

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
JANUARY 13, 2025
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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In accordance with City Council Policy 5.1(A), all virtual meeting participants are advised that technological issues, whether caused by the City's equipment or the user's equipment, shall not be grounds for canceling a public meeting.

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 – PLEDGE OF ALLEGIANCE

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

ITEM 5 – PROCLAMATION – LAKEWOOD 121 DAY

ITEM 6 – PRESENTATION – COLFAX MARATHON PRESENTATION TO CITY COUNCIL

ITEM 7 – PRESENTATION – LOVE LAKEWOOD DAY

ITEM 8 – INITIAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

ITEM 9 – R-2025-2 – APPOINTING THE MAYOR PRO TEM OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 10 – R-2025-3 – APPROVING CITY COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

ITEM 11 – R-2025-4 – DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2025 PURSUANT TO C.R.S. 24-6-402

ITEM 12 – O-2025-1 – DESIGNATING THE STRUCTURE LOCATED AT 1801 GLEN DALE DRIVE, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, AS A LOCAL LANDMARK

ITEM 13 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

A. DRAFT 10-14-2024 COUNCIL REGULAR MINUTES

END OF CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 14 – ORDINANCE O-2024-33 – CREATING CODE 14.29 OF THE CITY OF LAKEWOOD, COLORADO MUNICIPAL CODE REGULATING METROPOLITAN DISTRICTS

ITEM 15 – ORDINANCE O-2024-34 – AN ORDINANCE AMENDING TITLE 17, ARTICLE 4, SECTION 3, SUPPLEMENTAL STANDARDS FOR CAR WASHES AND FUELING STATIONS

ITEM 16 – PUBLIC COMMENT

ITEM 17 – GENERAL BUSINESS

A. COUNCIL REQUEST - COUNCILOR LOW

ITEM 18 – MAYOR AND CITY COUNCIL REPORTS

A. COUNCIL MEMBERS BY WARD

B. MAYOR

ITEM 19 – ADJOURNMENT

PROCLAMATION

LAKEWOOD 121 DAY

WHEREAS, State Highway 121, also known as Wadsworth Boulevard, is an over 30-mile-long corridor and a vital artery running through the heart of Jefferson County and the City of Lakewood; and

WHEREAS, Wadsworth Boulevard was named 120 years ago for Benjamin Franklin Wadsworth, an original founder of Arvada, described by the Arvada Historical Society as a 19th Century pioneer who “led the pack in being environmentally conscious” and who made it a priority to “protect the land,”; and

WHEREAS, Whereas Wadsworth is now home to dozens of Lakewood restaurants and small businesses lining both sides of this Lakewood corridor, including Old 121 Brewhouse, which shares the highway’s name; and

WHEREAS, Wadsworth also runs adjacent to cherished parks in or adjacent to Lakewood, including Bear Creek Park, Belmar Park, and Crown Hill Park; and

WHEREAS, the stigma against mental health conditions and substance use disorders prevents many people from accessing care; and

WHEREAS, Lakewood believes that January 21, or 1/21, is an ideal date to celebrate this vital Lakewood corridor and the local businesses, residences, and parks that line it, and an opportunity for Lakewood residents and residents across our region to frequent this corridor and visit Lakewood small businesses.

NOW, THEREFORE, on behalf of the City Council and the people of the City of Lakewood, I, Wendi Strom, Mayor of the City of Lakewood, Colorado, by virtue of the authority vested in me, do hereby proclaim

JANUARY 21, 2025, AS LAKEWOOD 121 DAY

GIVEN under my hand and Seal of the City
of Lakewood, this 13th day of January 2025.

Wendi Strom, Mayor

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 6

To: Mayor and City Council
From: Katie Faltys, Economic Development Specialist
Subject: **Colfax Marathon Presentation to City Council**

SUMMARY STATEMENT: This item consists of a brief presentation from the Colfax Marathon Organization. Each year, the Colfax Marathon holds events in Lakewood and Denver along the 26-mile marathon route. It is a full weekend of celebration and promotion for the Colfax Corridor.

The presentation will include:

- A thank you to Lakewood for our continued support of the Colfax Marathon
- Recognition of a 2024 winning team, West Metro Fire Rescue
- An acknowledgement West Metro Fire Rescue placed in their event, garnering a \$2,000.00 donation prize which will be donated to Colorado Professional Fire Fighters (The Colfax Marathon donates ‘prize money’ to non-profits... it’s part of their mission.)
- A quick overview of what the Colfax Marathon means to the State, Metro Area and to Lakewood
- A short look ahead to the 2025 edition of the race to be run in May

BACKGROUND INFORMATION: The Colfax Marathon is entering its 19th year and is the largest marathon weekend in the Rocky Mountain region, with over 25,000 runners in 2024. Races include a marathon, half-marathon, urban 10 miler, and a 5k. In addition, the race affords the opportunity for relay teams to complete the marathon together. The race route highlights local landmarks to include the Rocky Mountain College of Art + Design campus, Empower Field at Mile High, the Denver Zoo and world-famous Colfax Avenue.

The Colfax Marathon is the largest marathon weekend in Colorado, raising money for local charities. More than \$5 million has been raised over the last ten years. The race partners with over 125 charities every year - small to large. Annually, the Marathon donates over \$150,000 to its partners through the Corporate, Government and open relay teams.

The City of Lakewood has been an advocate for the Colfax Marathon since its inception and has partnered with the organizers as the event has grown to national prominence over the years.

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.

The Colfax Marathon has year-round public engagement with business and the neighborhoods. Engagement includes ambassadors, running groups, public presentations and race weekend.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 7

To: Mayor and City Council

From:

Subject: **Love Lakewood Day**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 8

To: Mayor and City Council

From:

Subject: **Initial Public Comment**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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.

NEXT STEPS: None

ATTACHMENTS: None

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

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 9

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **A RESOLUTION APPOINTING THE MAYOR PRO TEM**

SUMMARY STATEMENT: Each year a Mayor Pro Tem is selected to fulfill the duties of Mayor Pro Tem and serve in place of the Mayor when the Mayor is unavailable.

BACKGROUND INFORMATION: The City of Lakewood home rule charter, section 2.4, states that the City Council shall select a Mayor Pro Tem from among its members for a term and in a manner determined by the City Council.

City Council's Policy 01.2 states that one member of City Council is chosen each year, at the first regular City Council meeting in January, to serve as Mayor Pro Tem. The term of the Mayor Pro Tem is one (1) year.

BUDGETARY IMPACTS: There are no budgetary impacts.

STAFF RECOMMENDATIONS: Staff recommends appointment of a Mayor Pro Tem at the January 13, 2025, Council meeting.

ALTERNATIVES: The Charter does not offer any alternatives.

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

NEXT STEPS: There will not be next steps unless a Mayor Pro Tem is not appointed.

ATTACHMENTS: 1. Resolution 2025-2

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

2025-2

A RESOLUTION

APPOINTING THE MAYOR PRO TEM OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD

BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. _____ is hereby appointed Mayor Pro Tem of the City Council of the City of Lakewood, Colorado, commencing January 1, 2025 and ending December 31, 2025.

INTRODUCED, READ, AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the Lakewood City Council on January 13, 2025, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 10

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES**

SUMMARY STATEMENT: City Council adopted a procedure via their Policies and Procedures Manual for annual appointment of council members to various boards and committees.

BACKGROUND INFORMATION: The procedure states that recommendations for appointments come before Council for a vote.

BUDGETARY IMPACTS: This item has no associated budget impact.

STAFF RECOMMENDATIONS: Staff recommends that City Council review and approve committee appointments, either from the attached list in Exhibit A or with changes.

ALTERNATIVES: Change appointments as shown on Exhibit A or violate the Policies and Procedures Manual by not adopting the recommendations.

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

NEXT STEPS: None.

ATTACHMENTS: 1. Resolution 2025-3
2. 2025 Council Committee Appointments

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

A RESOLUTION

APPROVING CITY COUNCIL APPOINTMENTS TO VARIOUS BOARDS AND COMMITTEES

WHEREAS, the City Council Policies and Procedures Manual, Policy 04.1, provides that the Mayor shall make recommendations for City Council member committee assignments to various boards and committees during, or prior to, January of every year;

WHEREAS, the City Council is responsible for approving the committee assignments; and

WHEREAS, Lakewood City Council wishes to approve the appointments to various boards and committees as shown on Exhibit A to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The Councilmember appointments to various boards and committees as shown on Exhibit A are hereby adopted for the year 2025.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the Lakewood City Council on January 13, 2025, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

2025 City Council Committee Appointments	
COMMITTEE	COUNCILMEMBER APPOINTMENT
Budget & Audit Board (3)	<i>Dave Rein</i>
Staff Liaison: Chief Financial Officer	<i>Jeslin Shahrezaei</i>
	<i>Isabel Cruz</i>
Jefferson County EDC (Economic Development Corp)	<i>Wendi Strom</i>
	<i>Alternate: Economic Dev. Dept.</i>
CML Policy Committee (2)	<i>Isabel Cruz</i>
Staff Liaison: Deputy City Manager	<i>Alternate: Jacob LaBure</i>
DRCOG - Denver Regional Council of Governments and Jeffco Collaborative Transportation Forum (pursuant to IGA) (2)	<i>Jeslin Shahrezaei</i>
	<i>Alternate: Isabel Cruz</i>
Head Start Executive Committee Governing Board (3)	<i>Ward 4: Open</i>
	<i>Glenda Sinks</i>
	<i>Paula Nystrom</i>
Housing Advisory Policy Commission (6)	<i>Wendi Strom</i>
Staff Liaison: Director of Economic Development	<i>Glenda Sinks</i>
Made permanent commission on 06-24-2019 with Ordinance O-2019-26	<i>Sophia Mayott-Guerrero</i>
	<i>Roger Low</i>
	<i>Dave Rein</i>
	<i>Jacob LaBure</i>
Jefferson County Criminal Justice Committee (2)	<i>Roger Low</i>
	<i>Paula Nystrom</i>
Jefferson County Community Corrections Board (2)	<i>Ward 4: Open</i>
	<i>Alternate: Jacob LaBure</i>
Judges Salary Committee (5)	<i>Glenda Sinks</i>
Staff Liaison: Deputy City Manager	<i>Sophia Mayott-Guerrero</i>
	<i>Ward 3: Open</i>
	<i>Ward 4: Open</i>
	<i>Paula Nystrom</i>

Lakewood Reinvestment Authority Board (11)	<i>Wendi Strom</i>
Staff Liaison: Economic Development Director	<i>Glenda Sinks</i>
	<i>Jeslin Shahrezaei</i>
	<i>Isabel Cruz</i>
	<i>Sophia Mayott-Guerrero</i>
	<i>Roger Low</i>
	<i>Ward 3: Open</i>
	<i>Dave Rein</i>
	<i>Ward 4: Open</i>
	<i>Jacob LaBure</i>
	<i>Paula Nystrom</i>
Legislative Committee (5)	<i>Glenda Sinks</i>
Staff Liaison: Deputy City Manager	<i>Isabel Cruz</i>
	<i>Ward 3: Open</i>
	<i>Dave Rein</i>
	<i>Jacob LaBure</i>
Police Seizure Fund Committee (1)	<i>Ward 3: Open</i>
Screening Committee (5)	<i>Jeslin Shahrezaei</i>
Staff Liaison: City Clerk	<i>Sophia Mayott-Guerrero</i>
	<i>Roger Low</i>
	<i>Dave Rein</i>
	<i>Paula Nystrom</i>
Sister Cities Program (1)	<i>Jeslin Shahrezaei</i>
Mile High Flood District (By law, Mayor or Mayor Pro Tem)	<i>Wendi Strom</i>

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 11

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Designating the Public Place for Posting Notices of Public Meetings for 2025**

SUMMARY STATEMENT: The City Council must designate a public place for posting notices of public meetings during 2025.

BACKGROUND INFORMATION: One of the requirements of C.R.S. 24-6-402(2)(c) is the designation of a public place for posting notices of public meetings, in order to meet the requirement of “full and timely” notice of meetings.

BUDGETARY IMPACTS: None.

STAFF RECOMMENDATIONS: Staff recommends adopting Resolution 2025-2, designating that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway and published on the City’s official website.

ALTERNATIVES: City Council could designate an alternative public place for posting notices of public meetings during 2025.

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

NEXT STEPS: Next steps would be to implement the designated public place for posting notices of public meetings during 2025.

ATTACHMENTS: 1. Resolution 2025-4

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

2025-4

A RESOLUTION

DESIGNATING THE PUBLIC PLACE FOR POSTING NOTICES OF PUBLIC MEETINGS DURING 2025 PURSUANT TO C.R.S. 24-6-402

WHEREAS, C.R.S. 24-6-402(2)(c) requires the designation of a public place for posting notices of public meetings in order to meet the requirement of “full and timely” notice of meetings; and

WHEREAS, it is hereby determined that such public place for posting purposes shall be located within the lobby/atrium of the Lakewood Civic Center, 480 South Allison Parkway, and published on the City’s official website (Lakewood.org), the exact manner and means of posting to be implemented by the City Manager or designee, and such posting place shall be used for “local public bodies” as defined under C.R.S. 24-6-402(2)(c).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. The lobby/atrium area within the Lakewood Civic Center, 480 South Allison Parkway, and the City’s official website (Lakewood.org), are hereby designated as the public places for the posting of notices of meetings in 2025, pursuant to C.R.S. 24-6-402(2)(c). The exact manner and means of said posting shall be implemented by the City Manager or designee.

INTRODUCED, READ, AND ADOPTED by a vote of ___ for and ___ against at a hybrid regular meeting of the Lakewood City Council on January 13, 2025, at 7 o’clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 12

To: Mayor and City Council

From: Travis Parker, Chief of the Sustainability & Community Development Branch

Subject: **An Ordinance Designating the Structure at 1801 Glen Dale Drive as a Local Landmark**

SUMMARY STATEMENT: Staff is requesting City Council approve the Historic Preservation Commission's recommendation and adopt an ordinance designating the structure addressed as 1801 Glen Dale Drive as a local landmark based on the recommendation of the Historic Preservation Commission.

BACKGROUND INFORMATION: On November 13, 2024, Lakewood staff received a complete application for Local Landmark Designation to designate the structure addressed as 1801 Glen Dale Drive, owned by Kimberly Leeling, as a local landmark. In general, designation as a local landmark prevents demolition of such structure except in exceptional circumstances, and requires that any significant alteration or addition (not including ordinary maintenance and repair) be reviewed and approved by the Historic Preservation Commission using established criteria.

Historic Preservation Commission public hearing:

As required by the zoning ordinance and in accordance with notification procedures the Historic Preservation Commission held a public hearing on December 17, 2024. The Historic Preservation Commission recommended approval of the Local Landmark Designation Nomination Form, Case No. HP-24-0001, designating the structure as a local landmark on the basis that the structure "embodies the distinctive characteristics of a type, period, or method of construction" in conformance with Lakewood Zoning Code 17.11.3(C).

Consistency with the comprehensive plan and zoning ordinance:

Consistency with the Comprehensive Plan, the Historic Preservation Plan (which is an amendment to the Comprehensive Plan), and the intent and purpose of Zoning Ordinance Article 11 is not one of the Designation Criteria in section 11.17.3 of the Zoning Ordinance, and therefore a full analysis of consistency or inconsistency with said plans or the intent and purpose of Article 11 was not undertaken as part of the initial review of the application. That said, staff notes that neither the vision statement in the Comprehensive Plan, "... an inviting, attractive, diverse, and inclusive community," nor Action 4.1.2 in the Historic Preservation Plan that "Historic preservation looks forward while valuing the past," should be used to exclude nor hide acknowledgement of prior racially exclusive restrictions on private property ownership, which have since been repealed. Acknowledgement of the racially restrictive covenant from 1923, and of its repeal in 1959, is included in the packet materials and staff presentation.

Staff further notes that the intent of the Historic Preservation article of the Zoning Code (Article 11) is that the protection of structures of historical significance is in the interest of the prosperity, community sustainability, civic pride, and general welfare. Further, the purpose of said Article is, in part, to designate and preserve, protect, enhance, and perpetuate those structures which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage. Designation of this structure meets this purpose and intent in that it preserves the structure and acknowledges its architectural merit, while also acknowledging the complex history of racially restrictive covenants which formerly applied to this subdivision. Notwithstanding the racially restrictive covenant that applied to all properties in the Glen Creighton subdivision from 1923 until its repeal in 1959, including the subject property, the application for designation is consistent with the Comprehensive Plan, Historic Preservation Plan, and the Zoning Ordinance 17.11.3(C).

BUDGETARY IMPACTS: There are no budgetary impacts.

STAFF RECOMMENDATIONS: Staff recommends City Council adopt an ordinance designating the structure at 1801 Glen Dale Drive as a Lakewood local landmark.

ALTERNATIVES: City Council may approve with conditions or deny this request.

PUBLIC OUTREACH: Notification requirements will be met pursuant to Section 17.11.4.6 of the Lakewood Zoning Ordinance. This will include providing proper notice to the property owner(s), placing notice of the hearing in the City's publication of record, and posting the property 14 days prior to the public hearing with the proposed action, date and time of the hearing.

NEXT STEPS: The property owner will be notified of the City Council's decision. If Council recommends approval, the property owner will be advised of their responsibilities under the Historic Preservation Ordinance.

ATTACHMENTS:

1. Ordinance O-2025-1
2. 1801 Glen Dale Drive Application Redacted
3. 1801 Glen Dale Drive Application Current Photos-November 1, 2024
4. 1801 Glen Dale Drive Owner Consent Form
5. Resolution HP-24-0001 Signed
6. Historic Preservation Commission Staff Report 1801 Glen Dale Drive-December 17, 2024
7. Historic Preservation Commission Draft Minutes-December 17, 2024

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

O-2025-1

AN ORDINANCE

DESIGNATING THE STRUCTURE LOCATED AT 1801 GLEN DALE DRIVE, CITY OF LAKEWOOD, COUNTY OF JEFFERSON, STATE OF COLORADO, AS A LOCAL LANDMARK

WHEREAS, the structure addressed as 1801 Glen Dale Drive, with the legal description of Lot 0001, Block 007, Glen Creighton (Blks 3-12), was constructed in 1938;

WHEREAS, the structure is a very good example of a Tudor revival home;

WHEREAS, the structure maintains several original character-defining features important to Tudor revival architecture and retains sufficient physical integrity to convey its architectural significance;

WHEREAS, a public hearing was held on December 17, 2024, before the Lakewood Historic Preservation Commission on the Local Landmark Designation Nomination Form to designate the structure as a local landmark, Case No. HP-24-0001;

WHEREAS, the Historic Preservation Commission found the property eligible for designation as a local landmark based on Section 17.11.3(C) of the Lakewood Zoning Code because it “embodies the distinctive characteristics of a type, period, or method of construction”;

WHEREAS, the Historic Preservation Commission recommended approval of the Local Landmark Designation Nomination Form, Case No. HP-24-0001, designating the structure as a local landmark;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public with an opportunity to present evidence and testimony regarding the proposal; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal related to this proposal identified herein.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. The structure addressed as 1801 Glen Dale Drive, with the legal description of Lot 0001, Block 007, Glen Creighton (Blks 3-12), is hereby designated as a local landmark.

SECTION 2. The property shall be subject to all requirements of the Lakewood Zoning Ordinance.

SECTION 3. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 4. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13th day of January, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of January, 2025; set for public hearing to be held on the 27th day of January, 2025; read, finally passed and adopted by the City Council on the 27th day of January, 2025; and signed by the Mayor on the ___ day of January, 2025.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Local Landmark Designation Nomination Form

1. TYPE OF DESIGNATION *(Check all that apply)*

☒ Structure

☐ District

☐ Site

2. NAME AND LOCATION OF RESOURCE *(If a District, skip to Question 3)*

Historic Name: Earl and Harriett Miller Residence / Miller House

Other Name/Current Name: Leeling Residence

Address (street, city, state, zip code): 1801 Glen Dale Drive, Lakewood, CO 80215

Historic Address: same

Year of Construction: 1938

Legal Description (Section, Township, and Range **OR** Lot, Block, and Subdivision Name):

Lot 0001, Block 007, GLEN CREIGHTON (BLKS 3-12)

3. NAME AND LOCATION OF DISTRICT *(If an individual resource, skip to Question 5)*

Historic Name:

Other Name:

Address (street, city, state and zip code):

Boundary Description (Describe boundary lines of the district and attach map delineating proposed boundary):

4. NUMBER OF RESOURCES IN THE DISTRICT (*Please identify the contributing resources on the boundary map*)

Total Number of Resources:

Contributing Resources:

Noncontributing Resources:

5. FUNCTION OR USE OF RESOURCE

Historic Function or Use: Single Unit Residence

Current Function or Use: same

6. DESIGNATION CRITERIA (*Check all that apply*)

- _____ A. It is associated with events that have made a significant contribution to the broad patterns of the City's history.
- _____ B. It is associated with the lives of persons significant in the City's past.
- X C. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- _____ D. It has yielded, or may be likely to yield, information important in history or prehistory.
- _____ E. It is culturally significant to the Lakewood community.

7. NARRATIVE (*Explain the historical significance and background of the resource as it relates to the above designation criteria and information. Include ownership information, significant persons who may have lived at the property, significant builders or architects, architectural description, or other documentation that supports the nomination.*)

The 1938 Miller House is important as one of the pre-World War II houses built in the Glen Creighton neighborhood that retains a high-degree of integrity. It is a very good example of a Tudor Revival-style house displaying a brick and stucco exterior with curved and straight half-timbering. Cut-stone accents the southwest-facing side and the projecting entranceway. Being at the crossroads of Glen Dale and Glen Ayr drives in the Glen Creighton neighborhood, it prominently welcomes visitors and residents to the neighborhood. Although an architect or builder for this home was not found through research to date, local stories in the Glen Creighton neighborhood indicate that it was a show house for the neighborhood in 1938.

David Winthrop and Nellie A. (Henson) Bruce purchased the property at 1865 Glen Dale (two houses north of the Miller House in 1933) and by 1935 had a house constructed there on that lot. David worked as a grocery store clerk and Nellie worked as a bookkeeper. According to a newspaper article they were living at the Miller House at 1801 Glen Dale Drive by July 1938 with their two children. However, according to the assessor's records, the Bruces did not own the house; possibly they rented it. By 1940 the Bruces had left the Glen Creighton neighborhood and were living in Denver according to the 1940 US Census. They sold their property at 1865 Glen Dale Drive in 1941.

Earl G. and Harriett M. (Heiserman,¹) Miller purchased the property at 1801 Glen Dale Drive from Cyrus J. Creighton as a home for them and their two young children in 1940. Earl was in medical school studying to be a physician/surgeon and Harriett was a bookkeeper/stenographer for Serum Manufacturing Company in Denver. Their marriage ended prior to 1945 and Harriett and the children lived in the house until 1946. Harriett Miller sold the house to Louis L. and Ann (Rabinoff) Witkin in 1946, who lived there with their three children (Jack, Howard, and Stuart) until 1957. Stuart became an accomplished professional concert pianist.

¹ also spelled Heisermann and Heizerman in some sources

Louis "Lou" Witkin was employed in various jobs until he founded Witkin Homes in 1956. Witkin Homes developed many housing subdivisions in Jefferson County (including Lakewood's Sun Valley west subdivision), Arapahoe County, and throughout the Denver area. Lou's son, Jack, and Lou's brother, Howard, were among the key employees of the company. Witkin Homes also branched into home financing. In 1963, the *Intermountain Jewish News* reported that Lou and Jack Witkin had built \$10 million worth of new houses since 1957, which included 500 homes in Arvada's Allendale subdivision. U.S. Home Corporation purchased Witkin Homes in 1973 and changed the name to U.S. Home, Witkin Division in 1978. U.S. Home eventually merged into Lennar Homes. One of the houses constructed by Lou and Jack was a new home for the Witkin family on south Monroe Street in Denver. When it was completed in 1957, Lou and Ann sold the house at 1801 Glen Dale Drive for \$22,000 and relocated to Denver.

Edward E. and Phoebe F. "Ferne" (Kamin) Hart purchased the Miller House from the Witkins after moving to Colorado from Michigan where Edward was a sales manager for a national insurance company. Edward served in the U.S. Army in World War II. Edward and Phoebe lived at the property with their three sons (Edward, Jr., Dennis, and Steven) until 1970. Michael E. and Donna D. (Hudson) Mulligan purchased the house from the Harts in 1970 for \$38,500. In 1980 Richard P. and Dorothy C. Standish purchased the property, with Dorothy owning it until 1987 when Craig and Lori (Stanley) Hebbard purchased the house. The Hebbards owned the property until 1994 when they sold it to Donna J. Squibb.

