PLANNING COMMISSION STAFF REPORT

REZONING CASE: SU-18-005
REPORT DATE: February 19, 2019

CASE NAME: Abrusci’s Temporary Parking – Long Term Temporary Use
PLANNING COMMISSION DATE: March 20, 2019

ADDRESS OF SUBJECT PROPERTIES: 2100 Youngfield St
Lakewood, CO 80215
PARCEL IDENTIFICATION NUMBER: 39-322-09-006

APPLICANT: Guy Brazell
Project G, LLC
12903 Summit Ridge Rd
Parker, CO 80138

REQUEST:
The applicant is requesting a Long-Term Temporary Use (LTTU) Permit to allow for the temporary storage of vehicles in the Mixed-Use Neighborhood Suburban (M-N-S) zone district. Per Section 17.2.4.3 of Lakewood’s Zoning Ordinance, the Planning Commission makes final decisions on LTTU applications.

CITY STAFF:
Stephen Wilson, Planning – Development Assistance
Keith Hensel, Engineering Development Assistance

STAFF RECOMMENDATION:
That the Planning Commission approve Long-Term Temporary Use Permit Case No. SU-18-005 to allow for the parking of vehicles, subject to the conditions listed in the staff report and Planning Commission resolution.

Stephen Wilson, Principal Planner
Planning – Development Assistance

Paul Rice, Manager
Planning – Development Assistance

ATTACHMENTS TO THE REPORT:
Attachment A – Conceptual Land Use Plan
Attachment B – Vicinity Map
Attachment C – Zoning Map
Attachment D – Neighborhood Meeting Summary
I. SUMMARY OF REQUEST

The applicant is requesting approval of a Long-Term Temporary Use Permit to allow for the parking of vehicles on a property that is zoned Mixed-Use Neighborhood Suburban (M-N-S). The purpose is to provide additional parking for patrons who are visiting the Abrusci’s restaurant, located immediately north, while a permanent solution is developed.

A Short-Term Temporary Use as approved in 2017 and the short term use has expired. The site is currently used for parking and the applicant is aware that if the Long Term Temporary Use is not approved, the site can no longer be used for vehicular parking.

The subject property is approximately 1.7 acres in area and the land is vacant. The applicant has already improved the property with an all-weather gravel surface and additional improvements are necessary as identified in the conditions of approval.

II. PROCESS

As described in Section 17.4.3.BB (page 4-26) of the Lakewood Zoning Ordinance, a Long-Term Temporary Use (LTTU) permit may be approved by the Lakewood Planning Commission subject to the special use process described in Article 2.

Approval of the LTTU by the Planning Commission will authorize the parking of vehicles on-site at 2100 Youngfield Street for a period of two years and the Planning Director may authorize an extension of up to six additional months. At the end of that time, a permanent solution must in place or the vehicles must be moved off-site or the property owner may apply for an additional LTTU.

The applicant has followed the special use procedures as specified in Article 2 of the Lakewood Zoning Ordinance and these procedures include the submittal of a preplanning application, holding a neighborhood meeting, submitting a formal application and requesting a public hearing before the Planning Commission.

There are supplemental standards specific to LTTU’s listed in Article 4, Section 17.4.3.1.BB of the Zoning Ordinance. The supplemental standards are summarized as follows:

1. The Director may recommend approval for two years and may approve one extension for up to 6 months.

2. Parking for the LTTU shall be determined by the Director to be consistent with other similar uses as identified in Article 8 (Parking & Loading Standards).

