PLANNING COMMISSION STAFF REPORT

REZONING CASE NO. RZ-18-007  REPORT DATE: May 8, 2019
CASE NAME: 3840 S. Wadsworth Blvd.  PC DATE: June 5, 2019
Rezoning

ADDRESS OF REZONING:
3840 S. Wadsworth Blvd.
Lakewood, CO 80235

APPLICANT:
Jack Reutzel
Fairfield and Woods, P.C.
1801 California St., #2600
Denver, CO 80202

PROPERTY OWNER:
Wadsworth Development, LLC
1999 Broadway, #3500
Denver, CO 80202

REQUEST:
The request is to rezone the property located at 3840 S. Wadsworth Blvd. from Planned Development with the underlying zone district of Mixed-Use Employment (M-E-S) to Mixed-Use General Suburban (M-G-S) to allow for additional mini-warehousing and retail development.

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

STAFF RECOMMENDATION:
That the Planning Commission recommends that the City Council approve Case No. RZ-18-007.

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 – Applicant’s Written Description
Attachment D – Conceptual Land Use Plan
Attachment E – Neighborhood Meeting Summary
Attachment F – Resolution
SUMMARY OF REQUEST
The request is to rezone the property at 3840 S. Wadsworth Blvd. from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use General Suburban (M-G-S). The property currently abides by the standards within the Academy Park Official Development Plan (ODP), which allows for storage as an accessory use to the permitted office use for up to a maximum of 75% of the area of a structure. Seventy-five (75%) of the existing office building has been converted to mini-warehousing (self-storage) per the Academy Park Official Development Plan (ODP). The applicant is proposing to rezone the property to M-G-S and process a Special Use Permit (SUP) application in order to convert the remainder of the existing office building to self-storage and to develop the remainder of the site for retail and service uses.

The total land area is approximately 13.5 acres. As depicted in Figure 1 below in yellow, the subject property is located east of South Wadsworth Boulevard, south of US Highway 285 and north of West Mansfield Avenue in the Mission Trace & Academy Park Growth Area.

Figure 1

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 application is approved, then there is a required 45-day referendum period. If there is no referendum, then the applicant may proceed with a proposal for a major site plan for any new buildings and if the SUP is approved a building permit for the existing building conversion for mini-warehousing. The SUP application will be reviewed and determined by Planning Commission and approval will be contingent upon approval of the rezoning application. Any future major site plan proposal must meet all City standards.

**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.

A Major Site Plan, which is 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 will be reviewed against the standards in the Zoning Ordinance, the Engineering Regulations and the Conceptual Land Use Plan. The Major Site Plan may be approved administratively provided the proposal(s) meet the City's standards.

### ZONING AND LAND USE

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

**Existing Conditions** – The property currently has an office building of which 75% was recently converted for mini-warehousing and a parking structure located at the northwest corner of the site. The existing parking structure sits below the intersection of South Wadsworth Boulevard and West Mansfield Avenue with the upper deck at the street level. The office building is built into the topography of the property which slopes from the south to the north with a retaining wall along the northern property line.

Access for the site is to West Mansfield Avenue and no access will be allowed to South Wadsworth Boulevard.

**Development History** – Seventy-five percent of the existing office building has been converted for mini-warehousing. The applicant is proposing to convert the remainder of the existing office building for mini-warehousing with the approval of the rezoning and a Special Use Permit. Future plans may include building retail on the southern portion of the site.
AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 425 tenants and owners of property within 500 feet and to 5 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.

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<th>Agency</th>
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**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.
2. Lakehurst Water & Sanitation District had no objection to the proposed rezoning.
3. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.
4. Century Link had no objection to the proposed rezoning.
5. 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.
6. Jefferson County Public Schools reviewed the information and has no objections to the proposed rezoning. If residential units are proposed the district will reevaluate their needs with a formal development application.
Neighborhood Comments — A neighborhood meeting was held on July 31, 2018 and no residents or owners of property were in attendance. The applicant waited until the meeting time expired prior to ending the meeting and Staff and the applicant discussed the proposal and toured the existing facilities.

See Attachment E for summary of the neighborhood meeting.

