

AGENDA
STUDY SESSION MEETING OF THE CITY COUNCIL
VIRTUAL MEETING
CITY OF LAKEWOOD, COLORADO
VIRTUAL MEETING
AUGUST 5, 2024
7:00 PM

To watch the Council meeting live, please use either one of the following links:
City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)
Lakewood Speaks: Lakewoodspeaks.org

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How to Connect to Provide Public Comment: Online participants may post written comments of any length to LakewoodSpeaks.org, an online forum for public comments.

ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – PLANNING COMMISSION RECOMMENDATION ON CAR WASHES AND FUELING STATIONS

ITEM 4 – PLANNING COMMISSION RECOMMENDATION ON RESIDENTIAL USES BY UNIVERSITIES/COLLEGES

ITEM 5 – COMMITTEE REPORTS

ITEM 6 – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: AUGUST 5, 2024 / AGENDA ITEM NO. 3

To: Mayor and City Council

From: Travis Parker, Chief of the Sustainability & Community Development Branch
Paul Rice Jr, Development Assistance Manager

Subject: **ZONING AMENDMENT – CAR WASHES AND FUELING STATIONS**

SUMMARY STATEMENT: At City Council's request, Planning Commission has reviewed the regulations for fueling stations and car washes and forwarded to City Council recommended changes to the Zoning Ordinance.

BACKGROUND INFORMATION: On December 15, 2023, the City Council approved Legislative Modification request #47 directing the Planning Commission to review and make recommendations on the relationship between special use permits and car wash and gas station land uses. The Planning Commission was asked to determine the impact upon public health and the physical environment and explore increasing opportunities for electric vehicle use.

The Planning Commission held public hearings on January 17th, January 31st and February 21st, to gather public input and allow for discussion regarding modification to standards regulating car washes and fueling stations.

At the three public hearings held to discuss car wash and fueling station use, the public provided testimony supporting and advocating for regulations that addressed the public and environmental health impacts of these two uses and stated support for regulations that encouraged further use of electric vehicles.

The Planning Commission is forwarding a recommendation to City Council that proposes amendments to increase separation requirements for car washes and fueling stations, require electric charging stations, and reduce the number of zone districts where petroleum-based fueling stations are permitted.

Pursuant to L.M.C. 17.2.3.4, upon receipt of a recommendation from the Planning Commission, the City Council may review the recommendation in a study session to determine what action the City Council anticipates that it will take. In a subsequent regular meeting, the City Council will hold an administrative public hearing (public comment), and then either accept the recommendation as presented, revise the recommendation, or reject the recommendation. If the City Council chooses to take any action which would necessitate making a change to the Zoning Code, the City Council will need to direct staff to prepare an ordinance to that effect.

BUDGETARY IMPACTS: There are no budgetary impacts associated with receiving this presentation.

STAFF RECOMMENDATIONS: City Council can forward on for public hearing as is, make amendments, or not send this recommendation to public hearing.

ALTERNATIVES: City Council can forward on for public hearing as is, make amendments, or not send this recommendation to public hearing.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: The City Council will need to place this recommendation on a regular meeting agenda. If a consensus of the City Council anticipates accepting the recommendation as presented, this item will be brought forward as a resolution accepting the recommendation of the Planning Commission. If a consensus of the City Council anticipates rejecting the recommendation, this item will be brought forward as an ordinance amending the Zoning Code.

ATTACHMENTS:

1. LaBure - Council Request for Legislative Modifications 47-Gas Station and EV
2. PC Staff Memo-Zoning Text Amendment Regarding Car Washes and Fuel Stations
3. PC Resolution - Car Washes and Fueling Stations

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

City Council Request for Legislative Modifications



Lakewood
Colorado

Submitted on	15 December 2023, 11:01AM
Receipt number	47
Related form version	7

Council member sponsor(s)	LaBure
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Enter email address to receive a copy of this submission	jlature@lakewood.org
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Briefly describe the minor modification being requested	I would like the City Council to act by submitting a formal request to the Planning Commission, for them to Review our Special Use Permitting Requirements for Car Washes and Gas Stations. They should considering recommending an expansion of such requirement where they do no exist. As they do not exist in various Zoning Districts. The Commission should also review/consider adding additional requirements that contemplate the health, and environmental impacts of fuel stations, and car washes and contemplate the increased use of electric vehicles. Such as electric charging station requirements or other areas the commission sees fit.
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Provide history / background information that supports the request	There is a significant governmental interest in protecting the general welfare of the community. The increased market interest in gas stations, and car washes - undermines those interests. The City of Lakewood should consider the health impacts of fuel stations when considering any expansion of fuel stations. They should also consider the environmental impacts of fuel stations and car washes. Emissions from fuel stations impact nearby residents and chemical runoff can contain harsh chemicals and pollutants that are harmful to the environment. The runoff from both car washes and fuel stations can enter the storm water systems and natural bodies of water.
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If it needs expedited handling, please provide an explanation why	
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Attach file if needed	
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STAFF MEMO

