



PLANNING COMMISSION STAFF REPORT

REZONING CASE NO. RZ-18-006
CASE NAME: 730 Simms Street Rezoning

REPORT DATE: February 20, 2019
PC DATE: March 20, 2019

ADDRESS(ES) OF REZONING:
730 Simms St.
Lakewood, CO 80401

CASE ADDRESS:
730 Simms St.
Lakewood, CO 80401

APPLICANT:
Zocalo Community Development, LLC
455 Sherman Street, Ste. 205
Denver, CO 80203

PROPERTY OWNER:
Silagi Simms, LLC
101 Hodencamp Road, Ste. 200
Thousand Oaks, CA 91360

REQUEST:

The request is to rezone the property located at 730 Simms St. from Commercial Regional (C-R) to Mixed-Use Residential Suburban (M-R-S) to allow for multifamily development.

CITY STAFF:

Development Review Planning
Development Review Engineering
Traffic Engineering
Property Management
Community Resources

Kara Mueller, Senior Planner
Keith Hensel, Project Engineer
John Padon, Manager, Traffic Engineering
Spencer Curtis, Right-of-Way Agent
Ross Williams, Parks Planner

STAFF RECOMMENDATION:

That the Planning Commission recommends that the City Council approve Case No. RZ-18-001.

Handwritten signature of Kara Mueller in cursive.

Kara Mueller, Senior Planner
Planning – Development Assistance

Handwritten signature of Paul Rice in cursive.

Paul Rice, Manager
Planning – Development Assistance

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SUMMARY OF REQUEST

The request is to rezone the property at 730 Simms St. from Commercial Regional (C-R) to Mixed-Use Residential Suburban (M-R-S). The applicant is proposing to convert the existing 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. As depicted in Figure 1 below in yellow, the subject property is located east of South Simms Street, south of West 8th Avenue and north of West 6th Avenue in the US Frontage Road Community Activity Area.



Figure 1

PROCESS – REQUIRED CITY APPROVALS

Overview – The rezoning process includes a neighborhood meeting, formal application, public hearing with the Lakewood Planning Commission and a public hearing with the Lakewood City Council. The Planning Commission will review the rezoning request at the public hearing and then make its recommendation to City Council. The City Council will then review the Planning Commission public hearing minutes, the Planning Commission recommendation, the staff report, and then hold a second public hearing, after which they will make a final decision on the rezoning application.

If the rezoning application is approved then there is a required 45-day referendum period. If there is no referendum then the applicant may proceed with a proposal for a major site plan. The future major site plan proposal must meet all City standards.

Plans: All rezoning applications are required to include a Conceptual Land Use Plan. The Conceptual Land Use Plan for this case is included as an attachment to this staff report (Attachment D). The Conceptual Land Use Plan outlines the specific elements that are unique to the site and the plan is intended to supply enough information about the rezoning request for the Planning Commission to make its recommendation and the City Council to make a decision.

The Major Site Plan, which is not a part of the rezoning process, will determine final layout of roads, buildings, parking lots, open space, building architecture, landscape design and other site elements. The Major Site Plan will be reviewed against the standards in the Zoning Ordinance, the Engineering Regulations and the Conceptual Land Use Plan. The Major Site Plan may be approved administratively provided the proposal(s) meet the City's standards.

ZONING AND LAND USE

	North	South	East	West
Adjacent Zoning Designation	Commercial Regional (C-R)	Commercial Regional (C-R)	Commercial Regional (C-R)	Mixed-Use General Suburban (M-G-S)
Adjacent Land Uses	Office Building	Lakewood Ford Land	Vacant Office Building	Retail/Office

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

Existing Conditions – The property currently has an office building that has been vacant for over a decade and is approximately 180,500 square feet in size and 4-stories in height with an associated parking lot. The existing building is built into the topography of the property which slopes from the southeast to the northwest, making the building at its tallest along the Simms Street corridor.

The property to the east also has a vacant office building and a shared drive aisle that provides access from 730 Simms Street to West 8th Avenue. There is a current right-in, right-out movement onto Simms Street that will remain.

Development History – The office building has been vacant for over a decade and the site has been underutilized. The applicant is proposing to repurpose the existing structure for multifamily residential use. Future plans may include building a separate stand-alone condominium building on-site.