PROJECT ANALYSIS

Overview - The subject property is currently zoned PD/M-E-S and does not allow for more than 75% of a building to be utilized for storage. The proposed M-G-S zone district allows for mini-warehousing (self-storage) with the approval of a Special Use Permit (SUP). Retail is also allowed as an accessory use and restricted to a maximum of 10% of a structure per the Academy Park ODP. The applicant is proposing a rezoning and an SUP for mini-warehousing concurrently in order to convert the remaining portion of the existing office building for mini-warehousing. This rezoning will also remove the PD zoning and the Academy Park ODP standards from the property removing the restriction on retail use.

It is worthwhile to note that residential development has not been discussed for this property and single-family attached and multifamily residential is allowed under the existing and proposed zoning. As of May 13, 2019 the M-E-S zone district will require that any residential development include another use for 50% of the square footage of a building. If this rezoning is approved, then this restriction on residential will not apply. Staff supports this rezoning request as the location of this site is appropriate for higher density residential, office and retail uses given its location to South Wadsworth Boulevard, non-adjacency to lower density residential (stable neighborhoods) and that it is within a Growth Area. This rezoning request will effectively fulfill the goal of providing retail next to South Wadsworth Boulevard that can provide services to the residents, office and institutional uses within the changing Mission Trace & Academy Park Growth Area.

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 and Neighborhood and Community Activity Areas. The Growth Areas are intended to accommodate the vast majority of the employment, retail and residential growth anticipated for the City. This property is located within the Mission Trace & Academy Park Growth Area and is designated for mixed-use office. Currently, the PD/M-E-S zoning allows for employment with limited retail opportunities that are allowed within the mixed-use commercial component of the growth area directly to the north. Although there is limited visibility for the
southern portion of the site from South Wadsworth Boulevard, the change in zoning would allow more opportunities to provide service and retail services for the residents, office and institutional users within the Academy Park and surrounding neighborhoods. The M-G-S district will retain the ability to provide employment uses while removing the restrictions on retail. This zoning change will also allow the ability for the remainder of the existing office building to be converted for self-storage. The rezoning request will aid in providing greater opportunity for retail and service uses for the surrounding residents, office and institutional users and the City as a whole.

This staff report is being evaluated on the land uses allowed in the proposed M-G-S zone district. The applicant's intent is to convert the remainder of the existing office building into mini-warehousing with the approval of a Special Use Permit and to develop retail and service uses on the remainder of the property. Staff has evaluated this rezoning proposal and potential land uses for the City’s overall population. Please see the applicant’s written description, Attachment C, 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 M-G district is intended to provide for mixed-use and community commercial development generally along arterial streets. Typical nonresidential uses include those necessary to support the community. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged.” Further the suburban context reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is not conducive to the highest level of pedestrian connectivity.

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 PD/M-E-S and M-G-S 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 in form with surrounding uses along the South Wadsworth Boulevard corridor.
   - Is sustainable development in reuse of the existing office building.
   - Ensures effective integration of retail development with surrounding office and retail land uses while providing retail and service opportunities for surrounding neighborhoods without direct impacts to these areas.
   - Quality site and building design will be met through the development process, including...
connectivity, design and landscaping.

- Will ensure the economic vitality of the Wadsworth major corridor and Mission Trace & Academy Park Growth Area by promoting compatible development and opportunities for retail and service uses.

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 is compatible with the existing surrounding office and retail land uses. This property is within the mixed-use employment area of the Mission Trace and Academy Park Growth Area and is adjacent to the mixed-use commercial portion of the Growth Area. Office uses hold the highest vacancy within the City of Lakewood and a rezoning of this portion of the Growth Area to M-G-S will aid in creating a better market for the other office buildings within the Growth Area. This rezoning will also allow for retail and service uses adjacent to the South Wadsworth Boulevard corridor.

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 proposed rezoning will support the community’s guiding principles, goals and actions steps by:
  
  o Goal I-CS3 – Enhance commercial and mixed-use district to create quality working, living, shopping and dining experiences.
    
    ▪ Identify opportunities to work with owners of older commercial and mixed-use properties to reinvigorate projects through reinvestment and redevelopment. (Goal I-CS3, Action Step b).
    
