LAKEWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES

COMMISSIONERS PRESENT:
Johann Cohn
Alan Heald
Henry Hollender
Dale Miller
Glenda Sinks

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 June 5, 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: RZ-18-007, 3840 S WADSWORTH BLVD REZONING AND SU-18-004, 3840 S WADSWORTH BLVD SPECIAL USE PERMIT – 3840 S WADSWORTH BLVD

JACK REUTZEL presented on behalf of the property owner at 3840 South Wadsworth Blvd. Mr. Reutzel stated the first case is to rezone from Planned Development (PD)/Mixed-Use Employment Suburban (M-E-S) to Mixed-Use General Suburban (M-G-S). He added the applicant is also asking for a Special Use Permit to allow the remainder of the building to be converted for self-storage. He gave a brief overview of the building and a brief history of the Academy Park PD. He stated there are currently restrictions on how buildings can be occupied including a 75% cap of a building being devoted to storage. He stated there are no stand-alone retail uses allowed and stated only accessory uses. The City rezoned the property to M-E-S but the PD remained on the property. Mr. Reutzel stated there are land use discrepancy with the zone district and the PD. In 2018, Wadsworth Development converted
75% of the building into self-storage. He stated the applicant believes the demand exists to complete the conversion of the building to self-storage and stated there would be no external modification. He stated there would be less traffic in the area with this use. The proposed zoning to M-G-S clears the conflicts of earlier inconsistent zoning and added, the M-G-S zone district already exists in the Wadsworth Corridor. The applicant believes the demand exists to complete the conversion of the building to self-storage. Currently, the building has been converted to 903 units of various sizes, with the opportunity of an additional 265 units within the available structure. The storage units are climate controlled and added it is a great space for offices to store documents. He added there is no change to the building footprint.

Mr. Reutzel stated the application meets all the rezoning criteria and also stated it does meet the criteria for the Special Use Permit. He outlined the supplemental standards and how they are met with this proposal. He showed a picture with a view of the building from South Wadsworth Boulevard and stated the building does not face an arterial or collector street but instead faces a private drive.

KARA MUELLER stated the request is to rezone the property at 3840 South Wadsworth Blvd. from Planned Development (PD)/Mixed-Use Employment Suburban (M-E-S) to Mixed-Use General Suburban (M-G-S) and to request a Special Use Permit for mini-warehousing. The Special Use Permit would be contingent on the rezoning being approved by City Council. The property currently abides by the standards within the Academy Park Official Development Plan (ODP), which does allow for up to 75% of a building to be used for storage. The applicant is proposing to convert the remaining 25% of the vacant office building into self-storage units.

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. The Special Use Permit would be determined by the Planning Commission. If the rezoning and special use permit requests are approved, the applicant must submit building permit applications to convert the remainder of the existing office building into self-storage. The applicant would also need to submit a Major Site Plan for any future development of the remaining portion of the 13.5 acres. 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 PD/M-E-S and showed zoning for the adjacent properties. Ms. Mueller stated the intent of the M-G-S zone district is to allow for a mix of uses and community commercial development. The non-residential uses include those necessary to support the community. The M-G-S zone district is intended to accommodate higher vehicle traffic while also encouraging pedestrian connectivity. She also provided a use comparison chart to show the uses that are allowed in both the existing and prosed zone districts. Ms. Mueller stated multifamily is currently allowed in both zone districts. She referenced the changes that were passed on May 13, 2019 that would limit the amount of residential space in any development to 50% of the total building gross floor area. She 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 provided information for what is currently on the site. She outlined the property boundary and stated the access would remain off West Mansfield Avenue. She pointed out the existing building where the additional conversion would be done if the Special Use Permit is approved. She also referenced the two-deck parking structure that is located on-site. Ms. Mueller stated public improvements and access will be reviewed with any development on-site.

Ms. Mueller stated the neighborhood meeting was held on July 31, 2018 and added there were no attendees at the meeting. She added there have been no phone calls and no comments on Lakewood Speaks.

