PLANNING COMMISSION REPORT

REZONING CASE NO. RZ-13-003 **REPORT DATE:** September 17, 2013

PLANNING COMMISSION DATE: September 25, 2013 CASE NAME: 300 S. Zinnia Way Rezoning

ADDRESS OF REZONING PROPOSAL:

300 S. Zinnia Way Lakewood, CO 80228

APPLICANT:

Terry and Nancy Kunz 2770 Isabell Street Golden, CO 80401

REQUEST:

The applicant is requesting to rezone the vacant property, 300 S. Zinnia Way, from the Planned Development/Mixed-Use Residential Suburban (PD/M-R-S) zone district to the Mixed-Use Residential Suburban (M-R-S) zone district.

CITY STAFF:

Planning – Development Assistance Andrea Rand, Associate Planner Engineering - Development Assistance Dieter Magin, Civil Engineer III

Traffic Engineering John Padon, Traffic Engineering Manager Rosie Glorso, Right-of-Way Technician **Property Management Community Resources**

Ross Williams, Parks Planner

STAFF RECOMMENDATION:

That the Planning Commission recommends that the City Council approve Case No. RZ-13-003.

Andrea Rand, Associate Planner

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Planning – Development Assistance

Evelyn Baker, Manager

Planning – Development Assistance

ATTACHMENTS TO THE REPORT:

Attachment A – Vicinity Map/Aerial Map

Attachment B – Zoning Map

Attachment C - Applicant's description of the request

Attachment D - Existing Site Plan

Attachment E – Conceptual Land Use Plan

Attachment F – Neighborhood meeting summary June 27, 2013

Attachment G – Objection letter

I. SUMMARY OF REQUEST

The applicant is requesting to rezone the vacant property, 300 S. Zinnia Way, from the Planned Development/Mixed-Use Residential Suburban (PD/M-R-S) zone district to the Mixed-Use Residential Suburban (M-R-S) zone district.

The current PD zoning permits 16 multi-family units and the PD standards are very specific to allow for one site layout for a 3-story multi-family building with parking surrounding the building. The uses in the underlying zoning M-R-S are also permitted as part of the current PD/M-R-S zoning. The proposed M-R-S zoning permits multi-family and other uses, so essentially there is no use change as part of this request. However, the applicant intends to build multi-family and would like to do so under the new M-R-S standards rather than the PD standards. See Attachment C for the applicant's written description of the zoning request.

II. PROCESS – REQUIRED CITY APPROVALS

The Planning Commission will review the rezoning request at a public hearing and will make a recommendation to City Council. The City Council will then review the Planning Commission public hearing minutes, the Planning Commission recommendation, and the staff report, and will hold a public hearing, after which they will make a final decision on the rezoning application.

The applicant will also need to process a major site plan and final engineering documents for approval prior to applying for building permits.

Conceptual Land Use Plan and Final Site Plan

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 E). The conceptual land use plan is intended to supply enough information about the zoning request for the Planning Commission to make a recommendation to City Council. The conceptual land use plan will outline specific constraints and opportunities that are unique to the site.

If the rezoning is approved, the applicant can move forward with a major site plan application. The major site plan will determine final layout of buildings, parking lots, open space, building architecture, and landscape design. The major site plan will be reviewed against the standards of the zoning ordinance and conceptual land use plan. Major site plan approval is an administrative process.

III. NEIGHBORHOOD AND SITE CONTEXT

	North	South	East	West	
Adjacent Zoning	Mixed-Use	Mixed-Use	Mixed-Use	Mixed-Use	
Designation	Residential	Residential	Residential	Employment Suburban (M-E-S)	
	Suburban (M-R-S)	Suburban (M-R-S)	Suburban (M-R-S)		

Adjacent Land	Multi-family	Vacant land,	Multi-family	Office, Utility	
Uses		Multi-family and		Facility & Red Rocks	
		Single-family		Community College	

See Attachment A – Vicinity Map/Aerial Map and Attachment B - Zoning Map.

The project site at 300 S. Zinnia Way is vacant land that is three-quarters of an acre (32,496 square feet) in size at the northeast corner of West Cedar Drive and South Zinnia Way. The existing topography generally slopes from the south downward to the north. There are no mature trees on the property and the vegetation is primarily native grass.

