LAKEWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES

COMMISSIONERS PRESENT:
Alex Bartlett
Johann Cohn
Rob Eadie
Henry Hollender
Dale Miller
Glenda Sinks
Katherine Sukalski

STAFF PRESENT:
Stephen Wilson, Principal Planner, Planning-Development Assistance
Kara Mueller, Senior Planner, Planning-Development Assistance
Toni Bishop, Transportation Engineering Tech II, Public Works
Diana Brown-Evens, Secretary to the Planning Commission

Following are the minutes of the March 20, 2019 Lakewood Planning Commission Public Meeting. A permanent set of these minutes is retained in the office of the City Clerk.

Minutes are not a verbatim transcription, but rather an attempt by the Secretary to capture the intent of the speakers.

ITEM 1: CALL TO ORDER

ITEM 2: ROLL CALL

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

ITEM 3: SU-18-005, ABRUSCI’S TEMPORARY PARKING LONG TERM TEMPORARY USE – 2100 YOUNGFIELD ST

TIM MASTERS presented on behalf of Abrusci’s and stated the request is for a Long-Term Temporary Use permit for a temporary parking lot. Mr. Masters showed a map of the site and stated it is located on the east side of Youngfield Street midway between 26th Ave and West Colfax Drive. He added that Abrusci’s is a popular local restaurant that has been serving the community for the last 17 years. Abrusci’s parking lot meets all City codes including the number of spaces, drive aisle width, and parking space sizes, however, the popularity of the new restaurant often exceeds available parking capacity which leads to customers parking along adjacent local streets. The purpose of the Long-Term Temporary Use is to allow for
temporary parking to reduce impacts on the adjacent neighborhoods. The proposed location of the temporary parking lot is directly south of Abrusci’s restaurant. The site is currently vacant land and is zone Mixed-Use Neighborhood Suburban (M-N-S). The temporary parking lot will accept overflow parking of around 40 to 50 vehicles. He added the proposed parking lot will consist of an all-weather gravel driving surface and will be fenced along the perimeter to define the parking area and restrict drivers to the one point of ingress and egress. The access point will be paved to limit the tracking of mud and gravel onto adjacent streets and will be aligned with the restaurants existing drive access. He added the existing fence along the eastern property line will be repaired.

Mr. Masters stated a permanent solution has been prepared and a preplanning application has been submitted. The proposal includes 45 new parking spaces to support Abrusci’s overflow parking needs. The proposal also includes a masonry fence along the eastern property line to shield lights from the adjacent neighbor. He added the permanent parking lot would be landscaped similar to the restaurant along with signage directing customers into the proposed lot. He stated the purpose of the proposed solution is to reduce the impact to the adjacent neighborhood.

STEPHEN WILSON stated the request is for a Long-Term Temporary Use (LTTU) permit to allow for a surface parking lot in the Mixed-Use Neighborhood Suburban (M-N-S) zone district while a permanent solution is developed. He stated that a Long-Term Temporary Use (LTTU) may be granted following the Special Use Permit process. Vehicles are currently parked on-site as overflow parking for the Abrusci’s restaurant, however, the applicant is aware that the vehicles must be moved off-site if this LTTU is not approved. He gave an overview of the site stating the adjacent surrounding uses are primarily residential. The zoning for the property is Mixed-Use Neighborhood Suburban (M-N-S) and the property is currently undeveloped. Mr. Wilson showed an aerial view of the property pointing out the irregular shape of the property. The Abrusci’s restaurant is located on the property to the north, across Myrtlewood Lane.

Mr. Wilson went over the conceptual land use plan and stated the shaded area shows the gravel surface parking exists today and where temporary parking will continue if this Long-Term Temporary Use is approved. As part of this Long-Term Temporary Use, the entry apron to the parking area will be paved and open style fencing will be added around the perimeter of the property to limit vehicle access.

Mr. Wilson stated a neighborhood meeting was held on October 2, 2018. At the neighborhood meeting there were 29 attendees and there was extensive conversation regarding the impacts of the restaurant parking in the neighborhood and significant interest in the permanent development solution for the site. Questions and comments about the Long-Term Temporary Use were minor. He explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance and stated there were five comment on Lakewood Speaks. Mr. Wilson went over the review criteria for the proposed Long Term Temporary Use permit and stated all standards are met.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and approve case SU-18-005 with the following conditions. The Long-Term
Temporary Use will expire March 20, 2021 and vehicles must be removed from the site unless an extension is granted by the Planning Director or the Planning Commission. And, the parking area shall be defined with open fencing that directs the users to one point of access that aligns with the restaurant access across Myrtlewood Lane with the fencing must be open and no taller than 48 inches in height, and pavement must be placed at the parking lot entrance to prevent mud and gravel tracking onto Myrtlewood Lane.