Donna Squibb, an accountant, owned a tax and accounting business. To accommodate an office at her home, she had the original attached garage converted into an office where she met with clients. The attic above the garage became additional living space. At about the same time, she had a two-car detached garage constructed north of the house. These changes occurred in the mid- to late 1990s. Donna Squibb sold the home to the current owner in 2014.

Glen Creighton Neighborhood Historic Background - (the below excerpts were taken from Cvanciger and Peterson's "Lakewood's Glens Neighborhood," *Historically Jeffco.*, 2023.)

The Glen Creighton neighborhood, also known as the Glens, comprises an 80-acre subdivision with approximately 140 single-family homes. It is bordered on the south by Colfax Avenue, the north by West 20th Avenue, the east by Carr Street and the west by Glen Moor and Glen Ayr drives. Cyrus J. Creighton purchased the land for the neighborhood in 1920 from B.J. Prendergast for \$32,000. Determined to turn the plat into a prosperous community, Cyrus envisioned a residential park that families could enjoy for generations to come. Cyrus commissioned prominent Denver landscape architects Saco DeBoer and Walter Pesman to design a subdivision with irregular-shaped, large lots that blended urban and rural characteristics, resulting in their 1923 design of Glen Creighton, which incorporated the use of a curved street plan that followed the topography.

Teams of horses carved nine curvilinear streets all with names beginning with "Glen" including: Glen Ayr Dr., Glen Bar Dr., Glen Dale Dr., Glen Dee Dr., Glen Garry Dr., Glen Gyle Dr., Glen Moor Dr., Glen Moor Parkway, and Glen Shiel Dr. Cyrus Creighton chose the names to imitate the glens of Scotland and coincide with the Scottish name of Creighton. The Glens relied on a deep well, pump house, and the Glen Creighton Mutual Ditch system, which meanders through the neighborhood irrigating many of the large plats of land, still considered a rural community through the 1950s. Glen Creighton Mutual Ditch and Reservoir Company, which was incorporated in 1923, still serves the ditch system.

Cyrus Creighton continued to grow his residential community, touting its benefits until his passing in 1973. During its early development, local newspaper advertisements promoted its artesian water supply and close proximity to Golden and the electric streetcar line near Colfax Avenue, which likely prompted its popularity. Cyrus called the Glens' houses "happy homes" compared to more common-looking residences along Colfax and with DeBoer's and Pesman's design, Creighton sought to create an "exclusive residential community of narrow, winding streets and real estate covenants designed to ensure a community of substantial wealth and social status." The covenants included restrictions regarding the types of fences, walls, and homes that could be built. Unfortunately, the Glens was not immune to racial prejudice that persisted from the 1920s-1950s, as strict covenants promoted discriminatory practices, not permitting marginalized people of color from buying plats in the neighborhood until 1959.

After World War II, the Glens developed further with ranch type and modern movement style dwellings. Most of the dwellings were custom built by or for individuals, rather than by home builders constructing tracts of houses. Today,

the Glens is a bustling hub of activity in north Lakewood, offering modern luxury with a hint of rural landscaping in the heart of the metro area. Although some of the homes in the Glens have not stood the test of time, the historic integrity of the neighborhood persists, as many homeowners preserve the design features of homes now standing for a century. The sensitivity to the natural landscape and prominent architectural features in the Glens are showcased annually in the Glens Art Walk and the Morse Park Sustainable Neighborhood Program.

8. ARCHITECTURAL DESCRIPTION *(Please describe in detail the construction type, condition of the structure, and any alterations or additions to the structure.)*

Completed in 1938, the Tudor Revival-style Miller House is at the center of the crossroads of Glen Dale and Glen Ayr drives in the Glen Creighton neighborhood and is in very good condition. It is approximately one-fifth of a mile south of West 20th Avenue and one-quarter mile north of Colfax Avenue and sits at an elevation of 5,515'. The house is on a .444-acre lot with park-like landscaping, including mature coniferous, Oak, and Ash trees. Other plantings include ornamental shrubs, historic fruit and buckeye trees, and historic grape vines. A two-rail wood split rail fence extends around the front yard next to Glen Dale Drive and continues west for about 25' along Glen Ayr Drive. Rock-faced posts flank the front sidewalk from Glen Dale Drive to the main entrance, the Glen Dale driveway entrance to what was originally the attached garage, and also appear on Glen Ayr Drive where there may have been a secondary sidewalk entrance historically. A rock-faced sign post sits at the southeast corner of the yard where the two bordering streets intersect. Long-time Glen Creighton neighbors have indicated that early in the neighborhood's history, a "Welcome to the Glens" sign hung from this post. A ca. 1995 detached two-car garage sits north of the house.

The 1 ½-story Tudor Revival-style house has an irregular footprint with approximately 2200 square feet and sits on a concrete foundation. Shake shingles cover the steeply pitched gable on hipped roof where a cupola sits toward the north end and an off-center brick chimney, with three chimney pots, extends from the roofline toward the front. Painted brick clads the lower portion of the house while stucco with half-timbering exists in the upper portion of the house. Keeping with the Tudor Revival character-defining asymmetrical features, the upper level contains patterns of curved half-timbering, along with straight half-timbering. The house faces southeast toward the "Y" intersection of Glen Dale and Glen Ayr drives and sits back from the intersection by about 130'. A 6'-tall wood privacy fence encloses the backyard and extends along the west, north, and southeast sides of the backyard. A flagstone sidewalk extends from Glen Dale Drive northwesterly to two flagstone steps that access the main entrance; a small flagstone patio area is south and west of the entrance steps. A stacked-stone wall, approximately 4' high, surrounds the small patio.

Except as otherwise noted, the windows throughout the house are replacement multi-pane vinyl windows, which are the same size and configuration as the original windows. Brick sills, laid in a header course, exist below most of the first-floor windows, unless otherwise noted; wood sills are used below the upper-story windows. The house is comprised of three sections: the steeply-pitched, clipped side-gabled main section ("main section") that runs east to west; a the steeply-pitched side-gabled southwest wing that angles slightly to the southwest from the main section ("southwest wing"); and the hipped-roof original attached garage section ("original garage"). For clarity purposes in the architectural description to follow, each of these sections will be described in the context of each defined term. On the main façade (southeast-facing side), at the point where the main section and southwest wing converge, a main entryway projects from the house by approximately 24" and extends across the front about 12'. The cut stone-faced entryway is covered by an asymmetrical catslide copper roof. Centered beneath the catslide roof peak, is a non-historic, multi-pane storm door, which protects the main entrance door. To the left of the door is a small original six-lite glass block window with a stone sill.

Southwest Wing Section:

The side-gabled southwest wing section angles from the main section to the southwest. Although it has a steeply-pitched roof that meets the height of the main section, the interior of this section is one story with a tall ceiling. The southeast-facing (main) façade contains one twelve-over-twelve window and measures about 3' x 6'. The southwest-facing side of the southwest wing contains a large arched window with a stone sill and a fan lite at the top. Cut-stone surrounds the window, which extends to the edge of both sides of the wall in the lower portion and continues slightly to the main façade. A northwest-facing (rear) entrance exists near where the rear of the main section joins the southwest wing. A flagstone sidewalk leads to a semi-circular concrete step to access the rear entrance door, which is protected by a metal storm door.

Main Section:

The south-facing (front) side of the main section has two windows in the first floor, both to the right of the cut stone-faced entrance. Each window matches the twelve-over-twelve windows in the southwest wing. A hipped-roof wall dormer projects from the upper story of the main section and extends east from the southwest wing roof to above the two first-floor windows. Three two-over-two windows exist in the eastern portion of the dormer, which is surrounded by curved and straight half-timbering.

The east-facing side of the main section has three windows that include, from south to north, one that matches those on the front, a vertical glass block window that is 2 blocks wide x 28 blocks long, and a small two-over-two window. In the upper level, under a large clipped gable, is a centered hipped-roof dormer that tops a six-over-six window and to the right of the window is a small vertical four-over-four window. Curved half-timbering extends inward toward the centered window and straight half-timbering surrounds the larger window. On the north side of this clipped gable, a hipped-roof dormer extends toward north, projecting onto the hipped roof of the original garage.

The main section's north-facing (rear) side has a six-over-six window on the first floor. Above the window is a large hipped-roof dormer containing another six-over-six window in the upper story. The west-facing side contains a twelve-lite casement window on the first floor and a six-over-six window under the large clipped gable in the upper story.

Original Garage Section:

Attached to the north end of the main section of the house, is what was originally a large hipped-roof garage with a steeply-pitched roof providing space for a large attic. The east-facing side contains three vertical casement windows and an eight-panel pedestrian door, protected by a storm door, on the northernmost end. A wood pergola extends from the top of the first floor. The upper story has a hipped-roof dormer containing a six-over-six window. Directly above this window, on the roofline, is a wood cupola. The north-facing side of the original garage section was where the garage entrance was originally located for vehicle access. Now an eight-over-eight window, with a wood sill, is centered on the first floor. Centered in the west-facing side of the original garage is a six-over-six window, with a wood sill, and to the right are French doors. In the upper story, a hipped-roof wall dormer tops a six-over-six window, the dormer extends the width of the French doors.

Alterations: Alterations to the house include the mid-1990s conversion of the original attached garage to an office area, which included filling in the vehicle access door, adding a vinyl window and French doors. Vertical casement windows were added to the east-facing side of the original garage, where two oversized pedestrian doors once existed, and a new pedestrian door added to the north end of the original garage. Vinyl windows replaced the most of the original windows in the mid-1990s. However, the replacement windows were custom made to match the original size and configuration of the original windows. Originally, shake shingles covered the catslide roof over the entrance; however, at the same time the above changes were made, the then owner had the shake shingles replaced by a copper roof.

Other features:

Garage (ca. 1995): A two-car detached frame garage with a rectangular plan and side-gabled shake roof exists north of the house. It sits on a concrete foundation and has a concrete driveway that extends east toward Glen Dale Drive. A pedestrian door exists on the west-facing (rear) side and another is on the south-facing side along with a one-by-one aluminum slider. The previous owner had the garage constructed about the same time that she had the original attached garage converted to her office, which was in the mid- to late 1990s. On the west side of the garage a pergola extends the length of the building where a historic grape vine grows.

Ditch Segment and Well: The Glen Creighton Mutual Ditch, fed by the Kellogg Ditch, runs through the neighborhood and provides many of the Glens' residents irrigation water to their properties. The ditch segment on this property runs on the west side, along the east side of the wood privacy fence, is approximately 12" deep, lined with river rocks, and exits the property at the northwest corner; it continues to the property to the north. An original rock-faced well exists on the west side of the house. Wood beams support a wood gable roof, clad in shake shingles, which covers the well.

Swimming Pool: An inground concrete pool exists toward the back of the property toward the west fence. It measures roughly 30' x 15' and has navy blue floral tile decorations at the top of the pool. Concrete extends about 6' around the pool as an area for tables and chairs. A 3 ½' wood picket fence surrounds the pool and concrete area. It is unknown when the pool was constructed; however, it likely dates to the time when either the Witkin family or the Hart family owned the property (between 1946 and 1969). Based on a newspaper article, it was there when the Mulligan family purchased the property in 1970.

9. SIGNIFICANCE AND INTEGRITY (Please identify the period of significance, level of significance, and integrity as it relates to location, setting, design, materials, workmanship, association and feeling.)

The 1938 Miller House is locally significant under Criterion C for Architecture as a very good example of a Tudor Revival-style house. Character-defining features of the style found on the Miller House include the cut-stone faced projecting entrance, combination of steeply-pitched hipped and gabled roofs, half-timbering, multi-lite windows, textured and brick exterior, clipped gables, chimney detailing, and shake shingles. Interior features that include original tile window sills, exposed beams, and arched doorways contribute to the overall feel of a Tudor Revival-style residence. An architect or builder has not been identified in association with the house, however, this was constructed prior to the incorporation of the City of Lakewood and no building records for the construction were on file at Jefferson County. Although there are several other Tudor Revival-style houses in the Glen Creighton neighborhood, this is one of only a few that has minor alterations and the only one that incorporates stone in its design features. The period of significance is 1938, the year the house was constructed.

Integrity: The Miller House maintains a high degree of integrity with regard to location, feeling, association, materials, design, and workmanship. It retains integrity of location as it continues to be on the same site that it was built in 1938. The setting continues to have good integrity within the Glen Creighton neighborhood; the streets surrounding the Miller House remain the narrow-curved streets as designed, surrounding properties continue to date to the early period of the Glen Creighton neighborhood settlement, and have not experienced major changes. The Miller House maintains a high degree of workmanship and design in its original plan, cut-stone faced entrance, asymmetrical massing, steep roofs, and various dormers. The interior retains the original exposed beams, hardwood floors, tile accented window sills, fireplaces, staircase, much of the original hardware and woodwork, and original custom built-in closets and storage. The house continues to exhibit the Tudor Revival style on both the exterior and interior. The house has a good degree of integrity of association and feeling as a pre-World War II Tudor Revival-style residence.

10. EXISTING DESIGNATION

_____ National Register

_____ State Register

11. NOMINATION PREPARED BY

Name/Title: Heather Peterson, Vice Chair

Organization: City of Lakewood Historic Preservation Commission

Address (street, city, state, zip code): 470 S. Allison Parkway, Lakewood, Colorado

Phone: [REDACTED]

Email: [REDACTED]

Date Prepared: November 1, 2024

Signature: 

12. NOMINATION SUBMITTED BY

Name/Title: Kimberly Leeling

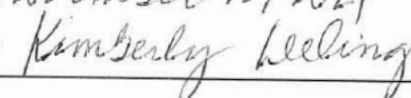
Organization: Property owner

Address (street, city, state, zip code): 1801 Glen Dale Drive, Lakewood, CO

Phone: [REDACTED]

Email: [REDACTED]

Date: November 13, 2024

Signature: 

13. BIBLIOGRAPHY

Ancestry.com for owners of the property between 1920 and 1977 including:
U.S. Census records, marriage and divorce records, and city directories.

The Arvada Enterprise. "Local Notes." Wedding of Earl Miller and Harriet Heisermann. April 12, 1928.

Cervi's Rocky Mountain Journal

"Denver Building Permits." November 5, 1958, p. 30.

"Jefferson County Real Estate." February 21, 1957, p. 3.

"Real Estate Transactions this Week." August 19, 1970, p. 6.

Cvanciger, Kelly and Heather Peterson. "Lakewood's Glens Neighborhood," *Historically Jeffco*. Issue 44, Golden, Colorado: Jefferson County Historical Commission, 2023, p. 52.

The East Jefferson Sentinel. "Personals." July 28, 1938, p. 5.

Golden Transcript. "Witkin Homes changes name." July 22, 1978, p. 2.

Intermountain Jewish News

"Stuart Witkin Makes Impressive Concert Debut." October 3, 1958, p. 13.

"Society." August 2, 1963, p. 12.

Jefferson County Assessor's Records for chain of title of subject property.

The National Directory of Registered Tax Return Preparers & Professionals (PTINdirectory) for Donna J. Squibb, at: <https://www.ptindirectory.com/tax-preparers/colorado/denver-co/211874/controllers-edge-corporation/donna-j-squibb>, accessed October 11, 2024.

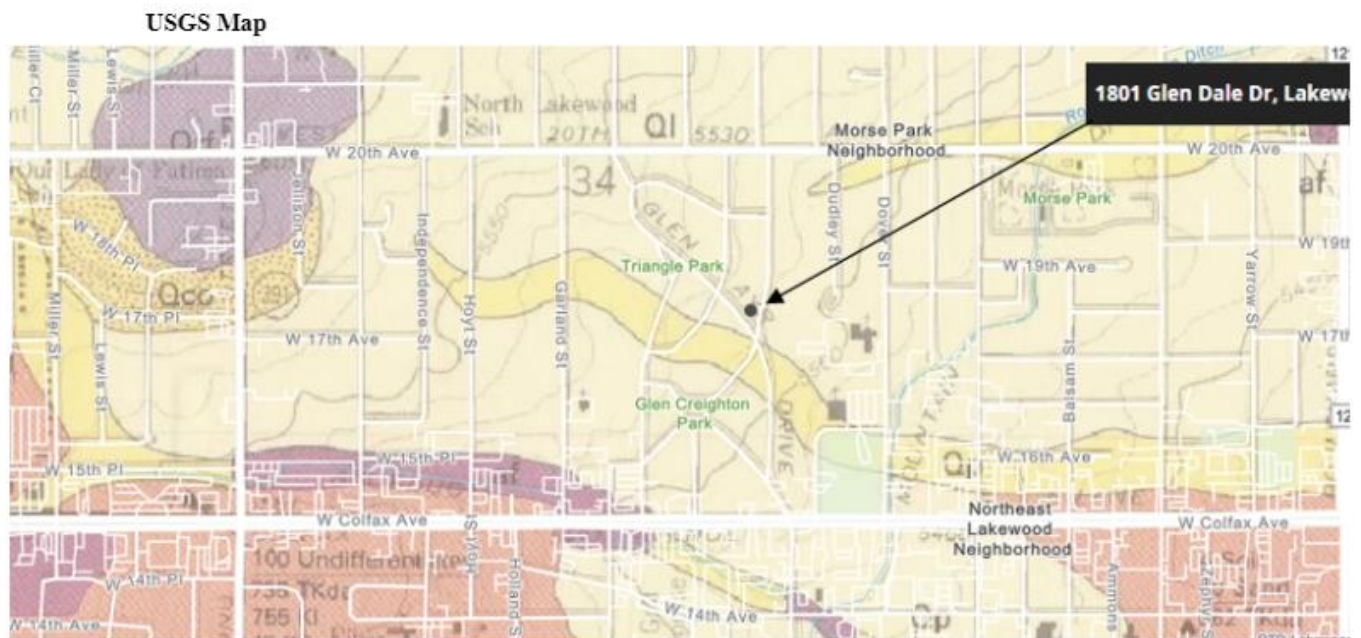
The Rocky Mountain News (Daily).

"Season's Brides." Marriage of Ann Rabinoff and Lou Witkin. January 5, 1930, p. 20.

"Party Line." September 26, 1957, p. 47.

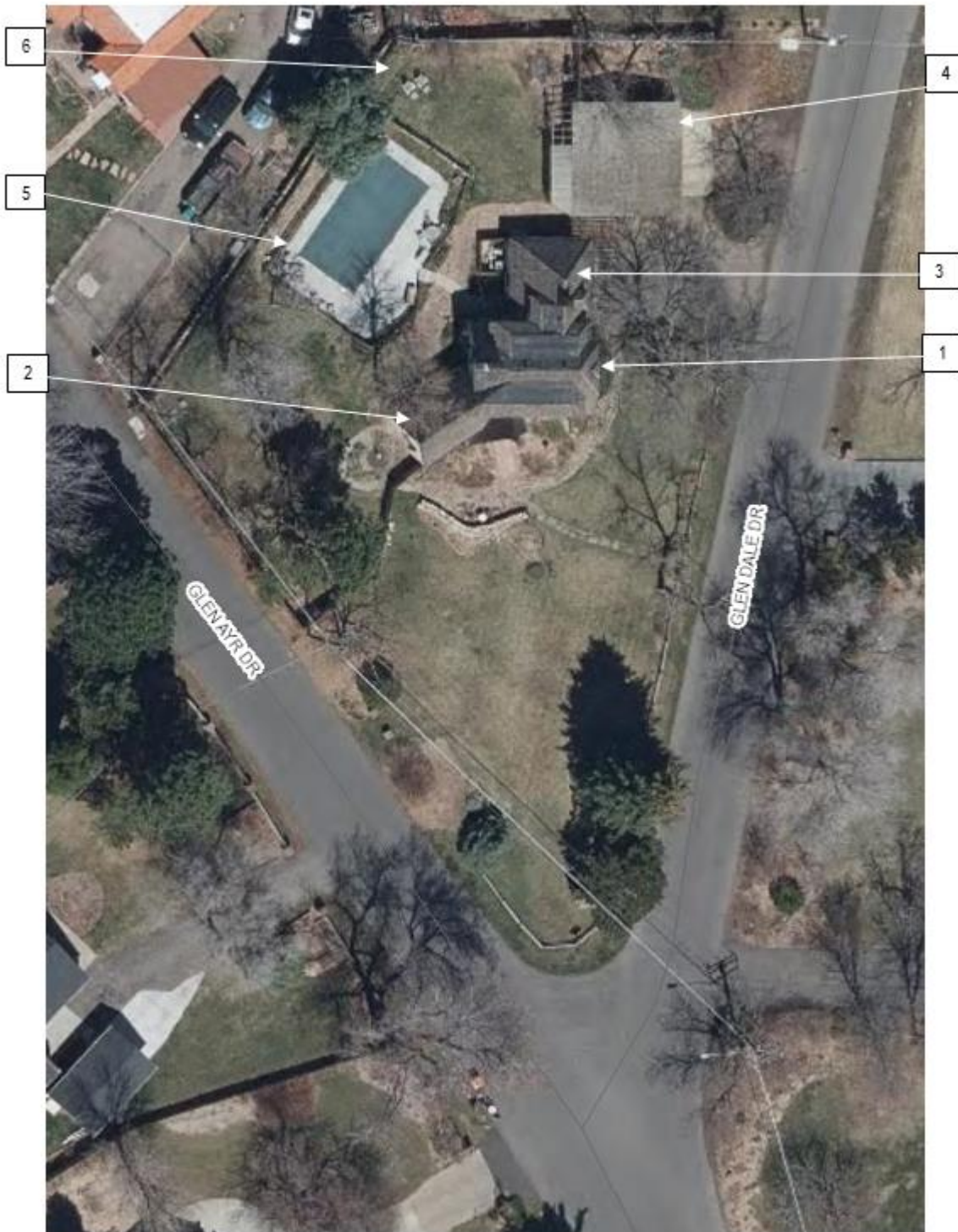
Wheat Ridge Sentinel, "Young Hero." August 20, 1970, p. 39.

Vicinity Map



SKETCH PLAN

include approximate scale: Not to Scale



Legend: 1- Main Section of House; 2- Southwest Wing of House; 3- Original Garage (attached); 4- ca. 1995 detached garage; 5- Inground swimming pool; and 6- Ditch segment

Historic Photo



Ca. 1990 photo of the Miller House, showing rock-faced entrance, camera facing northwest.
Unknown photographer. Courtesy of Heritage Lakewood Belmar Park.

14. MATERIAL TO ACCOMPANY NOMINATION

☒ Historical photographs, if available

☒ Current photographs of each elevation of each structure

☐ Additional materials that support the nomination including biographies, oral histories, archaeological and architectural information, etc.

