LAKEWOOD PLANNING COMMISSION
PUBLIC MEETING
MINUTES

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

STAFF PRESENT:
Paul Rice, Manager, Planning-Development Assistance
Brea Pafford, Planner, Planning-Development Assistance
Toni Bishop, Transportation Engineering Tech II, Public Works
Diana Brown-Evens, Secretary to the Planning Commission

The following are the minutes of the September 4, 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-19-001, 3900 S. WADSWORTH BLVD & 3939 S. TELLER ST
DONNA BARRENTINE introduced the property owner, Doug Healy to speak before her presentation.

DOUG HEALY thanked the Planning Commission for their time. He stated that the property and existing office building is family owned. Their goal is to develop the unused/vacant parking lot with single-family owner-occupied units. Ms. Barrentine then proceeded with the applicant’s presentation.

DONNA BARRENTINE then presented on behalf of the property owner and applicant of the rezoning request. She started her presentation by showing an aerial view of the 13.5-acre property and stated it is comprised of 2 lots and is currently zoned Planned Development with an underlying mixed-use zone district. She explained that lot 1 includes the office complex with
over 175,000 square feet of building gross floor area (GFA) and 518 parking spaces; while lot 2 has only a parking lot with 307 spaces for a total of 825 parking spaces on the two lots. Ms. Barrentine also indicated that for the past 20 years, only 620 parking spaces were being utilized despite the office building’s occupancy rate of 90% or more for the past several years.

Ms. Barrentine stated that the objectives of the rezoning request are three-fold. First to rezone a portion of lot 1, the 11.99-acre parcel, to M-E-S or Mixed-Use Employment Suburban zone district. Second, to rezone lot 2, the smaller 1.5-acre parcel, and remainder of lot 1 to M-R-S or Mixed-Use Residential Suburban. Third, to reconfigure the internal lot line to reduce the size of lot 1 and increase the size of lot 2 to a 2.3-acre parcel, for a proposed luxury townhome development. The purpose of requesting to rezone lot 1 to M-E-S is to allow for a reduction in the minimum parking requirement. The M-E-S requires 1.5 to 5 parking stalls for every 1000 square feet of office GFA. This rezoning will reduce the number of required parking stalls and free up more than 200 parking spaces that are consistently vacant. The rezoning of the reconfigured lot 2 to M-R-S, will create the opportunity to redevelop the vacant parking lot. Ms. Barrentine stated that the M-R-S zone district allows for single-family attached dwelling units as well as other uses. She also acknowledged that a Lot Line Adjustment Plat would be required to reconfigure the two existing lots, based on the two proposed zone district boundaries.

Ms. Barrentine continued by explaining some of the constraints from the existing Planned Development zoning. She mentioned that the Planned Development is over 30 years old, which reflects more stringent parking requirements for an office building. At a minimum of 5 spaces per 1,000 square feet of floor area, the Planned Development requires a minimum of 770 parking spaces, which is far more than is needed for the existing use. She stated that the decreased need for parking is probably related to a combination of modern technology that allows people to work remotely and available public transportation options.

Ms. Barrentine proceeded to show a series of aerial photos of the two lots from 1999 – 2018, which depicts fluctuation in parking demands over the 20-year period. These images showed that the smaller parking lot was consistently vacant. She added that these photos help to demonstrate that the existing larger parking lot directly south of the office building is sufficient for the existing office use.

Moving on, Ms. Barrentine stated that the intent behind the proposed rezoning request is to develop 30 single-family attached townhomes with a minimum of 30% open space on the reconfigured lot 2 parcel under the M-R-S zoning. The proposed development would provide enhanced pedestrian connectivity within the site. She added that the proposed development will meet all frontage and setback requirements. Together, the two lots will provide a true mix of uses. Access to the proposed townhome development would be taken from S. Teller St.

Ms. Barrentine gave community benefits of the rezoning which include allowing better use of vacant, unattractive, asphalt parking lot. It enables other beneficial land use opportunities to enhance the community, promote redevelopment, create open space, and provide pedestrian connectivity. She added the rezoning request is in compliance with the Comprehensive Plan. Ms. Barrentine showed photos of the proposed townhome products and showed the
Conceptual Land Use Plan with a townhome layout, parking and a perimeter fence around the property.