    ▪ Identify opportunities to promote commercial and mixed-use investment and reinvestment in the designated Growth Areas identified in this chapter. (Goal I-CS3, Action Step c).

  
  - A majority of the existing office building was recently converted for mini-warehousing. This rezoning request along with a SUP for mini-warehousing will allow the entire underutilized building to be converted for mini-warehousing. The proposed rezoning will also allow for a greater mix-of-uses that can provide retail and service uses that can support the Growth Area and surrounding community through reinvestment in the site.

  ▪ Evaluate opportunities to increase the mix of uses in the area. (Goal I-CA1, Action Step b).

  - Rezoning this property to M-G-S will provide the opportunity to introduce a greater mix-of-uses to the Growth Area by removing the restrictions of the Academy Park ODP in regards to retail and service uses such as mini-warehousing.
Goal I-CS7 – Continue to diversify Lakewood’s economy to strengthen and stabilize the tax base and maintain viability through fluctuating economic cycles.

- Rezoning this property to M-G-S will allow for a greater mix-of-uses in the Growth Area by introducing the ability to provide additional retail and services uses adjacent to South Wadsworth Boulevard, which in turn will strengthen Lakewood’s tax base.

Goal 1-GA17 – Enhance the existing office and regional retail environment of the growth area.

  - The adaptive reuse of the existing building will increase the energy efficiency of the existing building.

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.

The Mission Trace & Academy Park Growth Area has had a lot of development since the adoption of the Lakewood 2025 Comprehensive Plan, including multifamily residential on a large parcel within the Mixed-Use Office portion of the Growth Area Land Use Map. This proposed rezoning will be consistent with this change by extending the mixed-use commercial component of the growth area adjacent to South Wadsworth Boulevard into the mixed-use office portion of the Growth Area.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. Engineering was not required as part of this rezoning request. Engineering documents will be required with future redevelopment of this site.

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. Jack Reutzel, Fairfield and Woods, P.C., is proposing to rezone from Planned Development/ Mixed-Use Employment Suburban (PD/M-E-S) to Mixed-Use General Suburban (M-G-S); 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-18-007.

cc: Case File- RZ-18-007
    Jack Reutzel, Applicant
ATTACHMENT B – ZONING MAP
November 12, 2018

Sent via E-Mail

Ms. Kara Mueller, Planner
City of Lakewood Planning Department
Civic Center North
470 Allison Parkway
Lakewood, CO 80226

Re: 3840 South Wadsworth Blvd.-Written Description of the Request

Dear Ms. Mueller:

This letter is accompanying a request for (1) a rezoning of Lot 2, Block 1 Academy Park, Filing No. 10, (the “Lot”) from PD and M-E-S to M-G-S, and (2) a Special Use Permit to allow mini-storage within the existing office building located on site. Please see below for further details of each of the applications.

**General Overview**

The Lot is 13.532 acres and is part of Planning Area E of the Academy Park PD, approved by the City in 1978. Subsequent to the PD rezoning the City initiated a rezoning of the property to M-E-S, but left the PD intact. The two zone districts overlay the Lot and are generally compatible but do have conflicting standards on land use. Two structures have been built on the Lot; an existing 206,774 square foot building (“Building”) and an 80,500 square foot parking structure (“Parking Structure”). A portion of the Building is currently being used as personal storage (“Storage”) for lease. The Storage use is consistent with permitted uses under Section 2.230 of the PD and is within a PD restriction limiting the Storage Use to not more than 75% of any structure.

The Parking Structure was built to accommodate office workers in the Building. The need for the Parking Structure never materialized since the Building has remained vacant for a number of years and despite actively marketing the remainder of the Building for general office, no interest from any potential tenant has materialized. The Parking Structure remains vacant and fenced off to manage vandalism.

The Owners desire to finish the remaining 25% of the Building as storage and allow for other appropriate development opportunities, including but not limited to retail and commercial development for the land under the Parking Structure given its frontage on South Wadsworth Blvd.
Consistency with the Comprehensive Plan

The proposed rezoning top M-G-S supports the following goals and strategies of the Lakewood Comprehensive Plan- Lakewood 2025 Moving Forward:

Goal 1-CS3- enhance commercial and mixed use districts to create quality working, living, shopping and dining experiences. The proposed rezoning creates enhanced opportunities for retail and dining experiences by redeveloping a vacant parking garage into appropriate development that may include shops and dining opportunities along a major commercial traffic corridor.