☒ Vicinity map

☒ Owner Consent Form(s)

If a District, the following additional materials are required:

☐ Map delineating boundaries and identifying contributing properties

☐ Written consent of 60% of property owners within the property district

FOR OFFICE USE ONLY

Date Received: 11-13-2024 Case No.: HP24-0001 Application Reviewed by: Matthew Seubert

Filing Fee: ☒ \$25.00 for individual landmark ☐ \$50.00 for district

Application submitted to Historic Preservation Commission on 12-10-2024

Historic Preservation Commission Recommendation:

☒ Recommend Approval ☐ Recommend Approval with Conditions ☐ Recommend Denial

Date: 12-17-2024

City Council Decision:

☐ Approved ☐ Approved with Conditions ☐ Denied Date:

☐ Ordinance No.:

Date Recorded:

Current Photos



House at the center of the “Y” crossroads of Glen Ayr (on left) and Glen Dale (on right) drives, looking north



House at the center of the “Y” crossroads of Glen Ayr (on left) and Glen Dale (on right) drives with welcome sign structure in right front, looking north



House and front (southeast) yard; ca. 1995 garage in back, right, looking north



House with stacked stone retaining wall, looking northeast



Cut stone-faced main entrance with copper clad catslide roof on main (southeast) façade, looking northwest



Cut stone-faced main entrance with copper clad catslide roof on main (southeast) façade, main section, looking northeast



East-facing side of main section (left) and original garage (right), looking northwest



East-facing side of main section (left) and original garage (right), looking southwest



North-facing side – original garage (on left), main section (middle) and southwest wing with rear entrance (on right) looking south



West-facing side –original garage (on left), main section (in middle) and southwest wing with rear entrance (on right), looking east



West/northwest-facing side – portion of original garage (on left), main section (in middle) and southwest wing with rear entrance (on right), looking southeast



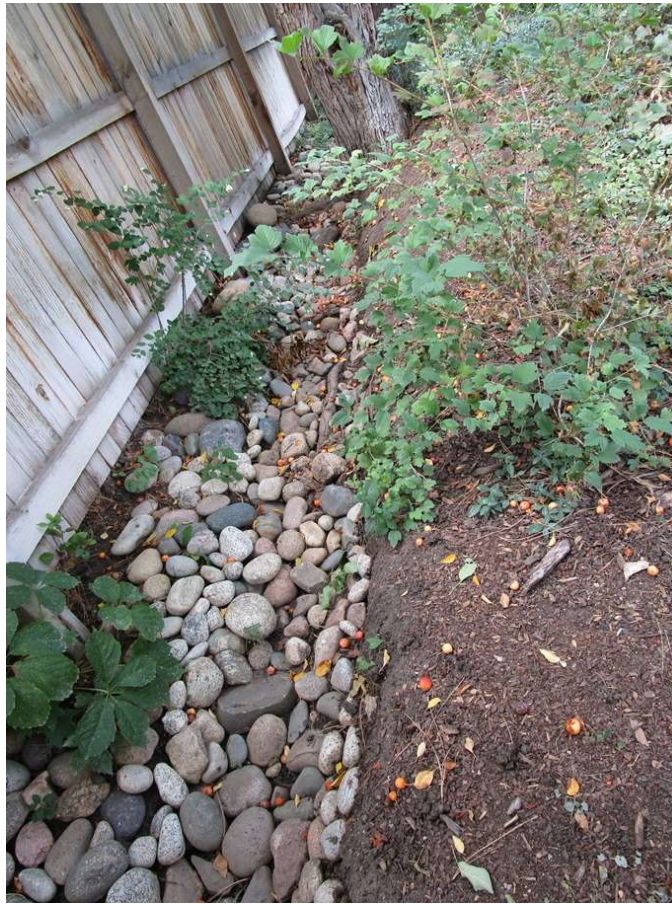
West/northwest-facing side – original garage (on left), main section (in middle), and southwest wing with rear entrance (on right), looking southeast



Close up of southwest wing, southwest-facing side, with cut stone-faced window surround, looking southeast



In-ground swimming pool, looking northeast



Glen Creighton Mutual Ditch segment on west side of property, looking northwest



Well structure, west of the southwest wing (in background), looking southeast



Welcome sign structure at southeast corner of property, looking southeast



Rock-faced entrance posts next to Glen Dale Drive



Rock-faced entrance posts next to Glen Ayr Drive



East-facing side of ca. 1995 two-car detached garage, facing Glen Dale Drive, looking west



South-facing side of ca. 1995 two-car detached garage, looking north



West-facing side of ca. 1995 two-car detached garage, looking east



North- and west facing sides of ca. 1995 two-car detached garage, looking east



Lakewood
Colorado

Sustainability and Community Development Department. ■ Civic Center North ■ 470 S. Allison Parkway
Lakewood CO 80226 ■ 303-987-7527

Owner Consent Form Local Landmark Designation

I, KIMBERLY LEELING, certify that I am the sole owner X /
partial owner _____ of the land and property located at:

Number and Street: 1801 GLEN DALE DRIVE
City: LAKESWOOD State: COLORADO Zip Code: 80215

and that I give my written consent and approval for this property's nomination for local
landmark designation and to the release and disclosure of the information contained in the
Nomination Form to the public.

I further understand that upon designation the requirements set forth in the Lakewood Historic
Preservation Ordinance, Article 11 of Title 17 of the Lakewood Municipal Code, pertain to this
property.

DATED this 13 day of NOVEMBER, 2024

KIMBERLY LEELING

Owner Name (Please print)

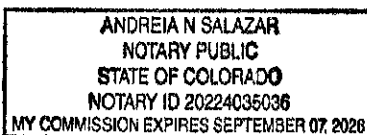
Kimberly Leeling

Owner Signature

State of Colorado)
County of Jefferson) ss

Subscribed and sworn before me this 13 day of Nov., 2024 by
Andreia Salazar

Witness my hand and official seal. My commission expires Sept. 07, 2026



[Signature]
Notary Public

RESOLUTION OF THE CITY OF LAKEWOOD HISTORIC PRESERVATION COMMISSION

On December 17, 2024, the Lakewood Historic Preservation Commission reviewed Case HP-24-0001, a local landmark request to designate a structure located at 1801 Glen Dale Dr.

Motion was made by COMMISSIONER Everhart and seconded by COMMISSIONER Cvanciger to recommend approval of the local landmark designation. The motion passed with a vote of 6-0-1. The roll having been called, the vote of the Lakewood Historic Preservation Commission was as follows:

Heather Peterson	(recused)
Kelly Cvanciger	Aye
Ronald Everhart	Aye
Poppie Gullett	Aye
Sara Harris	Aye
Jon Hostager	Aye
Fernando Rocha	Aye

FINDINGS OF FACT

- A. The Applicants, Ms. Heather Peterson and Ms. Kimberly Leeling, submitted an application, Case No. HP-24-0001, requesting designation of the structure located at 1801 Glen Dale Drive as a local landmark (the “structure”);
- B. The Director found the application was complete and referred the application to the Historic Preservation Commission as required by 17.11.4.4 of the City of Lakewood Zoning Ordinance (“Zoning Ordinance”);
- C. The structure merits designation as a local landmark because it meets one of the Designation Criteria outlined in 17.11.3 of the Zoning Ordinance; specifically, it satisfies the Designation Criteria in 17.11.3(C) which requires a structure to “embod[y] the distinctive characteristics of a type, period, or method of construction...or possesses high artistic values”;
- D. The structure is a very good example of a Tudor Revival-style house that was constructed in 1938 and it retains many character-defining features including a gable roof, a brick and stucco exterior with curved and straight half-timbering, and cut-stone accents;
- E. Notice of the Public Hearing complied with the requirements of 17.11.4.6 of the Zoning Ordinance; including:

- a. Notice of the Designation Hearing was provided not more than forty-five (45) days after receipt of a complete application to the applicants, owner of record, and to other persons having a legal or equitable interest in the site nominated for designation;
- b. Notice was published in full in the City's publication of record at least ten (10) days prior to the hearing;
- c. Notice of the Public Hearing was posted on the subject property at least fourteen (14) days prior to the hearing; and
- d. Notice of the Public Hearing was provided to the Historic Preservation Commission, the Director, and the building official at least fourteen (14) days prior to the hearing;

F. The Historic Preservation Commission held a public hearing on December 17, 2024 regarding the proposed local landmark designation, Case No. HP-24-0001.

NOW, THEREFORE, BE IT RESOLVED by the Historic Preservation Commission of the City of Lakewood recommends as follows:

1. The findings of fact, A - F, as set forth in the recitals above are hereby approved; and
2. Historic Preservation Commission Case No. HP-24-0001 is hereby recommended for approval by the City Council.



Poppie Gullett, Chair

CERTIFICATION

I, MATTHEW SEUBERT, Secretary to the City of Lakewood Historic Preservation Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Historic Preservation Commission at a Public Hearing held in Lakewood, Colorado, on the 17th day of December, 2024, as the same appears in the minutes of said meeting.

December 17, 2024
Date approved

Matthew Seubert
Secretary to the Historic Preservation
Commission



HISTORIC PRESERVATION COMMISSION STAFF REPORT

PROJECT INFORMATION

CASE NO: HP-24-0001

REPORT DATE: December 10, 2024

CASE NAME: Local Landmark Designation
for 1801 Glen Dale Drive

HEARING DATE: December 17, 2024

PROPERTY ADDRESS: 1801 Glen Dale Drive

APPLICANTS: Kimberly Leeling
Heather Peterson

LEGAL DESCRIPTION: Lot 0001, Block 007,
Glen Creighton (Blks 3-12)

CITY STAFF: Matthew Seubert

STAFF RECOMMENDATION: That the Historic Preservation Commission recommend approval to City Council of the Local Landmark Designation Nomination designating the structure located at 1801 Glen Dale Drive as a local landmark.

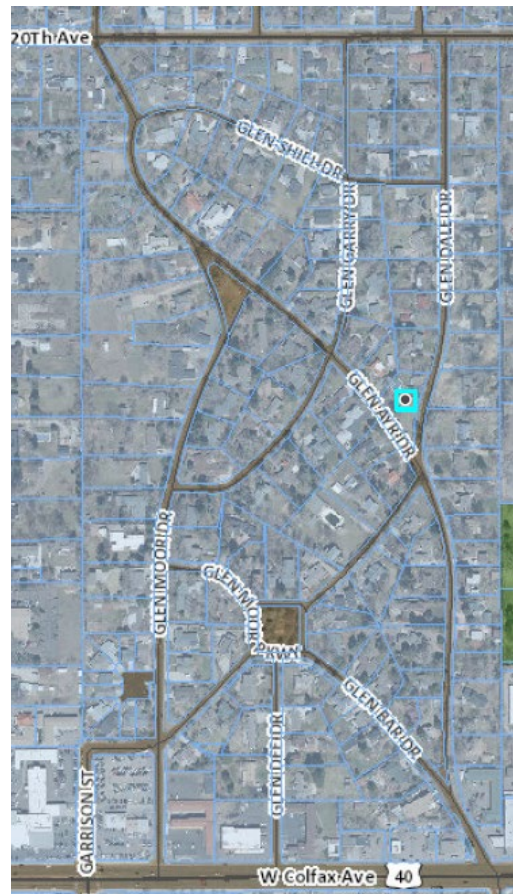
ATTACHMENTS:

- Local Landmark Designation Nomination Form
- Owner Consent Form

INTRODUCTION

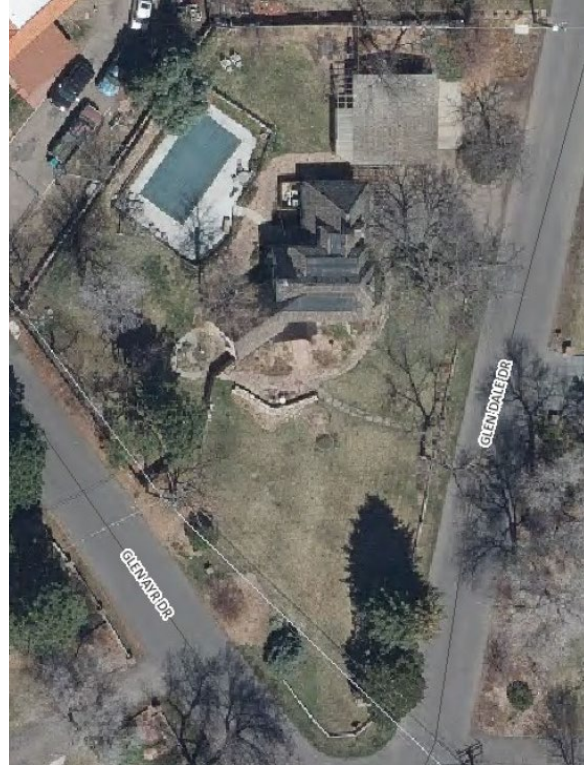
A Local Landmark Nomination Form to designate the structure at 1801 Glen Dale Drive as a local landmark was submitted by Kimberly Leeling, the owner of the property. The application has been reviewed by the Director of the Planning Department and all application requirements have been met. The Historic Preservation Commission (the Commission) has requested it be brought forward for a public hearing before the Commission.

The structure is located at 1801 Glen Dale Drive, in the Glen Creighton subdivision, in the City of Lakewood, Colorado. (See Vicinity Map.)



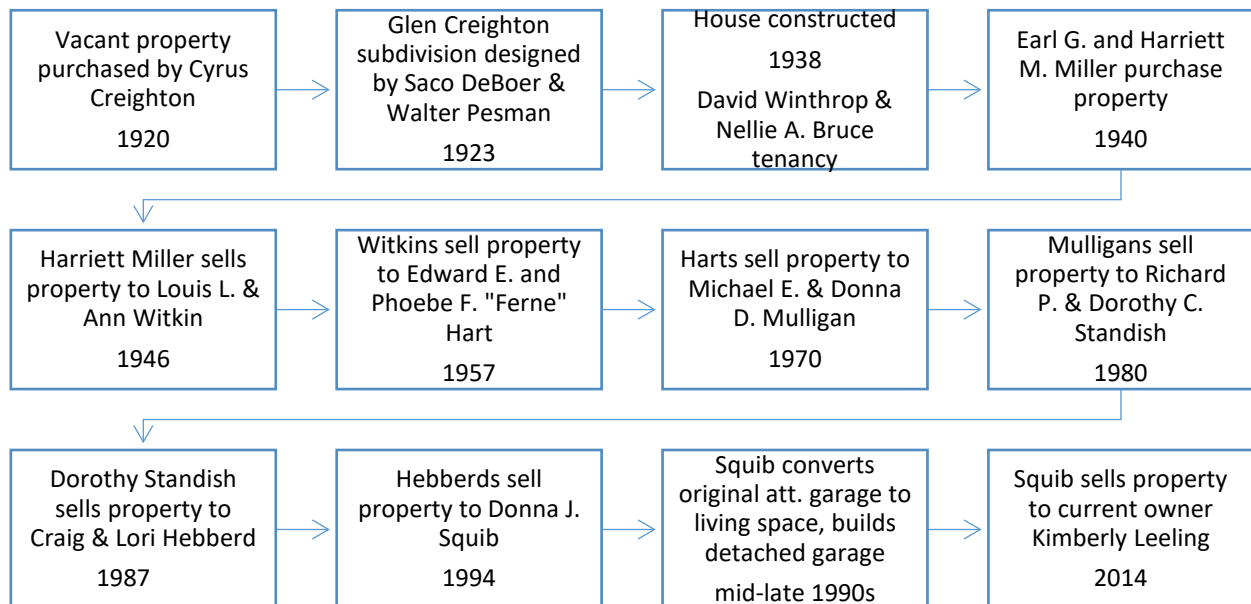
SITE DESCRIPTION AND BACKGROUND

The structure is a Tudor Revival-style house located on the northern "Y" of Glen Dale and Glen Ayr Drives. The house faces easterly and fronts Glen Dale Drive. There is a detached garage to the north of the house. There is an in-ground swimming pool and a well in the rear yard, as well as a wooden privacy fence and segment of the Glen Creighton Mutual Ditch along Glen Ayr Drive. (See Site Plan Photo.)



OWNERSHIP

The following chart shows significant dates and the succession of ownership, where available, for the property.



ARCHITECTURAL SIGNIFICANCE

The Subdivision

The Glen Creighton neighborhood, also known as the Glens, comprises an 80-acre subdivision with approximately 140 single-family homes and roughly bordered on the south by Colfax Avenue, the north by 20th Street, the east by Glen Ayr and Glen Dale Drives, and the west by

Glen Moor and Glen Ayr Drives. Cyrus J. Creighton purchased the land for the neighborhood in 1920 from B.J. Prendergast. Determined to turn the plat into a prosperous community, Creighton commissioned prominent Denver landscape architects Saco DeBoer and Walter Pesman to design a subdivision with irregular-shaped, large lots that blended urban and rural characteristics, resulting in their 1923 design of Glen Creighton, which incorporated the use of a curved street plan following the topography. Teams of horses carved nine curvilinear streets all with names beginning with "Glen" to imitate the glens of Scotland and coincide with the Scottish name of Creighton. The Glens relied on a deep well, pump house, and the Glen Creighton Mutual Ditch system, which meanders through the neighborhood and still today irrigates many of the plats of land.

Creighton sought to create an "exclusive residential community of narrow, winding streets and real estate covenants designed to ensure a community of substantial wealth and social status." Covenants included restrictions regarding the types of fences, walls, and homes that could be built. However, covenants also prohibited Black and Asian people from purchasing property in the subdivision; these discriminatory covenants were repealed in 1959.

After World War II, the Glens developed further with ranch type and modern movement style dwellings. Most of the dwellings were custom built by or for individuals, rather than by home builders constructing tracts of houses. Although some of the homes in the Glens have not stood the test of time, the historic integrity of the neighborhood persists, as many homeowners preserve the design features of homes now standing for a century.

The Morse Park Survey Plan (2020) included a windshield survey of the Glens subdivision and identified it as a high priority for future survey. Lakewood's Historic Preservation Commissioners subsequently completed reconnaissance surveys of all 140 properties in Glen Creighton and selected 18 for intensive-level survey based on age, apparent architectural integrity, and/or potential historic significance, including the subject property.

The Home

This 1938 Tudor-revival house has an irregular footprint with approximately 2200 square feet. It rests on a concrete foundation and is constructed of brick that is painted white with grey trim. Keeping with the Tudor Revival character-defining asymmetrical features, the upper level includes stucco and contains patterns of straight and curved half-timbering. Shake shingles cover the steeply pitched gable on hipped roof where a cupola sits toward the north end and an off-center brick chimney, with three chimney pots, extends from the roofline toward the front. The architect is unknown. The defining characteristics and features on each elevation are shown in the photos below:

Front (Southeast) Elevation:

Photo: Front elevation with welcome sign feature, looking northeast



Photo: Detail of front elevation with cut stone entrance and copper clad catslide roof

The front southeast facing elevation features:

- Large front yard with stacked stone wall, welcome sign entry structure, and rock-faced entry posts
- Half timbering
- Cut stone-faced main entrance with copper clad catslide roof

Side (Glen Dale/East) Elevation:

Photo: East-facing side of main section (left) and original garage (right), looking southwest

The side east facing elevation features:

- Half timbering
- Original garage converted to living space
- Original driveway with two rock-faced entrance posts



Rear (North) Elevation:

Photo: North-facing side – original garage (on left), main section (middle) and southwest wing with rear entrance (on right) looking south

The rear north facing elevation features:

- Half timbering
- Shake shingle roof
- Chimneys



Side (Glen Ayr/West) Elevation:



Photo: West-facing side – main section in middle and southwest wing on right



Photo: Close up of west-facing side with cut stone-faced window surround and well structure

Photo: Rock-faced entrance posts next to Glen Ayr Drive

The side/west facing elevation features:

- Cut stone-faced window surround
- Well structure and segment of Glen Creighton ditch
- Rock-faced entrance posts



INTEGRITY and PERIOD of SIGNIFICANCE

The structure maintains a high level of integrity. The period of significance for the structure is 1938, the date the house was constructed.

DESIGNATION CRITERIA

Section 17.11.3 of the Lakewood Zoning Ordinance outlines the designation criteria that the Preservation Commission shall consider in reviewing a Local Landmark Designation Nomination Form. Staff finds the structure addressed as 1801 Glen Dale Drive meets the following designation criteria:

Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

Criterion C is met. The building is a very good example of a Tudor Revival-style house that was constructed in 1938. It retains many character defining features including a gable roof, a brick and stucco exterior with curved and straight half-timbering, and cut-stone accents.

NOTIFICATION

Staff has met the posting and notification requirements outlined in Section 17.11.4.6 of the Lakewood Zoning Ordinance.

- a. Notice was provided to the owner of the property.
- b. A legal notice was published in the City's publication of record.
- c. Signs were posted on the property at least 14 days prior to the hearing providing notice of the public hearing.
- d. Notice was provided to Historic Preservation Commissioners, the Planning Director, and the Building Official.
- e. A courtesy notice was provided to the Morse Park Sustainable Neighborhood leaders.

RECOMMENDATION

Staff recommends the Preservation Commission finds that:

- A. The property owner submitted a complete Local Landmark Designation Nomination Form and Owner Consent Form requesting designation of the property located at 1801 Glen Dale Drive as a local landmark; and
- B. The Director referred the complete application to the Historic Preservation Commission as required by 17.11.4.4 of the City of Lakewood Zoning Ordinance; and
- C. The structure addressed as 1801 Glen Dale Drive meets Designation Criterion C set forth in Section 17.11.3 of the Lakewood Zoning Ordinance; as follows
- D. The structure is a very good example of a Tudor Revival-style house that was constructed in 1938 and it retains many character-defining features including a gable roof, a brick and stucco exterior with curved and straight half-timbering, and cut-stone accents; and
- E. Proper notification pursuant to Section 17.11.4.6 of the Lakewood Zoning Ordinance was met as outlined above.

Staff also recommends that:

- 1. The Historic Preservation Commission recommends approval to City Council of the Local Landmark Designation Nomination, Case No. HP-24-0001, designating the structure addressed as 1801 Glen Dale Drive as a local landmark.

**CITY OF LAKEWOOD
HISTORIC PRESERVATION COMMISSION
SPECIAL MEETING MINUTES
December 17, 2024**

ITEM 1: CALL TO ORDER

Chair Gullett called the meeting to order at 6:00 p.m. in the DAT/SCD-DR Conference Room, Civic Center North, 470 S. Allison Parkway, Lakewood.

ITEM 2: ROLL CALL

Commissioners Present:

Poppie Gullett, Chair
Kelly Cvanciger
Jon Hostager
Sara Harris

Heather Peterson, Vice Chair
Ron Everhart
Fernando Rocha

Commissioners Absent:

None

Staff Present:

Matthew Seubert, Secretary
Lauren Stanek, Senior Assistant City Attorney

Full and timely notice of this meeting was given and a quorum was present.

ITEM 3: GUEST INTRODUCTIONS AND PUBLIC COMMENT

Guests were Kimberly Leeling. No public comment on matters not on the agenda was given via Lakewood Speaks nor at the meeting.

ITEM 4: APPROVAL OF MINUTES – November 19, 2024

Commissioner Everhart moved approval of the minutes, seconded by Commissioner Cvanciger. The motion passed unanimously.

ITEM 5: STAFF UPDATES

None

ITEM 6: PUBLIC HEARING APPLICATION – 1801 Glen Dale Drive

Lauren Stanek provided guidance on procedure for the public hearing and the designation criteria for the Commission's decision.

Chair Gullett swore in the applicants, Heather Peterson and Kimberley Leeling, and City staff, Secretary Matthew Seubert.

Ms. Peterson provided the applicant presentation, noting the Tudor revival style architectural features of the home, including its asymmetrical design, straight and curved half timbering, and the gable and hipped shake shingle roof. She noted that other than conversion of the original attached garage into living space, exterior alterations have been relatively minor, and the home displays strong architectural integrity. The home is an outstanding example of the Tudor revival style, and meets Designation Criteria C, in that it “embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.”

Secretary Seubert showed a staff presentation on Power Point which summarized the staff report included in the meeting packet. The presentation included a vicinity and site plan map, elevations and architectural highlights of each façade, compliance with Designation Criteria C, compliance with public notification requirements, and staff recommendation for approval.

Commissioner Rocha asked questions of the applicant regarding the history of the well and ditch on the property, which were answered by Kimberly Leeling. Commissioner Everhart noted the architectural integrity of the home. There were no questions for staff.

Chair Gullett opened public comment. There were seven comments on Lakewood Speaks received prior to the meeting.

1. Sarah Nelson noted the racially restrictive covenant of the original Glen Creighton subdivision, and urged that the full history be included in any designation.
2. Brad Bruce was opposed to designation, citing the aforementioned covenant.
3. Joshua Comden was opposed to designation, citing the aforementioned covenant, the Lakewood Comprehensive Plan, Historic Preservation Plan, and the purpose and intent of Article 11 of the Zoning Ordinance.
4. Shelby Healy noted the aforementioned covenant.
5. Erin Kenworthy was opposed.
6. John Claus stated that he did not believe the designation met the intent of Article 11.
7. Rev. Ben A. David Hensley noted the aforementioned covenant.

(Note: there were five additional public comments provided on Lakewood Speaks that were received after the meeting). There were no public comments provided in person. Chair Gullett closed public comment.

Commissioner Everhart introduced a motion that, based upon the testimony and evidence presented during the public hearing this evening, the Historic Preservation Commission adopt the findings of fact in the resolution for case number HP-24-0001 and recommend approval by the Lakewood City Council of the structure located at 1801 Glen Dale Drive as a local landmark. The motion was seconded by Commissioner Cvanciger.

Chair Gullett opened Commissioner discussion. Commissioner Cvanciger noted that the staff report and application addressed the issue of the racially restrictive covenant. Commissioner Everhart noted that such covenants were not unusual at the time, and the designation does not

cover up this fact, but rather is a teaching moment about society's progress since that time. He noted that the application meets Designation Criteria C, and Commissioner Cvanciger concurred. Commissioner Rocha noted that there have been changes in society regarding who is allowed to own property since the original subdivision in 1923, that the designation could serve as a teachable moment, and cited the aesthetic beauty of the home. Chair Gullett noted that racially restrictive covenants no longer apply to the property, and Secretary Seubert cited the application and the staff report which noted that the covenant was repealed in 1959. Chair Gullett recommended that discussion of the covenant should be included in future designation efforts in the Glen Creighton subdivision.

Chair Gullett called for a vote on the motion on the table and on the findings and resolution prepared by staff. The roll call vote was as follows:

Everhart	Aye
Harris	Aye
Rocha	Aye
Gullett	Aye
Hostager	Aye
Cvanciger	Aye
Peterson	Recused

The vote tally was 6-0.

ITEM 7: COMMISSION UPDATES/OTHER BUSINESS

A. Commission Updates

Commissioner Hostager had no update from the Lakewood Historical Society, as they have not met since the last meeting of the Historic Preservation Commission.

B. Other Business

Commissioner Everhart recently gave a presentation to retired federal employees on the history of the Lakewood and the Denver Federal Center, and also noted that the annual Saving Places Conference will take place January 29 to February 1 in Colorado Springs. Chair Gullett noted that tuition assistance is available from History Colorado.