Date: June 21, 2024

To: Mayor and City Council

From: Kip Kolkmeier, Chair Planning Commission
Travis Parker, Planning Director
Paul Rice, Planning Manager, Development Assistance

Subject: **ZONING TEXT AMENDMENT – Car Wash and Fueling Station**

BACKGROUND SUMMARY STATEMENT: On December 15, 2023, the City Council approved Legislative Modification request #47 directing the Planning Commission to review and make recommendations on the relationship between special use permits and car wash and gas station land uses. The Planning Commission was asked to determine the impact upon public health and the physical environment and explore increasing opportunities for electric vehicle use.

The Planning Commission held public hearings on January 17th, January 31st and February 21st, to gather public input and allow for discussion regarding modification to standards regulating car washes and fueling stations.

At the three public hearings held to discuss car wash and fueling station use, the public provided testimony supporting and advocating for regulations that addressed the public and environmental health impacts of these two uses and stated support for regulations that encouraged further use of electric vehicles.

The Planning Commission is forwarding a recommendation to City Council that proposes amendments to increasing separation requirements for car washes and fueling stations, requires electric charging stations, and reducing the number of zone districts where petroleum-based fueling stations are permitted.

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On January 17, January 31, and February 21, 2024, the Lakewood Planning Commission held public hearings to consider recommendations to the City Council in response to a Request for Legislative Modifications regarding the health and environmental impacts of fueling stations and car washes, and further regarding the increase usage of electric vehicles.

Motion was made by COMMISSIONER Buckley and seconded by COMMISSIONER Grebliunas to amend the Rules and Regulations Governing the Procedures of the Planning Commission as delineated in this resolution, which passed by a vote of 5 to 0. The roll having been called; the vote of the Lakewood Planning Commission was as follows:

Steven Buckley	Yes
William Furman	Yes
Eric Grebliunas	Yes
Cathy Kentner	Yes
Kip Kolkmeier	Yes
Jenny O'Neill	Absent
Rhonda Peters	Absent

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. The Lakewood City Council voted unanimously on January 8, 2024, to request that the Planning Commission review and make recommendations regarding the health and environmental impacts of fueling stations and car washes, and to contemplate the increased use of electric vehicles.
- B. The Commission allowed public comment on these issues at the Commission's regular meetings on January 17, January 31, and February 21, 2024. In advance of these public hearings, the Planning Commission invited representatives of the fueling station and car wash industries, and environmental groups to provide information and expert testimony.
- C. Based on information provided at the Commission's public hearings, fueling stations cause significant adverse health effects from hydrocarbon off gassing including increases in cancer cases. In addition, fueling stations and petroleum fuel vehicles contribute to poor air quality throughout Lakewood and the broader region. The adverse health effects support limiting future fueling stations and requiring greater separation of stations from residential uses. It is especially important to prevent the concentration of multiple fueling stations in close proximity. In addition to air quality issues, fueling stations result in water contamination.
- D. As the vehicle market transitions from petroleum fuel to alternatives, fueling stations will increasingly become stranded assets with significant environmental cleanup costs. The potential for abandoned or unsustainable fueling stations preventing appropriate redevelopment is an immediate land use concern.

- E. Car washes raise significant environmental concerns regarding water contamination and water conservation. Another recognized direct land use impact from car wash facilities are noise issues from commercial vacuum systems. Fueling stations and car washes are uses that are inconsistent with zoning districts specifically designed to promote mass transit, pedestrian access, and cycling access. Based on the information provided, review of the current Lakewood Comprehensive Plan, and review of the current Zoning Ordinance, the Planning Commission recommends to the City Council the following amendments to Article 17 of the Zoning Ordinance:

Section 1.

17.4.3: Supplemental Standards

17.4.3.1: Purpose and Applicability

M. Fueling Stations: Where identified as a special use, a fueling station, that dispenses petroleum-based fuels, shall be subject to the following:

1. The fueling station meets all of the site design requirements of 17.7.6.3.B and all other requirements of the zone district;
2. A canopy is provided to shield the fueling islands and fueling operations from precipitation;
3. The fueling station, that dispenses petroleum-based fuels, may not be located within ~~1000~~ 2640 feet of another fueling station; ~~unless:~~
 - a. ~~The primary fuel type provided at the two stations is different (i.e. gasoline, natural gas, electric), or~~
 - b. ~~Traffic conditions, such as a raised median, prevent clear and simple access to a station on the opposite side of the road;~~
4. The fueling station may not be located within 1056 feet of any residential use; and
5. Fueling stations must provide at least three electric vehicle charging stations accessory to the primary use. At least one of those stations must utilize a current technology for the most rapid charging of electric vehicles.