AGENCY REVIEW AND NOTIFICATION

Notice of the Planning Commission public hearing for the rezoning request was mailed to 111 tenants and owners of property within 500 feet and to 5 registered neighborhood organizations within a 1/2 mile of the subject property, as required by the Lakewood Zoning Ordinance. The project material was also sent to 7 outside referral agencies for review, as indicated in the table below.

Agency	Notification for Neighborhood Meetings Sent	Notification for Planning Commission Hearing	Referral Sent	Comments Received
West Metro Fire Protection District			X	X
High View Water District			X	
Daniels Sanitation District			X	
Xcel Energy			X	X

Century Link			X	X
Comcast Cable			X	
Lakewood Police Department			X	X
Jefferson County Public Schools			X	X
Property Owners within 500 feet	X	X		
Daniels Welchester Neighborhood Association	X	X		
Eiber Neighborhood Association	X	X		
Mountain Crest Townhome Condo Assn.	X	X		
Union Corridor Professionals Group	X	X		
West Colfax Community Association	X	X		

Referral Agencies' Comments - The City received no objections in response to the case referrals. The following is a summary of the comments received in response to the agency referral documented in the chart above.

1. West Metro Fire Protection District had no objection to the proposed rezoning.
2. Xcel Energy had no objection to the proposed rezoning, contingent upon their ability to maintain all existing rights.
3. Century Link had no objection to the proposed rezoning.
4. The Police Department performed a Crime Prevention Through Environmental Design (CPTED) review and had no concerns with the rezoning and will provide future comments with a development proposal.
5. Jefferson County Public Schools reviewed the information and has no objections to the proposed rezoning and has requested fees-in-lieu of land dedication when this development moves forward.

Neighborhood Comments –There were two neighborhood meetings held on July 24, 2018 and July 26, 2018 to introduce the proposal and gather feedback on the rezoning request. The initial zoning request was to zone the property to M-G-U. After feedback from the neighborhood meetings the applicant decided to change the proposal to M-R-S in response to the comments received at the two neighborhood meetings. These comments included choosing a zone district that was more closely tailored to multifamily residential development that eliminated many uses allowed in the M-G-U, required more open space and a lower maximum building height. The M-R-S zone district fulfills these desires.

Neighborhood stakeholders asked questions about the following issues:

- Density, height and open space
- Traffic generation
- Zone district and allowed uses
- Process

The applicant is proposing 210 multifamily units in the existing office building with an average unit size of 900 square feet. These units will be for rent at market rates. The applicant stated that they like the opportunity to breathe new life into the existing building and that repurposing the existing office building will keep costs of construction to a minimum so that units can be

more affordable. The applicant would like to modify the building by cutting an atrium into the center of the building allowing for light to the interior units. The applicant presented an option for a second phase to construct a condominium building with for sale units.

The neighborhood seemed receptive to the proposal to reuse the building for multifamily use and preferred this location over the location of some of the more recent multifamily developments to the south within the Union Corridor.

The applicant also discussed the potential of a roundabout at the West 8th Avenue and Quail Street intersection to aid with access options for this property and 740 Simms Street to the east. This public improvement is not a requirement of the rezoning application; however, they are looking into possibly completing this improvement in the future.

See Attachment E for summaries of the neighborhood meetings.

PROJECT ANALYSIS

Overview - The subject property is currently zoned C-R and does not allow multifamily residential. The proposed M-R-S zone district allows for multifamily residential with a maximum height of 60 feet and requires 25 percent of the site to be open space. The applicant worked with the neighborhood organizations and residents in attendance at the two neighborhood meetings to decide that the M-R-S zone district is appropriate for the site. Those in attendance at the neighborhood meetings desired a zone district that was more closely tailored to the proposed multifamily residential development, required more open space and a lower maximum building height. The applicant is proposing to reuse the existing office building and convert it into for rent multifamily units. A potential future phase may include a for sale condominium building on the property to the south of the existing building. This rezoning request will effectively fulfill the goal of providing higher density residential to aid in the shortage of rental units along major corridors with easy access to public transit.

