PLANNING COMMISSION STAFF REPORT

REZONING CASE NO. RZ-18-004
CASE NAME: 6045 W. Mississippi Ave.
Rezoning

REPORT DATE: June 18, 2019
PC DATE: July 17, 2019

ADDRESS(ES) OF REZONING:
6045 W. Mississippi Ave.
Lakewood, CO 80226

APPLICANT:
KARD, LLC
Adrienne M Nikoleav
7278 S. Gray Ct.
Littleton, CO 80226

PROPERTY OWNER:
Sam & Merilynn Zakhem
2530 S. Gray Ct.
Lakewood, CO 80227

REQUEST:
The request is to rezone the northern portion of the property located at 6045 W. Mississippi Ave, from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2).

CITY STAFF:
Development Review Planning
Development Review Engineering
Transportation Engineering
Property Management
Community Resources
Kara Mueller, Senior Planner
Chris Savan, Project Engineer
Toni Bishop, Transportation Engineering
Garrett Downs, Right-of-Way Agent
Ross Williams, Parks Planner

STAFF RECOMMENDATION:
That the Planning Commission recommends that the City Council approve Case No. RZ-18-004.

Kara Mueller, Senior Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

CONTENTS OF THE REPORT:
Report Detail
Attachment A – Aerial Map
Attachment B – Zoning Map
Attachment C – Ambassador Place Subdivision Final Plat
Attachment D – Applicant's Written Description
Attachment E – Conceptual Land Use Plan
Attachment F – Neighborhood Meeting Summaries
Attachment G – Resolution
SUMMARY OF REQUEST
The request is to rezone the property located at 6045 W. Mississippi Ave. from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2).

The total land area is approximately 6.2 acres. As depicted in Figure 1 below in yellow, the subject property is located west of the Harlan Way single-family homes, east of vacant property, north of West Mississippi Avenue and south of West Kentucky Avenue.

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.

Currently, there is a minor subdivision (Ambassador Place Subdivision) being processed that will plat this site into a buildable lot. If the rezoning is approved, the minor subdivision plat and rezoning ordinance will be recorded after the required 45-day referendum period. Then the applicant may proceed with a proposal for a major subdivision and major site plan. The subdivision in review meets the City’s subdivision, design and development standards and the future major subdivision and major site plan proposals must meet these City standards. A Public
Improvements Agreement (PIA) will be required based on the future Major Subdivision and Major Site Plan proposal.

**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 E). 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 Major Site Plan and Major 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 Major 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 may be approved administratively provided the proposal(s) meet the City's standards. The Major Subdivision will require a hearing before Planning Commission.

The Minor Subdivision is approvable and final notice of the Director’s Determination will be sent in accordance with the Lakewood Zoning Ordinance. This minor subdivision will plat the subject property as Lot 1 of the Ambassador Place Subdivision. If this rezoning request is approved, then the Ambassador Place Subdivision plat will be recorded after the required 45-day referendum period for the rezoning case and before the rezoning ordinance.

### ZONING AND LAND USE

<table>
<thead>
<tr>
<th>Adjacent Zoning Designation</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two-Family and Small Lot Residential (R-2)</td>
<td>Mixed-Use Neighborhood Suburban (M-N-S)</td>
<td>Small Lot Residential (R-1-6)</td>
<td>One Acre Residential (R-1-43)</td>
<td></td>
</tr>
<tr>
<td>Vacant land</td>
<td>Vacant land</td>
<td>Single-family homes</td>
<td>Vacant land</td>
<td></td>
</tr>
</tbody>
</table>

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

**Existing Conditions** – The property is currently vacant with the exception of a couple of horse stalls. The topography of the property slopes from the southern property line to the northern property line.

The property to the east is zoned Small Lot Residential (R-1-6) and the lots backing to the subject property are approximately 7,850 square feet in size. The properties to the north, south and west are currently vacant.

**Development History** – The subject property is vacant and there are no development proposals in the immediate area. The property to the west is zoned Mixed-Use Neighborhood Suburban (M-N-S) adjacent to West Mississippi Avenue and One Acre Residential (R-1-43) to the rear of the property and is approximately 80 feet wide. This current use on this property is a landscape company that has been business for several years.

### AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 199 tenants and owners of property within 500 feet and to 14 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 7 outside referral agencies for review, as indicated in the table below.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Notification for Neighborhood Meetings Sent</th>
<th>Notification for Planning Commission Hearing</th>
<th>Referral Sent</th>
<th>Comments Received</th>
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<tbody>
<tr>
<td>West Metro Fire Protection District</td>
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<tr>
<td>Bancroft-Clover Water and Sanitation District</td>
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<td>Xcel Energy</td>
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<td>Comcast Cable</td>
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<td>Lakewood Police Department</td>
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<td>Jefferson County Public Schools</td>
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<td>Property Owners within 500 feet</td>
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<td>Alameda Connects</td>
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<td>Clover Knoll Townhouses at Lakewood HOA</td>
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<tr>
<td>West Mississippi Business Assn</td>
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</table>

**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. The water plan, fire hydrant locations and fire apparatus access will be assessed as formal site development plans are submitted.

2. The Police Department performed a Crime Prevention Through Environmental Design (CPTED) review and had no concerns with the rezoning and will provide future comments with a development proposal.

3. Bancroft-Clover Water and Sanitation District had no objection to the proposed rezoning or minor subdivision.

4. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.

5. Century Link had no objection to the proposed rezoning.

6. Jefferson County Public Schools reviewed the information and has no objections to the proposed rezoning and requests fees-in-lieu at this time.
Neighborhood Comments – Three neighborhood meetings were held to discuss the proposed rezoning application. These meetings were held on February 27, 2018, April 3, 2018 and November 1, 2019 to introduce the proposal and gather feedback on the rezoning request to change the zone district from R-1-43 to R-2.

Neighborhood stakeholders asked questions about the following issues:

- Zone District
- Private Deed Restrictions
- Height of homes and views
- Privacy
- Traffic generation

The applicant described the housing type as low maintenance single-family home lots with a deed restriction to eliminate duplex units and only allow for single-family units. After the first two meetings, it was apparent that, the height of the homes and potential of 2-story homes were a concern with the residents to the east as these may affect their views and privacy. Therefore, the applicant went door to door to gather additional information on the concerns and thoughts of the neighbors in the vicinity. The applicant then scheduled a third neighborhood meeting to address the concerns with height, views and privacy and proposed further deed restrictions to limit the height of the units along the eastern property line to 1-story and to increase the rear yard setback for these eastern lots to a minimum of 20 feet.

Increased traffic generation onto South Harlan Street via West Kentucky Avenue and West Tennessee Avenue was a concern given the recent Metro West Housing development to the north at Harlan and Alameda. The traffic generated from approximately 38 single-family homes will be minimal during peak times.

The applicant presented their rezoning request from R-1-43 to R-2 and their proposed private deed restrictions that would effectively 1) limit the primary use to single-family detached units, 2) limit the height of the units along the eastern property line to 1-story units with walk-out basements, and 3) increase the rear yard setback of the eastern lots to a minimum of 20 feet.

See Attachment F for a summary of the neighborhood meetings.

PROJECT ANALYSIS

Overview - The subject property is currently zoned R-1-43. The R-2 zone district allows for single-family and duplex residential uses. The applicant desires to fill a community need for smaller lots to allow low maintenance living. The request will effectively fulfill the goal of providing a variety of housing types 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 Growth Areas. The Growth Areas are intended to accommodate the vast majority of the residential and employment increase anticipated for the City. The subject property is not near a growth area boundary. However, the property is to the east and north of a Neighborhood Activity Area.

The property is within the Central Lakewood neighborhood area, which is comprised of a large portion of Lakewood's oldest housing stock, constructed between 1940 and 1959. This property is within the South Alameda neighborhood which has a mix of housing types, ranging from larger lot single-family properties to multifamily residential. This property is located adjacent to single-family residential uses to the east. The rezoning request will aid in providing a range of housing types within the South Alameda neighborhood area and the City as a whole.

This staff report is being evaluated on the land uses allowed in the proposed R-2 zone district. The applicant's intent is to develop single-family homes.

**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-2 district is intended to provide for small lot, single-family and duplex 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 R-1-43 and R-2 zone district standards, see Attachment E.

**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 Lakewood’s growing population by providing a market driven housing type to meet the needs of the current and future population of Lakewood.
- Promotes the orderly development of this property by providing lower density residential units that are compatible with surrounding residential uses within the zone districts to the
north and east.

- Ensures effective integration of development with surrounding residential land uses.

- Respects the character of the adjacent neighborhood by providing zoning that is compatible with the zone districts to the north and east.

- Will promote sidewalk connections to the neighborhood to the east.

- Quality site and building design will be met through the development process, including connectivity, design and landscaping.