3. The LTTU shall be subject to the special use process.

The applicant has addressed the supplemental standards and the Conceptual Land Use Plan (Attachment A) shows the basic layout of the parking as well as recommended conditions of approval. No additional site plan will be required unless the applicant proposes changes to the site and if approved, this LTTU will expire on March 20, 2021.
III. ZONING AND LAND USE

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<th>Adjacent Zoning Designation</th>
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<th>South</th>
<th>West</th>
<th>East</th>
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<tbody>
<tr>
<td>Mixed-Use Neighborhood</td>
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<td>Residential-One A (R-1-A) in Jefferson County</td>
<td>Large Lot Residential (R-1-12)</td>
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<td>Suburban (M-N-S)</td>
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Adjacent Land Uses

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<tr>
<th>Restaurant</th>
<th>Mixed Commercial and Duplex</th>
<th>Single family residential</th>
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See Attachment B - Vicinity Map and Attachment C - Zoning Map.

The subject property consists of five parcels that are combined into one tax parcel.

IV. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Notices for the neighborhood meeting and for the Planning Commission public hearing were mailed to 74 tenants and owners of property within 300 feet of the subject property and were mailed to four registered neighborhood organization located within 1/4-mile of the subject property as required by the Lakewood Zoning Ordinance.

The case materials were sent to outside agencies for review but no significant comments were received because no major site improvements are proposed.

The neighborhood meeting was held on October 2, 2018 at Stober Elementary school. In attendance were three members of the applicant team and 29 members of the public. In general, there was concern about the impacts of the restaurant on the surrounding neighborhood and lots of questions about the permanent solution. For a neighborhood meeting summary, see Attachment D.

V. ANALYSIS

Article 2 of the Lakewood Zoning Ordinance provides specific review criteria for Special Use Permits. Each review criterion is shown below in bold text and staff’s analysis follows each criterion in standard text. The following is a summary of staff’s analysis.

A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance.

The supplemental standards for a Long-Term Temporary Use will be satisfied with the Planning Commission review.

B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance.

As no major site improvements are proposed so the standards in Article 5 do not apply to this proposal.

C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance.

As no major site improvements are proposed, the standards in Article 7 do not apply to this proposal.
D. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans.

The LTTU is consistent with the Comprehensive Plan because it supports the goal to encourage investment in Lakewood.

E. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

Because there is an existing acceptable all-weather surface on-site and the applicant is not proposing any expansion of impervious area, drainage and run-off are not anticipated to change. The proposed LTTU is not anticipated to impair the appropriate use or development of the adjacent properties.

VI. FINDINGS OF FACT AND ORDER

Based upon the information and materials provided by the applicant, the neighborhood meeting and the staff report, staff supports the LTTU request. Therefore, the City of Lakewood staff recommends that the Planning Commission find that:

1. Guy Brazell, Abruscí’s Temporary Parking, Inc, is requesting approval of a Long-Term Temporary Use Permit to allow for a surface parking lot; and

2. Notice of the public hearing was sent to the fee owners of the property and residents within 300 feet of the site and registered neighborhood associations within ¼ mile of the site as required by the Lakewood Zoning Ordinance; and

3. Notice of the public hearing was posted on site and published in the newspaper of record, as required by the Lakewood Zoning Ordinance; and

4. The proposed surface parking lot is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and

5. The proposed use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and

6. The proposed use is consistent with the applicable design standards set forth in Article 7 of the Zoning Ordinance; and

7. The proposed vehicle storage use (surface parking lot) will not substantially impair the appropriate use or development of adjacent property.

THEREFORE

The Planning Commission adopt the findings of fact and order as presented in the staff report and APPROVE Case No. SU-18-005 as a Long-Term Temporary Use Permit as required under the Zoning Ordinance, with the following conditions:

1. The Long-Term Temporary Use will expire on March 20, 2021 and vehicles must be removed from the site unless and extension is granted by the Planning Director; and

2. The parking area shall be defined with open fencing that directs the users to one point of access that aligns with the restaurant access location across Myrtlewood Lane. This fencing must be open fencing and no taller than 48 inches in height; and

3. Pavement must be placed at the parking lot entrance to prevent mud/gravel tracking onto the street; and
4. Six-foot tall perimeter fencing shall be placed on the eastern edge of the site in any locations where the existing fencing is missing or in disrepair.