BREA PAFFORD stated the applicant is proposing to rezone Lot 1 and Lot 2 of the Academy Park Filing 5 & 6 Lot Line Adjustment Plat from Planned Development with the underlying Mixed-Use Employment Suburban (PD/M-E-S) zone district to Mixed-Use Employment (M-E-S) and Mixed-Use Residential Suburban (M-R-S). All rezoning applications follow a process outlined in the Lakewood Zoning Ordinance. The process includes a preplanning application, neighborhood meeting, formal application, public hearing before the Planning Commission and then a final public hearing before the Lakewood City Council.

Ms. Pafford showed an aerial view of the subject site, located south of W. Mansfield Avenue, east of S. Wadsworth Blvd. and west of S. Teller Street. The aerial image depicted the location of the subject site in context with the Academy Park Planned Development, which is located south of US 285 and east of S. Wadsworth Blvd. In a comparison of the original Academy Park Planned Development Boundary, Ms. Pafford pointed out that the subject site is the only remaining property in the PD that has street frontage along S. Wadsworth Blvd. All of the other properties have been rezoned over the years and are no longer within the PD Zone District.

Ms. Pafford stated the existing site is comprised of two lots with a multistory office building (located near the S. Wadsworth/W. Mansfield intersection) and two blocks of surface parking lots that are separated by a private shared driveway. Access to the site is taken from W. Mansfield Avenue. The site has sloping topography with the highest point near the Wadsworth/ Mansfield intersection and lower elevations located in the southeast portion of the site. Most of the site is located approximately 20 plus feet below the elevation of the Wadsworth Blvd. The current PD/M-E-S zoning allows a range of non-residential and residential uses. The properties located to the northeast and east of the subject site have the same Planned Development zoning. The property to the west is zoned PD/R-1-6, which is a single-family residential zone district. To the north of the site is a property that was recently rezoned to Mixed-Use General Suburban (M-G-S) and the property to the south is zoned Mixed Use Employment Suburban.

Ms. Pafford showed the Conceptual Land Use Plan and provided information on the existing facilities and improvements on the site. If approved, the existing property line between lot 1 and lot 2 would be adjusted based on the proposed M-E-S and M-R-S zone district boundaries. She outlined the property boundary and showed the street connectivity. If approved, the applicant intends to move forward with a formal Subdivision and Major Site Plan process where staff would review pedestrian and street connectivity, detention and water quality, and compliance with all applicable development regulations.

Ms. Pafford stated the neighborhood meeting was held on January 10, 2019. One Lakewood resident attended and was generally supportive of the development and liked the idea of incorporating residential uses.
Ms. Pafford explained that notification for the public hearing was provided pursuant to the requirements of the City of Lakewood Zoning Ordinance. She added staff received 68 letters of support for the rezoning. Ms. Pafford 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 recommend that the City Council APPROVE rezoning case No. RZ-19-001.

Public Comment OPENED at 7:56 p.m.

KAY WALLIS is a Lakewood school teacher. She owns a property in the Creekside Development. She stated this is a quality property and has good accessibility in the area which appeals to many people. She added many teachers live outside of Lakewood. It is important for them to be able to have a place that is close to schools. She is in support of the project and stated it is important for diversity and for the community to increase quality and affordable housing within Lakewood.

STEPHANIE VANDENBERG has lived in Lakewood for 4 years. Her children attend Addenbrook Classical Academy and stated the school has around 800 students. Denver Christian School is also on S.Teller St. Ms. Vanderburg stated the first day of school was stressful due to all the traffic. She is concerned with adding additional traffic in the area and added parents with students that attend the adjacent schools like to park in the vacant parking lot on this site.

JOEL GEORGE is a tenant in the existing office building (the West Point Building) and confirms there is a vacant lot on the property. He is in support of the rezoning. He believes the impact to tenants would be minimal and added local residents could walk to work. He expressed concern with traffic on W. Mansfield Ave. and S. Teller St. and recommended a roundabout. He does not believe traffic should be a reason to deny the application.