ITEM 8: NEXT MEETING

The next regular meeting will be January 21, 2025.

ITEM 9: ADJOURN

Chair Gullett adjourned the meeting at 6:47 pm.

Poppie Gullett, Chair



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 PM

October 14, 2024

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Strom called the hybrid meeting to order at 7:03 p.m.

ITEM 2 – ROLL CALL

Councilors Present:	Mayor Wendi Strom, Presiding
	Councilor Rich Olver
	Councilor Sophia Mayott-Guerrero
	Councilor Rebekah Stewart
	Councilor Dave Rein
	Councilor Jeslin Shahrezaei
	Councilor Roger Low
	Councilor Isabel Cruz
	Councilor Paula Nystrom
	Councilor Glenda Sinks

Absent:	Councilor Jacob LaBure
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Others in attendance:	Kathy Hodgson, City Manager
	Ben Goldstein, Deputy City Manager
	Alison McKenney Brown, City Attorney
	Jay Robb, City Clerk
	Bernadette Salazar, Deputy City Clerk

Full and timely notice of this City Council meeting had been given, and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited, and the audience remained standing for a moment of silent prayer.

ITEM 4 – STATEMENT OF CONFLICT OF INTEREST

Mayor Strom read the Statement of Conflict of Interest.

ITEM 5 – RECOGNIZING THE WEST METRO FIRE DEPARTMENT

Councilor Rein read the proclamation honoring the West Metro Fire Department, and Mayor Strom presented the proclamation to Fire Chief Don Lombardi, Deputy Chief Metz, and seven other employees, who received the proclamation on behalf of the West Metro Fire Department.

ITEM 6 – PROCLAMATION FOR INDIGENOUS PEOPLES DAY

Camilla Avila, Alameda High School Junior, read the proclamation, and Mayor Strom presented the proclamation to Ms. Avila, who received the proclamation on behalf of the Indigenous Peoples of the Community.

Mayor Strom also recognized the importance of Italian-Americans celebrating October 14th as Columbus Day and the recognition of Cabrini Day in October.

ITEM 7 – NOISE POLLUTION RESEARCH FROM THE LAKEWOOD ADVISORY COMMISSION (LAC)

City Clerk Robb introduced Sarah Griffin and Lucia Mears from the Neighborhoods Subcommittee of the Lakewood Advisory Commission (LAC). Commissioner Sarah Griffin provided a presentation summarizing the LAC's research and recommendations.

ITEM 8 – REPORT – COMPREHENSIVE PLAN PRESENTATION

Travis Parker, Chief of the Sustainability & Community Development Branch, introduced Roger Wadnal, Planning Manager & Christy Ivanov, Sr. Planner, to present the status and timeline of the City's 2025-2040 Comprehensive Plan and respond to questions from the Council. Discussion ensued regarding the Council's role in the Comprehensive Plan.

The Council agreed to assist staff in drafting a resolution clarifying the City Council's role in the Comprehensive Plan Update.

ITEM 9 – INITIAL PUBLIC COMMENT

Public Comment received via Lakewood Speaks: 3 (See attached)

Public Comment received via in-person:

Jonna Helm, Ward 1, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

Tony Riggio, Ward 1, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

Daren Volski, Ward 1, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

Brad Bruce, Ward 2, spoke to the Council regarding support for a cease-fire in Gaza and Lebanon.

Celia Greenman, Ward 2, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

Avery Worland, Ward 1, spoke to the Council about unregulated construction at the Orchard Flats Apartments, located on Oak Street.

Susan Carol, Ward 1, spoke to the Council regarding safety issues at Orchard Flats Apartments, located on Oak Street.

Erin Loller, Ward 1, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

Patricia Mullen, legal counsel representing the Applewood Community, summarized concerns with the City's site plan process in the context of the development proposed at 1515 Whippoorwill Drive.

Eric Halverson, Ward 1, spoke to the Council about safety issues at Orchard Flats Apartments, located on Oak Street.

CONSENT AGENDA ORDINANCES ON FIRST READING

City Clerk Robb read the Consent Agenda into the record.

Comments on Lakewood Speaks: 0

No Public Comments were received in person.

Mayor Pro Tem Shahrezaei moved to approve the consent agenda. The motion was seconded.

ITEM 10 – RESOLUTION 2024-55 – APPOINTING MEMBERS TO THE LAKEWOOD ADVISORY COMMISSION

ITEM 11 – RESOLUTION 2024-56 – APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF TRANSPORTATION REGARDING THE CITY OF LAKEWOOD'S USE OF THE COLORADO DEPARTMENT OF TRANSPORTATION'S SOLID DE-ICER MATERIALS AND FACILITY LOCATED AT 12400 US 285 IN MORRISON, COLORADO

ITEM 12 – RESOLUTION 2024-57 – SUPPORTING A GRANT APPLICATION TO JEFFERSON COUNTY OPEN SPACE REQUESTING FUNDING TO CONSTRUCT TRAIL IMPROVEMENTS IN BEAR CREEK LAKE PARK AND AUTHORIZING THE DIRECTOR OF COMMUNITY RESOURCES TO EXECUTE THE GRANT AGREEMENT IF APPROVED

END OF CONSENT AGENDA

VOTE TO APPROVE THE CONSENT AGENDA

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

City Clerk Robb read Item 13 into the record.

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 13 – ORDINANCE O-2024-26 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS AT THE NORTHEAST CORNER OF WEST JEWELL AVENUE AND HOYT STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

City Clerk Robb read Ordinance O-2024-26 into the record.

Mayor Strom opened the public hearing at 8:31 p.m.

No public comments were received in person or via Lakewood Speaks.

Mayor Strom closed the public hearing.

Mayor Pro Tem Shahrezaei made a motion to adopt Ordinance O-2024-26. The motion was seconded.

Councilor Stewart thanked staff and the Council for supporting ADA infrastructure

improvements in the community.

VOTE TO ADOPT ORDINANCE O-2024-26

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

ITEM 14 – GENERAL PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

Public Comment received via Lakewood Speaks: 3 (see attached)

Laurent Mallon, Ward 2, spoke in support of Item15-A - Council Proposal from Councilors Nystrom and LaBure to eliminate gas appliances and distributed a handout. (Attachment A).

Neil Priester, Ward 1, spoke in support of Item15-A - Council Proposal from Councilors Nystrom and LaBure regarding sustainability initiatives.

Kelly Snodgrass, Ward 1, spoke to the Council against a development proposed at 1515 Whippoorwill Drive.

ITEM 15 – GENERAL BUSINESS

A. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Councilor Nystrom summarized a request submitted to the Council to receive quarterly updates on sustainability/climate change mitigation initiatives and progress on target goals for these efforts.

Discussion ensued between the Council and City Manager Kathy Hodgson regarding Councilor Nystrom and LaBure's first requests for quarterly updates on sustainability and climate change and a second request to schedule workshops to establish definitive goals for sustainability and climate change mitigation in the community.

VOTE FOR THE COUNCIL TO RECEIVE QUARTERLY UPDATES ON SUSTAINABILITY AND CLIMATE CHANGE MITIGATION INITIATIVES AND PROGRESS ON TARGET GOALS

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

B. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Councilor Nystrom summarized a request submitted by Councilors LaBure and Nystrom for the City Manager or her designee to schedule a workshop to establish definitive goals for sustainability and climate change mitigation in the City.

Discussion ensued between the Council and City Manager Hodgson, regarding Councilor Nystrom and LaBure's second request to schedule workshops to establish definitive goals for sustainability and climate change mitigation in the community.

VOTE FOR THE CITY MANAGER OR HER DESIGNEE TO SCHEDULE A WORKSHOP AS A PART OF THE COUNCIL'S ANNUAL RETREAT TO ESTABLISH DEFINITIVE GOALS FOR SUSTAINABILITY AND CLIMATE CHANGE MITIGATION IN THE CITY.

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

C. COUNCIL REQUEST - COUNCILOR CRUZ

Councilors Cruz and Mayott-Guerrero summarized the request they submitted to update the Lakewood Water and Sewer Regulations to allow for in-line grease traps where appropriate, according to modern engineering standards and technology.

Discussion ensued between the Council and Max Kirschbaum, Public Works Director, regarding the proposal to update to the City's water and sewer regulations to allow for in-line grease traps where appropriate and allowed to the City's water and sewer regulations.

VOTE TO UPDATE THE LAKEWOOD WATER AND SEWER REGULATIONS TO ALLOW FOR IN-LINE GREASE TRAPS

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

D. COUNCIL REQUEST - COUNCILORS NYSTROM AND OLVER

Councilor Nystrom summarized a request submitted by Councilors Nystrom and Olver for the Lakewood Advisory Commission to research creating hiker-only trails or a viable option at William F. Hayden Park on Green Mountain due to the heavy traffic of hikers and bikers.

VOTE TO ASSIGN THE LAC TO RESEARCH VIABLE OPTIONS FOR HIKERS AND BIKER TRAFFIC AT WILLIAM F. HAYDEN PARK ON GREEN MOUNTAIN

	AYES	NAYS		AYES	NAYS
STROM	X		LABURE		ABSENT
OLVER	X		NYSTROM	X	
MAYOTT-GUERRERO	X		LOW	X	
STEWART	X		CRUZ	X	
REIN	X		SINKS	X	
SHAHREZAEI	X				
			TOTAL	10	0

Result: The motion passed.

E. COUNCIL REQUEST - COUNCILORS LABURE AND NYSTROM

Councilor Nystrom summarized a request submitted by Councilors Nystrom and LaBure to remove gas appliances from Chapter 8.12.020 of the Lakewood Municipal Code to reduce Green House Gas Emissions in Lakewood by removing gas fireplaces from the municipal code.

Discussion ensued among the Council regarding the request from Councilors Nystrom and LaBure to remove gas appliances from Chapter 8.12.020 LMC.

Mayor Pro Tem suggested amending the request to send the proposal to the Lakewood Advisory Commission to research what other cities in Colorado have taken measures to remove gas appliances, study education and incentive programs to help homeowners transition away from gas appliances, collect data on new construction in the community, and produce suggestions for the Council.

The Council discussed the amendment to send the proposal to the Lakewood Advisory Commission.

Councilor Low suggested adding the removal of gas appliances to the Comprehensive Plan and rewriting the future zoning. Discussion ensued, but Councilor Nystrom preferred to vote on the proposal as initially drafted.

VOTE TO REMOVE GAS APPLIANCES FROM CHAPTER 8.12.020 OF THE LAKEWOOD MUNICIPAL CODE

	AYES	NAYS		AYES	NAYS
STROM		X	LABURE		ABSENT
OLVER		X	NYSTROM	X	
MAYOTT-GUERRERO		X	LOW		X
STEWART	X		CRUZ		X
REIN		X	SINKS		X
SHAHREZAEI		X			
TOTAL				2	8

Result: The motion failed.

ITEM 16 – EXECUTIVE REPORT

The executive session was removed from the final agenda.

A. CITY MANAGER

ITEM 17 – MAYOR AND CITY COUNCIL REPORTS

The Councilors and Mayor provided updates regarding upcoming Ward meetings and other events in the community.

A. MAYOR

B. COUNCIL MEMBERS BY WARD

ITEM 18 – ADJOURNMENT

Seeing no further business, Mayor Strom adjourned the meeting at 10:29 p.m.

Respectfully submitted,

Jay Robb, City Clerk

Public Comments of October 14, 2024 meeting of the Lakewood City Council

Item 9 - Initial Public Comment

Jonna Helm · Oct 14, 2024 · 10:29pm

Please see attached formally requesting that the proposed development at 1515 Whippoorwill Dr be referred to the Planning Commission- submitted to the City Attorney today, 10/14/24.

Jonna Helm · Oct 14, 2024 · 10:21pm

Regarding the concerns surrounding the proposed development at 1515 Whippoorwill Dr (Williams Pointe), we were unfortunately unable to present the videos and photos prepared to help illustrate our concerns surrounding the lack of connectivity and safety concerns of Youngfield St & W. 15th Place. Please, we are pleading that our voices were heard tonight and given the safety concerns, lack of connectivity, especially for those with ADA needs, mobility issue and families, coupled by the amount of public concern with over 1000+ people signing the online petition, that the City of Lakewood will refer the Major Site Plan for the 1515 Whippoorwill to the Planning Commission.

S Farthing · Oct 14, 2024 · 8:34pm

Lakewood is currently going through the comprehensive plan update process. However, since compliance with the comprehensive is totally optional in Lakewood, what is the point? Many of the issues mentioned tonight could be resolved or prevented if Lakewood made the comprehensive plan binding law and not simply advisory. Only the people can make Lakewood do that. Make them do it, people. Show up.

Item 14 - General Public Comment

Neicy Wagner Geis · Oct 14, 2024 · 9:50pm

As a resident of W 15th Pl, I find it astonishing that all of the safety concerns have been ignored and the "fixes" that have been offered are laughable. Narrowing our street where it intersects with Youngfield is far from a solution and create even more chaos. Something we keep hearing time and time again is to "let you know" when we have issues. We're letting you know now, as longtime residents of this community, that we foresee the upcoming issues which are UNAVOIDABLE and it still falls in deaf ears. We're not fighting this because we're against new neighbors, affordable housing or anything else BESIDES SAFETY! This is poorly planned and you will most definitely see the negative effects and we will absolutely be here to say "We told you so". Don't let it come to that and address our concerns NOW, before it's a serious issue rather than blindly pushing something through because it looks good on paper to accommodate affordable housing. Do better Lakewood!!

Neicy Geis · Oct 14, 2024 · 7:32pm

As a resident of W 15th Pl, I find it astonishing that all of the safety concerns have been ignored and the "fixes" that have been offered are laughable. Narrowing our street where it intersects with Youngfield is far from a solution and create even more chaos. Something we keep hearing time and time again is to "let you know" when we have issues. We're letting you know now, as longtime residents of this

community, that we foresee the upcoming issues which are UNAVOIDABLE and it still falls in deaf ears. We're not fighting this because we're against new neighbors, affordable housing or anything else BESIDES SAFETY! This is poorly planned and you will most definitely see the negative effects and we will absolutely be here to say "We told you so". Don't let it come to that and address our concerns NOW, before it's a serious issue rather than blindly pushing something through because it looks good on paper to accommodate affordable housing. Do better Lakewood!!

Elisabeth Moolenaar · Oct 14, 2024 · 5:43pm

Good evening Mayor Strom and City Councilors. I am Dr. Elisabeth Moolenaar and I am a resident of Ward 1 an environmental anthropologist who specializes in energy production and consumption. I am an active member of a resident volunteer group Clean Energy Lakewood and of Sustainable Eiber. I work as a professor at Regis University and this semester I am teaching a course called People, Planet, Power. In the course we explore the challenges of the Anthropocene as laid out in different hard and social sciences and by law scholars, particularly the pressures on our earth systems from our extraction of natural resources and our consumption of energy. My students shared with me the stress they feel as people with power do not seem to make big enough strides in "saving the planet." They feel defeated. I always tell them we can all make smaller changes that make a difference too! As such, I'd like to comment in support of legislative action proposed by councilor Nystrom and Labure to remove gas fireplaces from new build homes. Reducing Green House Gas emissions is a hard and very necessary task to be prepared for the future, reduce the earth's warming, and ensure sustainability. Installing new gas fireplaces will continuously introduce sources of Green House Gas emissions and only contribute to the problem instead of reducing it. There are electric options for people who really want a fireplace for ambiance that are quite efficient, put out enough heat to warm a room, look aesthetically pleasing, and are around \$500. A new build home should not need it for warming purposes as these are more energy efficient anyway. This is a small change in our consumer behavior that makes a difference!

Don lombardie

Captain Finnigan

Deputy Chief Metts

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 14

To: Mayor and City Council
From: Travis Parker, Chief of the Sustainability & Community Development Branch
Subject: **Creating 14.29 of the City of Lakewood Municipal Code Regulating Metropolitan Districts**

SUMMARY STATEMENT: The attached code changes regarding future metropolitan districts in the City of Lakewood were reviewed by the City Council at the November 4, 2024 workshop. City staff, including the Public Works Department, the City Attorney's Office, and the Finance Department, have been involved in the development of the ordinance and will be available during the public hearing scheduled for January 13, 2025 during City Council's discussion.

BACKGROUND INFORMATION: The proposed ordinance was initially prepared in 2021 in response to the City Council's request following its 2020 planning session. After the ordinance failed in October 2021, the matter was tabled until 2024, when there was a renewed interest in establishing requirements and restrictions on the formation of metropolitan districts, and requirements and restrictions on the amendment of Service Plans for existing metropolitan districts.

Following this renewed interest, the City Council held a workshop on this topic on May 6, 2024, and on November 4, 2024. During those workshops, members of the City Council provided feedback and changes to the ordinance. Those changes were incorporated into Ordinance O-2024-34 by the City Attorney's Office.

BUDGETARY IMPACTS: There will be costs associated with implementing this ordinance. Because proposals for new metropolitan districts tend to be infrequent, it is difficult to quantify the additional costs which fall into two primary categories. Additional City Council and City staff time will be necessary to review metropolitan district proposals for compliance with the ordinance and state law. The use of existing staff is not anticipated to cause increased financial cost.

The proposed ordinance would also require the utilization of consultant(s) to review the financial aspects of any proposed metropolitan district to support a recommendation to City Council regarding the proposal and to assist staff in responding to questions from the Council. City staff does not perform this type of evaluation routinely and do not have the expertise necessary. Consequently, city-selected consultant(s) is a reasonable method to provide this portion of the review.

Lastly, the proposed ordinance would obligate the petitioners seeking to create a new metropolitan district to reimburse the City for the costs of the consultant(s) selected by the City.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: The Ordinance can be adopted, amended, or denied on second reading.

PUBLIC OUTREACH: The City Council held two workshops on this topic in 2024 -- on May 6, 2024, and on November 4, 2024.

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

NEXT STEPS: If approved on second reading, staff will begin the implementation and enforcement of the ordinance once it becomes effective.

ATTACHMENTS: 1. Ordinance O-2024-33
2. Ordinance O-2024-33 Redline

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

AN ORDINANCE

CREATING CODE 14.29 OF THE CITY OF LAKEWOOD, COLORADO MUNICIPAL CODE
REGULATING METROPOLITAN DISTRICTS

WHEREAS, the City of Lakewood (“City”) is a home rule municipality organized under Article XX of the Colorado Constitution and the authority of its Home Rule Charter;

WHEREAS, as part of its home rule authority, the City has the discretion to determine the merits of allowing the formation of Metropolitan Districts (“Districts”), or amendments to existing Metropolitan Districts, all in accordance with the Special District Act, C.R.S. § 32-1-101 *et seq.*;

WHEREAS, it is appropriate for the City to determine the merits of allowing the formation of a District for the development of municipal infrastructure following the public hearing process;

WHEREAS, monitoring and reviewing Districts’ actions in the development of their capital facilities and the creation of their debt to finance such facilities is a matter of local concern;

WHEREAS, Metropolitan Districts pass the cost of developing capital infrastructure on to properties located within such Districts which may create unnecessary conflicts with impacted property owners and the community at large, and the establishment by the City of appropriate requirements, restrictions, and limitations is a means to avoid some of these potential conflicts;

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies any particular proposal identified herein; and

WHEREAS, approval of this ordinance on first reading is intended to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide the public and City Staff an opportunity to present evidence and testimony regarding the proposal.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, State of Colorado:

SECTION 1. Title 14, Code 29 is hereby added to the Lakewood Municipal Code as follows:

Section 14.29.010 - Legislative Declaration

A. Metropolitan districts (Districts) organized under C.R.S. Title 32, Art. 1 (the Special

District Act), provide an economic means to the development of municipal infrastructure for the establishment of both residential and commercial development, but a District is a separate municipality operating within the City and the decisions that a District makes regarding the establishment of infrastructure impacts the citizens of the City.

B. The provisions of this Code are intended to:

1. Establish procedures for processing and reviewing proposals for the formation of new Metropolitan Districts,
2. Outline procedures for processing and reviewing proposed Service Plan Amendments for existing Districts, and
3. Define requirements, restrictions, and limitations applicable to such Districts or Service Plan Amendments.

Section 14.29.020 - Definitions

The terms listed hereunder shall have the following meanings for purposes of this Code.

Board means the Board of Directors of a District.

Capital Plan means the plan for providing Public Improvements included in a District's Service Plan, which shall include the following: (1) a list of the Public Improvements to be provided by the District, supported by an engineering or architectural conceptual plan; (2) a good faith estimate of the cost of the Public Improvements which shall include a cost contingency, the size of which shall be explained in the Capital Plan; and (3) a *proforma* capital expenditure plan correlating expenditures and revenues with phases of development.

City means the City of Lakewood, Colorado.

City Attorney means the City Attorney of the City of Lakewood, Colorado.

City Council means the City Council of the City of Lakewood, Colorado.

City-District IGA means an intergovernmental agreement between the City and a District primarily reflecting the terms and obligations of the Service Plan, in substantially the form provided as an exhibit to the Model Service Plan.

City Manager means the City Manager of the City of Lakewood, Colorado or such person's designee.

Clerk means the City Clerk of the City of Lakewood, Colorado or such person's designee.

C.R.S. means the Colorado Revised Statutes, as amended from time to time.

Debt means all general obligation debt of the District as authorized in C.R.S. § 32-1-1101, *et seq.*, which the District has promised to repay through levy and collection of an *ad valorem* property tax assessed against taxable property within the District.

Developer means an entity or person that is the owner of property or owner of contractual rights to property in the Service Area that intends to develop the property.

Developer Affiliate or *Affiliate of a Developer* means an entity or person that directly or indirectly controls, is controlled by, or is under common control with a developer. For the purposes of this definition, “control” means the power to direct or cause the direction of the management and policies on behalf of the District, has a financial interest in the District, or is otherwise involved in matters pertaining to the District such as voting or contracting.

District or *Metropolitan District* means an entity created in accordance with Title 32, Article 1, C.R.S., and as specifically defined in C.R.S. § 32-1-103(10).

End-user means an elector of the District who either: (a) has the elector's primary residence within the District and is neither a developer nor builder of property within the District nor a Developer Affiliate, or (b) owns and operates developed commercial property within the District. End-user shall not include anyone who is an eligible elector pursuant only to C.R.S. § 32-1-103(5)(b).

Material Modification means a Service Plan Amendment that is deemed a Material Modification by one or more of the following: the Special District Act, this Code, the District Service Plan, or the City-District IGA.

Metropolitan District Consideration Calendar means the City's calendar of deadlines for consideration of a Service Plan for a proposed District, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model Disclosure Document means the City's model summary of the costs and benefits of a District, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model District Report means the City's model District status and update report, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model Service Plan means the City's model District Service Plan, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Operation and Maintenance Plan means the plan for funding and managing operation and maintenance of Public Improvements that will be owned, maintained, operated or replaced by the District, which shall include: (1) identification of all such Public Improvements; (2) a good faith estimate of the annualized costs of such maintenance, operation or replacement of each such Public Improvement; and (3) a *pro forma* report correlating such expenditures with phases of development.

Petitioners means those persons proposing a Service Plan for the formation of a new District.

Preliminary Development Plan means a preliminary plan, agreement, application, or other document established by the City that identifies the Public Improvements necessary for facilitating development of property within the Service Area. The Preliminary Development Plan shall precede the Operation and Maintenance Plan.

Public Improvements means part or all of the improvements, facilities and services of which a District is authorized to do one or more of the following: plan, design, acquire, construct, install, relocate, redevelop, maintain, operate, finance or replace as generally described in the Special District Act.

Service Plan means a service plan as required in the Special District Act and includes all Service Plan Amendments.

Service Plan Amendment means a change to a Service Plan approved by the City Council and the District. A Service Plan Amendment may or may not be a Material Modification.

Special District Act means Title 32, Article 1, C.R.S., *et seq.*

Section 14.29.030 - Applicability, Restriction on Approvals, and Authority

- A. All provisions of this Code shall apply to all Districts operating under a Service Plan which was approved or amended by the City Council on and after the effective date of this Code.
- B. In addition to the applicable provisions of this Code, all Districts must follow applicable State legal requirements, as those may be updated and amended, including, but not limited to: audits, reporting, debt issuance, budget submission, election requirements, financial regulations, and other governance actions. Such reports shall be concurrently filed with the City in conformance with this Code.
- C. No District shall be approved by the City Council that will have no development within its boundaries.
- D. No District shall be approved by the City Council that will have control over the finances of another District by agreement or otherwise.
- E. Multiple Districts serving contiguous areas may be approved by the City Council, with a joint or separate Service Plan(s), to reflect different development types, land uses, service needs or development timing. Such contiguous Districts may

collaborate and are encouraged to seek mutual operational efficiencies.