Public Comment OPENED at 7:15 p.m.

SAMUEL BERKMAN stated he is a business man in Lakewood and economic growth is important to him. He is in favor of the Long-Term Temporary Use Permit and would like the final master plan to include some of the neighborhood’s requests. These would include a roundabout at the top of Myrtlewood Lane, Fire Access with removable steel plates, and not allowing overflow vehicles to park on Myrtlewood Lane. He added that he would be against no parking signs being added to the neighborhood but stated there are many other options the neighbors would like to added.

MARIANNE ORTIZ represent the Applewood Valley Neighborhood Association (AVA). She stated since Abrusci’s has opened, the neighborhood has been plagued by a number of issues including customers and employees parking on the neighborhood streets, illegally parked cars causing neighborhood congestion, increased cut through traffic on surrounding streets creating neighborhood safety concerns. Ms. Ortiz stated the restaurant opened with inadequate parking. She thanked the developer and restaurant owner for taking steps correcting the issues. The neighborhood organization is supportive of the proposal, however, there is still concerns about parking in residential areas. She added there have been discussions regarding residential parking permits and added the neighborhood would like to participate in the pilot program. Homeowners along the eastern border of Youngfield Street are requesting a variance to increase the fence height of the fence from 6 foot to 8 foot tall. Ms. Ortiz stated the neighborhood is also requesting a pork chop on Myrtlewood Lane and Applewood Drive that will guide traffic away from the neighborhood and route it out to Youngfield Street. The neighborhood is also requesting a screening element to be provided to prevent a direct view of the parking lot from 2180 Myrtlewood Lane. Houses that border the west side of Youngfield Street are requesting a hedge or small fence be provided to block headlights from shining into their homes. She stated the AVA takes the position that there are numerous ways to mitigate parking compatibility issues that have occurred with this development. She asked the commission to restore peace and quiet to the neighborhood.

ELDA MUÑOZ stated she lives in the first house on Myrtlewood Lane and would like to know when the work will begin and how long it will take. She asked if there will be a variance granted for additional height on the masonry wall and stated she would be in favor of a taller wall.

PAMELA EMERSON stated she supports the proposed masonry wall and wants to make sure their peace is not disrupted. She stated she supports the Long-Term Temporary Use.
LYDIA CREAGER stated she is on the Applewood Valley Association board and is in support of the Long-Term Temporary Use for restaurant parking. She stated there have been cut through issues on Applewood Drive as well. She has a concern regarding the height for the proposed condominium units being proposed. She added there is a significant amount of traffic and has a concerned about the traffic flow. She would like to have the egress and ingress on Youngfield Street. Ms. Creager has a concern about the architectural vernacular and believes there are too many units being proposed. She stated, with 31 units being proposed, this would put 62 more cars on the road. She also would like a cul-de-sac considered and feels the development would impact the quality of life.

Public Comment CLOSED at 7:31 p.m.

COMMISSIONER COHN asked where the municipal boundary is located on Youngfield St.

STEPHNEN WILSON stated the municipal boundary is in the middle of Youngfield Street.

COMMISSIONER COHN asked if there can be a variance granted for an 8-foot fence.

STEPHEN WILSON answered yes, there is a process for a minor waiver. He added a minor waiver can be approved administratively.

COMMISSIONER COHN asked for a definition of an open fence.

STEPHEN WILSON answered the intent is to have an open rail fence like a split rail fence, however, the material is not prescribed.

COMMISSIONER COHN asked if the open fence would block light.

STEPHEN WILSON answered for the Long-Term Temporary Use, the fencing would not block the headlights. The intent of the open fencing is to direct the traffic flow to the north toward Myrtlewood Lane. He added, for the permanent solutions, the Zoning Ordinance does require parking lot screening.

COMMISSIONER COHN asked if the Long-Term Temporary Use Permit include the whole property at 2100 Youngfield Street.

STEPHEN WILSON answered the approval would be for the whole property, however, the Long-Term Temporary Use has the Conceptual Land Use Plan and this would limit the area to what is shown on the plan.

COMMISSIONER COHN asked the applicant if he intends to use the graveled area for the Long-Term Temporary Use and asked there is a plan to go beyond the area.