MERRY HANSEN states she works in the building at 3900 S Wadsworth Blvd. She stated that she has concerns with traffic in the area. She showed on a map where parents have to turn for the schools and also pointed out the intersection of S. Pierce Way that meets with W. Quincy Ave. She stated there is a gate that is closed and locked and added that the gate needs to come down.

BARB CHAYET purchased a new townhome from Creekside homes and stated she could not find this style of townhome anywhere in Lakewood. Renting in Lakewood is very expensive and her mortgage is less than what she would pay for the same type of property. She knows of others that would like to own this product in Lakewood. She believes the empty parking lot would be a good place to put this development. It is an enhancement for the community. She believes it would be fair for others to have the opportunity to purchase a home. She is in favor of the rezoning.

CARRIE ELLIS has been a resident of Lakewood for 20 years. Her concern is the traffic in the area. The schools are a great benefit to the community. She stated traffic is hazardous on S.
Wadsworth Blvd. There has been an increase in the number and severity of accidents. Ms. Ellis believes that different driving lanes need to be created. She also wanted to know how long will it take for the construction of this product. Ms. Ellis stated her father-in-law signed a form letter in support, however, he would not have done this had he known what he was signing.

MAXWELL MARCUM stated that he was raised in the north Lakewood/south Wheat Ridge area. He stated that he has had issues finding an affordable home in Lakewood and added there needs to be affordable housing for a young person to remain in the community where you grew up. He is in favor of the project but thinks there should be a traffic study.

WILLIAM MCCOLM lives in Windsor at Pinehurst Apartment Complex to the south of the proposed project. He has concerns with the topography and slope of the area. He stated the detention pond area floods with water when it rains. He added there is a lot of wildlife in the area and would not survive with more construction. He added the traffic on S. Teller St. is awful. He does not support the rezoning as it is just to support the development. He would like to see the vacant lot redeveloped into a park or open space.

DAVID LEWIS is a business owner in Lakewood and is in favor of the rezoning. He says this development would increase the probability of his employees buying in the area and remaining with the company. It would be a benefit for his employees to not have a long commute to get to work.

SARAH RODRIGUEZ has children go to Addenbrooke Classical Academy and stated the traffic is awful. She stated that Colorado Academy is also a school in the same area. The traffic is bad at the intersection at W. Quincy Ave. and S. Wadsworth Blvd. She believes there is a way for more than one entrance to be constructed. She would like to see a reconfiguration of the road and for the locked gate to be opened.

DOUG HEALEY stated this is the first time he heard the issue regarding traffic. He added that the school is causing the traffic problem and added they are happy to help in any way. He does not believe that adding 30 units will have a negative impact on traffic.

Public Comment CLOSED at 8:27 p.m.

COMMISSIONER SINKS asked what process the applicant went through to get the letters of support.

STEVEN SUNBERG speaking on behalf of Creekside Communities (the developer that is proposing to build townhomes on this site) stated that they wanted to get out into the community to see where the public stood on the project. He added they prepared form letters to make it easy for people who were in support of the proposed townhome project. These letters were based on the input of the public. He added most were in support of the project.

COMMISSIONER SINKS stated she thinks it was rather sloppily done and does not like the form letters.
STEVEN SUNBERG stated they took the input from the outreach efforts and drafted standard templates to make it easier for people to participate. No one pushed back. He added that most of the letters were geared to businesses.

COMMISSIONER SINKS added to her, it looks like it was orchestrated with the form letters. There is nothing specific in the information. She asked if there was an age limit for the residential letters.

STEVEN SUNBERG answered that only adults were able to sign a letter of support.

COMMISSIONER SINKS stated there was a lot of paper that the Planning Commission received and stated the letters were rubber stamped and did not have a lot of information. She stated in the future she would like staff to go through the letters to make sure there is information on the type of business and that it is presented in a different form.

PAUL RICE answered that the letters are public comment and these types of form letters are received when there is an organized effort for support as well as opposition for a specific project. When public comment is submitted, it is not sorted through and staff does not give applicants direction on how to gather public comment. The letters were submitted to the Planning Commission as part of the packet material.