- Will ensure the economic vitality of the Mississippi corridor and nearby neighborhood activity areas by promoting compatible development that 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 R-2 zone district is consistent with the zoning to the north and provides a transition of density from the R-1-6 zone district to the east to the Neighborhood Activity Area to the west.

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 and DRCOG. This results in the need for additional housing accommodations.

- The proposed rezoning will support the community's guiding principles, goals and actions steps by:
  
  o Goal L-N2 – Respect and protect the existing character of Lakewood’s stable neighborhoods.
    - Only support rezoning of single-family 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).

    - While there are no specific land use recommendations for this property in the Comprehensive Plan. The surrounding land uses are predominantly single-family residential and vacant land. The proposed zoning will provide an infill of residential units that are compatible with adjacent single-family homes. The R-2 zone district allows for smaller lots with less maintenance.

    - Additional lower density residential units will strengthen the stable neighborhood to the east by providing a transition in density and buffer to the Neighborhood Activity Area to the west.

    - According to the Comprehensive Plan the predominant character of the Central Lakewood Neighborhoods, which includes South Alameda date back to the farming and ranching that occurred in Lakewood in the late 1900’s and early
1900’s and is comprised of a mix of housing types, ranging from larger lot single-family properties to multifamily neighborhoods. Preserving the character of the neighborhood does not always mean maintaining the status quo; so long as new development and land uses contribute to the creation and preservation of community character. This proposed zoning will be in character with the surrounding single-family land uses and neighborhood form.

- Preserve the existing zoning that allows for the keeping of horses in current locations (Goal L-N2, Action Step b).

- The R-1-43 zone district allows for the keeping of horses and other large animals. There are many properties, including the property directly to the west, behind the mixed-use zoned lots adjacent to West Mississippi Avenue that are zoned R-1-43 and can continue to allow the keeping of horses and other large animals.
  
  - Goal L-H1 – Provide an adequate mix of housing to meet the needs of all segments of the community.

  - Planning receives inquiries regularly about low maintenance housing, including smaller single-family homes, patio homes, duplexes and townhomes, showing there is a clear need for these housing types. The R-2 zone district allows for smaller lots that are appropriate for low maintenance living and that meet the need for a housing type within the City of Lakewood.

  - Goals L-NA1 & L-NA2 - Encourage the evolution of Neighborhood Activity Areas into small-scale mixed-use centers, creating community focal points within these activity centers.

    - This property is adjacent to two neighborhood activity areas, to the west and to the south along West Mississippi Avenue. Additional residences will provide potential customers to these nearby areas.

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 neighborhood or City that would effect this rezoning proposal.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. Engineering documents were not required as part of this rezoning request. A preliminary drainage report was provided with the Ambassador Place Subdivision submittal. If the rezoning request is approved, then final engineering will be required with the submittal of major subdivision and major site plan 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. Adrienne M. Nikoleav, applicant, is proposing to rezone from One Acre Residential (R-1-43) to Two-family and Small Lot Residential (R-2); and

B. Notice of the Public Hearing was provided 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 the official City newspaper at least six days prior to the hearing; and

D. The request was reviewed by the appropriate referral agencies; and

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 the implementation of the Comprehensive Plan; and

AND

The Planning Commission adopts the findings of fact and order, A through G, as presented in this staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-18-004.

cc:   Case File- RZ-18-004; Adrienne M. Nikoleav, Applicant; Sam Zakhem, Property Owner
ATTACHMENT A – AERIAL MAP
AMBASSADOR PLACE SUBDIVISION FILING NO. 1

A portion of the Southeast Quarter of the Southwest Quarter of Section 13, Township 4 South, Range 69 West of the Sixth Principal Meridian,
City of Lakewood, County of Jefferson, State of Colorado

Final Plat
Sheet 1 of 3

DEDICATION CERTIFICATE

The undersigned, being the owners of the following described property:

Parcel A
The East 1/2 of the West 1/2 of the East 1/2 of the SE 1/4 of the SW 1/4 of Section 13, Township 4 South, Range 69 West of the 6th P.M.

Parcel B
The East 1/2 of the East 1/2 of the West 1/2 of the SE 1/4 of the SW 1/4 of Section 13, Township 4 South, Range 69 West of the 6th P.M.

Exempting from said parcels those portions conveyed to the City of Lakewood in Grand Claim Deeds recorded January 26, 2002 at Book 57, Page 1266 and Book 61, Page 603 of the records of the Jefferson County Clerk and Recorder.