TIM MASTERS answered yes, the area graveled is what they plan on using and they do not plan on going beyond that area.
COMMISSIONER COHN asked if employees park within the parking area.

JEFF PROGAR answered employees have been instructed to park on the west side of Youngfield Street to increase parking capacity for customers.

COMMISSIONER COHN asked if the area off Youngfield Street where the employees are parking is also in a neighborhood.

JEFF PROGAR answered it is a busy public street designed for parking.

COMMISSIONER HOLLENDER asked where the roundabout would be located.

STEPHEN WILSON answered the roundabout (the term was misused in this instance and should have been cul-de-sac) that has been requested would be located north of the site on Myrtlewood Lane. There have been discussions with Public Works and it is not an idea that is moving forward because of the lack of connectivity. He added it would also take a significant portion of the front yard of the homes and there is also a question on who would pay for the project. He added there is not a Nexis to require this with development.

COMMISSIONER HOLLENDER asked if a roundabout could be a condition of this action.

STEPHEN WILSON stated it would need to be a separate application.

COMMISSIONER HOLLENDER asked for a description of the term pork chop.

STEPHEN WILSON answered a pork chop is a directional driveway or flare.

COMMISSIONER EADIE asked if there could be a cul-de-sac put in and then close off the street on the north end.

STEPHEN WILSON answered a cul-de-sac has been discussed, however, it does not meet City standards. He added the cul-de-sac has been discussed and not a roundabout.

COMMISSIONER HOLLENDER asked if the open fence would be constructed in front of the barrier fence or be connected.

STEPHEN WILSON answered there is a preplanning application for the permanent solution was submitted a few weeks ago and stated there is a bit of confusion with the temporary use and the permanent solution. He added fixing the existing 6-foot cedar fence is a condition of approval for the Long-Term Temporary Use.

COMMISSIONER HOLLENDER asked open fence to be constructed around the area for directional purposes will be in front or connect to the barrier fence.

STEPHEN WILSON answered it will connect.
COMMISSIONER HOLLENDER asked if the increase in height of the fence to 8-feet would not be part of the Long-Term Temporary Use or a separate request.

STEPHEN WILSON stated it would be a separate variance request.

COMMISSIONER EADIE asked if requiring a cul-de-sac could be a condition of approval.

STEPHEN WILSON answered that the cul-de-sac would be a separate formal application with an engineering review.

COMMISSIONER HOLLENDER asked if the access point can be change later or will this action fix where the entrance is located.

STEPHEN WILSON answered the Long-Term Temporary Use does not fix (i.e. make permanent) any permanent access location.

COMMISSIONER SINKS asked if the Long-Term Temporary Use provides enough parking on a Friday and Saturday evening or are they still parking in the neighborhoods. She added the lot has a lot of space and asked why the parking is not extended more.

TIM MASTERS answered the issue comes with the townhomes being built on the south side with the permanent solution. If you extend parking throughout the entire site, the units could not be built.

COMMISSIONER SINKS stated she believes this is a band aid and asked when the townhomes would be built.

TIM MASTERS answered they hope to build the townhomes within a year and a half.

COMMISSIONER SINKS asked if the permanent solution could be started at any time.

TIM MASTERS answered the permanent solution will be done prior to the townhomes being constructed as that is where detention will be held.

COMMISSIONER SINKS asked if the parking for condominiums will move into the Abrusci’s parking.

TIM MASTERS answered the condominium units will not be allowed to park in the Abrusci’s lot. Each unit will have two spots with a garage and there will be an additional 11 guest spaces.

COMMISSIONER EADIE asked why would Abrusci’s would not be permitted with the new code.

STEPHEN WILSON answered under the previous Zoning Ordinance prior to 2014, the minimum required parking for restaurants was higher. The Zoning Ordinance that was applied
to the Abrusci’s restaurant, the minimum required parking was lower than it would have had previously. Abrusci’s exceeds minimum and meets City standards. However, the demand for parking is more than what is provided on site. He added the proposed solution is not required by the Zoning Ordinance and stated with an update to the future standards, staff would not retroactively go back and require the applicant to meet a new standard. The restaurant owner is trying to solve and improve his restaurant and minimize impacts on neighborhood.

COMMISSIONER EADIE asked if the concessions have been worked out to the neighborhoods satisfaction.

STEPHEN WILSON stated they are in process. When there is a formal application submitted, staff can finish the conversation.

COMMISSIONER EADIE asked if a multi-story parking lot could be built.