- F. In addition to the power, authority and protection set forth in this Code, the City shall have all of the power, authority and protection granted by the Special District Act to municipalities and by the City's Home Rule Charter.

Section 14.29.040 - Filing for Consideration of a Proposed Metropolitan District or Proposed Service Plan Amendment

- A. Petitioners shall file a proposed Service Plan and a District Board shall file each proposed Service Plan Amendment with the Clerk. Copies of the proposed Service Plan or proposed Service Plan Amendment and any other required documents shall be submitted in a quantity and format acceptable to the City Manager.
- B. All Petitioners shall submit each proposed Service Plan to the Clerk no later than the deadline in the Metropolitan District Consideration Calendar unless the submittal deadline is modified in writing by the City Manager for good cause shown.
- C. At the time of filing a proposed Service Plan or Service Plan Amendment, the Petitioners or Board, respectively, shall pay a nonrefundable application fee in accordance with the fee schedule adopted by the City Manager.
- D. Conformance with this Code requires a special review of each Service Plan and Service Plan Amendment by the City and, pursuant to C.R.S. § 32-1-202(3), Petitioners or the District shall pay all direct costs that the City incurs to review a proposed Service Plan or Service Plan Amendment that exceed the amount of the application fee through a reimbursement agreement between the City and the Petitioners or District. Such costs shall be substantially paid, to the satisfaction of the City Manager, prior to a date being set for the public hearing pursuant to section 14.29.070 and fully paid within thirty (30) calendar days after final City Council action on the Petitioners' or District's request. Failure to honor the terms of the reimbursement agreement shall nullify the City's approval of the Service Plan or Service Plan Amendment.
- E. Petitioners or the District shall file, at the time of filing the proposed Service Plan or Service Plan Amendment, a letter of intent including each of the following:
1. An explanation of the benefits of the proposed District or Service Plan Amendment, which may include, but are not limited to, one or more of the following, and the mechanisms to ensure such benefits are provided:
 - a. How the proposed Service Plan complies with the City's Comprehensive Plan and other adopted City plans;
 - b. Advancement of City goals that would not be accomplished if the Metropolitan District or Service Plan Amendment is not approved including, where applicable, quantitative information;
 - c. Public Improvements, if any, to be provided by the proposed District or Service Plan Amendment that further City goals and exceed City

requirements;

- d. Provision of and/or contribution by the proposed District or Service Plan Amendment, if any, to needed infrastructure that exceeds City requirements; and
 - e. Public Improvements, programs and facilities, if any, to be provided by the District or Service Plan Amendment that are not required by the City and are superior in quality, nature or timing to those associated with similar land uses without a Metropolitan District.
2. A description of anticipated property owners' association(s) and the purpose(s) for each including the division of responsibilities among such association(s) and the District, and the comparative advantages of the association(s) and the District for each responsibility.
 3. A disclosure document consistent with the Model Disclosure Document and the submitted Service Plan or Service Plan Amendment.

Section 14.29.050 - Contents of Service Plan and City-District IGA

- A. All Service Plans shall comply with the requirements of C.R.S. § 32-1-202 and include the requirements set forth within this section. The requirements set forth within this section shall not be eliminated by any Service Plan or City-District IGA, or amendments thereto. The Service Plan shall substantially comply with the form and content of the Model Service Plan provided by the City. The City Council shall determine whether the proposed Service Plan complies with C.R.S. § 32-1-202, the form and content of the Model Service Plan, and this Code.
- B. Disclosures.
 1. The District shall provide a publicly accessible website, which shall be referenced on all its communications, shall provide a method for two-way communication between District electors and the District, shall include an illustration of the District's boundaries on an aerial image, and shall require District elector email addresses to be used only for District business communication purposes.
 2. The District shall provide a disclosure document, approved by the City Manager and City Attorney, explaining the costs and benefits of owning a property within the District. Such disclosure shall be consistent with the Model Disclosure Document provided by the City. Said disclosure shall, at a minimum, be made available as follows:
 - a. Provided by the City on the City's website on a page dedicated to Metropolitan District information.
 - b. Provided by the District on the District's website, which each District is hereby required to have and maintain.
 3. Every District shall prominently display upon their website, and in all documents provided to potential purchasers of real property within the

District, the contents of the disclosure statement set forth in C.R.S. § 38-35.7-101(1). Additionally, the language set forth within C.R.S. § 38-35.7-101(2), regarding the obligation of all Sellers to include such language within every contract for the purchase and sale of residential real property shall be prominently displayed upon the District's website.

4. The District and all property owners' associations located within any area that overlaps the District partially or entirely, shall require within its covenants, rules and regulations that all properties within such District's boundaries post a notice on the property via a yard sign at any time the property is for sale and via all other means utilized to identify a property as being available for sale. Said notice shall state that such property is located within the District, identifying such District by name, and providing the District's website address. Such sign shall conform to the City of Lakewood regulations for Yard Signs and shall be no smaller in size than one foot (1') by two feet (2'), with lettering a minimum of two (2) inches in height so as to be clearly visible from the abutting roadway. Such sign shall be located within one foot (1') of the sign indicating that the property is available for sale or, if no sign is placed on the property indicating it is available for sale, within twenty feet (20') of the abutting roadway and readable from either direction of travel on said street. The District is encouraged to provide such signs to property owners upon such property owner's request to assure property owner compliance with these noticing requirements.
5. The District and all property owners' associations, located within any area that overlaps the District partially or entirely, shall require within its covenants, rules and regulations that all seller's within the District's boundaries provide an attestation or acknowledgement form to all buyers indicating that said buyer received all disclosure documents under this section. The attestation or acknowledgement form shall be approved by the City Manager and City Attorney prior to use. All attestation or acknowledgement forms signed by a buyer within the District shall be kept on file with the District.
6. For any District property listed for sale on the Multiple Listing Service ("MLS") website, an individual or licensed broker responsible for the listing shall make every effort to indicate that the property for sale is located within a District by clicking the "Y" box for the question "In Metro Tax District: Y or N?" indicating said property is within a District.

C. Public Record of Disclosures.

1. The disclosures required pursuant to section 14.29.050(B)(2) shall be recorded by the Petitioners or District in the Jefferson County Clerk and Recorder's property records prior to the earlier of:
 - a. Sale of any property within the District, or
 - b. No later than ten (10) calendar days after the court order, pursuant to C.R.S. § 32-1-305(6) that declares the District organized.

2. The disclosure pursuant to section 14.29.050(B)(2) shall be recorded by the City in the Jefferson County Clerk and Recorder's property records concurrent with recordation of each subdivision located partially or wholly within the boundaries of the District.

D. Finances.

1. The Service Plan and City-District IGA shall include a Capital Plan and an Operation and Maintenance Plan prepared on behalf of the Petitioners by professional, commercial entities that prepare similar plans and cost estimates in the normal course of their business.
2. The Service Plan and City-District IGA shall establish the maximum initial debt that may be issued by the District, as determined by the City Council that is approving the Service Plan.
3. The Service Plan shall include a cost estimate of what an individual property within the District would cost an End-user with and without the establishment of the District.
4. Agreement(s) for a Metropolitan District to reimburse the expenses or financial advances of any party shall require the following, and said requirements for reimbursement shall be included in the Service Plan and City-District IGA:
 - a. Reimbursement shall be limited to the direct costs of contracts competitively bid and a copy of such bid documents and all bids received shall be provided the District. Award to a party that is not the lowest-bidder shall require written justification accepted, in writing, by the District Board and, if a majority of the District Board is not End-users, by the City Manager;
 - b. Prior to each reimbursement payment, all costs to be reimbursed shall be documented in invoices to the District that include detail comparable to the information typically included in invoices or payments for such work and no less detailed than the information provided to the party to be reimbursed;
 - c. The contract(s) or agreement(s) between any party to be reimbursed and the contractor(s) performing the work for which reimbursement is being sought shall be provided to the District prior to any reimbursement;
 - d. Any interest charged on amounts advanced for later reimbursement shall not exceed the rate defined in the Service Plan and/or the City-District IGA; and
 - e. No subcontracting or other arrangement shall be used to prevent disclosure of the work for which reimbursement is sought, the costs of the work, or the parties involved.
4. A District's obligation for Debt issued and any costs, including reimbursement of costs, of providing Public Improvements, other than pay-as-you-go expenses such as operation and maintenance, shall encumber

revenue derived only from such District's Debt mill levy unless otherwise approved in the District's Service Plan.

5. For Districts that can include residential use, each Debt solicitation and Debt instrument issued by or on behalf of a District shall include disclosure of the Debt limitations of the District, including but not limited to, maximum initial Debt, maximum Debt mill levy, and maximum Debt mill levy duration.
6. For Districts that can include residential use, each issuance of Debt issued by or on behalf of a District that is not placed through a public offering, shall include an independent financial professional's evaluation and written finding that the terms of such Debt instrument are reasonable in the marketplace, and comply with this Code, the Service Plan and the City-District IGA. The independent financial professional shall be registered as a Municipal Advisor as defined by the U.S. Securities and Exchange Commission, shall not be a Developer Affiliate, shall be selected by the District and, if the majority of the District Board is not End-users, the District shall obtain approval from the City Manager prior to the selection of the Municipal Advisor. Such finding shall be included in the District's next report pursuant to section 14.29.100.
7. The District shall notify the City Manager of any District application for grant funds no later than the date the application is submitted. Any District application for grant funds shall be withdrawn by the District if the City notifies the District that it has applied or will apply for such grant unless the District receives approval from the City Manager to continue pursuit of the grant.
8. Each District formed on or after the effective date of this Code shall remit all specific ownership tax received by the District to the City within thirty (30) calendar days of receipt by the District unless otherwise provided in the District's Service Plan and the City-District IGA.

E. Mill Levies.

1. For Districts that can have residential use, the District shall comply with the maximum Debt mill levy to finance Public Improvements including reimbursement of any expenses of any party to provide Public Improvements. Such maximum Debt mill levy shall be established in the Service Plan and the City-District IGA.
2. For Districts that can have residential use, the District shall comply with the maximum operating mill levy permitted to fund pay-as-you-go costs, such as operating, and maintenance expenses, including the reimbursement of any expenses of any party to provide such services to the District. Such maximum operating mill levy shall be established in the Service Plan and the City-District IGA.
3. For Districts that can include residential use, the District shall comply with the maximum Debt mill levy imposition term within which the District's Debt and Debt mill levy shall be extinguished. Such maximum Debt mill levy imposition term shall be established in the Service Plan and the City-District IGA. Said term can be extended for refunding only by a District Board on

which a majority of the members are End-users. Such refunding shall comply with applicable limitations and requirements set forth in C.R.S. § 11-56-101, *et seq.*

F. Elections.

1. Ballot issues shall be subject to the following:
 - a. This section 14.29.050(F)(1) shall not apply to Districts in which residential use cannot occur or in which the majority of Board seats are occupied by End- users.
 - b. Petitioners for a new District and Boards of existing Districts shall provide the language of all ballot questions, including the organizational election ballot question, to the City Manager, with a copy to the City Attorney, at least twenty (20) calendar days prior to any statutory ballot certification deadline.
 - c. Petitioners or the Board may proceed with ballot certification if the City Manager does not object in writing within fifteen (15) calendar days of submittal of the election ballot question(s) to the City. The City Manager shall only object if the ballot language is not consistent with the Service Plan and City-District IGA.
 - d. If the City Manager objects to the ballot language, the language shall be changed by the Petitioners to the satisfaction of the City Manager and City Attorney.
2. In addition to requirements of the Special District Act, District elections for Districts in which residential use is allowed shall comply with the following:
 - a. All elections, including for Board seats and ballot questions, shall be by mail ballot.
 - b. Notice of each election shall be sent via U.S. Mail and via email to each address associated with at least one eligible elector at least thirty (30) and no more than sixty (60) calendar days prior to the deadline for nominations to the office of District Board director.
 - c. Notice of each election shall be posted on the District's website for the period beginning sixty (60) calendar days before and ending the day after the deadline for nominations to the office of District Board director.
 - d. The notice required in section 14.29.050(F)(2)(b) and (c) shall identify the legal name of the District, describe the process to be nominated for a Board seat, identify the deadline for returning nomination forms and the deadline for returning ballots, include the disclosure described in section 14.29.050(B)(2), include a link to the District's website, and include a link to the City's and the Colorado State Department of Local Affairs websites containing information about the District.
3. In addition to requirements of this section and the Special District Act, Developer Affiliates shall also comply with the following:

- a. Candidates running for the Board shall notify all eligible electors if they are a Developer Affiliate.
 - b. Notification pursuant to this subsection shall be sent via U.S. mail and via email to each address within the District that is associated with one eligible elector at least sixty (60) days prior to the election.
 - c. Notification pursuant to this subsection shall also be posted on the District's website at least sixty (60) calendar days before the election and remain on the website until the day after the election.
4. For Districts that can include residential use, a majority of Board seats shall be timely transferred to End-users as follows:
- a. Board members who are not End-users shall, in writing prior to appointment or re-appointment or election to the Board, resign:
 - 1. Effective no later than the day immediately prior to the next possible District special election, as defined in C.R.S. § 32-1-103, that follows the date when the amount of development, defined in the Service Plan and/or City-District IGA for the purposes of section 14.29.050(E)(3) is achieved; and
 - 2. Effective at one-year intervals beginning one year after the required initial resignation date until the Board majority consists of End-users.
 - b. The District shall notify the City Manager and City Attorney, in writing, of the date when the amount of development defined in the Service Plan and/or City-District IGA for the purposes of section 14.29.050(E)(3) is achieved. Such written notice shall be made no later than ten (10) calendar days after such date.
 - c. Vacancies on the Board created by resignation required by section 14.29.050(E)(3) shall be filled by appointment by the remaining director(s) as required by C.R.S. § 32-1-905. Selection of the appointees shall be by special election, as defined in C.R.S. § 32-1-103. The Board shall set the special election for the earliest possible special election date after the amount of development is achieved that is defined in the Service Plan and/or City-District IGA and at one-year intervals thereafter until the majority of the Board seats are held by End-users. If, after each such special election, one or more vacancies remain on the Board, such vacancy(ies) shall be filled as required by C.R.S. § 32-1-905, and the selection of appointees is not required to occur by special election.
 - d. Board members who resign and remain eligible electors are not prohibited by section 14.29.050(E)(3) from seeking re-election.

G. Board Limitations.

- 1. The District Board shall approve and enter into the City-District IGA during the District Board's first meeting and prior to any other Board action. Amendments to the City-District IGA shall be approved by the District Board at its first meeting subsequent to the City's approval of such amendment and

prior to any other Board action.

2. District use of the power of eminent domain or dominant eminent domain shall first require approval by City Council resolution pursuant to C.R.S. § 32-1-1004(4).
3. District modification of its boundaries is considered a Material Modification and shall comply with this Code and the Special District Act.
4. For Districts that can include residential use, none of the following actions shall be permitted unless the majority of Board seats are held by End-users:
 - a. Any commitment to exceed the maximum initial Debt amount identified in section 14.29.050(D)(2).
 - b. Any election authorized or required by Article 10, Section 20, of the Colorado Constitution (TABOR) except as necessary to authorize any of the following:
 1. No more than the maximum initial Debt pursuant to section 14.29.050(D)(2) and the Debt service mill levy necessary to issue such Debt, revenue from which shall only be used to service the initial Debt.
 2. No more than the maximum operating mill levy pursuant to section 14.29.050(E)(2).
 3. Any action to expand the number of Board seats from its original number.
 - c. The ballot language for any such election shall be included in the proposed Service Plan and proposed City-District IGA.

H. Public Improvements.

1. The Service Plan shall identify Public Improvements that will not be freely available to the general public and those that will not be available to the general public on a basis equal to property owners within the District.
2. The Service Plan shall identify Public Improvements that will serve property located outside of the District, provide an explanation of why the District should provide such Public Improvements, provide the estimated cost to the District for providing such Public Improvements, and describe any anticipated reimbursement to the District for such costs.

I. Preliminary Development Plan.

1. The Service Plan shall include, in addition to all other materials, plans, and reports required by this Code, a Preliminary Development Plan. This Preliminary Development Plan shall include, at a minimum, a description of the nature of the project and planned development, a map(s) providing an illustration of the public improvements proposed to be built, acquired, or financed by the District along with a written narrative and description of those items.
2. The Preliminary Development Plan shall not bind the City when reviewing and

making decisions regarding approvals. Approval of the Service Plan, along with the Preliminary Development Plan, does not impart approval of the development of any land use for any specific area within the District.

3. Any formal application that is a significant deviation from the Preliminary Development Plan submitted with the Service Plan shall be considered a Material Modification to the Service Plan subject to approval by the City Council. For purposes of this section, a significant deviation means a material change from the Preliminary Development Plan. Any Petitioner or Applicant may request a determination letter as to whether a change in the Preliminary Development Plan is considered a significant deviation. The determination as to whether a change in the Preliminary Development Plan constitutes a significant deviation shall be made by the City Council.
4. Should the District proceed with the submission of any formal application that is a significant deviation from the Preliminary Development Plan, the City may elect to exercise any of the options in section 14.29.110(B) of this Code.
5. The District may not levy taxes, enter into long-term financial obligations, or issue debt without approval by the City of a development plan that is in substantial compliance with the Service Plan or development agreement.

J. Service Plan Material Modifications.

1. The Service Plan shall include a list of actions that are, if proposed or undertaken by a District, Material Modifications pursuant to C.R.S. § 32-1-207. However, such list shall not reduce the circumstances that, under C.R.S. § 32-1-207, would be Material Modifications.
2. Prior to legal action pursuant to C.R.S. § 32-1-207(3), for a Material Modification without City approval, the following shall occur:
 - a. If a District Board identifies an intended action, that may be included on the list pursuant to section 14.29.050(J)(1), that such Board asserts is not a Material Modification, such assertion and supporting reasoning shall be provided in writing to the City Manager and City Attorney. The City Manager shall immediately transmit the information to the City Council. The City Council shall direct the City Manager whether to concur with the Board. The City's response shall be in writing and shall occur, within forty-five (45) calendar days of receiving the Board's assertion and reasoning. If the response is concurrence, the District may proceed. Failure of the City to respond within forty-five (45) calendar days shall be deemed concurrence. If the response is not concurrence, the Board and City shall follow the procedures outlined in the Special District Act, C.R.S. § 32-1-207(3).
 - b. If the City identifies an action or potential action by the District or its Board that the City asserts is a Material Modification, whether or not included on the list pursuant to section 14.29.050(J)(1), such assertion and supporting reasoning shall be provided in writing to the Board. The Board shall, within forty-five (45) calendar days of receiving the City's assertion

and reasoning, respond in writing to the City. If the response is concurrence, the District shall not proceed with such action or potential action unless a Service Plan Amendment allowing such action or potential action is approved. Failure of the Board to respond within forty-five (45) calendar days shall be deemed concurrence. If the response is not concurrence, the Board and City shall follow the procedures outlined in the Special District Act, C.R.S. § 32-1-207(3).

Section 14.29.060 - Administrative Review of Proposed District or Service Plan Amendment.

- A. The City Manager and City Attorney shall review the proposed Service Plan or Service Plan Amendment. Such review shall include the following:
 - 1. The financial aspects by person(s) or firm(s) qualified to evaluate the reasonableness of the financial plan including, but not limited to, estimated costs to the proposed District of providing, operating and maintaining proposed Public Improvements, the projected rate of development, the projected revenues and cash flows, and the estimated financing costs. The person(s) or firm(s) who perform the review shall be selected by the City Manager based on their experience and qualifications relevant to the review, and their independence from the Petitioners or District and any development to be served by the District.
 - 2. The proposed Service Plan or Service Plan Amendment for compliance with this Code and the Special District Act.
 - 3. The community goals, needs and amenities to be provided by the District that are beyond those required of the development to be served by the District.
- B. The City Manager shall provide a report to the City Council, after consultation with the City Attorney, of the City Manager's findings including a recommendation to approve, disapprove or conditionally approve the Service Plan. A recommendation of conditional approval shall include the additional information, Service Plan changes, and/or City-District IGA changes recommended including a recommended deadline for submission of such information or changes.

Section 14.29.070 - Public Hearing Regarding a Proposed District or Proposed Service Plan Amendment.

- A. Upon completion of administrative review pursuant to section 14.29.060, the City Council or City Manager may determine that a City Council study session is required and, if so, the Clerk shall schedule the study session.
- B. The Clerk shall schedule a public hearing in association with any proposed City Council resolution regarding approval of any Service Plan or Service Plan Amendment. Notice of the City Council meeting on which the proposed resolution of approval is scheduled shall be in accordance with the City Charter and the Lakewood Municipal Code, as amended, and any additional policies or

procedures.

- C. If any property is proposed for inclusion in the District that is not fully owned by the Petitioners, such other owners shall be sent, by U.S. mail, notice of each City Council meeting postmarked at least fourteen (14) calendar days, but not more than thirty (30) calendar days, prior to each City Council meeting.
- D. The content of the notice shall be pre-approved by the City Manager and City Attorney. Petitioners or District shall print and mail such notices at the expense of the Petitioners or District. The Petitioners or District shall provide to the City Manager independent written confirmation of the date, person(s) and addresses to which such notice is mailed.
- E. Notices of each City Council meeting shall set forth the following:
 - 1. The date, time, location, and purpose of the City Council meeting.
 - 2. A general description of the properties contained within the boundaries of the District or proposed District including a boundary illustration on an aerial image.
 - 3. How to obtain access to the material that will be submitted to the City Council for its meeting including the Service Plan or Service Plan Amendment.
 - 4. A description of the process to submit comments on the proposed Service Plan or Service Plan Amendment.

Section 14.29.080 - Action by City Council Regarding Proposed Districts and Proposed Service Plan Amendment.

- A. The City Council shall have the authority and legislative discretion to act, by resolution pursuant to section 14.29.070, on the Service Plan or Service Plan Amendment and the City-District IGA. Such action shall be as C.R.S. § 32-1-203 requires of County Commissioners considering and acting on a Service Plan or Service Plan Amendment.
- B. In making its decision, the City Council shall consider the Model Service Plan, the proposed Service Plan or Service Plan Amendment, the proposed City-District IGA or amendment, the Petitioners' letter of intent pursuant to section 14.29.040(E), information presented during the City Council meeting, the report of the City Manager, and whether the material submitted by the Petitioners complies with this Code and the Special District Act.
- C. If the City Council conditionally approves the Service Plan or Service Plan Amendment, the City Council shall, by resolution, define the additional information required, Service Plan Amendment(s) required, and/or City-District IGA amendment(s) required and a deadline for submission of such information or amendment(s). The City Manager may, upon request of the Petitioners, reasonably extend the deadline for cause. Failure to meet the deadline shall be deemed disapproval of the Service Plan or Service Plan Amendment by the City Council. Upon the requirements of a conditional approval being met by the Petitioners or District, the City Council shall vote on a resolution to approve,

without further condition or further amendment, the Service Plan and City-District IGA. If the vote on said resolution does not pass, the proposed District or Service Plan Amendment shall be deemed disapproved by the City Council.

- D. The City Council may reject, approve, or conditionally approve Service Plans. Nothing in this Code is intended to limit the discretion of the City Council which retains full authority to dictate the terms and conditions of all Service Plans in accordance with this Code and all other applicable laws.

Section 14.29.090 - Service Plan Amendment.

- A. In addition to the events or conditions enumerated in C.R.S. § 32-1-207(2), the occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the Service Plan or most recent Service Plan Amendment, shall constitute Material Modifications requiring a Service Plan Amendment and, if required by the City Manager, a City-District IGA amendment.
1. The failure of the District to provide any essential Public Improvements or services described in its Service Plan when necessary to preserve the public health, safety, or welfare or necessary to serve approved development within the District;
 2. The failure of the District Board to approve and enter into the City-District IGA within the timeframe required by section 14.29.050(G)(1);
 3. The occurrence of any event or condition defined under the Service Plan or City-District IGA necessitating a Service Plan Amendment;
 4. Creation of a special improvement district;
 5. The material default by a District under the City-District IGA or any other intergovernmental agreement or written agreement with the City;
 6. Any proposed activity of a District determined to be a Material Modification of the Service Plan pursuant to section 14.29.050(J); or
 7. Any other action, event or condition identified in a District's Service Plan by the District or the City as a Material Modification.
- B. Submission of information for a proposed Material Modification shall comply with this Code.

Section 14.29.100 - Annual Report Requirements.

- A. Annually, all Districts located wholly or partially in the City, regardless of when formed and in addition to any other required reports, shall submit the following documents to the City Council and the City Manager concurrent with submission to the Colorado Division of Local Affairs:
1. A certified copy of the District's annual budget; and
 2. A copy of the District's audit or audit exemption.