County of Jefferson, State of Colorado,

Described by survey as follows:

Commencing at the South Quarter Corner of Section 13, Township 4 South, Range 69 West of the 6th P.M. and considering the South line of the Southeast Quarter of Section 13 to be South 89°12' West,

Thence South 89°12' West along said South line of the Southeast Quarter, a distance of 248.63 feet to the South corner of that corner parcel of land described in Warranty Deed recorded June 30, 1998 at Reception No. 1998063206.

Thence North 89°12' West along the West line of said parcel of land described in Reception No. 2019000221, also being the East line of the parcel of land described in Reception No. 2019000221, a distance of 248.63 feet to the South right-of-way line of West Mississippi Avenue as described in Book 1009 Page 524 of said records.

Thence North 10°41' East along the South line of the Southeast Quarter, a distance of 129.6 feet to the South right-of-way line of West Kentucky Avenue as described in Book 1009 Page 524 of said records.

Thence South 89°12' West along the North line of said parcel of land described in Reception No. 2019000221, a distance of 170.73 feet to the Northwest corner of the above described property.

containing 322,822 Square Feet, or 7.46 Acres, more or less.

The above and adjoining property is herein described as the South Quarter corner of the Southeast Quarter of Section 13, as historically monumented, a distance of 1294.75 feet to the South right-of-way line of West Kentucky Avenue, as described in Book 1009 Page 524 of said records.

This plat was prepared on 01 April, 2019.

I, Lester J. Ludeman, a licensed Professional Land Surveyor in the State of Colorado, License Number 25636 do hereby certify that the above survey was performed by me in accordance with said Act of 1980 and the applicable regulations thereunder.

My Commission expires: ________________.

Notary Public

Owners: Sin-Ho Zehrer formerly known as Sin-Ho Zahir and Marilyn R. Zahir

SIN-HO ZAHIR

Notary Commission expires: ________________.

My Commission expires: ________________.

TOWN OF LAKEDOW

COUNTY OF JEFFERSON, STATE OF COLORADO

Approved:

Planning Director

Applicant

Marilyn Ginz, City Clerk

PROPERTY MANAGEMENT:

Garett Downs, Right-of-Way Agent

SECRETARY:

Jeffery D. Marum

CITY DEDICATION ACCEPTANCE

The foregoing plat is approved for filing and accepted by the City of Lakewood, Colorado, for all purposes as of ____________.

City Commission

Signed this _________ day of __________________, 2019.

___________________________

Planning Director

Applicant

Marilyn Ginz, City Clerk

COUNTY DEDICATION ACCEPTANCE

The foregoing plat is approved for filing, and the dedication of the City Utility Easements is accepted.

City Commission

Signed this _________ day of __________________, 2019.

___________________________

Planning Director

Applicant

Marilyn Ginz, City Clerk

RECEIPT NO.

DATE

AMOUNT

RECEIPTED

DATE

COUNTY OF JEFFERSON, STATE OF COLORADO,

$
KARD LLC submits to the City of Lakewood a conception land use plan to develop 41 SFR on the approximately north 6 acres of this parcel. This requires the rezoning of this portion of the property from R-1-43 to R-2. As part of this request, KARD will place in public record a deed restriction that states the sites will be single family detached even though the R-2 zoning would allow for attached units. The property is envisioning an equal mix of 1 and 2 story units. The land from 5492 to 5426 slopes from south to north (approximately 66 feet in elevation).

Envisioned for the end use on the property is 1500 to 2500 square foot above grade units. KARD feels this will be a family oriented project which is needed in the mid ranged priced new market. KARD will be able to produce a more affordable housing unit by virtue of having 5000 square foot sites. A recent study by the Joint Center for Housing Studies at Harvard University that called out how major growing metropolitan areas suffer from a housing crisis of lack of affordable new housing. We think this project which is basically an in fill, offers residential detached housing that will enhance The Belmar area as Belmar offers little in new single family detached residential housing.
# NEIGHBORHOOD REFERRAL MEETING SUMMARY