STEPHEN WILSON answered a parking garage is possible from a land use stand point.

COMMISSIONER EADIE asked what size parking garage would be allowed.

STEPHEN WILSON answered with the height transition zone, a parking garage could be as tall as 35 feet in height.

COMMISSIONER EADIE asked if the permanent solution proposal would come before the Planning Commission.

STEPHEN WILSON answered the proposal for the permanent solution will not require a Planning Commission public hearing.

COMMISSIONER HOLLENDER asked how the temporary lot will meet handicap requirements since it is not striped.

STEPHEN WILSON answered handicap parking spaces are provided on the Abrusci’s site. He added with the permanent solution, the applicant will have to look at the number of spaces provided.

COMMISSIONER HOLLENDER asked if the applicant has checked to see if the handicap requirements will be met with the additional parking.

JEFF PROGAR answered handicap parking is doubled on the existing lot.

COMMISSIONER SINKS asked if passed, will all things continue as they are with the exception of the repair fence.

STEPHEN WILSON answered yes. Also, the apron will need to be paved to minimize the tracking on the road.
COMMISSIONER MILLER asked if the entrance is on Myrtlewood Lane.

STEPHEN WILSON answered yes.

COMMISSIONER MILLER asked, if required, would the pork chop be built with the Long-Term Temporary Use or with the permanent solution.

STEPHEN WILSON answered the pork chop would be part of the permanent solution.

COMMISSIONER MILLER asked if the developer would be required to pay for a cul-de-sac.

STEPHEN WILSON answered there has been no progress on the cul-de-sac because of the associated issues. If it was to move forward it could be a private application or a City initiated project.

COMMISSIONER MILLER asked if the City would pay for no parking signs.

STEPHEN WILSON answered there is currently no parking enforcement program within the City, but believes it is part of an ongoing discussion.

COMMISSIONER MILLER asked if the parking minimums and maximums are determined through the Zoning Ordinance.

STEPHEN WILSON answered the minimum and maximum parking standards are within the Zoning Ordinance, however, the applicant gets to determine whether they are going to meet the minimum or maximum.

COMMISSIONER MILLER asked how many parking spaces the restaurant currently has on-site.

JEFF PROGAR answered they have 28 spaces.

COMMISSIONER MILLER asked where the fence will be located.

STEPHEN WILSON stated the fence would be located along Younfield Street and would come down roughly a third or half of the length north and south of the property, turn east and connect with the existing fence along the east side. The idea is that the access would be limited to Myrtlewood Lane.

COMMISSIONER HOLLENDER asked what would prevent the cars from pulling off Applewood Drive and park on the other side of the fence.

STEPHEN WILSON answered there would be nothing that would prevent parking on the other side of the fence.
COMMISSIONER HOLLENDE made a MOTION to adopt the findings of fact and order as presented in the staff report and APPROVE Case No. SU-18-005 with conditions as listed in the staff report.

SECONDED by COMMISSIONER SUKALSKI

COMMISSIONER COHN stated there is a phantom development that is being dealt with for the upcoming development of condominiums that may go into the site. He believes the temporary solution is workable and will work with what neighbors want.

COMMISSIONER SUKALSKI believes that if this denied, it would exacerbate the problem in the neighborhood. She is in favor of the Long-Term Temporary Use.

COMMISSIONER HOLLENDE stated he does not disagree with the people stating the restaurant should not have been built in the first place. The Planning Commission recognize there is not enough parking spaces provided and recommended a year ago to City Council to modify the parking requirements within the Zoning Ordinance. He recommended they act on parking first, but they chose to go in another direction. This proposal will allow an extension and if not approved, the cars will overflow into the neighborhood. He added the Commission is not approving any future residential construction, this is for a Long-Term Temporary Use Permit.

COMMISSIONER SINKS stated she thinks it is great the restaurant owner has provided extra parking. She believes there is no choice except to approve. She added she believes that the additional parking is still not enough. She would like additional conditions put on the approval to minimize the impacts on the neighborhood.

COMMISSIONER MILLER stated there can be no conditions put in place for future development. The Commission is on considering the Long-Term Temporary Use. He added there could be conditions that could be put in place regarding fencing or access.

COMMISSIONER SINKS stated she believes better fencing than what is provided now is necessary. She added since a masonry fence will be built with the future development, she would like to see that added sooner rather than later.

COMMISSIONER MILLER stated masonry fence would require engineering approval. He added the neighborhood is supportive of repairs for the next two years. Also, there is already a condition to provide fencing to control where people can drive.