Section 2.

17.4.1 Use Table

Under motor vehicle service; fueling station, remove mixed use districts M-N and M-G from those districts within which a fueling station is allowed.

Section 3.

17.4.1 Use Table

Under motor vehicle service; Car wash, remove mixed use district M-G from those districts within which a car wash is allowed. In districts C-R, C-L, and L-I, change car wash from a permitted use to a use requiring a special use permit.

Section 4.

17.7.6.3: Motor Vehicle Service Facility

A. Car Wash Facility:

7. A car wash shall not be an allowed use within 2640 feet of an existing car wash facility.


Kip Kolkmeier, Chair
William Furman, Secretary of the
Planning Commission

CERTIFICATION

I, PAUL RICE, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 21st day of February 2024 as the same appears in the minutes of said meeting.



March 4, 2024

Date approved

Paul Rice, Clerk to the Planning
Commission

STAFF MEMO

DATE OF MEETING: AUGUST 5, 2024 / AGENDA ITEM NO. 4

To: Mayor and City Council

From: Travis Parker, Chief of the Sustainability & Community Development Branch
Paul Rice Jr, Development Assistance Manager

Subject: **RESIDENTIAL USES BY UNIVERSITIES/COLLEGES**

SUMMARY STATEMENT: On March 25, 2024, the City Council approved Legislative Modification request #54 directing the Planning Commission to review and make recommendations on the relationship between university/college use of residential properties. The Planning Commission was asked to determine the impact upon adjacent residential neighborhoods and determine if zoning modifications are required to further address this relationship.

BACKGROUND INFORMATION: The Planning Commission, acting in accordance with L.M.C. 17.2.3.4, held public hearings on April 3, April 17 and May 1, to gather public input and allow for discussion regarding modification to the provision of the Zoning Code regarding university/college land use. The Planning Commission began the April 3, 2024, meeting by clarifying for the public that the zoning ordinance applies to land uses and that the zoning ordinance does not regulate ownership.

At the three public hearings held to discuss the definition of university/college use, residential neighbors of local universities/colleges, Lakewood residents and representatives from local universities/colleges provided testimony. All testimony received by the Planning Commission advocated for the position that no change be made to the existing definition of university/college or any other provisions of the zoning ordinance regulating university/college uses.

In accordance with L.M.C. 17.2.3.4, after reviewing the specific questions contained within Legislative Modification request #54 the Planning Commission is forwarding a recommendation to the City Council that no change be made at this time to the existing zoning provisions regulating university/college use as currently set forth within the Lakewood Zoning Code.

Pursuant to L.M.C. 17.2.3.4, upon receipt of a recommendation from the Planning Commission, the City Council may review the recommendation in a study session to determine what action the City Council anticipates that it will take. In a subsequent regular meeting, the City Council will hold an administrative public hearing (public comment), and then either accept the recommendation as presented, revise the recommendation, or reject the recommendation. If the City Council chooses to take any action which would necessitate making a change to the Zoning Code, the City Council will need to direct staff to prepare an ordinance to that effect.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. Additionally, the Lakewood Planning Commission held public hearings on April 3rd and April 17th, 2024, to consider recommendations to the City Council in response to this

request for legislative modifications.

NEXT STEPS: The City Council will need to place this recommendation on a regular meeting agenda. If a consensus of the City Council anticipates accepting the recommendation as presented, this item will be brought forward as a resolution accepting the recommendation of the Planning Commission. If a consensus of the City Council anticipates rejecting the recommendation, this item will be brought forward as an ordinance amending the Zoning Code.

ATTACHMENTS:

1. Shahrezaei and Sinks - City Council Request for Legislative Modifications 54-Universities/Colleges
2. PC Resolution - Residential Uses by Universities/Colleges

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

City Council Request for Legislative Modifications



Submitted on	6 March 2024, 7:57AM
Receipt number	54
Related form version	7

Council member sponsor(s)	Jeslin Shahrezaei and Glenda Sinks
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Enter email address to receive a copy of this submission	jessshah@lakewood.org
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Briefly describe the minor modification being requested	I would like to request council action to direct the Planning Commission to review the relationship between University/College use of residential properties such educational entities own within neighborhoods abutting the University/College and the impact upon neighborhoods in which such residential properties are located, and provide recommendations to the City Council for possible modifications to the City's zoning code which will address this matter.
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Provide history / background information that supports the request