The properties to the north, east and southeast are multi-family residential. Immediately to the south is vacant land, and then further to the south on top of a hill are single-family homes. Adjacent to the west is an office building and a utility facility, and then behind those uses is the Red Rocks Community College campus.



Applicable Neighborhood and Corridor Plans

The Lakewood Comprehensive Plan does not specifically identify this site as an Area of Interest. This property is not within the boundary of any neighborhood or corridor plan.

IV. SITE HISTORY

The property was zoned to PD in 1997. The applicant and property owner at that time is the same applicant and property owner for this rezoning request. The Cedar Point Apartments Official Development Plan (ODP) was the document that established the zoning regulations for the PD zoning that was adopted in 1997. This PD zoning was tailored and written to allow for only a 16-unit multi-family development in one specific layout. The property owner obtained site plan approval for this specific development in 2002. The site plan has expired, but the property owner could request re-approval for the site plan and development the 16-unit multi-family building as the current zoning allows. However, as the property owner explained at the neighborhood meeting, market factors led to them not moving forward with construction.

The property owner is now ready to move forward with a multi-family development. Since the original zoning and site plan approval, the City adopted a new zoning ordinance and map in December 2012. The properties to the north, east and south were all rezoned from Planned Development (PD) or Higher Density Residential District (5-R) to their existing M-R-S zoning. The subject property retained the PD zoning because the ODP called for very site-specific development standards. With the newly adopted citywide zoning, all PD districts were given an underlying zoning, and this property was given an underlying zoning of M-R-S.

The applicant explained at the neighborhood meeting that they could move forward to construct the multi-family building that is allowed, but they are seeking to rezone the property to M-R-S to allow for a better site and building design layout. The current ODP requires parking on both sides of the building, with the building in the center of the property. While a specific site plan is not required with a rezoning application, the applicant expressed at the neighborhood meeting that they would like to increase the unit sizes, which in turn slightly increases the building footprint, and that they would like to have the parking attached to the units in garages rather than provide surface parking. These changes could not be accomplished under the current PD zoning because it was written to allow for one specific layout; however, these changes could be accomplished under the proposed M-R-S zoning. This would allow for a more updated site and building design and for the building to be situated closer to the street for a better streetscape than what the existing zoning permits. See Attachment D, which shows the site plan that was approved in 2002 that demonstrates the only layout of what the existing zoning permits.

V. PROJECT DETAILS

The M-R-S zone district is intended to allow for compact multi-family 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.

The Suburban context reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent neighborhoods is not conducive to the highest level of pedestrian connectivity. The context allows for a limited amount of parking to

be provided between adjacent public streets and the development.

A summary of the differences between the existing and proposed zoning is provided in the chart below:

Zoning	Existing: (PD/M-R-S) Planned Development / M-R-S	Proposed: (M-R-S) Mixed-Use Residential Suburban
Permitted Land Uses	16 Apartment Units	Multi-family, live/work, group home, group residential facility,
	All M-R-S uses	club/lodge, day care facility (adult & child), athletic facility, gallery, office, personal service, restaurant, retail, community building, park, school, religious institution, transportation facility, university, utility facilities, and freestanding wireless
		communications facility
Front Setback	Min. 50 feet from W. Cedar Dr.	Min. 12 feet
(western and southern	Min. 40 feet from S. Zinnia Way	Max. 140 feet
property lines)		250/ of the atwesture claims and
		25% of the structure along each
		street frontage must be located within the min. & max. setback
Rear Setback	35 feet	10 feet
Side Setback	35 feet	5 feet
Maximum Height	35 feet	60 feet
Parking:	No specific zoning requirement	Min. = 0.5 spaces per unit
Multi-family	Charles de 20	Max. = 2.0 spaces per unit
	Site plan shows 29 spaces for 14	
	units = 2.1 spaces/unit	Underground or garage parking
		not included in the parking maximum.
Open Space	No specific zoning requirement	Min. 25% open space, of which
	Site plan shows 51.56%	35% must be plaza space
Residential Density	Max. = 16 units (21 units/acre)	Min. = 5 units/acre
		Max. = none
Maximum non-residential	Not permitted	20,000 square feet
building footprint		

Conceptual Land Use Plan

The Conceptual Land Use Plan is provided in Attachment E. In addition to comparing the existing and proposed zoning regulations, the Conceptual Land Use Plan shows the specific existing site conditions and the proposed setbacks to help show where development may occur on the site. The general constraints and opportunities for the site are as follows:

Constraints

- 1. The property is small in size limiting the amount of development.
- 2. Vehicular access will be restricted to S. Zinnia Way to avoid any curb cuts along the busier W. Cedar Drive.