COMMISSIONER SINKS asked if there is a way to make a list and summary of the public comment that is received.

PAUL RICE answered the letters are public record and need to be included in the packet in the form that they are received.

COMMISSIONER MILLER noted it is acceptable for both opponents and proponents to organize and communicate with one another. All the people have the right to sign and send letters. He asked if a person can rescind a letter they signed.

PAUL RICE stated they can retract the signed letter through testimony or submit a retraction in writing.

COMMISSIONER COHN stated he witnessed the traffic around 3:30 and stated Addenbrooke Classical Academy had many empty parking spaces. He asked why there is a locked gate in the public right of way.

TONI BISHOP stated the City of Lakewood would like to have S. Teller St. go through; however, the S. Pierce Way right-of-way is located within the City and County of Denver's jurisdictional boundary. The City of Lakewood has asked to remove the locked gate, but the City and County of Denver will not allow access in this location to S. Pierce Way. Staff is currently looking at the enrollment records of the adjacent schools and hopes to present new data to the City of Denver to persuade them to allow access.
COMMISSIONER COHN asked if the locked gate is in the public right-of-way

TONI BISHOP answered it is dedicated public right-of-way however, you cannot take access to S. Pierce at this time.

COMMISSIONER BARTLETT asked how it provides emergency access if it is gated.

TONI BISHOP answered there is a knox box which is approved by West Metro Fire Protection District, allowing them emergency access.

COMMISSIONER BARTLETT stated it sounds like it could cause a delayed emergency response.

PAUL RICE stated the fire departments will have keys to knox boxes. Police and ambulance typically do not have the keys and would have had to drive around.

COMMISSIONER COHN asked if Denver Fire and Health have keys to the box.

TONI BISHOP stated she believes area is serviced by West Metro Fire and is not sure if it is a universal key.

COMMISSIONER MILLER asked if there is access to S. Pierce St. from W. Mansfield Ave.

TONI BISHOP answered no.

COMMISSIONER MILLER asked if a roundabout would mitigate the problems?

TONI BISHOP answered there would require an engineering study, it was not a recommendation with the traffic study. A roundabout would require a lot of land and would require property from adjacent property owners.

COMMISSIONER MILLER asked if S. Pierce St. at Hampden is in Lakewood.

TONI BISHOP answered yes it is.

COMMISSIONER COHN asked if the retention pond in northeast corner will remain.

DONNA BARRATINE stated it is a storm water detention pond and has been sized for all the impervious area for lot 1 and lot 2. She stated with the proposed development and the additional open space, it will likely reduce the storm water runoff to the pond.

COMMISSIONER COHN asked if there would be an alteration with the wilderness that is present currently.

DONNA BARRENTINE stated they would reestablish vegetation and trees around the pond.
COMMISSIONER COHN asked if the detention area on conceptual land use plan all belongs to the applicant and asked if it is all part of the rezoning request.

DONNA BARRENTINE stated yes, the detention area it is currently part of lot 1, with the M-E-S Zone District request. This area will remain part of lot 1 for the purpose of site detention and will be maintained by the property owner.

COMMISSIONER COHN asked if there are current plans to build to the south of the office building or asked if it would remain a parking lot.

DONNA BARRATINE answered it would remain a parking lot. There is no current plan to do anything with the larger parking lot as this is a necessary facility for the office tenants.

DOUG HEALLY stated it is not economically feasible to redevelop the parking lot on lot 1.

COMMISSIONER COHN asked if there is a plan to make any part of the lot a public right-of-way.

DONNA BARRENTINE answered there are no plans to convert the private internal drive to public right-of-way, it is necessary to the flow of traffic in and out of the parking lot.

COMMISSIONER COHN asked how long the lot 2 parking lot has been roped off.

DOUG HEALLY answered it was closed off approximately 8-9 months ago for liability reasons.

COMMISSIONER HEALD asked for clarification on the material change in the character of the neighborhood rather than just the material change in the office park.

BREA PAFFORD answered the terms neighborhood and Academy Park development are used synonymously with respect to changes in the character of the area.

COMMISSIONER HEALD asked why there was not a second neighborhood meeting held after the applicant changed their request for zoning.