<table>
<thead>
<tr>
<th>Project:</th>
<th>Rezoning of 6045 West Mississippi Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Manager:</td>
<td>Kara Mueller, Senior Planner</td>
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<tr>
<td>Applicant:</td>
<td>Michael McDermitt, Applicant</td>
</tr>
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<td>Owners:</td>
<td>Sam H. Zakhem</td>
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<td>Location:</td>
<td>6045 W Mississippi Ave</td>
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<tr>
<td>Request:</td>
<td>Rezone the property from One Acre Residential (R-1-43) to Two-Family and Small Lot Residential (R-2) to build single-family detached residential units.</td>
</tr>
<tr>
<td>Date:</td>
<td>February 27, 2018</td>
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<td>Time:</td>
<td>6:30 – 7:30 p.m.</td>
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<td>Location:</td>
<td>Lakewood Link Recreation Center</td>
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<td>Neighborhood Groups Notified:</td>
<td>Alameda Gateway Community Association, Belmar ACC, Belmar Community Connection, Cedar Place HOA, Clover Knoll Townhomes, Greenbrier-Cloverdale, Jefferson Gardens Neighborhood Assn, Renaud Place, South Lakewood Business Association, Waterside II The Cape HOA and West Mississippi Business Association</td>
</tr>
<tr>
<td>City Staff:</td>
<td>Kara Mueller, Planning – Development Assistance</td>
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**Residents in attendance:** Approximately 35 citizens 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 and zoning. This is a rezoning request for the northern portion of the property. The southern portion of the site adjacent to West Mississippi Avenue is zoned Mixed-Use Neighborhood Suburban (M-N-S). It was brought to staff's attention that the notice for this neighborhood meeting did not go out to several of the homeowner’s to the east along South Harlan Way and therefore, there will be a second neighborhood meeting scheduled to go over this rezoning request and the mailing list will be checked to be sure that there are no discrepancies.

The applicant presented their rezoning request from R-1-43 to R-2. The applicant stated that they would like to subdivide the property into approximately 5,000 square foot lots to building the single-family detached units. The applicant stated that they have no interest in building duplex units, but rather would like to construct 1,500-2,000 square foot above ground units. All school and parkland impact fees would be paid and they look to utilize public water and sanitation. If necessary, they will enter into a deed restriction to eliminate duplexes as an allowed use.

The existing M-N-S zoned portion of the property just to the north of West Mississippi Avenue is not part of the rezoning request and the applicant stated that they were considering development approximately 58 apartment units with 7,000 square feet of office use.

**Topics of Discussion:**

Questions from residents began around 6:45 p.m.

Q1: Will this increase our property values?

A1: Yes.

Comment: No, supply and demand. More homes will weaken the housing market and our value.

Applicant: We want to build within the character of the neighborhood, this is why we want to build only single-family homes.

Comment: We fought a similar proposal 20 years ago and want to keep this area rural.

Q2: Can you provide an artist rendering of the units? Can't visualize. What will be on the other side of our fences?

A2: Staff responded that the rear yard setback would be 15 feet for the homes, similar to the requirement for the homes to the east.

Applicant: The yards will back to each other and will share rear property lines/fences.

Q3: What about traffic?
A3: Approximately 41 units will yield about 82 vehicles.
Staff: There will be public improvements required if the zoning is approved, which will include public street connections.

Q4: Where will the sewer come from?
A4: The applicant responded that the connection will be at Kentucky/Harlan.

Q5: How tall will the houses be?
A5: 35 feet is allowed; two-story with basements.

Q6: Is this low-income housing? Or like the Martischang redevelopment at Alameda/Harlan?
A6: No.

Comment: The applicant stated that they believed that the Martischang redevelopment utilized 9% tax credits. No plans for that here.

Q7: What is the value of the property?
A7: Not at liberty to say.

Q8: Why not R-1-6 to tie into the neighborhood to the east?
A8: 33 versus 41 lots, it is difficult to develop with fewer lots and keep in an affordable range.

Q9: Applicant asked, what is the age of the homes to the east? Built in 1969-1970?
A9: Yes.

Applicant: To keep the project and unit cost economical we need the minimum 5,000 square foot size.

Q10: If approved what is the timeframe for development?
A10: It would take approximately 1 year or a little over to develop/build.

Q11: What about ½ acre lots? This was the minimum lot size the neighborhood wanted to see these large lots rezoned to. Worked with staff to create a Rural Residential (RR) zone district. What happened to this district?
A11: With the zoning rewrite there is now an R-1-18 zone district which is a zone district with a minimum lot size of 18,000 square feet. The RR zone district no longer exists.
Q12: Does the City Council make the decision or the people?

A12: The City Council will make the final decision on rezoning requests at a public hearing.

Q13: Will City Council be swayed by need for housing?

A13: City Council will evaluate the request based off of the rezoning criteria.

Q14: Where will the people park?

A14: Proposing 2-car garages.

Q15: Why not 7,000-8,000 square foot lots?

A15: Two-story homes that are 15 feet from the property line will be like a wall.