Cc: Case File: SU-18-005
Guy Brazell

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City of Lakewood
Community Planning and Development
400 South Allison Parkway
Lakewood,
Colorado 80226

Attn: Project Manager

Re: 2100 Youngfield Street Development

Dear Mr. Wilson:

The Applewood Valley Association (AVA) appreciates having the opportunity to review and comment on the Long Term Special Use Permit Application for 2100 Youngfield Street as a follow-up to the neighborhood meeting held on October 2nd.

There were many points made during the neighborhood meeting. We will try to summarize the major points below.

**Drainage:**

1. The Development of 2100 Youngfield should not cause drainage issues for neighboring properties.

2. There should be storm water inlets along the curb and gutter of all three (3) sides of the property but at a minimum along Youngfield Street to prevent flooding caused by the development of a currently permeable surface / lot.

3. Since there were not storm water inlets installed during the development of 2200 Youngfield Street, homeowners on Myrtlewood Lane are now experiencing flooding. Remediation of the drainage issue needs to be addressed and it is recommended that a tie into the storm drainage work being performed for 2100 Youngfield Street be included.
Fencing along eastern border of 2100 Youngfield:

1. Elda Munoz, 2155 Myrtlewood Lane, is requesting a variance in order for an 8-foot-high masonry wall/fence to be built along her west property line which abuts the 2100 Youngfield Street development extending the length of her front yard all the way to Myrtlewood Lane. Currently, Lakewood City Code does not allow for a solid fence or a fence higher than four (4) feet high in the front yard. A taller fence is necessary to block headlights and deaden noise caused by the new Fire & Wine overflow parking lot.

2. Chip & Kristin Arnold, 2110 Applewood Drive, are requesting a variance in order for the 8-foot-high fence to be built along their west property line which abuts the 2100 Youngfield Street development extending the entire length of their front yard all the way to Applewood Drive. Currently, Lakewood City Code does not allow for a solid fence or a fence higher than four (4) feet high in the front yard. A taller fence and a landscape buffer is necessary to block headlights and deaden noise caused by the potential condominium complex being proposed on the southern portion of 2100 Youngfield Street development plan.

3. Neighbors that border the eastern side of 2100 Youngfield Street development are requesting a variance in order to increase the height of the fence from six (6) foot high to eight (8) foot high that will be built along their property lines. Currently, Lakewood City Code does not allow for a fence higher than six (6) feet high. The eight (8) foot high fence needs to be a solid fence to block headlights and deaden noise caused by the Fire & Wine overflow parking and the condominium complex being proposed on the southern portion of the 2100 Youngfield Street development plan.

Signage along Myrtlewood Lane:

1. Myrtlewood Lane neighbors are requesting signs in front of their homes that say: No Parking Anytime – Residents and Guests of this block excepted. Currently, these identical signs are in use around Lakewood High School. These signs would be effective in deterring restaurant patrons from parking along Myrtlewood Lane, and encourage patrons to use the overflow parking lot.
Fire & Wine’s Overflow Parking (Myrtlewood Lane):

1. Michelle & Chuck Aranyos, 2180 Myrtlewood Lane, are requesting a “screening element” to be included in the proposed plan to prevent their front door/windows from having a direct view of the Fire & Wine overflow parking lot. The “screening elements” can be large landscaping items that also provide screening during the winter months.

2. The Fire & Wine overflow parking lot exiting onto Myrtlewood Lane should force traffic back onto Youngfield Street in order to eliminate traffic from cutting through the neighborhood which is currently a huge problem. Previous conversations suggested the use of a ‘Pork Chop’ to help prevent or discourage restaurant traffic from cutting through the neighborhood.

3. The Fire & Wine overflow parking lot should have an entrance/exit onto Youngfield Street. By having an exit on Youngfield Street, the congestion that is occurring on Myrtlewood Lane could be reduced.