BREA PAFFORD stated that staff had initially discussed potential modifications to the PD to adjust the parking standards; however, that would have required coordination with all of the remaining property owners within the Academy Park PD. Later, when the City received an application to rezone the property to the north of this site at 3840 S. Wadsworth Blvd. to M-G-S, it seemed like that would be an appropriate zone district for this proposal as a continuation of the existing M-G-S zoning along the Wadsworth corridor. After further analysis of the formal rezoning request, the proposed townhome development and the proposed residential land use restrictions from the Lakewood Development Dialogue process, the split M-E-S and M-R-S zone districts and their land use limitations seemed to be a better fit. Specifically, because the applicant had no intent on introducing land uses that are allowed under the M-G-S, but not allowed under the two proposed zone districts.
PAUL RICE answered staff did look at having a second meeting, but felt that the proposed change in the rezoning request from M-G-S to M-E-S and M-R-S effectively removed potential land uses that would have been allowed under the M-G-S proposal at the time of the neighborhood meeting. As such, staff determined that a second meeting was not warranted. Because there was only one neighbor that showed up to the first meeting, staff recommended that the applicant work on additional outreach to business owners, tenants and property owners in the area for additional feedback.

COMMISSIONER HEALD stated there was not a conceptual land use plan for the neighborhood meeting and asked if is it custom to have a conceptual land use plan to discuss uses.

PAUL RICE answered staff’s suggestion to applicants is to talk about what they want to do with the property; however, they can present a concept plan if they choose. The reason staff advises applicants not to show a conceptual land use plan, is because this is a rezoning request. The rezoning process does not evaluate or approve a specific development proposal or a specific land use.

COMMISSIONER HOLLENDER asked if the parking south the existing office building will remain.

BREA PAFFORD answered that she was not aware of any proposal to remove any parking to the south of the office building. Per the current PD zoning, there are only a few dozen spaces that can be eliminated from either parking lot before the parking for the office building would become non-compliant.

COMMISSIONER HOLLENDER asked if lot 2 was taken out of the equation, would parking requirements still be met.

BREA PAFFORD answered there are minimum and maximums parking requirements in straight zone districts proposed by the applicant. In the proposed M-E-S zone district, the minimum parking ratio for an office use is 1.5 spaces per 1,000-square feet. However, since most of the south parking lot is used by the office building; it appears that there may be a higher demand for parking on Lot 1 than the minimum that is required within the proposed zone district.

COMMISSIONER HOLLENDER asked how about the types of jobs in the area and asked for the prices of the proposed homes.

STEVEN SUNDBERG answered the price point would be in the $300,000 range. The marketing team has done their due diligence.

DOUG HEALLY stated within Academy Park there are a variety jobs. In his building there is a Computer and Land Planning Company, Attorneys, Engineers, and Title Companies. There are a variety of companies with employees that can afford the homes.
COMMISSIONER HOLLENDER asked if there was a traffic study done.

TONI BISHOP answered there was traffic study done with the development proposal. They included the trip generation for a residential development as well as another land use that would be allowed under the proposed zone district, which would also be a higher trip generator with respect to daily traffic trips.

COMMISSIONER HOLLENDER asked what did the traffic study show?

TONI BISHOP answered there would be about half trips generated by this proposed development than if this was developed as an office use.

COMMISSIONER HOLLENDER asked if the traffic problem would be solved if the gate was open.

TONI BISHOP answered that she does not know as that was not a factor of the traffic study.

COMMISSIONER MILLER asked what jurisdictions surround this development.

TONI BISHOP answered City and County and Denver and Jefferson County.

CHRIS MAGRANIHAN stated he did the traffic study for the development. He added with the townhome project, that there would be very few trips generated from the proposed development during the peak morning hours when students are arriving at school. The commuter peak hours around 5 pm was fine, because the afternoon school traffic occurs earlier in the afternoon. The schools are the main culprit for the existing traffic problems. The residential units are more compatible with respect to traffic generation than the existing businesses and schools.

COMMISSIONER HOLLENDER asked what a denser use showed in the traffic study.