Ms. Mueller explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance. She added that there are different notification requirements for the rezoning and special use permit cases and stated both notices were mailed together. The notification was mailed based on the rezoning requirement to remain consistent. Ms. Mueller went over the rezoning review criteria and stated this proposal meets the requirements. She stated went over the review criteria for a special use permit and added that this proposal meets the requirements. Ms. Mueller stated the applicant is not proposing outdoor storage and added that this use would not be allowed.

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-18-007 and Staff Recommends that the Planning Commission adopt the findings of fact as presented in the staff report and approve case SU-18-004 contingent upon City Council APPROVAL of case RZ-18-007.

Public Comment OPENED at 7:34 p.m.

NO PUBLIC COMMENT

Public Comment CLOSED at 7:34 p.m.

COMMISSIONER COHN asked if Ms. Mueller has any observations regarding office space occupancies.

KARA MUELLER stated the building has been vacant for approximately 5 years and added this is an adapted reuse of a large office building. She believes the trend is that more people work from home and utilize office sharing.

COMMISSIONER COHN asked if the surrounding office buildings are still busy.

KARA MUELLER answered the adjacent buildings are vibrant and very busy.

COMMISSIONER COHN asked Ms. Mueller had any comments about the removal of an Official Development Plan with a rezoning being granted.
KARA MUELLER answered, with the legislative rezoning from 2012, the PD’s were looked at on a case by case basis. If there was a governing body, such as an Architectural Control Committee (ACC), they were left as is. At the time of the legislative rezoning there was an ACC, which disbanded shortly after. The Academy Park PD is from 1978 and is quite comprehensive and can be hard to interpret. The straight zone district would be easier to interpret.

COMMISSIONER COHN asked the applicant about expansion of office space.

JACK REUTZEL answered when the owner purchased the building, the intent was to keep it as an office use. Each segment in the metro area has a different level of success with some factors being adjacent to transit and interstate. There are a lot of suburban office parks that are suffering. The way people work is changing and is a sign of the times.

COMMISSIONER COHN asked what the future is for the parking structure.

JACK REUTZEL answered the parking structure will not remain long term. He stated they have looked at commercial and retail as well as residential. He added there is not a concrete plan for the remainder of the property.

COMMISSIONER SINKS asked if the additional 25% for self-storage would be in one building.

JACK REUTZEL stated the self-storage is all in one building.

COMMISSIONER SINKS stated her bias would be to add residential to the area instead of commercial and retail. She asked what percentage of the storage, that is currently in the building, is being used for office storage.

JACK REUTZEL answered that 25% of most storage facilities are used for business storage.

COMMISSION SINKS asked how many units are currently leased.

JACK REUTZEL answered the owners just received the Certificate of Occupancy three weeks ago and currently have 20 units leased.

COMMISSIONER SINKS asked if the Academy Park Official Development Plan currently allows for residential development.

KARA MUELLER stated the Planned Development did not allow for residential, however, the underlying zone district does allow for residential development.

COMMISSIONER SINKS asked if growth areas defined in the Comprehensive Plan are intended for residential growth.

KARA MUELLER answered growth areas are intended for a majority of the City's residential, employment and retail growth.
COMMISSIONER SINKS asked if there are any far-reaching results or unintended consequences allowing the building to be repurposed for self-storage.

KARA MUELLER stated the PD/M-E-S allows for employment and multifamily, but not commercial uses. The applicant has already converted 75% of building to self-storage per the existing zoning. If there is going to be self-storage, it makes more sense to utilize the remainder of the existing building.

COMMISSIONER HOLLENDER asked what the applicant would do if the rezoning is denied.

JACK REUTZEL answered the applicant would continue to try and lease the remaining 25% of the building with a use that is allowed per the Academy Park Planned Development.

COMMISSIONER HOLLENDER asked if the applicant could scrape the property and redevelop the land with all residential units if the rezoning is approved.