Comprehensive Plan - The primary document for guiding land use decisions is the *Lakewood 2025: Moving Forward Together Comprehensive Plan*. The Comprehensive Plan is a long-range plan that looks 10 years into the future. It is a policy document that provides guidance to City Council, Planning Commission, City staff, residents, businesses, and developers to make informed decisions about the current and future needs of the community. The Comprehensive Plan is available on the City's website under the following URL:
<http://www.lakewood.org/CommunityPlans/>

The purpose of the Comprehensive Plan is to identify and articulate the residents' values and goals and help the community achieve its desired future through a vision statement, guiding principles, goals and actions steps. The City's Vision Statement is articulated on pages 3-5 & 3-6 of the Comprehensive Plan and it is intended to set a direction for the future of the city rather than being simply a prediction.

The Comprehensive Plan has a Land Use Vision Map (Map 3-d, page 3-21) that indicates Growth Areas and Neighborhood and Community Activity Areas. The Growth Areas are intended to accommodate the vast majority of the residential and employment growth anticipated for the City. This property is located within the US Frontage Road Community Activity Area. Community Activity areas are planned and zoned 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. The subject property is to the east of the Simms Street major corridor and just north of the West 6th Avenue major corridor and is located

between the Union Boulevard and Federal Center Growth Areas. While the current C-R zoning allows for employment and retail opportunities it does not allow for higher density residential. This location is within approximately 1 mile of two light rail stations that support higher density residential, employment and retail opportunities. The M-R-S district will retain the ability to provide some retail and employment uses, providing the ability to develop a mix of uses, if desired.

The property is within the West Lakewood Neighborhoods area, which is characterized by predominately smaller lot single-family residential housing with the higher-density housing found in the Union Square neighborhood. This site is well situated to take advantage of the Federal Center transit station development and amenities along the Union corridor. The rezoning request will aid in providing housing within the Union corridor and the City as a whole.

This staff report is being evaluated on the land uses allowed in the proposed M-R-S zone district. The applicant's intent is to convert the existing office building into multifamily use to decrease the construction cost translating into lower cost rental units. The population to be served and the cost of the rental units is not review criteria. Staff has evaluated this rezoning proposal and potential land uses for the City's overall population. Please see the applicant's written description, Attachment C, for how this rezoning proposal meets the goals of the Comprehensive Plan.

Lakewood Zoning Ordinance - The Lakewood Zoning Ordinance provides information about zone district standards, specific development regulations and planning process. As stated in Article 3: Zone Districts, "The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods". Further the suburban context reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is not conducive to the highest level of pedestrian connectivity.

Development standards vary depending on the zone district and the zone district standards directly affect the use and form of allowable development. For a comparison of the C-R and M-R-S zone district standards, see Attachment D.

Review Criteria - The review criteria for rezoning requests are outlined in Section 17.2.3.3.A of the Lakewood Zoning Ordinance. Staff's analysis of the rezoning request against these standards is provided below in Section A.

A. Conformance with Standards for Rezoning Criteria §17.2.3.3.A:

1. The proposed rezoning promotes the purposes of the Zoning Ordinance as stated in Section 17.1.2.

The proposed rezoning will support the purpose and intent of the Zoning Ordinance as follows:

- The public health, safety and welfare of the citizens of the City of Lakewood will be maintained.
- Implements the vision, goals and recommendations of the Comprehensive Plan by providing quality infill development that is compatible in form with surrounding uses, while providing housing options for the City's growing population.

- Is sustainable development in reuse of the existing office building.
- Fills a need for housing for the growing population through providing a market driven housing type and price point to meet the needs of the current and future population of Lakewood.
- Ensures effective integration of residential development with surrounding office land uses.
- Quality site and building design will be met through the development process, including connectivity, design and landscaping.
- Will ensure the economic vitality of the Union and Simms major corridors and Community Activity Areas by promoting compatible development that meets housing needs.

2. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan.

The proposed rezoning is compatible with the existing surrounding land uses as follows:

- The proposed rezoning is compatible with the existing surrounding land uses in that the form of the buildings are compatible and high density residential is compatible with office and retail uses in the area. A mix of employment, retail and residential will allow 24/7 surveillance of properties.