Q16: Are there 5,000 square foot sites with 2-car garages in the area?

A16: Schipper Subdivision off of West 8th Avenue/Harlan Street to the east of the Lakewood Country Club.

Q17: Why not R-1-6 if R-2 allows for duplex units?

A17: We do not want to build duplexes; R-2 offers a more economical lot size of a minimum of 5,000 square feet instead of 6,000 square feet.

Q18: Has there been a study done on the water main and service?

A18: Bancroft-Clover Water & Sanitation can provide.

Q19: I have a low fence; what will I see off of South Harlan Street?

A19: You will see the back of the houses.

Q20: How far will the kitchens be from our properties?

A20: Approximately 20 feet.

Q21: Is there an easement along the rear property line? Alley or utility easement?

A21: More than likely there will be a utility easement along the rear property lines. There is no plan for an alley along the rear property line.

Comment: Provide larger lots. You can guarantee single-family detached homes via a deed restriction, however the down side is the City is not a part of the deed restriction. You can consider a PD zone district to make requirements. Also, you should be aware
of the legal protest process, which requires additional votes at Council if enough adjacent property owners are willing to sign.

Heitler property withdrew their last rezoning request to go back and work with the neighbors and now has a better proposal. You need to listen to the neighbors.

Comment: I do not like the proposed 2-story homes adjacent to our properties.

Q22: Is there a traffic study? How far does the study reach?

Q23: Can the homes be made single-story?

A23: Can't commit to single-story; however, may be able to provide some ranches with walkouts. Cost of construction is not getting cheaper and ranches have larger footprints and concrete costs. The specifics are not worked out yet.

Comment: 41 houses in my backyard will lower my house value. New houses are cookie-cutter not unique. How do I sell my house with 41 new units? Larger lots with larger homes will raise my property value.

Response: Existing homes are very competitive in this market.

Comment: I do not like the rendering of the building for the M-N-S zone portion of the property. Too many shapes.

Comment: Get the property owner to drop the price then propose larger lots.

Q24: Are you going to build the M-N-S site first?

A24: We would like to build the single-family detached units first.

Q25: Why not rezone the M-N-S to R-2 and punch the north/south street through to West Mississippi Avenue.

A25: Zoning along Mississippi is appropriate and aligns with zoning along the street. Proposed north/south street is to tie into West Tennessee Avenue per the City requirements.

Q26: What is the price range?

A26: Approximately $500,000.

Q27: Can you provide more information on the houses and lot layout at the next meeting?

A27: Lot layout has been presented.
Comment: 2-story units will block our mountain views.

Comment: There may be contaminants as items have been dumped over the years on this property and in Weir Gulch.

Q28: Have you spoken with the Agricultural Ditch Company?

A28: Bancroft-Clover Water & Sanitation District and the Agricultural Ditch Company will be referred the formal rezoning case for comment.

Comment: I have owned the property to the north for over 60 years. You cannot touch Weir Gulch during development. The M-N-S building rendering is ugly in my opinion. Build something to be proud of, what is wrong with architects these days.

Comment: Have any development on the M-N-S property be designed to match the surrounding neighborhood.

Ms. Mueller stated that the site to the north is approximately 7 acres in size, however

Closing: Ms. Mueller and the applicants thanked everyone for coming out to participate. Again, there will be another neighborhood meeting in the coming weeks. 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.
NEIGHBORHOOD REFERRAL MEETING SUMMARY

Project: Rezoning of 6045 West Mississippi Avenue

Project Manager: Kara Mueller, Senior Planner

Applicant: Michael McDermitt, Applicant
Adrienne M. Nikoleav, Applicant

Owners: Sam H. Zakhem

Location: 6045 W Mississippi Ave

Request: Rezone the property from One Acre Residential (R-1-43) to Two-Family and Small Lot Residential (R-2) to build single-family detached residential units.

Date: April 3, 2018

Time: 6:30 – 7:30 p.m.

Location: Lakewood Link Recreation Center
1295 S. Reed St.
Lakewood, CO 80232

Neighborhood Groups Notified: Alameda Gateway Community Association, Belmar ACC, Belmar Community Connection, Cedar Place HOA, Clover Knoll Townhomes, Greenbrier-Cloverdale, Jefferson Gardens Neighborhood Assn, Renaud Place, South Lakewood Business Association, Waterside II The Cape HOA and West Mississippi Business Association

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

Residents in attendance: Approximately 35 citizens 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 and zoning. This is a rezoning request for the northern portion of the property. The southern portion of the site adjacent to West Mississippi Avenue is zoned Mixed-Use Neighborhood Suburban (M-N-S) and is not part of the rezoning request. It was brought to staff’s attention that the notice for the neighborhood meeting on February 27, 2018 did not go out to several of the homeowner’s to the east along South Harlan Way and therefore, this second neighborhood meeting is being held to go over this rezoning request.