Opportunities

- 1. The property is vacant and is generally unencumbered with easements, rights-of-way, or limiting physical features.
- 2. There is no mature landscaping on the property.
- 3. The existing zoning for the properties to the north, east and southeast is M-R-S, which is the same zoning that is being requested for the subject property. The uses to the west are office and utility. The proposed multi-family would be compatible with the adjacent zoning and uses.

VI. PUBLIC NOTIFICATION, AGENCY REVIEW AND NEIGHBORHOOD COMMENTS

Notice of the neighborhood meeting was sent for the Planning Commission public hearing for the rezoning request and the notices were mailed to 348 tenants and owners of property within 500 feet and to 8 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 5 outside referral agencies for review, as indicated in the table below.

Agency	Notification for Neighborhood Meeting	Notification for Planning Commission Hearing	Referral Sent	Comments Received
West Metro Fire Protection District			Х	X
Green Mountain Water and Sanitation District			Х	Х
Xcel Energy			Х	X
Century Link			Х	
Comcast Cable			Х	
Property Owners within 500 feet	X	Χ		X
Green Mountainside Civic Assn.	X	Χ		
Green Mountain Townhouses Corp.	X	Χ		
Lakewood Hills Condo Assoc.	X	Χ		
Second Green Mountain Townhouse Corporation	Х	Х		
Snowbird Phase II Condo Assoc.	X	Χ		
Union Corridor Professionals Group	X	Χ		
Union Square Community Assoc.	X	Х		
Ward 4 Coalition	X	Χ		

Agency Review

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 and public notification documented in the chart above.

- 1. The West Metro Fire Protection District has no objections to the rezoning request. A site specific review will be necessary with the final site plan.
- 2. Bancroft-Clover Water and Sanitation District has no objection to the rezoning request. They will need to carefully review the final site plan to ensure adequate water and sewer service because it is between two different pressure zones.
- 3. Xcel Energy has no objection to the rezoning request. They have an existing easement along W. Cedar Drive and would like that to remain. They will also have the opportunity to review and comment again during the final site plan review.

Neighborhood Comments

A neighborhood meeting was held on June 27, 2013 to introduce the proposal and solicit comments. Seven residents were in attendance. Neighborhood stakeholders asked questions and voiced concern regarding the following issues:

- 1. Permitted uses
- 2. Traffic generation
- 3. Parking
- 4. Site design (building height, architecture, site layout)
- 5. Property values

See Attachment F for a full summary of the June 27, 2013 neighborhood meeting.

The City received a written object letter on September 14 from an adjacent resident, Dennis Oliver. His letter is included in this report as Attachment G. His concerns include the land use, development standards, noise, traffic, parking problems and property values, which he also expressed at the neighborhood meeting in June.

VII. PROJECT ANALYSIS – ZONING CODE REQUIREMENTS

The review criteria for rezoning requests are outlined in Section 17.2.2.3.A of the Lakewood Zoning Ordinance. Staff's analysis of the project against these standards is provided below in Section A. Finally, there are specific engineering standards that must be met, which are summarized in Section B below.

A. Conformance with Standards for Rezoning Criteria §17.2.2.3.A.

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

The proposed rezoning will promote the public health, safety and welfare of the citizens of the City of Lakewood. This site is surrounded primarily by multi-family housing and zoning that would be consistent with what is being requested by the rezoning application.

The proposed zoning would create more stringent design and landscape criteria than the current zoning requirements, which would result in a better site design to benefit the surrounding community. Any development on the site will be reviewed so that it respects the surrounding neighborhood. Any development would require finishing the sidewalk along South Zinnia Way that would improve pedestrian connectivity.