3. The proposed rezoning meets at least one of the following:

The zoning ordinance requires that one of the following three factors must exist.

i. The proposed rezoning promotes implementation of the Comprehensive Plan.

The proposed rezoning will promote the implementation of Lakewood Comprehensive Plan as follows:

- The demographics of Lakewood illustrate a growing population as evidenced in the Comprehensive Plan. This results in the need for additional housing accommodations throughout the City.
- The proposed rezoning will support the community's guiding principles, goals and actions steps by:
 - Goal I-CA1 – Maintain the area as a viable community-scale shopping and office district within the US Frontage Road Community Activity Area.
 - Develop tools to encourage property owners to rehabilitate aging building and sites, and redevelop older or inefficient commercial and office building in the activity area. (Goal-CA1, Action Step b).
 - While tools still need to be developed to meet this action step this rezoning proposal allows for the rehabilitation of an inefficient office building and underutilized site into a multifamily development that provides for a mix of uses in this Community Activity Area.
 - Evaluate opportunities to increase the mix of uses in the area. (Goal I-CA1, Action Step b).
 - Rezoning this property to M-R-S will provide the opportunity to introduce residential within this Community Activity Area allowing for a mix of uses in the area while still maintaining a majority of the C-R zoning.

- Goal I-CS3 – Enhance commercial and mixed-use districts to create quality working, living, shopping, and dining experiences.
 - Identify opportunities to work with owners of older commercial and mixed-use properties to reinvigorate projects through reinvestment and redevelopment. (Goal I-CS3, Action Step b).
 - The office building on this site has been vacant for approximately a decade and as such has been underutilized. Office space has the greatest vacancy within the City and rezoning this property to allow for residential use will reinvigorate this site and provide additional residents to utilize the existing office and retail within the corridor area.
 - Goal L-H1 – Provide an adequate mix of housing to meet the needs of all segments of the community.
 - The proposed rezoning will allow for multifamily residential integrated into the existing office and retail uses along the Simms corridor between the Union and Federal Center Growth Areas. This site is also approximately 1 mile from two light rail stations allowing easy access to multimodal transportation options for the proposed multifamily residential use. The M-R-S zone district allows for multifamily residential with the potential of ground floor retail and office uses that are appropriate for low maintenance living and that meet the need for housing within the City of Lakewood.
 - Goal L-N3 – Strengthen and support Lakewood’s neighborhoods.
 - This property is within the Community Development Block Grant (CDBG) area. While this project is not utilizing CDBG block grant funds it is reinvesting in a CDBG target area, which meets the goal of strengthening the area and enhancing the efforts sought by the CDBG block grant.
 - Goal L-N5 – Promote clean and safe neighborhoods.
 - Injecting multifamily residential within this underutilized employment area will enhance the activity within the area deterring crime and placing eyes on the surrounding properties 24/7.
 - Goal S-EB1 – Increase resource efficiency in buildings.
 - The adaptive reuse of the existing building will increase the energy efficiency of the existing building.
- ii. **There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.**
- Not applicable.
- iii. **The property was rezoned in error.**
- Not applicable.
- B. Engineering Analysis.** A traffic report was required as part of this rezoning request. The traffic report indicates that the surrounding streets can adequately support the trip generation that could be generated with this proposed rezoning. Further engineering documents will be required with the submittal of a major site plan application.

FINDINGS OF FACT AND ORDER

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

- A. David Zucker, Zocalo Community Development, LLC, is proposing to rezone from Commercial Regional (C-R) to Mixed-Use Residential Suburban (M-R-S); and
- B. Notice of the Public Hearing was provided to the fee owners of property and residents within 500 feet and registered neighborhood organizations within a 1/2 mile as required by the Lakewood Zoning Ordinance; and
- C. Notice was published in the official City newspaper at least six days prior to the hearing; and
- D. The request was reviewed by the appropriate referral agencies; and
- E. The proposed rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2.; and

- F. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan; and
- G. The proposed rezoning promotes the implementation of the Comprehensive Plan; and

AND

The Planning Commission adopts the findings of fact and order, A through G, as presented in this staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-18-006.

cc: Case File- RZ-18-006
David Zucker, Applicant