The applicant presented their rezoning request from R-1-43 to R-2 and private deed restrictions that would limit the primary use to single-family detached units. The applicant stated that they would like to subdivide the property into approximately 5,000 square foot lots to building the single-family detached units. The applicant stated that they have no interest in building duplex units, but rather would like to construct 1,500-2,000 square foot above ground single-family units. All school and parkland impact fees would be paid and they look to utilize public water and sanitation.

**Topics of Discussion:**

Questions from residents began around 6:45 p.m.

Comment: We thought you would bring house designs. Not sure if this is ranch or 2-story.

Response: We are not sure the design or height of the houses.

Q1: Then you will decide after the rezoning on how tall the units will be?

A1: Yes, based off of market demand.

Q2: These appear to be packed in?

A2: 41 units shown, but still need to provide detention. Will be fewer units.

Comment: 2-story units will remove privacy from those who live on S. Harlan Way.

Response: The required rear setback is 15 feet; we would provide a greater setback.

Q3: Who maintains the 5-foot easement along the east side of the property?

A3: The rear yard of the lots will be along the eastern property line with the easement as part of the lots and the owner will maintain.

Q4: Will Green Lateral Ditch be consulted?

A4: All utilities, agencies and the ditch company will receive referrals.

Q5: Will taxes go up?
A5: Will not affect property value.

Q6: Are you still building the 56-unit apartment building?

A6: Not part of the rezoning request and no specific plans at this time.

Q7: This property has been dumped on; what happens if a landfill is found during digging?

A7: We would have to clean the property. Initial soils tests did not find any contaminants.

Q8: How will emergency vehicles access the lots?

A8: Public roads will be required in front of all lots.

Q9: How far will W. Kentucky Ave. be constructed toward S. Pierce St.?

A9: Only in front of this property. Additional roadway construction will occur with development of other properties to the west.

Q10: Will fire access be built first?

A10: Yes, WMFPD will require access before building materials can be brought on site.

Q11: Will W. Kentucky Ave. be built over the ditch?

A11: We will need to work with the ditch company during design.

Q12: Can you clarify your relationship with the builder?

A12: We are the developer and will work with a builder.

Q13: Will there be a deed restriction?

A13: Yes, to limit units to single-family homes.

Comment: Traffic is a nightmare along S. Harlan St. with the development at Alameda/Harlan and Red Rocks Church.

Comment: Storage unit is built into the ground to the west, which protects views.

Comment: The duplexes to the north along Kendall Street are single-story, which is a good height.

Q14: The water table is high in this area; will there be basements?

A14: Soils report shows no water.
Comment: Consider our privacy, we do not want people looking off of a balcony into our yards. This is rural Lakewood, not Belmar.

Q15: Why do you have to build to 35 feet in height?
A15: We want to build 2-story units.

Q16: How tall are the apartments along W. Mississippi Ave. going to be?
A16: 35 feet.

Q17: Difference between condos and apartments?
A17: Condos are typically owner occupied.

Q18: Who is the developer?
A18: KARM, LLC

Comment: There are processes in place for the public to protest rezoning applications. Legal protest and referendum processes.

Q19: Want quality, why not R-1-9 or R-1-6. These zone districts are more compatible. Worry about duplexes.
A19: Deed Restriction will remove the ability to build duplexes.

Comment: Concerned with deed transfer. What if someone else buys the property.

Response: Will apply R-2 development standards and commit to deed restriction and single-family homes. Deed restriction will run with property.

Q20: What will the height be?
A20: Not committing to height. We will go over the comments tonight and discuss with planning.

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

Meeting Adjourned at 7:40 p.m.
NEIGHBORHOOD REFERRAL MEETING SUMMARY

Project: Rezoning of 6045 West Mississippi Avenue

Project Manager: Kara Mueller, Senior Planner

Applicant: Michael McDermitt, Applicant
Adrienne M. Nikoleav, Applicant
Paul Schneider, Real Estate Consultant

Owners: Sam H. Zakhem

Location: 6045 W Mississippi Ave

Request: Rezone the property from One Acre Residential (R-1-43) to Two-Family and Small Lot Residential (R-2) to build single-family detached residential units.