- B. Each District operating under a Service Plan or Service Plan Amendment, which was approved by the City Council on or after the effective date of this Code, shall submit a report to the City Council, City Attorney, and the City Manager conforming to the Model District Report concurrently with its annual submittal of its budget pursuant to section 14.29.100(A).
- C. The obligation to submit the information identified in section 14.29.100(B) shall be required after the date by which all of the following have occurred:
 - 1. The area within the District is fully developed,
 - 2. All Public Improvement construction and installation is complete, and the Public Improvements have been accepted by the relevant entity(ies) for ownership, operation and maintenance;
 - 3. A majority of Board seats are occupied by End-users; and
 - 4. The District notifying the City Manager and City Attorney, in writing, of the dates upon which section 14.29.100(C)(1) through (3) have each occurred.
- D. The District shall pay all costs that the City incurs to review an annual report pursuant to the reimbursement provisions of the Service Plan and/or City-District IGA.
- E. The Board shall, following receipt of a written notice from the City Manager, appear during a City Council meeting, on the date included in the notice, to update the public and City Council on District activities and finances and respond to questions from the City Council.

Section 14.29.110 - Noncompliance.

- A. In the event of any dispute, claim, or controversy of any kind or nature relating to compliance with the approved Service Plan or City-District IGA arising between the City and District, prior to seeking redress in a court of competent jurisdiction, the Parties shall meet and make a good faith effort to resolve the dispute. Nothing in this section shall be construed to prevent or delay a party from seeking any other remedy available to it at law, including seeking redress in a court of competent jurisdiction.
- B. Should any District fail to comply with any applicable provision of this Code or with its approved Service Plan or City-District IGA, the City Council, by resolution, may authorize any one (1) or more of the following measures, as it deems appropriate:
 - 1. Authorize the City Manager to withhold the issuance of or rescind any of the following: permit(s), authorization(s), inspection(s), acceptance(s) or other administrative action(s) necessary for the District's development or construction of Public Improvements;
 - 2. Authorize the City Attorney to exercise any legal remedy under the terms of any intergovernmental agreement with the City under which the District is in default;

3. Authorize the City Attorney to exercise any other legal remedy available at law, including seeking injunctive relief against the District, to ensure compliance with the provisions of this Code; or
4. Pursue any other remedy provided by the Special District Act.

Section 14.29 120 - No Abrogation of Rights

- A. Nothing in this Code shall be construed to limit or abrogate the rights and immunities set forth in the Colorado Governmental Immunity Act, Article 10 of Title 24, C.R.S.
- B. No provision herein shall be construed to limit or abrogate the right of any person to bring a private cause of action.

SECTION 2. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of December, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of December, 2024; set for public hearing to be held on the 13th day of January, 2025; read, finally passed and adopted by the City Council on the 13th day of January, 2025; and signed by the Mayor on the ___ day of January, 2025.

ATTEST:

Wendi Strom, Mayor

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Section 14.2829.010 — Purpose and Background- Legislative Declaration

~~A. The Governing Body of the City of Lakewood finds and determines:~~

~~The City Council is vested with the authority to determine the merits of allowing the formation of a Metropolitan District in accordance with duly adopted standards and criteria of approval pursuant to the City's home rule powers granted by Article XX of the Colorado Constitution and~~

- ~~1. Metropolitan districts (Districts) organized under C.R.S. Title 32, Article 1, C.R.S., known and cited as the " (the Special District Act", and the Charter for the City of Lakewood;~~
- ~~2. The provision and maintenance of public infrastructure within City boundaries is a matter of local concern, and the City has a strong interest in ensuring timely provision and continuing maintenance of such infrastructure in accordance with applicable City standards; and~~
- ~~3. Adoption of this Chapter 14.28 is necessary and proper to), provide for the safety, preserve the health, and promote the prosperity of the City of Lakewood and its citizens.~~

~~B. Metropolitan Districts may provide advantages to End-users and the community without burdening taxpayers outside of the District including, but not limited to, one or more of the following:~~

- ~~1. A financing mechanism to provide, own, operate and maintain Public Improvements.~~
- ~~2. A financing mechanism that could provide Public Improvements earlier than otherwise may occur in an economic means to the development of the District's service area.~~
- ~~3. A tax-advantaged financing mechanism that could provide Public Improvements for less total cost.~~
- ~~4. A financing mechanism that could defer for End-users costs that otherwise could affect qualification for property purchase in the District service area.~~
- ~~5. An alternative to a property owners' association that could include greater transparency and fairness to all property owners within the District.~~

~~A. A means to further key community goals or help address broad community needs in association with municipal infrastructure for the establishment of both residential and commercial development of the District service area, but a District is a separate municipality operating within the City and the decisions that a District makes regarding the establishment of infrastructure impacts the citizens of the City.~~

~~C. Without appropriate standards and requirements established by the City, Metropolitan Districts may create unnecessary complications or conflicts with End-users and the community including, but not limited to, one or more of the following:~~

- ~~1. Governmental and financial burden unexpected by End-users subject to District requirements.~~

- ~~2. Costs of the District being spread to all City taxpayers due to improper development of District services or improper provision of District services.~~
- ~~3. Actions by developer affiliates that overburden End-users, unnecessarily enrich non-End-users or prolong non-End-user control of the District.~~
- ~~4. Use of eminent domain authority by a District detrimental to the overall welfare of the City as a whole.~~
- ~~5. Inappropriate modification of limitations on the authority and responsibilities of a District.~~
- ~~6. Unexplained differences among Districts serving various areas of the City.~~
- ~~7. Inadequate reporting by a District.~~

B. The provisions of this ~~Chapter~~ provide Code are intended to:

1. Establish procedures for ~~the~~ processing and ~~review of~~ reviewing proposals for the formation of new Metropolitan Districts, ~~provide~~
2. Outline procedures for ~~the~~ processing and ~~review of~~ reviewing proposed Service Plan Amendments ~~offer~~ existing Districts, and ~~define the~~
- ~~4-3.~~ Define requirements, restrictions, and limitations applicable to such Districts or Service Plan Amendments.

Section 14.~~2829~~.020 — Definitions

The terms listed hereunder shall have the following meanings for purposes of this ~~Chapter~~ Code.

Board means the Board of Directors of a District.

Capital Plan means the plan for providing Public Improvements included in a District's Service Plan, which shall include the following: (1) a list of the Public Improvements to be provided by the District, supported by an engineering or architectural conceptual plan; (2) a good faith estimate of the cost of the Public Improvements which shall include a cost contingency, the size of which shall be explained in the Capital Plan; and (3) a ~~pro-forma~~ proforma capital expenditure plan correlating expenditures and revenues with phases of development.

City means the City of Lakewood, Colorado.

City Attorney means the City Attorney of the City of Lakewood, Colorado.

City Council means the City Council of the City of Lakewood, Colorado.

City-District IGA means an intergovernmental agreement between the City and a District primarily reflecting the terms and obligations of the Service Plan, in substantially the form provided as an exhibit to the Model Service Plan.

City Manager means the City Manager of the City of Lakewood, Colorado or such person's designee.

Clerk means the City Clerk of the City of Lakewood, Colorado or such person's designee.

C.R.S. means the Colorado Revised Statutes, as amended from time to time.

Debt means all general obligation debt of the District as authorized in C.R.S. §§ 32-1-1101, et seq., which the District has promised to repay through levy and collection of an *ad valorem* property tax assessed against taxable property within the District.

Developer means an entity or person that is the owner of property or owner of contractual rights to property in the Service Area that intends to develop the property.

Developer Affiliate or Affiliate of a Developer means an entity or person that directly or indirectly controls, is controlled by, or is under common control with a developer. For the purposes of this definition, "control" means the power to direct or cause the direction of the management and policies on behalf of the District, has a financial interest in the District, or is otherwise involved in matters pertaining to the District such as voting or contracting.

District or Metropolitan District means an entity created in accordance with Title 32, Article 1, C.R.S., and as specifically defined in C.R.S. §§ 32-1-103(10).

End-user means an elector of the District who either: (a) has the elector's primary residence within the District and is neither a developer nor builder of property within the District nor ~~affiliated with such a developer or builder~~ a *Developer Affiliate*, or (b) owns and operates developed commercial property within the District. End-user shall not include anyone who is an eligible elector pursuant only to C.R.S. §§ 32-1-103(5)(b).

Material Modification means a Service Plan Amendment that is deemed a Material Modification by one or more of the following: the Special District Act, this *ChapterCode*, the District Service Plan, or the City-District IGA.

Metropolitan District Consideration Calendar means the City's calendar of deadlines for consideration of a Service Plan for a proposed District, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model Disclosure Document means the City's model summary of the costs and benefits of a District, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model District Report means the City's model District status and update report, which the City Manager is hereby authorized and directed to prepare, in

consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Model Service Plan means the City's model District Service Plan, which the City Manager is hereby authorized and directed to prepare, in consultation with the City Attorney, and amend as needed. Each version shall be transmitted to the City Council, with an explanation of the changes, as an informational update upon adoption by the City Manager and shall be on file with the Clerk for public inspection.

Operation and Maintenance Plan means the plan for funding and managing operation and maintenance of Public Improvements that will be owned, maintained, operated or replaced by the District, which shall include: (1) identification of all such Public Improvements; (2) a good faith estimate of the annualized costs of such maintenance, operation or replacement of each such Public Improvement; and (3) a *pro forma* report correlating such expenditures with phases of development.

Petitioners means those persons proposing a Service Plan for the formation of a new District.

Preliminary Development Plan means a preliminary plan, agreement, application, or other document established by the City that identifies the Public Improvements necessary for facilitating development of property within the Service Area. The Preliminary Development Plan shall precede the Operation and Maintenance Plan.

Public Improvements means part or all of the improvements, facilities and services of which a District is authorized to do one or more of the following: plan, design, acquire, construct, install, relocate, redevelop, maintain, operate, finance or replace as generally described in the Special District Act.

Service Plan means a service plan as required in the Special District Act and includes all Service Plan Amendments.

Service Plan Amendment means a change to a Service Plan approved by the City Council and the District. A Service Plan Amendment may or may not be a Material Modification.

Special District Act means Title 32, Article 1, C.R.S., *et seq.*

Section 14.~~2829~~.030 — Applicability, Restriction on Approvals, and Authority

- A. All provisions of this ChapterCode shall apply to all Districts operating under a Service Plan, which was approved or amended by the City Council on and after the effective date of this ChapterCode.
- B. All in addition to the applicable provisions of this Code, all Districts must follow

applicable State legal requirements, as those may be updated and amended, including, but not limited to: audits, reporting, debt issuance, budget submission, election requirements, financial regulations, and other governance actions. ~~(Budget submission requirements can be found on the State of Colorado Department of Local Affairs website. Audit submission requirements can be found on the Office of the State Auditor website.)~~ Such reports shall be concurrently filed with the City in conformance with this ChapterCode.

- C. No District shall be approved by the City Council that will have no development within its boundaries.
- D. No District shall be approved by the City Council that will have control over the finances of another District by contract agreement or otherwise.
- E. Multiple Districts serving contiguous areas may be approved by the City Council, with a joint or separate Service Plan(s), to reflect different development types, land uses, service needs or development timing. Such multiplecontiguous Districts may collaborate and are encouraged to seek mutual operational efficiencies.
- F. In addition to the power, authority and protection set forth in this ChapterCode, the City shall have all of the power, authority and protection granted by the Special District Act to municipalities and by the City's Home Rule Charter.

Section 14.~~2829~~.040 — Filing for Consideration of a Proposed Metropolitan District or Proposed Service Plan Amendment

- A. Petitioners shall file a proposed Service Plan and a District Board shall file each proposed Service Plan Amendment with the Clerk. Copies of the proposed Service Plan or proposed Service Plan Amendment and any other required documents shall be submitted in a quantity and format acceptable to the City Manager.
- B. All Petitioners shall submit each proposed Service Plan to the Clerk no later than the deadline in the Metropolitan District Consideration Calendar unless the submittal deadline is modified in writing by the City Manager for good cause shown.
- C. At the time of filing a proposed Service Plan or Service Plan Amendment, the Petitioners or Board, respectively, shall pay a nonrefundable application fee in accordance with the fee schedule adopted by the City Manager.
- D. Conformance with this ChapterCode requires a special review of each Service Plan and Service Plan Amendment by the City and, pursuant to C.R.S. §§ 32-1-202(3), Petitioners or the District shall pay all direct costs that the City incurs to review a proposed Service Plan or Service Plan Amendment that exceed the amount of the application fee through a reimbursement agreement between the City and the Petitioners or District. Such costs shall be substantially paid, to the satisfaction of the City Manager, prior to a date being set for the public hearing

pursuant to section 14.~~2829~~.070 and fully paid within thirty (30) calendar days after final City Council action on the Petitioners' or District's request. Failure to honor the terms of the reimbursement agreement shall nullify the City's approval of the Service Plan or Service Plan Amendment.

E. Petitioners or the District shall file, at the time of filing the proposed Service Plan or Service Plan Amendment, a letter of intent including each of the following:

1. An explanation of the benefits of the proposed District or Service Plan Amendment, which may include, but are not limited to, one or more of the following, and the mechanisms to ensure such benefits are provided:

a. How the proposed Service Plan complies with the City's Comprehensive Plan and other adopted City plans;

a.b. Advancement of City goals that would not be accomplished if the Metropolitan District or Service Plan Amendment is not approved including, where applicable, quantitative information;

b.c. Public Improvements, if any, to be provided by the proposed District or Service Plan Amendment that further City goals and exceed City requirements;

c.d. Provision of and/or contribution by the proposed District or Service Plan Amendment, if any, to needed infrastructure that exceeds City requirements; and

d.e. Public Improvements, programs and facilities, if any, to be provided by the District or Service Plan Amendment that are not required by the City and are superior in quality, nature or timing to those associated with similar land uses without a Metropolitan District.

2. A description of anticipated property owners' association(s) and the purpose(s) for each including the division of responsibilities among such association(s) and the District, and the comparative advantages of the association(s) and the District for each responsibility.

3. A disclosure document consistent with the Model Disclosure Document and the submitted Service Plan or Service Plan Amendment.

Section 14.~~2829~~.050 — Contents of Service Plan and City-District IGA

A. Any~~All~~ Service PlanPlans shall comply with the requirements of C.R.S. ~~S§~~ 32-1-202 and include ~~all provisions~~the requirements set forth within this section. ~~Such provisions~~The requirements set forth within this section shall not be eliminated by any Service Plan or City-District IGA, or amendments thereto. The Service Plan shall substantially comply with the form and content of the Model Service Plan provided by the City. The City Council shall determine whether the proposed Service Plan ~~adequately~~ complies with C.R.S. ~~S§~~ 32-1-202, the form and content of the Model Service Plan, and this ~~Chapter~~Code.

B. Disclosures.

1. ~~—~~The District shall provide a publicly accessible website, which shall be referenced on all its communications, shall provide ~~an avenue~~ a method for two-way communication between District electors and the District, shall include an illustration of the District's boundaries on an aerial image, and shall ~~solicit~~ require District elector email addresses to be used only for District business communication purposes.
2. The District shall provide a disclosure document, approved by the City Manager and City Attorney, explaining the costs and benefits of owning a property within the District. Such disclosure shall be consistent with the Model Disclosure Document provided by the City. Said disclosure shall, at a minimum, be made available as follows:
 - a. Provided by the City on the City's website on a page dedicated to Metropolitan District information.
 - b. Provided by the District on the District's website, which ~~website~~ each District ~~partially or fully within the City~~ is hereby required to have and maintain.
- ~~1~~—Every District shall prominently display upon their website, and in all documents provided to potential purchasers of real property within the District, the contents of
 3. ~~the~~ disclosure statement set forth in C.R.S. ~~§§~~ 38-35.7-101-(1). Additionally, the language set forth within C.R.S. ~~§§~~ 38-35.7-101-(2), regarding the obligation of all Sellers to include such language within every contract for the purchase and sale of residential real property shall be prominently displayed upon the District's website.
 4. The District and all property owners' associations, ~~which include an~~ located within any area that overlaps the District partially or entirely, shall require within its covenants, rules and regulations that all properties within such District's boundaries post a notice on the property via a yard sign at any time the property is for sale and via all other means utilized to identify a property as being available for sale. Said notice shall state that such property is located within the District, identifying such District by name, and providing the District's website address. Such sign shall conform to the City of Lakewood regulations for Yard Signs and shall be no smaller in size than one foot (1') by two feet (2'), with lettering a minimum of two (2) inches in height so as to be clearly visible from the abutting roadway. Such sign shall be located within one foot (~~4~~1) of the sign indicating that the property is available for sale or, if no sign is placed on the property indicating it is available for sale, within twenty feet (20') of the abutting roadway and legible ~~readable~~ from either direction of travel on said street. The District is encouraged to provide such signs to property owners upon such property owner's request to assure property owner compliance with these noticing

requirements.

5. The District and all property owners' associations, located within any area that overlaps the District partially or entirely, shall require within its covenants, rules and regulations that all seller's within the District's boundaries provide an attestation or acknowledgement form to all buyers indicating that said buyer received all disclosure documents under this section. The attestation or acknowledgement form shall be approved by the City Manager and City Attorney prior to use. All attestation or acknowledgement forms signed by a buyer within the District shall be kept on file with the District.
6. For any District property listed for sale on the Multiple Listing Service ("MLS") website, an individual or licensed broker responsible for the listing shall make every effort to indicate that the property for sale is located within a District by clicking the "Y" box for the question "In Metro Tax District: Y or N?" indicating said property is within a District.

C. Public Record of Disclosures.

1. ~~The disclosures required pursuant to section 14.2829.050(BA)(2) shall be recorded by the Petitioners or District in the Jefferson County Clerk and Recorder's property records prior to the earlier of:~~
 - a. Sale of any property within the District, or
 - b. No later than ten (10) calendar days after the court order, pursuant to C.R.S. §§ 32-1-305(6) that declares the District organized.
2. The disclosure pursuant to section 14.2829.050(BA)(2) shall be recorded by the City in the Jefferson County Clerk and Recorder's property records concurrent with recordation of each subdivision located partially or wholly within the boundaries of the District.

D. Finances.

1. ~~The Service Plan and City-District IGA shall include a Capital Plan and an Operation and Maintenance Plan prepared on behalf of the Petitioners by professional, commercial entities that prepare similar plans and cost estimates in the normal course of their business.~~
2. The Service Plan and City-District IGA shall establish the maximum initial ~~initial Debt amount in dollars, debt that may be issued by the District, as determined by the City Council that is approving the Service Plan.~~
3. The Service Plan shall include a cost estimate of what an individual property within the District would cost an End-user with and without the establishment of the District.
- 3.4. Agreement(s) for a Metropolitan District to reimburse the expenses or financial advances of any party shall require the following, and said requirements for reimbursement shall be included in the Service Plan and

City-District IGA:

- ~~a.~~ Reimbursement shall be limited to the direct costs of contracts competitively bid and a copy of such bid documents and all bids received shall be provided
 - a. ~~to~~ the District. Award to a party that is not the lowest-bidder shall require written justification accepted, in writing, by the District Board and, if a majority of the District Board is not End-users, by the City Manager;
 - b. Prior to each reimbursement payment, all costs to be reimbursed shall be documented in invoices to the District that include detail comparable to the information typically included in invoices or payments for such work and no less detailed than the information provided to the party to be reimbursed;
 - c. The contract(s) or agreement(s) between any party to be reimbursed and the contractor(s) performing the work for which reimbursement is being sought shall be provided to the District prior to any reimbursement;
 - d. Any interest charged on amounts advanced for later reimbursement shall not exceed the rate defined in the Service Plan and/or the City-District IGA; and
 - e. No subcontracting or other arrangement shall be used to prevent disclosure of the work for which reimbursement is sought, the costs of the work, or the parties involved.
- 4. A District's obligation for Debt issued and any costs, including reimbursement of costs, of providing Public Improvements, other than pay-as-you-go expenses such as operation and maintenance, shall encumber revenue derived only from such District's Debt mill levy unless otherwise approved in the District's Service Plan.
- 5. For Districts that can include residential use, each Debt solicitation and Debt instrument issued by or on behalf of a District shall include disclosure of the Debt limitations of the District, including but not limited to, maximum initial Debt, maximum Debt mill levy, and maximum Debt mill levy duration.
- 6. For Districts that can include residential use, each issuance of Debt issued by or on behalf of a District that is not placed through a public offering, shall include an independent financial professional's evaluation and written finding that the terms of such Debt instrument are reasonable in the marketplace, and comply with this ChapterCode, the Service Plan and the City-District IGA. The independent financial professional shall be registered as a Municipal Advisor as defined by the U.S. Securities and Exchange Commission, shall not be ~~affiliated with any developer or builder of property within the District~~ Developer Affiliate, shall be selected by the District and, if the majority of the District Board is not End-users, the District shall obtain concurrence approval from the City Manager prior to the selection of the

Municipal Advisor ~~selected~~. Such finding shall be included in the District's next report pursuant to section 14.2829.100.

7. The District shall notify the City Manager of any District application for grant funds no later than the date the application is submitted. Any District application for grant funds shall be withdrawn by the District if the City notifies the District that it has applied or will apply for such grant unless the District receives approval from the City Manager to continue pursuit of the grant.
8. Each District formed on or after the effective date of this ~~Chapter~~Code shall remit all specific ownership tax received by the District to the City within thirty (30) calendar days of receipt by the District unless otherwise provided in the District's Service Plan and the City-District IGA.

E. Mill Levies.

1. ~~For~~ Districts that can have residential use, the District shall comply with the maximum Debt mill levy to finance Public Improvements including reimbursement of any expenses of any party to provide Public Improvements. Such maximum Debt mill levy shall be established in the Service Plan and the City-District IGA.
2. For Districts that can have residential use, the District shall comply with the maximum operating mill levy permitted to fund pay-as-you-go costs, such as operating, and maintenance expenses, including the reimbursement of any expenses of any party to provide such services to the District. Such maximum operating mill levy shall be established in the Service Plan and the City-District IGA.
3. For Districts that can include residential use, the District shall comply with the maximum Debt mill levy imposition term within which the District's Debt and Debt mill levy shall be extinguished. Such maximum Debt mill levy imposition term shall be established in the Service Plan and the City-District IGA. Said term can be extended for refunding only by a District Board on which a majority of the members are End-users. Such refunding shall comply with applicable limitations and requirements set forth in C.R.S. ~~S-11~~§ 11-56-101, *et seq.*

F. Elections.

1. ~~Ballot~~ issues shall be subject to the following:
 - a. This section 14.28.050(E)(~~1~~14.29.050(FE)(1)) shall not apply to Districts in which residential use cannot occur or in which the majority of Board seats are occupied by ~~Endusers~~End- users.
 - b. Petitioners for a new District and Boards of existing Districts shall provide the language of all ballot questions, including the organizational election ballot question, to the City Manager, with a copy to the City Attorney, at least twenty (20) calendar days prior to any statutory ballot certification

deadline.

- c. Petitioners or the Board may proceed with ballot certification if the City Manager does not object in writing within fifteen (15) calendar days of submittal of the election ballot question(s) to the City. The City Manager shall only object if the ballot language is not consistent with the Service Plan and City-District IGA.
 - d. If the City Manager objects to the ballot language, the language shall be changed by the Petitioners to the satisfaction of the City Manager and City Attorney.
2. In addition to requirements of the Special District Act, District elections for Districts in which residential use is allowed shall comply with the following:
- a. All elections, including for Board seats and ballot questions, shall be by mail ballot.
 - b. Notice of each election shall be sent via U.S. Mail and via email to each address associated with at least one eligible elector at least thirty (30) and no more than sixty (60) calendar days prior to the deadline for nominations to the office of District Board director.
 - c. Notice of each election shall be posted on the District's website for the period beginning sixty (60) calendar days before and ending the day after the deadline for nominations to the office of District Board director.
 - d. The notice required in section 14.~~2829~~.050(~~FE~~)(2)(b) and (c) shall identify the legal name of the District, describe the process to be nominated for a Board seat, identify the deadline for returning nomination forms and the deadline for returning ballots, include the disclosure described in section 14.~~2829~~.050(~~BA~~)(2), include a link to the District's website, and include a link to the City's and the Colorado DivisionState Department of Local Governments websiteAffairs websites containing information about the District.
3. In addition to requirements of this section and the Special District Act, Developer Affiliates shall also comply with the following:
- a. Candidates running for the Board shall notify all eligible electors if they are a Developer Affiliate.
 - b. Notification pursuant to this subsection shall be sent via U.S. mail and via email to each address within the District that is associated with one eligible elector at least sixty (60) days prior to the election.
 - c. Notification pursuant to this subsection shall also be posted on the District's website at least sixty (60) calendar days before the election and remain on the website until the day after the election.
- 3.4. For Districts that can include residential use, a majority of Board seats

shall be timely transferred to End-users as follows:

- a. Board members who are not End-users shall, in writing prior to appointment or re-appointment or election to the Board, resign:
 1. Effective no later than the day immediately prior to the next possible District special election, as defined in C.R.S. §§ 32-1-103, that follows the date when the amount of development, defined in the Service Plan and/or City-District IGA for the purposes of section 14.2829.050(E)(3) is achieved; and
 2. Effective at one-year intervals beginning one year after the required initial resignation date until the Board majority consists of End-users.
- b. The District shall notify the City Manager and City Attorney, in writing, of the date when the amount of development defined in the Service Plan and/or City-District IGA for the purposes of section 14.2829.050(E)(3) is achieved. Such written notice shall be made no later than ten (10) calendar days after such date.
- c. Vacancies on the Board created by resignation required by section 14.2829.050(E)(3) shall be filled by appointment by the remaining director(s) as required by C.R.S. §§ 32-1-905. Selection of the appointees shall be by special election, as defined in C.R.S. §§ 32-1-103. The Board shall set the special election for the earliest possible special election date after the amount of development is achieved that is defined in the Service Plan and/or City-District IGA and at one-year intervals thereafter until the majority of the Board seats are held by End-users. If, after each such special election, one or more vacancies remain on the Board, such vacancy(ies) shall be filled as required by C.R.S. §§ 32-1-905, and the selection of appointees is not required to occur by special election.
- d. Board members who resign and remain eligible electors are not prohibited by section 14.2829.050(E)(3) from seeking re-election.