COMMISSIONER EADIE would like the restaurant to provide valet parking as a condition of approval.

COMMISSIONER MILLER stated the Commission cannot make a stipulation for some aspect of the business.
COMMISSIONER COHN stated Abrusci’s is a successful restaurant and is pleased they are trying to accommodate the neighborhood.

COMMISSIONER MILLER stated he supports the proposal and added the land owners and Abrusci’s are trying to mitigate the parking issues. He believes the addition of the apron and fence would be improvements for the temporary parking lot.

COMMISSIONER SINKS asked about the feasibility of adding a condition for a masonry wall and asked if it could be done quickly.

STEPHEN WILSON stated it would take time and added if it was an 8-foot fence, there would need to go through a variance process. His suggestion, as they are working on a permanent solution, is when design, engineering and location of the permanent solution is developed. Considering grading, drainage and how the site works, he does not believe there is a quick 8-foot wall that could be built. The zoning standards will require a masonry wall along the property line, there can be an extension if the applicant is willing, and can be built with the site development.

COMMISSIONER BARTLETT stated he agrees with Mr. Wilson’s comment. He added it seems like Mr. Progar is a reasonable person and believes he will continue to work with neighborhood during the site plan process.

COMMISSIONER HOLLENDER stated even if more conditions are added, there will still be people that want to park in the neighborhood. Parking management plan will help and encourages the neighborhood to participate.

VOTE TAKEN –

Seven Ayes – Commissioners BARTLETT, COHN, EADIE, HOLLENDER, MILLER, SINKS, SUKALSKI

Zero Nays.

MOTION PASSED

ITEM 4: RZ-18-006, 730 SIMMS ST REZONING – 730 SIMMS ST

DAVID ZUCKER presented on behalf of Zocalo Community Development and gave an overview of the company stating they focus on sustainable development. He also showed some examples of their projects. He stated the proposal is to reuse the vacant office building at 730 Simms Street and create approximately 218 units. These units would be a mix of studio, one and two bedroom units with a concentration on one bedroom units. He added the building has been vacant for the last 12 years. The site will be well over parked and the development is requesting no city funds or tax increment financing. Mr. Zucker showed a drawing of the potential building and outlined the exterior upgrades including replacing windows, enhancing the building entrance, updating planters and landscaping, and adding a
5th floor addition with a step back that will soften the building and provide dimension. He explained the discussions with the Daniels-Welchester Neighborhood to provide additional landscaping.

Mr. Zucker stated the request to rezone the property at 730 Simms Street from Commercial Regional (C-R) to Mixed-Use Residential Suburban (M-R-S). He provided a comparison for the two zone districts and highlighted the difference in the build-to-zone requirements, maximum building height, and open space requirements. Mr. Zucker discussed the cross access/parking easement with 740 Simms Street. Per the easement 740 Simms Street has shared parking over a portion of the 730 Simms Street parking lot between the two buildings and 740 Simms Street has access to Simms Street across the 730 Simms Street property. Each property owner can change the use of its property via the rezoning process without the consent of the other property owner; however, if the use of one of the properties is changed from “commercial office building use” without the other property owner’s consent, then the owner of the property with the use change surrenders its reciprocal parking easement rights, but not its access rights. This rezoning request will not hinder the shared parking or existing cross access for the 740 Simms Street property.

KARA MUELLER stated the request is to rezone the property at 730 Simms Street from Commercial Regional (C-R) to Mixed-Use Residential Suburban (M-R-S). The applicant is proposing to convert the existing vacant office building into multifamily units with the potential of building an additional condominium building on-site in the future. The total land area is approximately 6.1 acres and is located east of Simms Street, south of West 8th Avenue, and north of West 6th Avenue.

Ms. Mueller stated the rezoning process includes a preplanning application, neighborhood meeting, formal application, public hearing before the Lakewood Planning Commission and then a public hearing before the Lakewood City Council. If the rezoning request is approved, the applicant must submit building permit applications to convert the existing office building into multifamily and a major site plan to develop the future condominium building. Ms. Mueller showed an aerial view and pointed out areas around the subject property and showed a picture of property’s existing conditions.

Ms. Mueller provided site context, current zoning and adjacent land uses. She stated the current zoning is C-R and showed zoning for the adjacent properties. She added this property is located within the US Frontage Road Community Activity Area and stated these areas are planned and zone for higher density residential and retail growth and intended to accommodate additional employment and retail opportunities on a smaller scale than those found in Growth Areas. This location is located within approximately one mile of two light rail stations that support higher density residential, employment and retail opportunities. Ms. Mueller stated the M-R-S zone district will retain the ability to provide some retail and employment uses providing the ability to develop a mix of uses if desired.