CHRIS MAGRANIHAN state a 12,000 square foot daycare center was looked at and it would generate 570 trips. A multifamily housing development would generate 250 trips.

COMMISSIONER HOLLENDER asked if un-locking the gate was considered.

PAUL RICE answered that the traffic study parameters are given. He stated that the connection from Teller to Pierce was not an option, since this is not something that the City of Lakewood can control. Therefore, potential traffic movements at this intersection would not have been looked at in the traffic study.

COMMISSIONER SINKS asked if it was because of parking that two separated cases not made.

BREA PAFFORD answered both properties are under the same ownership and added without
the second parking lot the office building would be non-conforming with the current zone district. Both lots required a rezoning to accommodate the proposed development.

COMMISSIONER MILLER asked for clarification on why working with a Planned Development requires more time, effort and money for staff.

BREA PAFFORD answered that navigating the Academy Park PD is difficult and requires a significant amount of staff time to review both small and large development proposals. The text within the PD is also not searchable (like our current zoning ordinance) and the organization of the document is not user friendly.

PAUL RICE also mentioned that the land uses contained within the Planned Development are more permissive than the land uses that are permitted in both the M-E-S and M-R-S zone districts.

COMMISSIONER MILLER stated there was a discussion in the 2014 zoning code discussion to remove Planned Developments.

PAUL RICE answered there was a proposal to remove the PD zoning for Academy Park as part of the legislative rezoning. The property owners on southern 3rd of Academy Park had specifically requested to be removed from the PD, which they were through that legislative rezoning process. The remaining 2/3rds of the property owners were fragmented, so the PD was maintained on those parcels.

COMMISSIONER BARLETT asked why the Architectural Design Committee dissolved.

BREA PAFFORD answered it was her understanding that there has not been an active design committee for at least 5 years. A key member of that group decided to retire and there was no one that wanted to take over the management of the design committee. Most members that sit on committees get paid for their services and it can become costly for developments to maintain an active design review committee.

COMMISSIONER SINKS stated on the conceptual land use plan it states 518 parking spaces remain, and it also states 11.99 acres. She asked how many acres is 518 parking spaces?

DONNA BARRETINE answered the lot 1 parcel includes parking spaces to the north of the lot 2 parcel. There are 518 parking spaces on the west of the site.

COMMISSIONER SINKS asked if lot 1 will continue to look the same.

DONNA BARRETINE answered yes, lot 1 will remain the same.

COMMISSIONER HOLLENDER asked if a more intense use is proposed, will there be any new traffic studies required.
TONI BISHOP answered if there is a proposal for more an intense use for lot 1, they would need to revisit the traffic study.

COMMISSIONER HOLLENDER asked if there are any traffic improvements proposed for the area.

TONI BISHOP answered there are no improvements required.

PAUL RICE answered the proposed M-R-S zone district allows for a mix of uses but these are limited. These other non-residential uses can only be 20% of the total square footage of the building. The daycare could be allowed as an accessory use to another permitted use.

COMMISSIONER HEALD asked if it is intended to have a 2 car garage per townhome along with visitor parking.

DONNA BARRETINE answered the concept is to have 2 spaces within each garage. There will be 8 visitor parking spaces and 1 which is ADA accessible.

COMMISSIONER MILLER asked how many square feet of office space is in the building.

DONNA BARRETINE answered there is 175,000 square feet, once maintenance rooms and elevators shafts are subtracted out, the effective gross floor area of the building is 154,000. This is the number used to calculate parking space requirements.

COMMISSIONER MILLER asked how many parking spaces are on the west side.

DONNA BARRETINE answered there are 518 spaces on the west side.

COMMISSIONER MILLER asked if the office building was 96% occupied.
DONNA BARRETINE answered, as of June or July, that is correct.

COMMISSIONER MILLER stated there are unfinished connections in the area. Are pedestrian and bicycle lines in the bicycle master plan?

TONI BISHOP stated in the bicycle master plan there are no on street bike lanes proposed or existing. Most of the sidewalk systems are based on older standards. When developments are proposed, the requirement for new facilities is assessed at that time.

COMMISSIONER MILLER what would be required for pedestrian and bicycle access.