G. Board Limitations.

1. ~~The District Board shall approve and enter into the City-District IGA during the District Board's first meeting and prior to any other Board action. Amendments to the City-District IGA shall be approved by the District Board at its first meeting subsequent to the City's approval of such amendment and prior to any other Board action.~~
2. District use of the power of eminent domain or dominant eminent domain shall first require approval by City Council resolution: pursuant to C.R.S. § 32-1-1004(4).
3. District modification of its boundaries is considered a Material Modification and shall require notice to comply with this Code and the City Manager and City Council at least sixty (60) calendar days before such Special District action

~~becomes effective~~Act.

4. For Districts that can include residential use, none of the following actions shall be permitted unless the majority of Board seats are held by End-users:
 - a. Any commitment to exceed the maximum initial Debt amount identified in section 14.28.0 14.29.050(DC)(2).
 - b. Any election authorized or required by Article 10, Section 20, of the Colorado Constitution (TABOR) except as necessary to authorize ~~either~~ or both any of the following:
 1. No more than the maximum initial Debt pursuant to section 14.28.0 14.29.050(DC)(2) and the Debt service mill levy necessary to issue such Debt, revenue from which shall only be used to service the initial Debt.
 2. No more than the maximum operating mill levy pursuant to section 14.28.050(D)(2).
 3. Any action to expand the number of Board seats from its original number.
 - c. The ballot language for any such election shall be included in the proposed Service Plan and proposed City-District IGA.

~~1. Any action to expand the number of Board seats from its original number.~~

H. ~~G.~~ Public Improvements.

1. ~~1.~~ The Service Plan shall identify Public Improvements that will not be freely available to the general public and those that will not be available to the general public on a basis equal to property owners within the District.
2. ~~2.~~ The Service Plan shall identify Public Improvements that will serve property located outside of the District, provide an explanation of why the District should provide such Public Improvements, provide the estimated cost to the District for providing such Public Improvements, and describe any anticipated reimbursement to the District for such costs.

~~H.~~ Service Plan Material Modifications

I. ~~1.~~ Preliminary Development Plan.

1. The Service Plan shall include, in addition to all other materials, plans, and reports required by this Code, a Preliminary Development Plan. This Preliminary Development Plan shall include, at a minimum, a description of the nature of the project and planned development, a map(s) providing an illustration of the public improvements proposed to be built, acquired, or financed by the District along with a written narrative and description of those items.
2. The Preliminary Development Plan shall not bind the City when reviewing and

making decisions regarding approvals. Approval of the Service Plan, along with the Preliminary Development Plan, does not impart approval of the development of any land use for any specific area within the District.

3. Any formal application that is a significant deviation from the Preliminary Development Plan submitted with the Service Plan shall be considered a Material Modification to the Service Plan subject to approval by the City Council. For purposes of this sSection, a significant deviation means a material change from the Preliminary Development Plan. Any Petitioner or Applicant may request a determination letter as to whether a change in the Preliminary Development Plan is considered a significant deviation. The determination as to whether a change in the Preliminary Development Plan constitutes a significant deviation shall be made by the City Council.
4. Should the District proceed with the submission of any formal application that is a significant deviation from the Preliminary Development Plan, the City may elect to exercise any of the options in section 14.29.110(B) of this Code.
5. The District may not levy taxes, enter into long-term financial obligations, or issue debt without approval by the City of a ~~n-approved~~ development plan that is in substantial compliance with the Service Plan or development agreement.

J. Service Plan Material Modifications.

3.1. The Service Plan shall include a list of actions that are, if proposed or undertaken by a District, Material Modifications pursuant to C.R.S. §§ 32-1-207. However, such list shall not reduce the circumstances that, under C.R.S. §§ 32-1-207, would be Material Modifications.

4.2. ~~2.~~ Prior to legal action pursuant to C.R.S. §§ 32-1-207(3), for a Material Modification without City approval, the following shall occur:

- a. If a District Board identifies an intended action, that may be included on the list pursuant to section 14.~~2829~~.050(~~JH~~)(1), that such Board asserts is not a Material Modification, such assertion and supporting reasoning shall be provided in writing to the City Manager and City Attorney. The City Manager shall immediately transmit the information to the City Council. The City Council shall direct the City Manager whether to concur with the Board. The City's response shall be in writing and shall occur, within forty-five (45) calendar days of receiving the Board's assertion and reasoning. If the response is concurrence, the District may proceed. Failure of the City to respond within forty-five (45) calendar days shall be deemed concurrence. If the response is not concurrence, the Board and City shall follow the process of section 14.28.1 IO(A) prior to any legal action pursuant to procedures outlined in the Special District Act, C.R.S. §§ 32-1-207(3).
- b. If the City identifies an action or potential action by the District or its Board that the City asserts is a Material Modification, whether or not included on the list pursuant to section 14.~~2829~~.050(~~JH~~)(1), such assertion and

supporting reasoning shall be provided in writing to the Board. The Board shall, within forty-five (45) calendar days of receiving the City's assertion and reasoning, respond in writing to the City. If the response is concurrence, the District shall not proceed with such action or potential action unless a Service Plan Amendment allowing such action or potential action is approved. Failure of the Board to respond within forty-five (45) calendar days shall be deemed concurrence. If the response is not concurrence, the Board and City shall follow the process of section 14.28.1 IO(A) prior to any legal action pursuant to procedures outlined in the Special District Act, C.R.S. §§ 32-1-207(3).

Section 14.~~2829~~.060- - Administrative Review of Proposed District or Service Plan Amendment.

A. The City Manager and City Attorney shall review the proposed Service Plan or Service Plan Amendment. Such review shall include the following:

1. ~~-~~ _____ The financial aspects by person(s) or firm(s) qualified to evaluate the reasonableness of the financial plan including, but not limited to, estimated costs to the proposed District of providing, operating and maintaining proposed Public Improvements, the projected rate of development, the projected revenues and cash flows, and the estimated financing costs. The person(s) or firm(s) who perform the review shall be selected by the City Manager based on their experience and qualifications relevant to the review, and their independence from the Petitioners or District and any development to be served by the District.
2. The proposed Service Plan or Service Plan Amendment for compliance with this ChapterCode and the Special District Act.
3. The community goals, needs and amenities to be provided by the District that are beyond those required of the development to be served by the District.

B. The City Manager shall provide a report to the City Council, after consultation with the City Attorney, of the City Manager's findings including a recommendation to approve, disapprove or conditionally approve the Service Plan. A recommendation of conditional approval shall include the additional information, Service Plan changes, and/or City-District IGA changes recommended including a recommended deadline for submission of such information or changes.

Section 14.~~2829~~.070- - Public Hearing Regarding a Proposed District or Proposed Service Plan Amendment.

A. Upon completion of administrative review pursuant to section 14.~~2829~~.060, the City Council or City Manager may determine that a City Council study session is required and, if so, the Clerk shall schedule the study session.

- B. The Clerk shall schedule a public ~~input~~hearing in association with any proposed City Council resolution regarding approval of any Service Plan or Service Plan Amendment. Notice of the City Council meeting on which the proposed resolution of approval is scheduled shall be in accordance with the City Charter and the Lakewood Municipal Code, as amended, and any additional policies or procedures.
- C. If any property is proposed for inclusion in the District that is not fully owned by the Petitioners, such other owners shall be sent, by U.S. mail, notice of each City Council meeting postmarked at least fourteen (14) calendar days, but not more than thirty (30) calendar days, prior to each City Council meeting.
- D. The content of the notice shall be pre-approved by the City Manager, and City Attorney. Petitioners or District shall print and mail such notices at the expense of the Petitioners or District. The Petitioners or District shall provide to the City Manager independent written confirmation of the date, person(s) and addresses to which such notice is mailed.
- E. Notices of each City Council meeting shall set forth the following:
 1. ~~The~~ date, time, location, and purpose of the City Council meeting.
 2. A general description of the properties contained within the boundaries of the District or proposed District including a boundary illustration on an aerial image.
 3. How to obtain access to the material that will be submitted to the City Council for its meeting including the Service Plan or Service Plan Amendment.
 4. A description of the process to submit comments on the proposed Service Plan or Service Plan Amendment.

Section 14.~~2829~~.080 - Action by City Council Regarding Proposed Districts and Proposed Service Plan Amendment.

- A. The City Council shall have the authority and legislative discretion to act, by resolution pursuant to section 14.~~2829~~.070, on the Service Plan or Service Plan Amendment and the City-District IGA. Such action shall be as C.R.S. ~~§§~~ 32-1-203 requires of County Commissioners considering and acting on a Service Plan or Service Plan Amendment.
- B. In making its decision, the City Council shall consider the Model Service Plan, the proposed Service Plan or Service Plan Amendment, the proposed City-District IGA or amendment, the Petitioners' letter of intent pursuant to section 14.~~2829~~.040(E), information presented during the City Council meeting, the report of the City Manager, and whether the material submitted by the Petitioners complies with this Chapter, Code and the Special District Act.
- ~~A.~~ If the City Council conditionally approves the Service Plan or Service Plan
- C. Amendment, the City Council shall, by resolution, define, ~~pursuant to C.R.S. S~~

~~32-1204.5~~, the additional information required, Service Plan Amendment(s) required, and/or City-District IGA amendment(s) required and a deadline for submission of such information or amendment(s). The City Manager may, upon request of the Petitioners, reasonably extend the deadline for cause. Failure to meet the deadline shall be deemed disapproval of the Service Plan or Service Plan Amendment by the City Council. Upon the requirements of a conditional approval being met by the Petitioners or District, the City Council shall vote on a resolution to approve, without further condition or further amendment, the Service Plan and City-District IGA. If the vote on said resolution does not pass, the proposed District or Service Plan Amendment shall be deemed disapproved by the City Council.

D. The City Council may reject, approve, or conditionally approve Service Plans. Nothing in this Code is intended to limit the discretion of the City Council which retains full authority to dictate the terms and conditions of all Service Plans in accordance with this Code and all other applicable laws.

Section 14.~~2829.090~~— - Service Plan Amendment.

A. In addition to the events or conditions enumerated in C.R.S. ~~§§~~ 32-1-207(2), the occurrence of any of the following actions, events or conditions, subsequent to the date of approval of the Service Plan or most recent Service Plan Amendment, shall constitute Material Modifications requiring a Service Plan Amendment and, if required by the City Manager, a City-District IGA amendment.

1. ~~-~~The failure of the District to provide any essential Public Improvements or services described in its Service Plan when necessary to preserve the public health, safety, or welfare or necessary to serve approved development within the District;
2. The failure of the District Board to approve and enter into the City-District IGA within the timeframe required by section 14.~~2829.050~~(~~GF~~)(1-);
3. The occurrence of any event or condition defined under the Service Plan or ~~City District~~City- District IGA necessitating a Service Plan Amendment;
4. Creation of a special improvement district;
5. The material default by a District under the City-District IGA or any other intergovernmental agreement or written agreement with the City;
6. Any proposed activity of a District determined to be a Material Modification of the Service Plan pursuant to section 14.~~2829.050~~(~~HJ~~); or
7. Any other action, event or condition identified in a District's Service Plan by the District or the City as a Material Modification.

B. Submission of information for a proposed Material Modification shall comply with sectionsections 14.2829.040 and 14.2829.050this Code.

Section 14.~~2829~~.100. — Annual Report Requirements.

- A. Annually, all Districts located wholly or partially in the City, regardless of when formed and in addition to any other required reports, shall submit the following documents to the City Council and the City Manager concurrent with submission to the Colorado Division of Local Affairs:
 - 1. A certified copy of the District's annual budget; and
 - 2. A copy of the District's audit or audit exemption.
- B. Each District operating under a Service Plan or Service Plan Amendment, which was approved by the City Council on or after the effective date of this ~~Chapter~~Code, shall submit a report to the City Council, City Attorney, and the City Manager conforming to the Model District Report concurrently with its annual submittal of its budget pursuant to section 14.~~28-100~~29.100(A).
- C. The obligation to submit the information identified in section 14.~~28-100~~29.100(B) shall be required ~~through two annual submittals~~ after the date by which all of the following have occurred:
 - 1. The area within the District is fully developed,
 - 2. All Public Improvement construction and installation is complete, and the Public Improvements have been accepted by the relevant entity(ies) for ownership, operation and maintenance;
 - 3. A majority of Board seats are occupied by End-users; and
 - 4. The District notifying the City Manager and City Attorney, in writing, of the dates upon which section 14.~~28-100~~29.100(C)(~~1~~1) through (3) have each occurred.
- D. The District shall pay all costs that the City incurs to review an annual report pursuant to the reimbursement provisions of the Service Plan and/or City-District IGA.
- E. The Board shall, following receipt of a written notice from the City Manager, appear during a City Council meeting, on the date included in the notice, to update the pPublic and City Council on District activities and finances and respond to questions from the City Council.

Section 14.~~2829~~.110. - Noncompliance.

- A. In the event of any dispute, claim, or controversy of any kind or nature relating to compliance with the approved Service Plan or City-District IGA arising between the City and District, prior to seeking redress in a court of competent jurisdiction, the Parties shall meet and make a good faith effort to resolve the dispute. ~~If the dispute is not resolved within thirty (30) calendar days after the Parties first meet to discuss it or longer if mutually extended by the parties, one or both the Parties shall refer the dispute to non-binding mediation under the~~

~~Commercial Mediation Procedures of the American Arbitration Association ("AAA"). A single mediator engaged in the practice of law within the State of Colorado, who is knowledgeable as to the subject matter relevant to the dispute, shall conduct the mediation under the then-current procedures of the AAA. The costs of mediation shall be borne equally by the parties. The mediation shall be held at a mutually agreeable site. Unless otherwise stated in this Chapter, nothing in this section 14.28.1 IO(A) shall be construed to prevent or delay a Party~~Nothing in this section 14.29.110(A) shall be construed to prevent or delay a party from seeking any other remedy available to it at law, including seeking redress in a court of competent jurisdiction.

B. Should any District fail to comply with any applicable provision of this ~~Chapter~~Code or with its approved Service Plan or City-District IGA, the City Council, by resolution, may authorize any one (1-) or more of the following measures, as it deems appropriate:

1. ~~—~~ — Authorize the City Manager to withhold the issuance of or rescind any of the following: permit(s), authorization(s), inspection(s), acceptance(s) or other administrative action(s) necessary for the District's development or construction of Public Improvements;
2. Authorize the City Attorney to exercise any legal remedy under the terms of any intergovernmental agreement with the City under which the District is in default;
3. Authorize the City Attorney to exercise any other legal remedy available at law, including seeking injunctive relief against the District, to ensure compliance with the provisions of this ~~Chapter~~Code; or
4. Pursue any other remedy provided by the Special District Act.

Section 14.~~2829~~ 120.~~—~~ — No Abrogation of Rights

A. Nothing in this ~~Chapter~~Code shall be construed to limit or abrogate the rights and immunities set forth in the Colorado Governmental Immunity Act, Article 10 of Title 24, C.R.S.
C.R.S.

B. No provision herein shall be construed to limit or abrogate the right of any person to bring a private cause of action.

~~SECTION 2. In accordance with the provisions of section 7.4 of the Lakewood home rule charter, this ordinance shall become effective thirty (30) days after final publication.~~

STAFF MEMO

DATE OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 15

To: Mayor and City Council

From: Travis Parker, Chief of the Sustainability & Community Development Branch

Subject: **An Ordinance Amending Title 17, Article 4, Section 3, Supplemental Standards for Car Washes and Fueling Stations**

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

BACKGROUND INFORMATION: The Planning Commission held public hearings in early 2024, on January 17th, January 31st, and February 21st. The Planning Commission determined that fueling stations cause significant adverse health effects from hydrocarbon emissions at the gas pump which contribute to poor air quality.

City Council held a study session on August 5, 2024, to discuss the Planning Commission recommendation and requested that maps be provided depicting the existing carwashes and fueling stations in the community.

The Planning Commission's recommendations to amend Article 17 of the Zoning Ordinance are included in the attached Ordinance O-2024-34.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: The Ordinance can be adopted, amended, or denied on second reading.

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

NEXT STEPS: If approved on second reading, staff will begin the implementation and enforcement of the ordinance once it becomes effective.

ATTACHMENTS:

1. Ordinance O-2024-34
2. Fueling Stations Map
3. Car Washes Map
4. Planning Commission Resolution-Car Washes and Fueling Stations
5. LaBure_Council Request For Legislative Modifications-Gas Station and EV

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

O-2024-34

AN ORDINANCE

AN ORDINANCE AMENDING TITLE 17, ARTICLE 4, SECTION 3, SUPPLEMENTAL STANDARDS FOR CAR WASHES AND FUELING STATIONS

WHEREAS, the City of Lakewood is a home rule city of the state of Colorado with full authority to legislate in matters of local concern including zoning and land use matters;

WHEREAS, City Council requested an amendment to the car wash and fueling station standards and requested review by the Planning Commission;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.4(A), the Planning Commission conducted a fact-finding hearing and held public hearings on January 17, 2024, January 31, 2024 and February 21, 2024;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(D), at their meeting of February 21, 2024, the Planning Commission voted to recommend to the City Council the approval of the proposed amendments;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(E), the City Council reviewed the proposed amendments and the recommendations of the Planning Commission, and held a public hearing on January 13, 2025;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(E), at their meeting of January 13, 2025, the City Council found the proposed amendments to the Lakewood Zoning Ordinance were consistent with the adopted Comprehensive Plan, and the amendment is necessary to promote the public health safety or welfare of the community; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Title 17, Article 4, Section 3 of the Lakewood Municipal Code is amended as follows:

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. Fueling stations, 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 and change to permitted use in the C-L zone district.

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.

SECTION 2. All provisions of Title 17 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered by this Ordinance and in full force and effect.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 9th day of December, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 12th day of December, 2024; set for public hearing to be held on the 13th day of January, 2025; read, finally passed and adopted by the City Council on the 13th day of January, 2025; and signed by the Mayor on the ___ day of January, 2025.

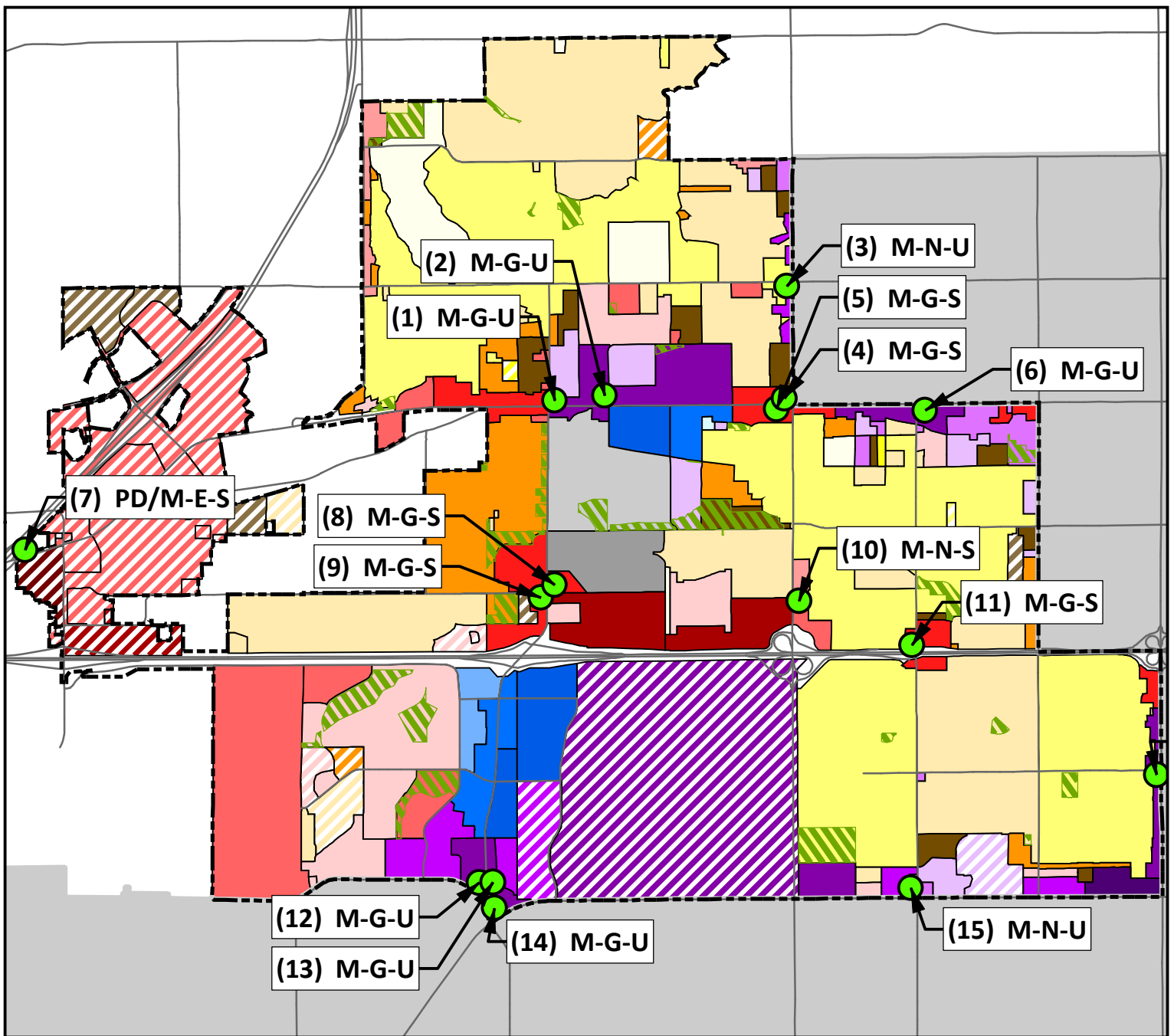
ATTEST:

Wendi Strom, Mayor

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



R-1-43	R-1-6	M-R-S	M-R-U	M-R-T	C-L	Park
R-1-18	R-2	M-N-S	M-N-U	M-N-T	C-R	PD with Base Zone District
R-1-12	R-MH	M-E-S	M-E-U	M-E-T	LI	
R-1-9	R-MF	M-G-S	M-G-U	M-G-T	LI-RD	
			M-C-U	M-C-T		