Goal 1-CS7- continue to diversify Lakewood’s economy to strengthen and stabilize the tax base and maintain viability through fluctuating cycles. The rezoning creates an opportunity for sales tax growth from an area that currently produces no sales tax revenue for the City.

Goal 1-GA7- enhance the existing office and regional retail environment in the growth area. The rezoning enhances the retail environment in the area by creating retail opportunities where none currently exist on the property. Further, by allowing for the remainder of the building to be converted into storage, it creates a better market for other existing office buildings within Academy Park to provide leasable square footage and helping them maintain better occupancy rates.

Rezoning from PD/M-E-S to M-G-S

The rezoning to M-G-S allows the remainder of the Building to be finished as Storage space and provides a variety of retail and commercial opportunities for the land area now occupied by the vacant Parking Garage. The M-G-S District is already in wide-spread use along the South Wadsworth Corridor in this part of Lakewood. Property bordering the Lot immediately to the north is zoned M-G-S as is the property directly across the street on the west side of Wadsworth. A rezoning to M-G-S zone district recognizes the appropriateness of commercial/retail uses immediately adjacent to a major arterial.

The request is more nuanced than simply rezoning 13 acres for commercial and retail use. In fact approximately one-half of the Lot will stay as it exists today, an office looking structure of 206,774 square feet. The only difference that instead of providing offices to tenants, it will provide storage to tenants. Until the storage use was introduced in 2017, the office was vacant for over five years. In building out the remaining 25% of the Building as storage space, there will be no modification of the outside of the building. As Lakewood and surrounding areas continue to see development and re-development of vacant ground and underutilized property into apartments and other residential units with physical and contractual limitations to storage, the need for additional storage in this segment of Lakewood is great.
Modifying the zoning also allows the parking garage to be razed and developed into appropriate development adjacent to a major arterial, including but not limited to retail and commercial opportunities to serve both the remaining offices within the Academy Park PD but also travelers along South Wadsworth Boulevard. The Academy Park PD has severe limitations regarding the amount of commercial/retail available within its boundaries and limits those opportunities to just 10% of the area of individual buildings. The limitation precludes any type of central retail/restaurant opportunities within the Academy Park for office workers.

**Special Use Approval- Mini-Storage**

The current Academy Park limits storage uses of any office building provided that the amount of storage doesn’t exceed 75% of the gross floor area of any one building. The rezoning to M-G-S allows for storage without any artificial limit as to the square footage via the special use process. The full build-out of the existing structure into storage would not adversely affect the surrounding area and the building would, for all intents and purposes, continue to look like the office building that was originally built on site.

On behalf of my clients, I look forward to working with you on these two requests.

Very truly yours,

Jack E. Reutzel  
Fairfield and Woods, P.C.

JER:nlh

cc: Scott Gibler  
Randy Keough  
Alan Westfall
NEIGHBORHOOD REFERRAL MEETING SUMMARY

Project: Rezoning of 3840 S. Wadsworth Blvd.

Project Manager: Kara Mueller, Senior Planner

Applicant: Jack Reutzel, Applicant

Owners: Wadsworth Development, LLC

Location: 3840 S Wadsworth Blvd

Request: Rezone the property from Planned Development/Mixed-Use Employment Suburban (PD/M-E-S) to Mixed-Use General Suburban (M-G-S) and process a Special Use Permit for mini-warehousing within the existing office building.

Date: July 31, 2018

Time: 6:00 – 7:00 p.m.

Location: 3840 S. Wadsworth Blvd.
Lakewood, CO 80235

Neighborhood Groups Notified: Bennett Bear Creek Farms Civic Assn, Executive 9 Club Estates on Fairway 5 HOA, Marston Slopes HOA, Snowbird I1 Phase II Condo Assn, South Lakewood Business Association and Three Lakes HOA

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

Residents in attendance: No residents or owners of property attended

Meeting Adjourned at 7:30 p.m. Staff discussed the process moving forward with the applicant and toured the mini-warehousing facilities under construction.