Date: November 1, 2018

Time: 6:00 – 7:00 p.m.

Location: Lakewood Link Recreation Center
1295 S. Reed St.
Lakewood, CO 80232

Neighborhood Groups Notified: Alameda Gateway Community Association, Belmar ACC, Belmar Community Connection, Cedar Place HOA, Clover Knoll Townhomes, Greenbrier-Cloverdale, Jefferson Gardens Neighborhood Assn, Renaud Place, South Lakewood Business Association, Waterside II The Cape HOA and West Mississippi Business Association

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

Residents in attendance: Approximately 37 citizens 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 and zoning. This is a rezoning request for the northern portion of the property. The southern portion of the site adjacent to West Mississippi Avenue is zoned Mixed-Use Neighborhood Suburban (M-N-S).

Since the last neighborhood meeting, Paul Schneider, real estate consultant, went door to door to gather information from everyone on their concerns, which included privacy, height of houses and views, and traffic. The applicant used this information and the information gathered at the initial two neighborhood meetings to revise their proposal and the private deed restrictions. The private deed restrictions are now proposed to limit the primary use to single-family detached units, limit the height of the units on the eastern lots to one-story and increase the rear yard setback for the units on the eastern lots to 20 feet. There will be some additional traffic with approximately 39 new homes.

The proposal is to rezone the property from R-1-43 to R-2 and subdivide the property into approximately 5,000 square foot lots to building the single-family detached units. The applicant stated that they have no interest in building duplex units, but rather would like to construct 1,500-2,000 square foot above ground units. All school and parkland impact fees would be paid and they look to utilize public water and sanitation.

The existing M-N-S zoned portion of the property just to the north of West Mississippi Avenue is not part of the rezoning request.

**Topics of Discussion:**

Questions from residents began around 6:15 p.m.

Q1: What assurance do we have that the deed restrictions will be met?

A1: The deed restriction will run with the property and be binding on current and future development.

Q2: What about 50 units on M-N-U zoned property along West Mississippi Avenue?

A2: This is not part of the rezoning request and the development of this property has not been determined.

Q3: Will the construction of the single-family homes happen before the M-N-U site along West Mississippi Avenue?

A3: Yes.

Q4: Who pays for the streets?

A4: We do, the developer.
Q5: Will West Kentucky Avenue be built?

A5: Yes, a portion of West Kentucky Avenue will be required to be built as part of the project with a future subdivision.

Comment: What about the West Ohio Avenue Ditch? There are large cottonwood trees, birds and other wildlife. There is a safety concern with the open ditch and children. Will you be taking/using a portion of my land to the north?

Applicant Response: May need to pipe ditch and will work with ditch company. The subject trees are outside of this property and are to the northwest of this site. Land for street improvements will be dedicated from our property and not from any adjacent properties.

Q6: Can this site connect to West Mississippi Avenue and not connect to West Tennessee Avenue? Why not?

A6: No, public street access spacing on West Mississippi Avenue would not be met.

Q7: Is spacing being met for the M-N-U property access to West Mississippi Avenue?

A7: A private access point will be allowed for this property.

Q8: What will be in the backyards of the homes?

A8: The eastern lots will back to your fences. These rear yard setbacks are proposed to be extended to 20 feet instead of 15 feet.

Q9: (directed to Paul Schneider) Are these meetings the most uncomfortable part of your job? What is?

A9: No, knocking on doors.

Q10: What will happen if you cannot get water?

A10: We have spoken with Bancroft-Clover Water and Sanitation District and have a preliminary indication that water is available for the proposed lots.

Q11: (Kid) What about increased traffic for the kids in the area who walk to school?

A11: Sidewalks will be required and you may have some new buddies who live in these homes. Nice try, I do not think your Dad is not going to let you out of school.

Q12: Was a traffic study required? Will a wetlands study be required?
A12: Traffic study not required per the Transportation Engineering Design Standards (TEDS). Drainage Report will be required with final plat and development proposal.

Q13: Connectivity, are the western properties land locked?

A13: No, the lots along West Mississippi Avenue are deep and take access to West Mississippi Avenue.

Q14: What will you do with the M-N-U lot, will there be a meeting to discuss?

A14: If there is a rezoning or other public process required.

Q15: Can people protest the rezoning?

A15: Yes, if rezoning is approved there is a 45-day referendum period and there is a legal protest that can be made before the City Council hearing.

Closing: Ms. Mueller and the applicants 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 6:50 p.m.