Ms. Mueller stated the intent of the M-R-S zone district is to allow for compact multifamily residential development with a variety of densities. The district will also allow for office and retail uses that are integrated into residential projects. The minimum residential densities are
established as part of the district to maximize the potential number of transit riders and business users within the adjacent transit and urban development areas while limiting the impact on existing surrounding neighborhoods. She also provided a use comparison chart to show the uses that are allowed in both the existing and proposed zone districts. Ms. Mueller provided the dimensional standards between the two zone districts and stated the primary differences are allowed height and open space requirements.

Ms. Mueller showed the Conceptual Land Use Plan and stated the property is located within the US Frontage Community Activity Area and converges with the adjacent neighborhood Activity Area and is located near the Union Boulevard and Federal Center Growth Areas. She stated the location, the ability to add higher density residential to the existing commercial areas, the potential adaptive reuse of the building, and the non-adjacency to lower density residential make this site ideal for multifamily residential development. Ms. Mueller showed several pictures to provide a context of the area.

Ms. Mueller stated if approved, pedestrian connectivity, landscape, detention and water quality will be addressed with the building conversion and any future major site plan.

Ms. Mueller stated two neighborhood meeting were held on July 24, 2018 and July 26, 2018 and the initial request was to rezone the property to Mixed-Use General Urban (M-G-U). After feedback from the neighborhood meetings, the applicant decided to change the proposal to Mixed-Use Residential Suburban (M-R-S) in response to the comments that were received. The comments included choosing a zone district that was more closely tailored to the multifamily residential development and that eliminated many uses allowed in the C-R and M-G-U zone districts. It also requires more open space and a lower maximum building height. Neighborhood stakeholders asked questions about density, height, open space, traffic generation, zone district allowed uses and process.

Ms. Mueller explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance and stated there were two comments on Lakewood Speaks. Ms. Mueller went over the rezoning review criteria and stated this proposal meets the requirements.

Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-18-006.

Public Comment OPENED at 8:43 p.m.

DEAN DELVIT is the architect for the project. He stated integrating the mix of uses within the corridor, the adjacency to the light rail, and it is one of the few opportunities to provide multifamily housing without impacting single-family homes makes the site great for livability.

CHRIS ERNST stated he is the owners’ representative for the property at 740 Simms Street. He stated he disapproves of the of the process. He believes he has made it clear that this is at their front door and that they are impacted significantly. He thought this would be a shared
process and be more inclusive with the City. He discussed the cross parking easement and stated if the ownership does not approve of a use change, it triggers a lot issues within the cross parking easement. This could affect future development of the site. The ownership is concerned and wanted to make sure Planning Commission and City Council is aware of the cross parking easement. He added he wants to see the building revitalized. He feels there needs to be further dialogue with the City and the developer. The ownership wants to be included in the process moving forward.

JON GOLDMAN is on the board of Daniels-Welchester Neighborhood Association and they fully support the rezoning request. It provides high density housing on a major street. He believes it is an excellent use of the property and does not put traffic through the local neighborhoods. There were 2 concerns raised during the neighborhood meeting and applicant is working with the neighborhood with the concerns about traffic. Mr. Goldman stated the egress off West 8th Avenue only goes north and the residents will want to get to Union Boulevard and West 6th Ave. He stated if people start U-turning more at West 8th Avenue and Simms Street there will be additional problems and added the applicant is working on this issue. He is happy to hear there will be a dog park added and believes all high density housing should have dog parks as a requirement.

ROBIN BRAUN lives in the Eiber neighborhood and was impressed by the outreach and the quality of the development. She is in support of the project and stated it is a great use for the building.

DIANE DUFFEY referenced the letter of support from the Daniels-Welchester Neighborhood. The building has been vacant for over 10 years. She commends the developer for working with the neighborhood. She added the neighborhood meetings happened over 8 months ago and the developer has been in contact with the neighborhood organizations regularly for 9 months.

Public Comment CLOSED at 8:56 p.m.

COMMISSIONER COHN asked why has there not been a material change in the neighborhood with the two properties adjacent. He added he believes there has been a change in the neighborhood with the long vacancy and lack of occupancy.