KARA MUELLER answered yes.

COMMISSIONER HOLLENDER asked what density would be allowed.

KARA MUELLER answered the density would depend on the size of units and design per the development standards.

COMMISSIONER HOLLENDER asked if the current zoning allows for residential development, providing commercial uses under the recently passed ordinance amendments.

KARA MUELLER answered yes.

COMMISSIONER HOLLENDER asked if it is appropriate to pass a special use permit with a pending rezoning.

KARA MUELLER stated the motion would need to state the Special Use Permit would be contingent upon City Council approving the rezoning. The Special Use Permit is null and void if the rezoning is not approved.

COMMISSIONER MILLER asked how storage is defined in the Academy Park Official Development Plan and asked if they meant individually leased units.

JACK REUTZEL stated the term does not define mini-warehouse storage. The term mini-warehouse storage was not around in 1974. The ODP states manufacturing, packaging, storage and assembly. He added, with the City granting permits, it was evident that the City agreed with mini-warehouse storage as an allowed use.

COMMISSIONER MILLER asked if the applicant knows the number of units Cube Smart has in their building.
JACK REUTZEL answered he believes there are 450-500 units.

COMMISSIONER MILLER asked if the posting signs for the rezoning were posted on West Mansfield Avenue and South Wadsworth Boulevard.

KARA MUELLER stated the posting signs were placed on both streets and the applicant did provide pictures of where the signs were posted.

COMMISSIONER MILLER asked if the trucks stored in the parking structure are considered outdoor storage.

KARA MUELLER answered she will have to look into the trucks in the parking structure. If the vehicles are associated with a business in the building, they will be able to be parked on-site.

JACK REUTZEL answered the vehicles are temporarily parked for a dealership. He added if the vehicles being parked in the parking structure are not allowed, they will be moved.

COMMISSIONER MILLER asked how many multifamily residential units are in the area.

KARA MUELLER answered there are 360-units at Alta Pinehurst development to the south and added there are several older multifamily residential developments north of Hampden Avenue and across S. Wadsworth Blvd.

COMMISSIONER SINKS asked how quickly the parking structure will be torn down.

JACK REUTZEL answered the parking structure will remain on-site until a site plan is approved for a use.

COMMISSIONER SINKS asked if there are plans to fence off the parking structure.

JACK REUTZEL stated there is more research that needs to be done. Fencing of the parking structure may be done.

COMMISSIONER HEALD asked between retail and restaurant or residential, which way does the applicant feel the momentum is leading.

JACK REUTZEL stated, after converting the building to storage, the idea of them then being raised and converted to multifamily is not viable. As for the use of the remaining land, the market will drive the decision.

COMMISSIONER HEALD asked, regarding retail, are there any access or other challenges for the space that is currently the parking structure.

JACK REUTZEL answered there is more of a challenge for retail with lack of visibility to the site then there are access challenges. He added there are complications with the grade.
COMMISSIONER COHN asked if there are any other rights-of-way or alleys that intersect the parking lot.

KARA MUELLER answered no, other rights-of-way in Academy Park include West Quincy Avenue is to the south and South Pierce Street to the east.

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-18-007.

SECONDED by COMMISSIONER HOLLENDER

COMMISSIONER HOLLENDER pointed out the zone district is being voted on and not a specific project. He added the proposed zoning is appropriate for the area and will be supporting.

COMMISSION COHN stated the application illustrates the limits, because of market shifts, when a Planned Development is formed. He appreciates the attractiveness of the area and hopes it will be preserved. He added that he will be in favor of the rezoning.

COMMISSIONER SINKS stated she will be supporting the rezoning even though she is not in favor of more mini-warehouse storage.

COMMISSIONER MILLER stated he is in support of the rezoning and added the use is better than the building remaining vacant.

COMMISSIONER HEALD stated he appreciates the opportunity to see a property that is not being utilized be redeveloped and will be supporting the rezoning. He hopes there is a viable option for commercial and retail on the remaining property.