4. The Main Fire & Wine Parking Lot exit should be modified to force traffic back onto Youngfield Street in order to reduce patron traffic from cutting through the neighborhood which at the present time occurs on a daily basis. Previous conversations suggested the use of a ‘Pork Chop’ will help to discourage restaurant patrons from cutting through the neighborhood.

5. The neighborhood suggested that a lockable gate be provided on Myrtlewood Lane to stop the Fire & Wine patrons from cutting through the neighborhood. This gate could be similar to what the developer is proposing to divide the Fire & Wine overflow parking lot from the condominium parking lot with a key or combination that the Fire Department would have for use in emergencies. Another option would be to create a cul-de-sac on Myrtlewood Lane to stop the cut-through traffic and allow Fire & Wine to have a bigger parking lot. Both the Aranyos’ and Elda Munoz who abut Myrtlewood Lane have stated they are willing to give up some of their front yard to accommodate a cul-de-sac to provide access for the Fire Department.

Condominium Complex Parking (Applewood Dr):

1. The entrance/exit of the Condominium Complex parking Lot should be on Youngfield Street. No ingress / egress should be provided on Applewood Drive. By having the entrance / exit on Youngfield Street, the cut-through traffic and additional congestion that would occur on Applewood Drive would be reduced.
2. If an entrance / exit from the Condominium Complex onto Applewood Drive cannot be avoided, the neighborhood requests a traffic calming element on Applewood Drive. Currently there is cut-through traffic that occurs on Applewood Drive by individuals who do not want to have to wait for the traffic light at 20th Avenue and Youngfield Street. Therefore, a traffic calming element should direct traffic exiting the Condominium Complex back to Youngfield Street and away from the neighborhood to prevent cut-through traffic.

3. The neighborhood suggested that a lockable gate be provided on Applewood Drive to stop the Condominium Complex residents and guests from cutting through the neighborhood. A gate could be located at the end of the strip mall to provide a clear break to the residential area. This gate could be similar to what the developer is proposing to divide the Fire & Wine overflow parking lot from the condominium parking lot with a key or combination that the Fire Department would have for use in emergencies.

4. Neighbors along the eastern border of 2100 Youngfield Street are requesting that balconies that are included in the Condominium Complex be positioned to preserve their backyard privacy and not loom overhead.

**Light Pollution:**

1. Neighbors along the eastern border of 2100 Youngfield Street are requesting that lighting be night sky friendly and that parking lot lighting does not spill onto their properties.

2. Neighbors that border the west side of Youngfield Street are requesting that lighting that is used in the parking lot be night sky friendly and not spill onto their properties. Additionally, these neighbors are requesting that there be some sort of hedge or small fence provided to block car head-lights from shining into their living rooms or bedrooms as restaurant patrons pull into and out of parking spaces.

In summary, AVA continues to take the position that there are numerous ways to mitigate parking/compatibility issues that have occurred with the development of 2200 Youngfield Street. The neighborhood has incurred numerous negative impacts that have jeopardized our quality of life. We very much appreciate the willingness to rectify these negative neighborhood impacts along with the development of 2100 Youngfield Street. Thank you for the opportunity to comment.

Sincerely,

Marianne Ortiz
President,
Applewood Valley Association
NEIGHBORHOOD MEETING SUMMARY

Case No.: ZP-18-001
Project Manager: Stephen Wilson, Principal Planner
Applicant: Tim Masters, TJC Limited
Jim Allen, TJC Limited
Jeff Progar, Abrusci’s
Property Address: 2100 Youngfield Street, Lakewood, CO 80215
Request: Special Use Permit for a Long Term Temporary Use
Date: October 2, 2018
Meeting Location: Stober Elementary School
2300 Urban Street
Lakewood, CO 80215
Neighborhood Groups Notified: Applewood Valley Association
Applewood Business Association
City Staff: Stephen Wilson, Planning-Development Assistance
Brea Pafford, Planning-Development Assistance
Residents in Attendance: A total of 29 residents attended the neighborhood meeting and 3 members of the applicant team were in attendance.