KARA MUELLER answered she did not look at it from that perspective. She stated you can look at it as a material change when the property has been vacant without change, however the City has been changing at a good pace around it.

COMMISSIONER COHN asked if any part of the properties at 730 or 740 Simms Street public right-of-way.

KARA MUELLER answered no.

COMMISSIONER COHN asked the applicant to give an idea on why the building has been vacant for as long as it has.
DAVID ZUCKER he believes both properties being vacant is more a curiosity of the market and the desires and long term goals of the ownership. The previous owner wanted to lease to the building to one occupant.

COMMISSIONER COHN asked if the amount of current parking would be required or retained.

DAVID ZUCKER answered the demand for parking will be less than what is currently available. He added the additional parking would be symbiotic parking for the 740 Simms Street property to use. He added it would be ideal for residents to find alternate forms of transportation. He stated they would honor the commitments required by the cross access easement.

COMMISSIONER COHN asked if the access for 740 Simms St off West 8th Avenue would remain open.

DAVID ZUCKER answered by the easement document he believes it would remain open. The only thing that would go away would be any rights to the parking for 740 Simms Street on the east of the 740 Simms Street building.

COMMISSIONER COHN asked, with the significant grade, the commercial property to the north, is it compatible with the residents that would face the commercial property.

DAVID ZUCKER answered residents desire to live around a mix of uses.

COMMISSIONER COHN asked if there is a concern with noise.

DAVID ZUCKER stated there is no concern and does not believe there are nighttime noxious uses.

COMMISSIONER BARTLETT asked if the neighborhood associations concern with traffic would be addressed during the site plan process.

TONI BISHOP answered a traffic study was submitted and approved by the City. The intersection of West 8th Ave and Simms Street currently allows for U turns, which are allowed by state law. She stated the City was not made aware of accident history and added U turns can be prohibited based on accident history. This can be evaluated at any time.

COMMISSIONER EADIE asked if a traffic light with a left turn filter will be installed.

TONI BISHOP answered left turn filters have to be done with a traffic engineering study.

COMMISSIONER BARTLETT asked if the traffic study is typically provided with the packet.

KARA MUELLER answered it is not provided with the packet. It can be requested by the Commission when the packet is received, prior to the hearing.
COMMISSIONER MILLER asked if there is a left turn allowed onto West 8th Avenue from the property.

TONI BISHOP answered there is no left turn allowed onto West 8th Avenue.

COMMISSIONER SINKS asked what percentage of improvements will be done to the site.

DAVID ZUCKER answered less than 20%.

KARA MUELLER added the project will be a minor site plan and will still be reviewed but will be done through the building permit process including engineering review. If it was over 20% it would trigger a major site plan.

COMMISSIONER SINKS asked Mr. Zucker if he intends to negotiate with the owners of 740 Simms Street.

DAVID ZUCKER stated he has had a good dialogue with Mr. Ernst. He added he would be delighted to reach out and will work with the owners.

CHRIS ERNST stated the building at 740 Simms Street has only been unoccupied for 15 months.

COMMISSIONER COHN asked the dynamics of what goes into a vacant building and prospective tenants.

DAVID ERNST stated the building will remain an office building. He stated with 100,000 square feet there will be approximately 400 people. The ownership is on the east coast and wants to work closely, but does not want any unintended consequences.

COMMISSIONER COHN asked if Mr. Ernst still believes there is a viable reason to get office tenants.

CHRIS ERNST answered correct, 740 Simms Street will get office tenants in the building.

COMMISSIONER HOLLENDER asked if there is access around to West 8th Avenue.

CHRIS ERNST answered with the change of the use in the building, they could lose part of their rights if the building ownership does not approve.

COMMISSIONER HOLLENDER stated the rezoning would not change the agreement.

CHRIS ERNST answered the rezoning would not change the agreement, the change in use would affect the parking agreement. The owners want to protect the easement for future development on both sides.

COMMISSIONER MILLER stated the City will not get involved in any private agreements.
CHRIS ERNST stated the ownership thought the City would reach out to them regarding this project before the public hearing.

COMMISSIONER HOLLENDER asked if the site plan would be administratively approved and also asked if the developer proposes additional residential, will the process still be administrative?

KARA MUELLEER stated both processes are administrative approvals which will be reviewed by staff and approved by the Director.

COMMISSIONER HOLLENDER asked if lowering the height was the reason for the change in zone district request from what was originally proposed.

KARA MUELLEER stated the concern with height did come up in the neighborhood meeting.

COMMISSIONER HOLLENDER asked if staff was aware of any comments about blocking views.

