, within 75 feet of the property line, will be limited to a maximum of 35 feet.

3. The proposed zoning meets at least one of the following:

i. The proposed zoning promotes implementation of the Comprehensive Plan

The proposal is consistent with the goals of the Comprehensive Plan. The proposed Conceptual Site Plan demonstrates high quality design standards. It promotes a strong streetscape presence by requiring the mixed-use buildings be placed toward the street edges and placing office and multifamily uses closer to existing residential uses.

The Sheridan Boulevard Station Area Plan identifies the properties as part of the station core area, as it is directly south of the Sheridan Station Parking Garage that will be accessed from 10th Avenue. The plan calls for the most intense development around the station to occur within the station core area. It identifies that:

“All development will be pedestrian-friendly, with streetscapes that encourage outdoor activities, such as restaurant patios. All development will also be required to provide open space as part of the project, such as courtyards or plazas to be used by residents and tenants. Building heights in the area will generally range from three to eight stories.”

ii. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed zoning would be in the public interest and consistent with the change.

There has been a material change in the existing physical character of the property or the neighborhood with the development of the West Light Rail Line and the

installation of the Sheridan Boulevard Station just north of the site. With the light rail completed and in full operation, the area around the Sheridan Station is expected to redevelop and change as people seek to live, work and play near all of the new light rail stations.

iii. The property was zoned in error.

Not applicable.

FINDINGS OF FACT AND ORDER

Based upon the information and materials provided in the staff report and testimony presented during the public hearing, staff supports the zoning request. Therefore, the City of Lakewood staff recommends that the Mock Lakewood Planning Commission find that:

- A. Orin Buffett is the applicant requesting to rezone the properties listed above to Mixed-Use Core Transit (M-C-T) also known as the Pawn on the Lawn Mixed-Use Development; and,
- B. Notice of the Public Hearing was provided in a timely manner to the fee owners of property and residents within 500 feet and registered neighborhood organizations within a 1/2 mile as required by the Lakewood Zoning Ordinance; and
- C. Notice was published in full in an official newspaper in the City at least six days prior to the hearing; and
- D. The request was reviewed by the appropriate referral agencies; and
(As required by Section 17.2.3.3 REVIEW CRITERIA FOR INITIAL ZONING AND REZONING the Planning Commission finds that:)
- E. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and
- F. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan; and
- G. The proposed rezoning promotes implementation of the Comprehensive Plan; and
- H. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed zoning or rezoning would be in the public interest and consistent with the change; and

The Mock Planning Commission adopts the findings of fact and order, A through H, as presented in the staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-19-CPA.

Cc: Case File RZ-19-CPA
Orin Buffett, Applicant