BREA PAFFORD answered pedestrian connectivity has specific requirements in the Zoning Ordinance. This would be reviewed during the Major Site Plan process.

COMMISSIONER MILLER asked if the developer would be required to put in improvements beyond the site.
PAUL RICE answered new developments are responsible for connectivity within the development.

COMMISSIONER MILLER stated the City should be proactive with pedestrian connectivity. He stated there should be some creative traffic solutions for the area.

COMMISSIONER COHN made a MOTION to adopt the findings of fact and order as presented in the staff report and recommend that City Council APPROVE Rezoning Case No. RZ-19-001.

SECONDED by COMMISSIONER SINKS

COMMISSIONER COHN stated this proposal would add housing and employ land that is standing idle at the present time. He would urge staff to see what they can do with the various neighborhood groups, schools and City and County of Denver to solve the traffic situation. He looked across Pierce Way saw a golf course and recognizes the City and County of Denver is concerned with their roads. The schools have quite a bit of land and maybe they can rearrange their land for a more efficient drop off.

COMMISSIONER HOLLENDER finds it appalling the City of Denver and City of Lakewood can't come to an agreement to remove the gate. With the possible exception of a daycare, the traffic generated of the development would not be at the same time as the school and would not impact traffic. He added residential units for the employees would reduce traffic.

COMMISSIONER HEALD agrees with Commissioner Cohn and Commissioner Hollender. He proposed a change for the finding of fact and order that the states there is a material change in the neighborhood. He believes it would be more accurate to state there has been a material change in the Academy Park Office Park.

PAUL RICE stated rezoning criteria states neighborhood and which in this case is essentially the office park. Section 17.2.3.3 states the review criteria. A.3.B reads 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 criteria is codified and cannot be modified. Focus on second part of the statement and not the first part.

COMMISSIONER MILLER asked if there can be a clarification in the staff report that would go to City Council.

PAUL RICE stated it will be documented in the minutes. The staff report cannot be changed.

COMMISSIONER HEALD stated he just wanted it clarified how it was viewed by staff and feels that it being documented in the minutes is sufficient.
COMMISSIONER SINKS stated she will be supporting the rezoning. This product is what Lakewood needs. It is a great product in a place where Lakewood needs it. She stated it is a growth area on a vacant lot.

COMMISSIONER BARLETT reiterated what COMMISSIONER SINKS. He stated this conforms with rezoning criteria as he knows it. He believes the proposal is a good use for the vacant parking lot.

COMMISSIONER MILLER stated he will support the rezoning. He added the character of the neighborhood has changed and the development would be nice. He likes the better use of the property. He added the vacant land is owned by someone and is not open space. It is consistent with the Comprehensive Plan and Sustainability Plan. He understands the comments from people that do not want more housing, but will be supporting this rezoning.

COMMISSIONER HOLLENDER confirmed form letters are received in a lot of cases. To him it says there is more support than opposition.

COMMISSIONER SINKS would like to explore other options for how materials are presented.

VOTE TAKEN –

Six Ayes – Commissioners BARTLETT, COHN, HEALD, HOLLENDER, MILLER, SINKS,

Zero Nays.

MOTION PASSED

ITEM 4: APPROVAL OF MINUTES
Minutes from the July 17, 2019 Regular Meeting were approved by unanimous voice vote with one change.

ITEM 5: General Business
PAUL RICE stated packet materials can be added as a discussion at the retreat.

COMMISSIONER MILLER stated a thought would be to only receive some paper and others emailed as a PDF.

PAUL RICE added it can be discussed what is printed. City council receives their packets online.

COMMISSIONER BARTLETT stated a summary of comment report is more work for staff.

PAUL RICE stated staff could misinterpret comments and this is why staff does not touch public comment. Discussion regarding packet material can be done at the retreat.

COMMISSIONER COHN asked if the Development Dialogue is still underway.
PAUL RICE stated there are a series of topics that they want to address but have not come back to. City Council has other issues they are addressing, so the Development Dialogue is on pause.

ADJOURNMENT
Meeting adjourned at 10:10 PM.

Date Approved
12/16/19

Paul Rice, Secretary
to the Planning Commission