This is a summary of the neighborhood referral meeting. It is not inclusive of all the details, but rather a summary of the main points discussed at the meeting.

Introduction by planner Stephen Wilson, City of Lakewood
1. Role ➔ City staff is here to answer questions.
2. Process ➔ The applicant is following the City process:
   a. The applicant has submitted a Preplanning Application and received preliminary comments from the City. A formal application may be submitted after the neighborhood meeting.
   b. Today’s neighborhood meeting is required and part of the process defined in the City of Lakewood zoning ordinance.
3. Purpose ➔ to discuss the Long Term Temporary Use for surface parking at 2100 Youngfield. Background:
   a. The Abrusci’s restaurant meets the City’s parking standards so the City is not requiring additional parking. However, the owner understands that the success of his business has created the need for more parking and he wishes to address the need as well as address neighborhood concerns.
   b. The site at 2100 had a Short Term Temporary Use; however, an approval from the Planning Commission is necessary for a long term temporary use while a permanent solution is being developed. A long term temporary use is for 2 years with the ability for a 6-month extension.
c. For the long term temporary use, we anticipate a configuration much like you see on-site today with some minor improvements to direct traffic with open rail fencing and some additional measures to keep the gravel on-site.

4. Long Term → tonight we hope to get feedback on the long term temporary application; however, we understand that there will be questions about the permanent solution. I believe the applicant is willing to provide some information about the permanent solution but staff would like to provide a couple of preliminary comments. There are two ways the applicant can provide additional permanent parking for Abrusci’s:
   a. First, the applicant could build a development with extra parking that is allocated to Abrusci’s. For example, if there was a townhome development, the development could build up to 3 spaces per unit, not including garage spaces, and the extra parking could be used for Abruscis.
   b. Second, there is a proposed change to the zoning ordinance that would allow surface parking lots adjacent to arterial roadways. Currently they are not. If passed, the property owner could build up to the maximum allowable parking for the use.

5. Decorum → this looks like a nice group but I’d like to remind everyone that polite decorum is expected. Yelling or bullying will not be tolerated. If the decorum of the meeting devolves, I will have to end the meeting and the meeting requirement will be satisfied.
   a. With that comment out of the way, we would really like to know about the issues that make a difference to you. Some venting is expected; however, we hope to find out issues that can be addressed.
   b. Please keep in mind that suggestions given here today aren’t a guarantee that they will be built; however, we have a willing applicant who is here to listen to your concerns. With that, I’ll turn it over to Tim Masters.

Applicant
Tim Masters, TJC Limited, provided a brief introduction as well as an overview. Masters explained that the temporary use will not address the drainage but the long term solution is for pavement, lighting etc. Attendees started asking questions right away.

Questions (Q), Answers (A) and Comments (C)
Q: Attendee – Why not go directly to a permanent solution? Will it be drainable?
A: Masters – The Long Term Temporary Use is needed while we develop a permanent solution. The drainage can be addressed and the site is drainable with a connection to a storm sewer (permanent solution).

Q: Attendees (Michelle) – Jeff (the owner of Abruscis) did a good job and we’re not bothered by the light. Drainage is a problem and we need a drainage solution on both sides. We found rocks down Willow Lane. Parking is out of control, speeding, etc. We asked for traffic calming, no parking, left turn only (out of Abruscis) and a pork chop (to limit traffic movements). Our view is of a car lot, there needs to be screening.
A: Masters – We’re willing to propose traffic calming or a no left turn but the City might not approve if it doesn’t meet their standards.

C: Attendee – “Free will ran rampant.” There isn’t enough parking.
A: Jeff Progar – Let’s try to handle the solution for everybody.
Q: Attendee – What could be more a permanent solution? No parking?
C: Attendee – I appreciate the idea of a pork shop but we want to decrease traffic. And the corner is dark and there are pedestrian issues. Can we get a flasher light? Like the retirement community to the north?