Should the rezoning be approved, a quality site plan and building design will be provided showing compliance with the M-R-S zoning and site design requirements as defined in the Lakewood Zoning Ordinance.

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

The proposed zoning is compatible with the surrounding area. The surrounding zoning to the north, east and southeast is M-R-S and consists of multi-family, which is what the applicant is seeking for the new zoning and land use of the subject site. The properties to the west are an office, utility facility and school and are zoned M-E-S, a more intense zone district in terms of permitted land uses than what the applicant is seeking.

The current PD zoning allows for 16 apartment units. However, the underlying zoning of M-R-S allows for a larger variety of uses. When the City adopted the new zoning in December 20132, each PD district was assigned an underlying zone district. Any uses permitted in the underlying zone district would also be permitted in addition to those specified in the PD district. Therefore, the rezoning from PD/M-R-S to M-R-S is not allowing for any additional uses beyond what is allowed currently or allowed on the adjacent properties. Rather, rezoning the property to M-R-S only changes the development standards (i.e -setbacks and height).

The subject property is not within the boundary of any adopted neighborhood, business or corridor plan. The Comprehensive Plan does not identify this property as a special area of interest or identify any specific plans or land uses.

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.

Lakewood Comprehensive Plan

The proposed rezoning request meets the goals of the Lakewood Comprehensive Plan in that higher density residential uses will interact well with the context of the area, utilize existing infrastructure and public services, encourage aesthetic considerations, and introduce a new housing stock in the area while remaining consistent with the surrounding multifamily uses.

The proposed rezoning also supports Lakewood Comprehensive Plan goals relating to Residential. The proposal helps advance the goals of the Comprehensive Plan by:

- Promoting infill development that interacts well with the character of adjoining neighborhoods.
- Encouraging new residential development in appropriate locations relative to densities, needed services and other land uses.
- Encouraging neighborhood participation in maintaining and improving the quality, appearance and condition of properties.
- Promoting uses that interact well with the character of adjoining neighborhoods.
- 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.

The City adopted a new zoning ordinance and map in December 2012. The properties to the north, east and south were all rezoned from PD or 5-R to the M-R-S zone district. The subject property retained the PD zoning since it was an undeveloped parcel, but was given an underlying zoning of M-R-S. Staff supports the request to rezone the property from PD/M-R-S to M-R-S because it would be consistent with the surrounding zone districts. In addition, the underlying zoning of M-R-S was assigned to subject property as the most appropriate zone district if the PD was silent on a specific issue.

Therefore, staff feels that M-R-S is an appropriate zoning for this property and would promote the goals of the City by allowing the building to move closer to the street than the PD permits, and would allow the flexibility to screen the parking that is required to be along the street in the existing zoning. The M-R-S zoning also include building design criteria and the PD does not, so the architecture of the building may be an improvement as well through more stricter requirements with the requested zoning.

iii. The property was rezoned in error.

Not applicable.

B. Engineering Analysis. With this rezoning application, the applicant was not required to submit any engineering documents. This property was rezoned in 1997 and received final site plan approval for multi-family by the same applicant and we received and reviewed final engineering documents at that time. If the applicant proceeds to a major site plan again, we will require new final engineering documents with that application. Those documents include Final Street Construction Plans, and a Drainage, Grading and Erosion

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Control Plan.

VIII. FINDINGS OF FACT AND ORDER

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

- A. Terry and Nancy Kunz, property owners and applicants, are proposing to rezone from the Planned Development/Mixed Use Residential Suburban (PD/M-R-S) zone district to the Mixed-Use Residential Suburban (M-R-S) zone district; and
- B. Notice of the Public Hearing was provided in a timely manner 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 full in an official newspaper in the City at least six days prior to the hearing; and
- D. The request was reviewed by the appropriate referral agencies; and

As required by Section 17.2.2.3 REVIEW CRITERIA FOR INITIAL ZONING AND REZONING the Planning Commission finds that:

- 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 implementation of the Comprehensive Plan; and

AND

The Planning Commission adopts the findings of fact and order, A through G, as presented in the staff report and recommends that the City Council **APPROVE** Rezoning Case No. RZ-13-003.

cc: Case File- RZ-13-003 Terry and Nancy Kunz, Applicant