The zoning code includes a use table that provides that University Use of any kind is prohibited in residential zoning. To determine the scope of that prohibition one must go to the definition of "University/College". Within the definition of "University/College" is a list of uses including "student living units." The definition of "student living unit" was expanded in 2021 by the City to include any dwelling unit that is owned or controlled by a College or University that is inhabited by students of such educational institution. That updated definition was upheld following judicial review. Currently, all University/Colleges within the City that own homes of some type located within a residentially zoned area comply with the prohibition against housing students, however, such residential properties are being used for housing other individuals affiliated with such educational institution(s). Other residents of such housing may not be directly affiliated with the University/College but the act of living there supports the fiscal goals of such University/College. The residents who reside in ward 1 are concerned that the City's zoning code recognizes that using such residential properties in manners that support the needs of a University/College are not residential uses. Community members are eager to find a definition of "University/College" that recognizes that the needs and goals of Universities/Colleges differ from the needs and goals of a residential neighborhood.

Some questions that could be studied as part of this request include:

The current definition of University/College as set forth in the zoning code currently reads:

Student Living Unit: A dwelling unit that is owned or controlled by a College or University and inhabited by students enrolled in that college or university who are related or unrelated.

Question: Should the concept of Student Living Unit be expanded to include all residential uses of residential properties owned by a University?

The current definition of University/College currently reads:

University/College: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond

grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the University or College. Question: Should the concept of University/College be expanded to include all residential properties that are owned or controlled by the University/College within one quarter mile of any identified "University/College"?

General questions regarding residential properties owned or controlled by a University or College:

Question: Should residential properties owned or controlled by a University/College be prohibited from use as an STR?

Question: Should residential properties owned or controlled by a University/College be prohibited from use as any form of guest residence for persons who either work for or perform a service for such University/College?

Question: Should residential properties owned or controlled by a University/College be prohibited from use as a residential property in any manner that provides financial compensation which supports the goals and needs of a University/College?

If it needs expedited handling, please provide an explanation why

Attach file if needed

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On April 3rd and April 17th, 2024, the Lakewood Planning Commission held public hearings to consider recommendations to the City Council in Response to a Request for Legislative Modifications regarding the regulation under the Lakewood Zoning Ordinance of residential uses by universities and colleges.

Motion was made by COMMISSIONER Kolkmeier and seconded by COMMISSIONER Grebliunas To RECOMMEND that City Council not amend the Lakewood Zoning Ordinance as it relates to residential uses by universities and colleges at this time, which passed by a vote of 6 to 0. The roll having been called; the vote of the Lakewood Planning Commission was as follows:

Steven Buckley	Aye
William Furman	Absent
Eric Grebliunas	Aye
Eliza Overall	Aye
Kip Kolkmeier	Aye
Jenny O'Neill	Aye
Rhonda Peters	Aye

FINDINGS OF FACT AND ORDER

The Planning Commission finds that:

- A. The Lakewood City Council voted unanimously on March 25, 2024, to request that the Planning Commission review and make recommendations regarding the relationship between University/College use of residential properties owned by a university or college within neighborhoods abutting the university or college.
- B. The Commission allowed public comment on this issue at the Commission's regular meetings on April 3rd and April 17th, 2024.
- C. The Lakewood Zoning Ordinance in section 17.4.1 lists universities and colleges as permitted uses in the M-G, M-C, M-E, M-R, C-R, and C-L districts. Universities and colleges are allowed as special uses in the L-I and L-I-RD districts.
- D. In section 17.1.4.2 of the Lakewood Zoning Ordinance, University or College is defined as "A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the University or College."
- E. In section 17.1.4.2 of the Lakewood Zoning Ordinance, Student Living Unit is defined as "A dwelling unit that is owned or controlled by a College or University and inhabited by students enrolled in that college or university who are related or unrelated."
- F. The Commission received public comment that the provisions of the Zoning Ordinance noted in C, D, and E have been the subject of litigation and have been interpreted by

courts with proper jurisdiction. The referenced litigation was concluded and final orders were issued.

- G. Public comment presented to the Commission consistently recommended not changing the current zoning code provisions regulating student housing or university/college uses. Commissioners specifically asked whether it might be beneficial to amend the ordinance to provide additional clarity. Regardless of how commenters interpreted the current language, all urged retaining the current language.

AND

The Lakewood Planning Commission requests that the Commission Clerk convey this resolution to the Mayor, City Councilors, the City Manager, and the Director of Planning, as the Commission's response to the request for recommendations regarding the relationship between University/College use of residential properties owned by a university or college within neighborhoods abutting the university or college.



Kip Kolkmeier, Chair



William Furman, Secretary of the
Planning Commission

CERTIFICATION

I, PAUL RICE, Clerk to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 17th day of April 2024 as the same appears in the minutes of said meeting.



April 19, 2024

Date approved

Paul Rice, Clerk to the Planning Commission