C: Attendee – A flashing light would drive Chuck and Michelle crazy.

A: Wilson – The permanent solution will go through a Major Site Plan review process and the proposed development will have to meet the City’s standards including: engineering plans with grading and drainage, public improvements including curb, gutter and sidewalks, parking lot lighting plan and it will have to meet one of the four buffer requirements. (The neighbors preferred a masonry wall). With regard to the pork chop, maybe it is possible if the applicant is willing to build it and it is approvable by Lakewood engineering.


Q: Attendee – Why not do long term solutions with Phase I?

A: Wilson – Staff recommends applying for a Long Term Temporary use now because if there’s a complaint, the City’s only option is to require the removal of vehicles from the property.

C: Attendee – On Applewood there is a semi-trailer and other parked cars.

Q: Attendee – Why will there be temporary fencing?

A: Masters – To limit the extent of parking until there is a permanent solution.

C: Attendee – Development is inevitable. How many units and how much will they cost?

A: Masters – There may be as many as 30 units and the price will be around $750k.

Q: Attendee – How are you going to fit 30 units?

A: Masters – Provided an answer about site design.

Q: Attendee – Can we have no parking signs?

A: Masters - I can't promise no parking signs in the right-of-way. It is under the City's jurisdiction.

C: Attendee (Elda) – I want a higher fence for the front yard, masonry preferred. I don’t want to lights (from cars).

Q: Attendee – How will parking be handled during construction?

A: Masters – Construction will occur in phases and parking will be available during construction.

Q: Attendee – Where will detention be located?

A: Masters – On the north side of the property in small ponds and possibly below the parking in vaults.

Q: Attendee – Will there be fencing along the length of the property?

A: Masters – Fencing will meet the standards and it might not all be masonry.

Q: Attendee – Will the permanent parking take up the same area used on site today?

A: Masters – The parking area will compress with the permanent solution because the layout will be more efficient.

Q: Attendee – What is the parking lot material?

A: Masters – Asphalt.
Q: Attendee – Will Jefferson County be involved in the review?
A: Wilson – The City will send a referral to Jefferson County but they will not be involved in the review because the site is in the City.
A: Masters – We have to go to the fire department first.
Q: Attendee – There is bad traffic on Youngfield, will Jefferson County traffic be involved? From 3-7pm, it’s bad.
A: Masters – A traffic study will be provided (if required).
Q: What would happen if Youngfield becomes 4 lanes?
C: Traffic (on Applewood), people avoid the light by going into Applewood. Tring to add a driveway will encourage additional traffic in the neighborhood. It’s already coming from the restaurant.
C: Attendee – Water shoots down Rosewood during a rain storm.
C: Attendee – Once something happens (development), users affect the neighborhood. Your development is going to create problems.
A: Progar – I could sell the property for development but then I won’t be able to add more parking. The proposed development will have a home owner’s association and they will want to have a nice development.
C: Attendee – The same 3 cars are parked on Myrtlewood.
A: Masters – Maybe it’s a parking violation.
C: Attendee – Ask for a gate blocking off Myrtlewood.
C: Attendee – We need the City to help protect our neighborhood. We would give-up our front yards for a cul-de-sac.
C: Attendee – We would give up 18 feet.
C: Attendee – We wanted a locked gate on Myrtlewood.

**Closing/Next Steps:**
Staff provided an explanation of the Special Use Permit process and explained that if they received a notice in the mail for the neighborhood meeting, they would also receive a notice for the Public Hearing at Planning Commission and City Council. The meeting concluded at approximately 7:45 p.m.

**Supplement:**
After the neighborhood meeting, a follow-up letter was submitted by the Applewood Valley Association. Please see the Supplement to the Neighborhood Meeting Notes for more information.

Cc: Case File ZP-18-001
ATTACHMENT C - ZONING MAP
2100 Youngfield Street

SUBJECT PROPERTY

REZONING REQUIRED FOR RESTAURANT