KARA MUELLEER stated no one specifically stated it would block their view.

COMMISSIONER EADIE asked if notification was sent to the property owner.

KARA MUELLEER answered with the response on Lakewood Speaks, it is stated that the owners of 740 Simms Street received notification for the neighborhood meetings as well as the public hearing.

COMMISSIONER EADIE stated he thought it was this hearing tonight that was a surprise to the owners.

KARA MUELLEER stated the concern that she has heard from Mr. Ernst is that since the neighborhood meetings, he feels that he has not received other notice from the City, but that is not the process. There have been no other meetings held. Staff has been working on the review process and going through all the criteria. It appears the applicant has been in communication with the adjacent owners.

COMMISSIONER SUKALSKI asked why left turns are not allowed onto West 8th Avenue.

TONI BISHOP stated left turns are not allowed due to the proximity of the light rail and existing median.

COMMISSIONER SUKALSKI believes traffic would be worse as an office use.

COMMISSIONER BARTLETT asked if there is a southern boundary line with a curb or wall to prevent vehicles from going through the dealership.
KARA MUELLER answered there is fencing and landscaping.

COMMISSIONER BARLETT asked if there is a way to get to the West 6th Avenue frontage road and West 8th Avenue from 730 Simms Street.

TONI BISHOP stated the building does have access to West 6th Avenue.

COMMISSIONER MILLER asked why a left turn is not permitted to West 8th Avenue.

TONI BISHOP stated a left turn could back up traffic into the light rail system. The distance is prohibited to light rail.

COMMISSIONER BARTLETT stated the only way to get back to West 6th Avenue is a U turn on Simms Street.

TONI BISHOP added that U turns are allowed on West 8th Avenue except by the light rail.

COMMISSIONER MILLER asked for the number of parking spaces are currently on site.

DAVID ZUCKER stated there are 476 parking spaces.

COMMISSIONER MILLER asked how many spaces will be needed with 218 units.

DAVID ZUCKER answered roughly 300 spaces. He added there is easy accommodation and there is plenty of parking for 740 Simms Street during the day.

COMMISSIONER MILLER asked if Mr. Zucker has had direct communication with the owners?

DAVID ZUCKER answered he has only communicated through their agent Mr. Ernst, and would be happy to communicate with the owners.

COMMISSIONER SINKS made a MOTION to adopt the findings of fact and order as presented in the staff report and recommends that the City Council APPROVE Rezoning Case No. RZ-18-006.

SECONDED by COMMISSIONER HOLLENBERG

COMMISSIONER BARLETT believes this is a great project. It is in a good location and a vacant building is being repurposed.

COMMISSIONER SUKALSKI reiterated Commissioner Bartlett's comments. She believes it would be great to have more residential units in the area and that this will revitalize the area. She thanked Mr. Zucker for working with the neighborhood.

COMMISSIONER HOLLENBERG stated the density makes sense in this area and wonders if there should be more density so it is not needed in other areas.
COMMISSIONER COHN stated he does have some anxiety when commercial is changed to residential, however, feels this would be a good project because of the long vacancy in the building. He believes this project will work for the type of tenants.

COMMISSIONER MILLER suggested that Mr. Zucker contacts the owners. He added he appreciates the developer including the neighborhood organizations in the discussion and is happy their concerns are being addressed. Commissioner Miller stated he thinks this will be a great use of space.

VOTE TAKEN -

Seven Ayes – Commissioners BARTLETT, COHN, EADIE, HOLLENDER, MILLER, SINKS, SUKALSKI

Zero Nays.

MOTION PASSED.

ITEM 5: APPROVAL OF MINUTES
Minutes from the January 16, 2019 Regular Meeting were approved by unanimous voice vote.

ITEM 6: APPROVAL OF MINUTES
Minutes from the February 20, 2019 Regular Meeting were approved by unanimous voice vote.

ITEM 7: General Business
COMMISSIONER SINKS nominated COMMISSIONER COHN as Vice-Chair. Motion was SECONDED by COMMISSIONER BARTLETT. Motion approved by unanimous voice vote.

COMMISSIONER HOLLENDER nominated COMMISSIONER SINKS as Secretary of the Planning Commission. Motion was SECONDED by COMMISSIONER SUKALSKI. Motion approved by unanimous voice vote.

ADJOURNMENT

Meeting adjourned at 9:45 PM.

June 5, 2019

Date Approved

Diana Brown-Evens, Secretary to the Planning Commission