VOTE TAKEN –

Five Ayes – Commissioners COHN, HEALD, HOLLENDER, MILLER, SINKS,

Zero Nays.

MOTION PASSED

COMMISSIONER HOLLENDER made a MOTION that Case No. SU-18-004 be CONTINUED until City Council makes a determination on the rezoning.

SECONDED by COMMISSIONER HEALD

COMMISSIONER SINKS stated she believes the Special Use Permit should move forward with it being contingent on City Councils approval. She added it would be more efficient in adding the contingency clause.
COMMISSIONER COHN stated he would like to know Commissioner Hollender’s rationale in making the request to continue the special use case.

COMMISSIONER HOLLENDER answered he believes it would be a cleaner process to vote on the special use case after the rezoning is decided. He would vote no only because of the procedure.

COMMISSIONER COHN stated he would not like to see this unduly delayed. He added he agrees with Commissioner Sinks and believes the case should proceed while adding the contingency.

COMMISSIONER MILLER agrees that it would be an unnecessary delay. He believes the special use should be made contingent on approval of the rezoning.

COMMISSIONER HOLLENDER stated he would like to continue the Special Use Permit case to the next Wednesday after the City Council hearing.

COMMISSIONER MILLER asked if there was a date that City Council would hear the rezoning case.

JACK REUTZEL stated the Special Use Permit would take the speculative nature out of the rezoning request.

KARA MUELLER stated the Public Hearing for the rezoning would be held on July 22nd.

COMMISSIONER MILLER stated the applicant has shown their intent is to repurpose a vacant building.

COMMISSIONER HOLLENDER stated he feels it is bad precedence to approve a Special Use Permit that is not permitted by the current zone district.

COMMISSIONER HOLLENDER AMENDED his motion to continue the Special Use Permit request to a date certain of, July 24, 2019.

No SECOND was given to amend the motion for a date certain of July 24, 2019

VOTE TAKEN ON THE AMENDMENT–

   One Ayes – Commissioners HOLLENDER

   Four Nays – Commissioners COHN, HEALD, MILLER, SINKS

MOTION FAILED
COMMISSIONER SINKS made a MOTION to adopt the findings of fact and order as presented in the staff report and APPROVE Case No. SU-18-004 contingent upon City Councils approval of the rezoning.

SECONDED by COMMISSIONER COHN

VOTE TAKEN ON THE AMENDMENT–

Four Ayes – Commissioners COHN, HEALD, MILLER, SINKS

One Nays – Commissioners HOLLENDER

MOTION PASSED

ITEM 5: APPROVAL OF MINUTES
Minutes from the March 20, 2019 Regular Meeting were approved by unanimous voice vote.

ITEM 7: General Business
COMMISSIONER MILLER asked if it is normal procedure to approve a Special Use Permit before a rezoning case is decided.

STEPHEN WILSON answered there are past cases where City Council was part of the overall approval process. He added a Special Use Permit can be conditioned whereas rezonings cannot be conditioned. The Special Use Permit will remain unapproved in the system until after the City Council hearing.

COMMISSIONER MILLER asked if there should be a Long-Term Temporary Use permit for the temporary parking use.

COMMISSIONER HOLLENDER stated it is a zoning compliance issue.

KARA MUELLER stated will look at the PD and contact Code Enforcement for the area.

STEPHEN WILSON went over upcoming Planning Commission dates.

COMMISSIONER HEALD asked how the notice process, specifically for the Union Neighborhood Meetings, be increased.

STEPHEN WILSON notification defined tightly in the Zoning Ordinance. He recommended checking with Roger Wadnal on procedure.

COMMISSIONER HOLLENDER stated that White Fence Farm is not currently quasi-judicial, however, there could be an appeal that would come before the Board of Adjustment.
ADJOURNMENT

Meeting adjourned at 8:51 PM.

July 17, 2019
Date Approved

Diana Brown-Evens, Secretary
to the Planning Commission