Retail Fueling Stations in the City of Lakewood Ward 1

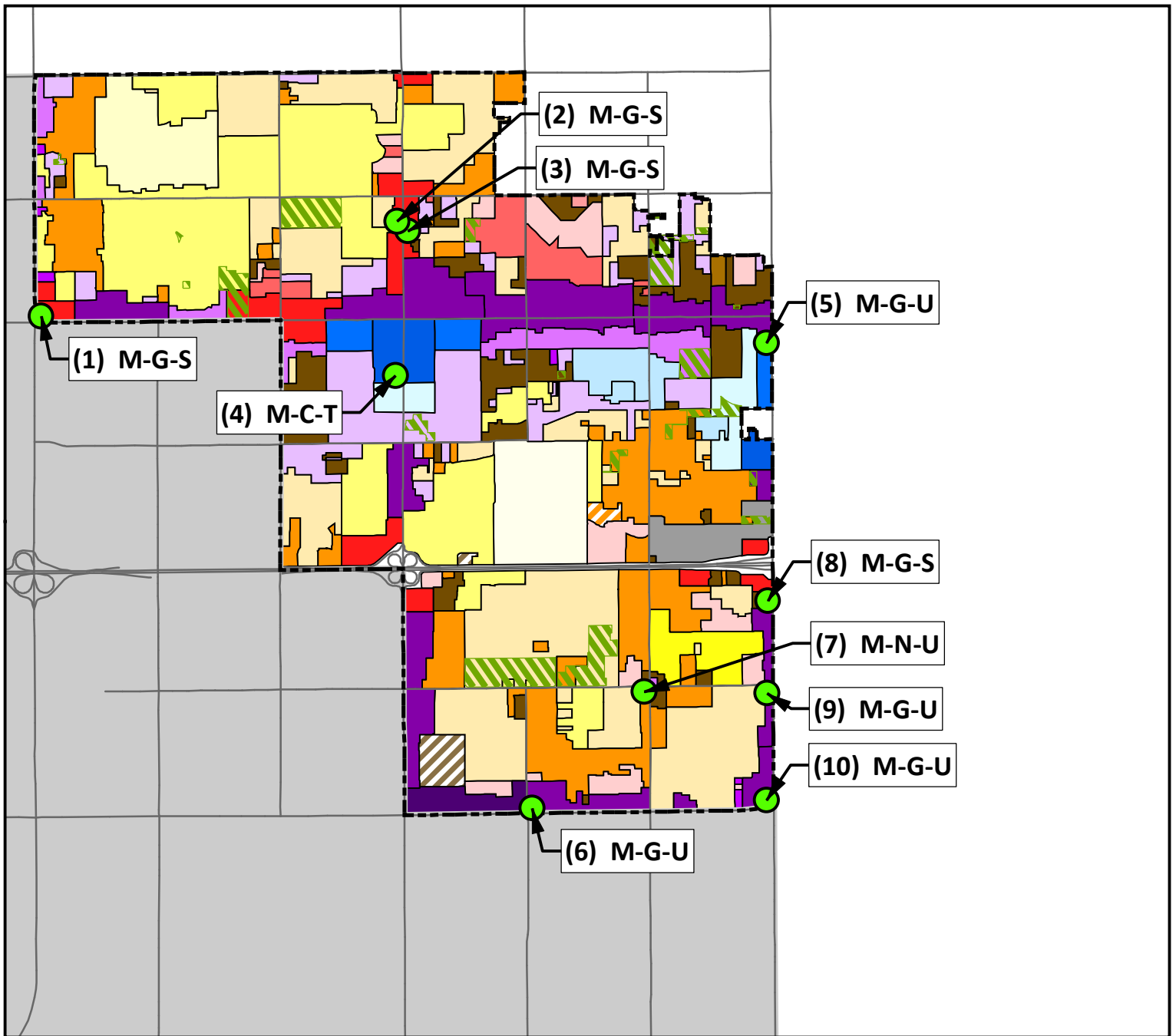


Lakewood
Colorado

Document: Fueling Stations Mapbook - Copy | Date: 10/4/2024

0 0.6 1.2
Miles

Ward 1 Retail Fueling Stations			
Key	Zoning	Address	Facility Name
1	M-G-U	11599 W Colfax Ave	7-Eleven #22063
2	M-G-U	11203 W Colfax Ave	Westland Shell
3	M-N-U	1985 Kipling St	Twin Star Energy #18
4	M-G-S	10051 W Colfax Ave	Kum & Go
5	M-G-S	10040 W Colfax Ave	Murphy Express Lakewood
6	M-G-U	9180 W Colfax Ave	Safeway Fuel Center
7	PD/M-E-S	15065 W Colfax Ave	Circle K Store #2709888
8	M-G-S	820 Simms St - Unit 8	7-Eleven #27043
9	M-G-S	797 Simms St	Twin Star Energy #539
10	M-N-S	722 Kipling St	Circle K Store #2744121
11	M-G-S	605 Garrison St	1st Stop Gas & Food Mart Inc
12	M-G-U	12015 W Cedar Dr	Everyday Store #5714
13	M-G-U	198 S Union Blvd	King Soopers #640 Fuel Center
14	M-G-U	350 S Union Blvd	Union 66/ Kicks 66
15	M-N-U	289 S Garrison St	Alta Convenience #1249
16	M-G-U	99 Wadsworth Blvd	Conoco At 1st & Wadsworth



R-1-43	R-1-6	M-R-S	M-R-U	M-R-T	C-L	Park
R-1-18	R-2	M-N-S	M-N-U	M-N-T	C-R	PD with Base Zone District
R-1-12	R-MH	M-E-S	M-E-U	M-E-T	LI	
R-1-9	R-MF	M-G-S	M-G-U	M-G-T	LI-RD	
			M-C-U	M-C-T		

Retail Fueling Stations in the City of Lakewood Ward 2

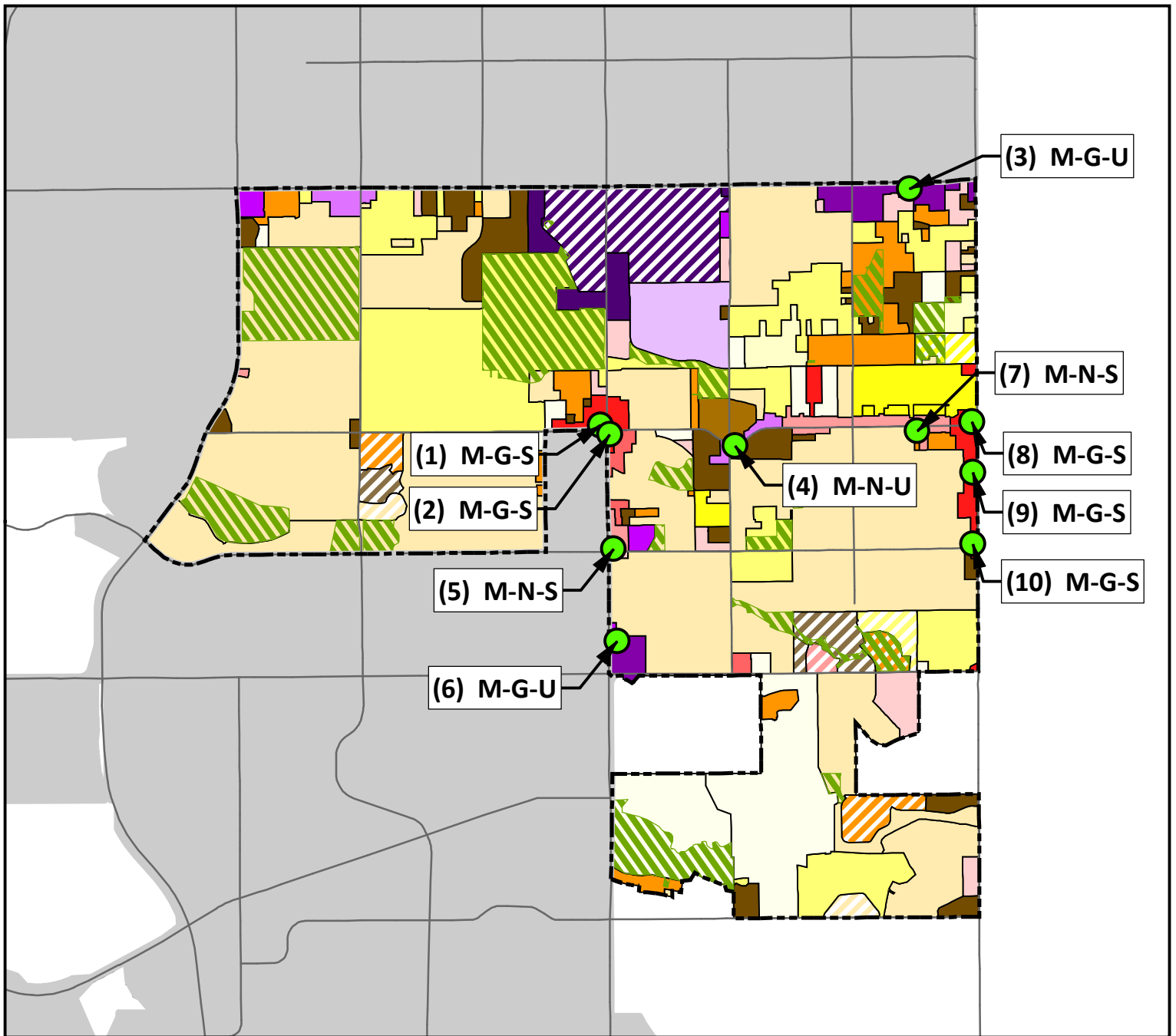


Lakewood
Colorado

Document: Fueling Stations Mapbook - Copy | Date: 10/4/2024

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Miles

Ward 2 Retail Fueling Stations			
Key	Zoning	Address	Facility Name
1	M-G-S	9995 W Colfax Ave	7-Eleven #38785
2	M-G-S	1901 Wadsworth Blvd	Food Stop
3	M-G-S	1890 Wadsworth Blvd	Circle K Store #2741118
4	M-C-T	7603 W 13th Ave	Alta Convenience #6111
5	M-G-U	1401 Sheridan Blvd	Kali Devi Inc
6	M-G-U	290 S Pierce St	7-Eleven #39767
7	M-N-U	6000 W 1st Ave	Citaula Brothers Inc
8	M-G-S	495 Sheridan Blvd	7-Eleven #39274
9	M-G-U	95 Sheridan Blvd	SEJ #26137
10	M-G-U	5205 W Alameda Ave	Alameda Crossing 66



R-1-43	R-1-6	M-R-S	M-R-U	M-R-T	C-L	Park
R-1-18	R-2	M-N-S	M-N-U	M-N-T	C-R	PD with Base Zone District
R-1-12	R-MH	M-E-S	M-E-U	M-E-T	LI	
R-1-9	R-MF	M-G-S	M-G-U	M-G-T	LI-RD	
			M-C-U	M-C-T		

Retail Fueling Stations in the City of Lakewood Ward 3

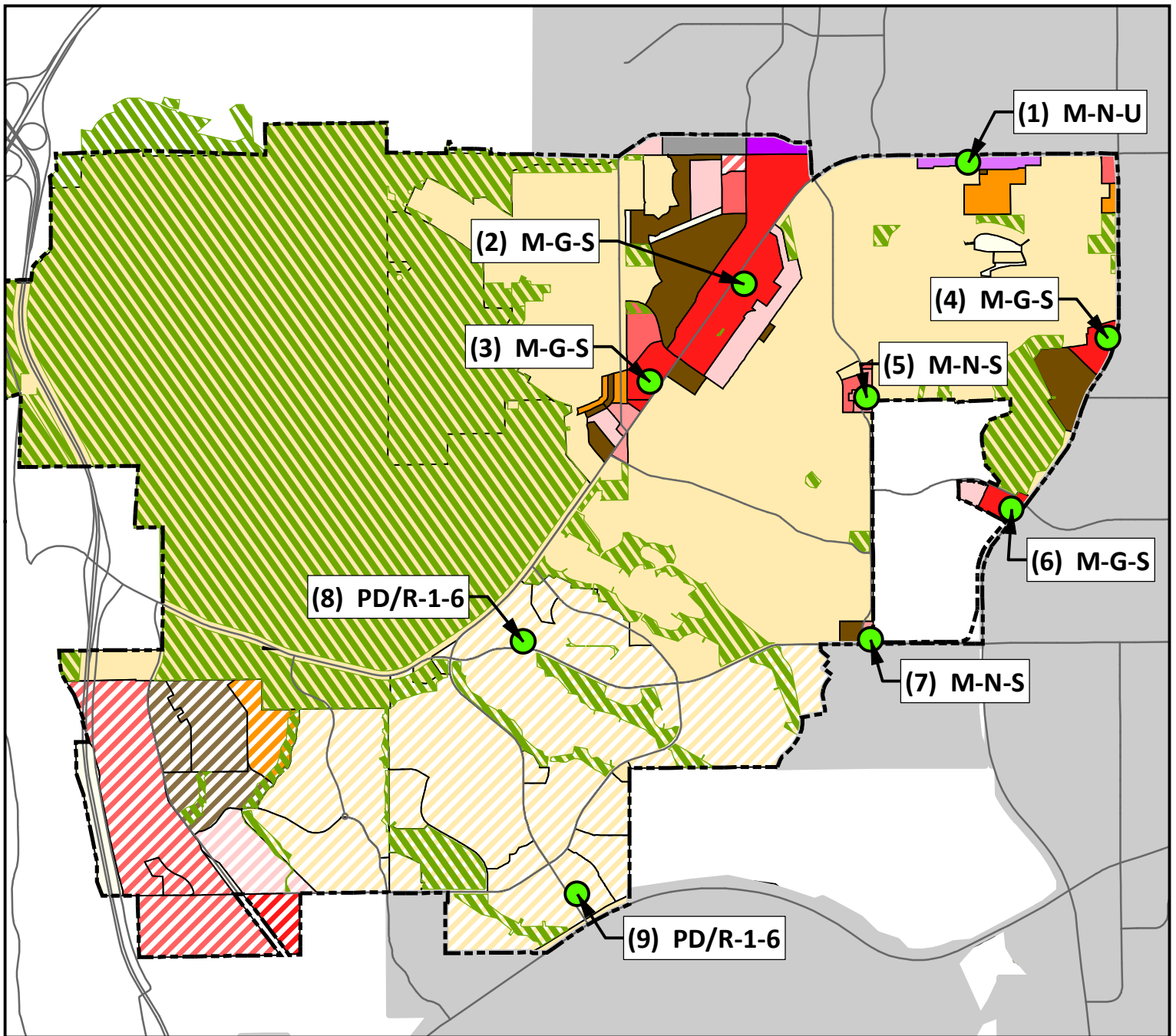


Lakewood
Colorado

Document: Fueling Stations Mapbook - Copy | Date: 10/4/2024

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Miles

Ward 3 Retail Fueling Stations			
Key	Zoning	Address	Facility Name
1	M-G-S	1095 S Wadsworth Blvd	Your Store DBA Shop N Save
2	M-G-S	1110 S Wadsworth Blvd	7-Eleven Store #41865
3	M-G-U	5600 W Alameda Ave	Discount Gas One
4	M-N-U	1110 S Pierce St	Twin Star Energy #15
5	M-N-S	1490 S Wadsworth Blvd	K & D Enterprise Inc
6	M-G-U	1850 S Wadsworth Blvd	Wadsworth 66
7	M-N-S	5440 W Mississippi Ave	Mississippi U-Pump-It #803
8	M-G-S	5201 W Mississippi Ave	Quik Trip #4229
9	M-G-S	1233 S Sheridan Blvd	Corner Store - CO0002
10	M-G-S	1495 S Sheridan Blvd	South Sheridan Gas Mart



	R-1-43		R-1-6		M-R-S		M-R-U		M-R-T		C-L		Park
	R-1-18		R-2		M-N-S		M-N-U		M-N-T		C-R		PD with Base Zone District
	R-1-12		R-MH		M-E-S		M-E-U		M-E-T		LI		
	R-1-9		R-MF		M-G-S		M-G-U		M-G-T		LI-RD		
							M-C-U		M-C-T				

Retail Fueling Stations in the City of Lakewood Ward 4

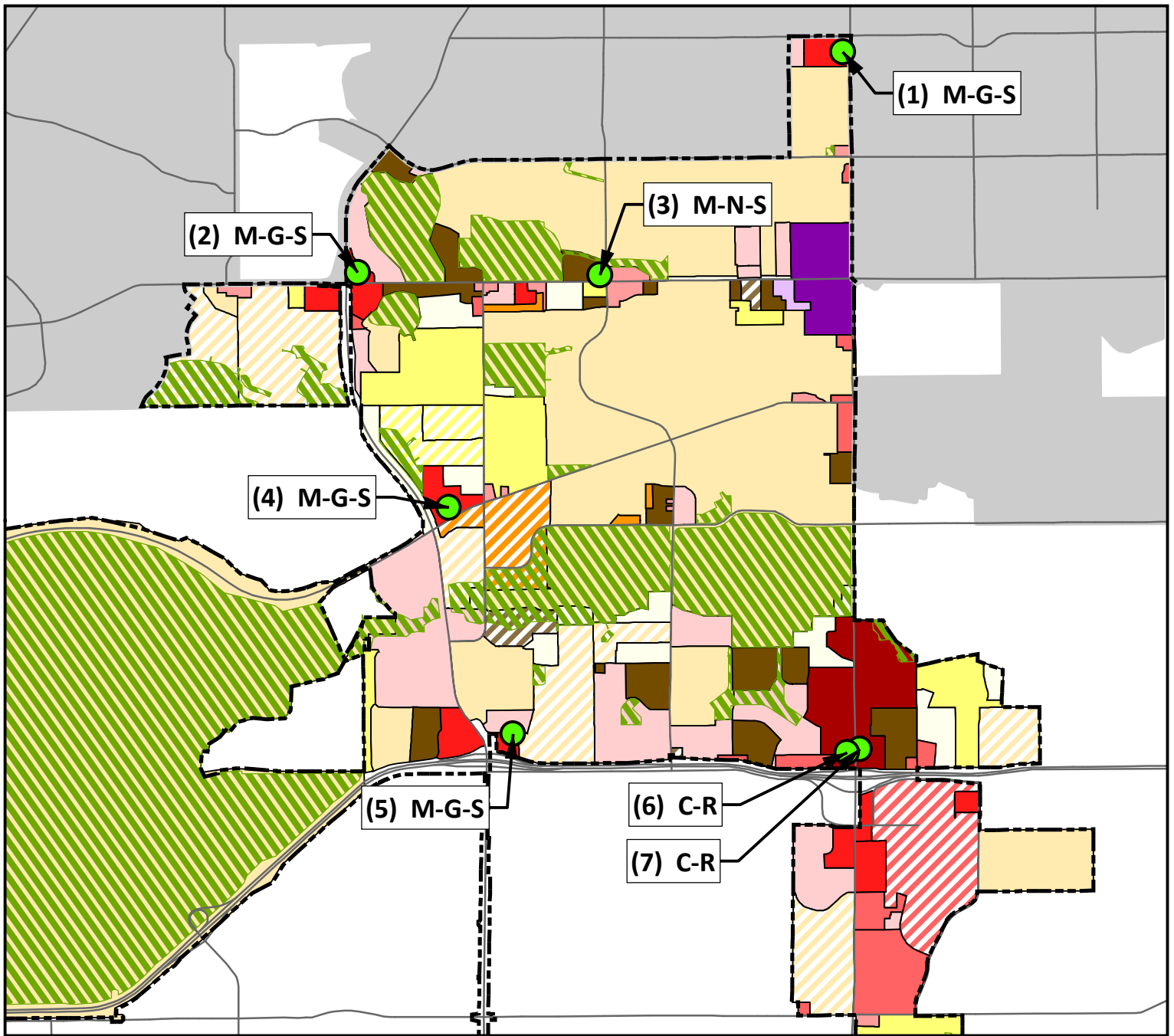


Lakewood
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Document: Fueling Stations Mapbook - Copy | Date: 10/4/2024

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Miles

Ward 4 Retail Fueling Stations			
Key	Zoning	Address	Facility Name
1	M-N-U	10970 W Alameda Ave	Total Smoker Cigar & Cigarettes
2	M-G-S	12410 W Alameda Pkwy	Green Mountain Mobil
3	M-G-S	13107 W Alameda Pkwy	Safeway Fuel Center #41
4	M-G-S	931 S Kipling Pkwy	Basa LLC
5	M-N-S	1090 S Union Blvd	Everyday Store #5713
6	M-G-S	1515 S Kipling Pkwy	King Soopers Fuel Center #59
7	M-N-S	11991 W Jewell Ave	Jewell Gas Express
8	PD/R-1-6	13655 W Jewell Ave	Convenience Plus
9	PD/R-1-6	2900 S Bear Creek Blvd	Circle K Store #2741188



R-1-43	R-1-6	M-R-S	M-R-U	M-R-T	C-L	Park
R-1-18	R-2	M-N-S	M-N-U	M-N-T	C-R	PD with Base Zone District
R-1-12	R-MH	M-E-S	M-E-U	M-E-T	LI	
R-1-9	R-MF	M-G-S	M-G-U	M-G-T	LI-RD	
			M-C-U	M-C-T		

Retail Fueling Stations in the City of Lakewood Ward 5

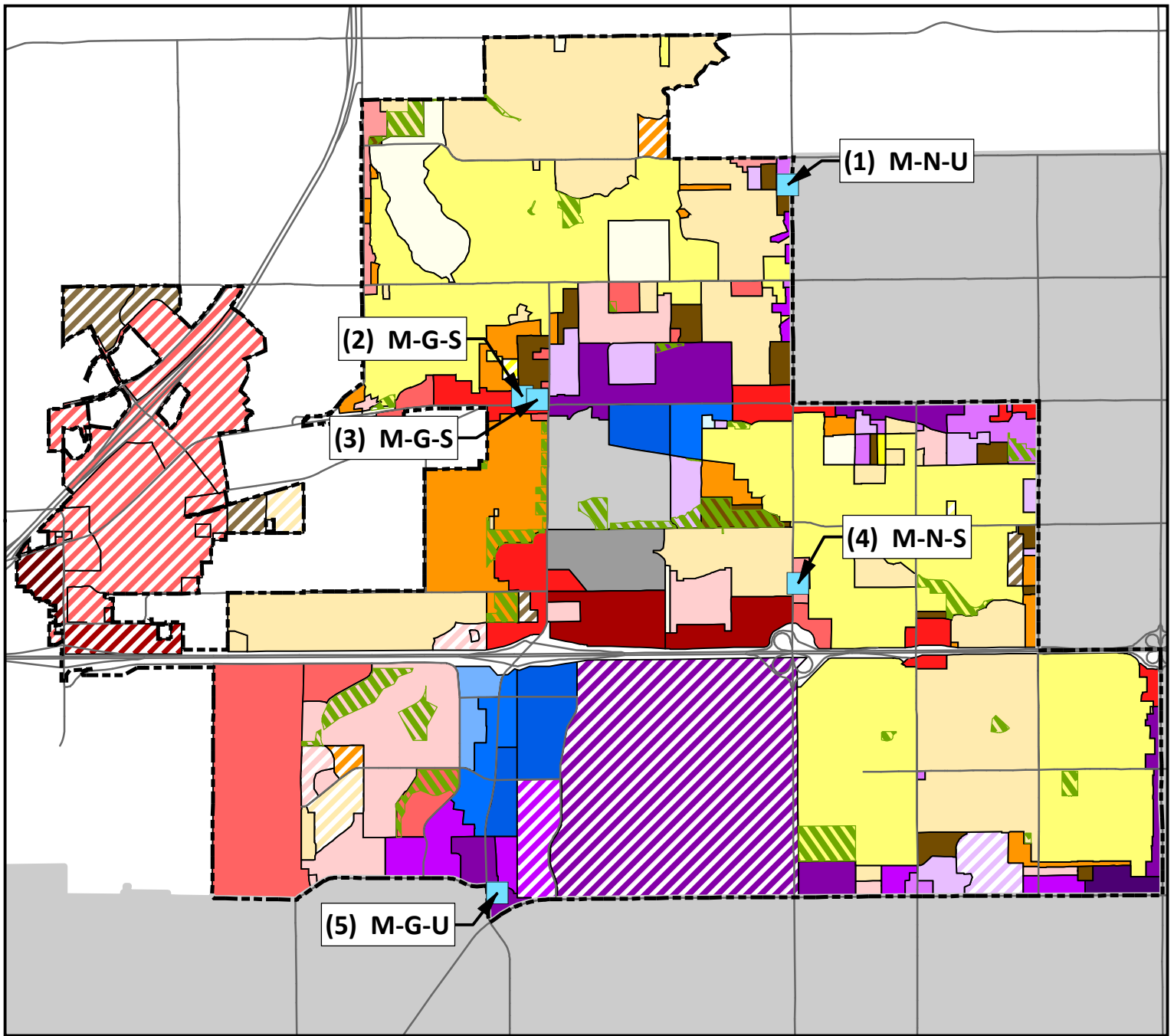


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Document: Fueling Stations Mapbook - Copy | Date: 10/4/2024

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Miles

Ward 5 Retail Fueling Stations			
Key	Zoning	Address	Facility Name
1	M-G-S	1155 S Wadsworth Blvd	Circle K Store #2744120
2	M-G-S	10815 W Jewell Ave	Twin Star Energy #901
3	M-N-S	9207 W Jewell Ave	Circle K Store #2709884
4	M-G-S	2601 S Lewis Way	A-B Petroleum #23
5	M-G-S	9818 W Girton Dr	Girton Market
6	C-R	3457 S Wadsworth Blvd	City Mart
7	C-R	3440 S Wadsworth Blvd	My Goods Market #6520



	R-1-43		R-1-6		M-R-S		M-R-U		M-R-T		C-L		Park
	R-1-18		R-2		M-N-S		M-N-U		M-N-T		C-R		PD with Base Zone District
	R-1-12		R-MH		M-E-S		M-E-U		M-E-T		LI		
	R-1-9		R-MF		M-G-S		M-G-U		M-G-T		LI-RD		
							M-C-U		M-C-T				

Standalone Car Washes in the City of Lakewood Ward 1

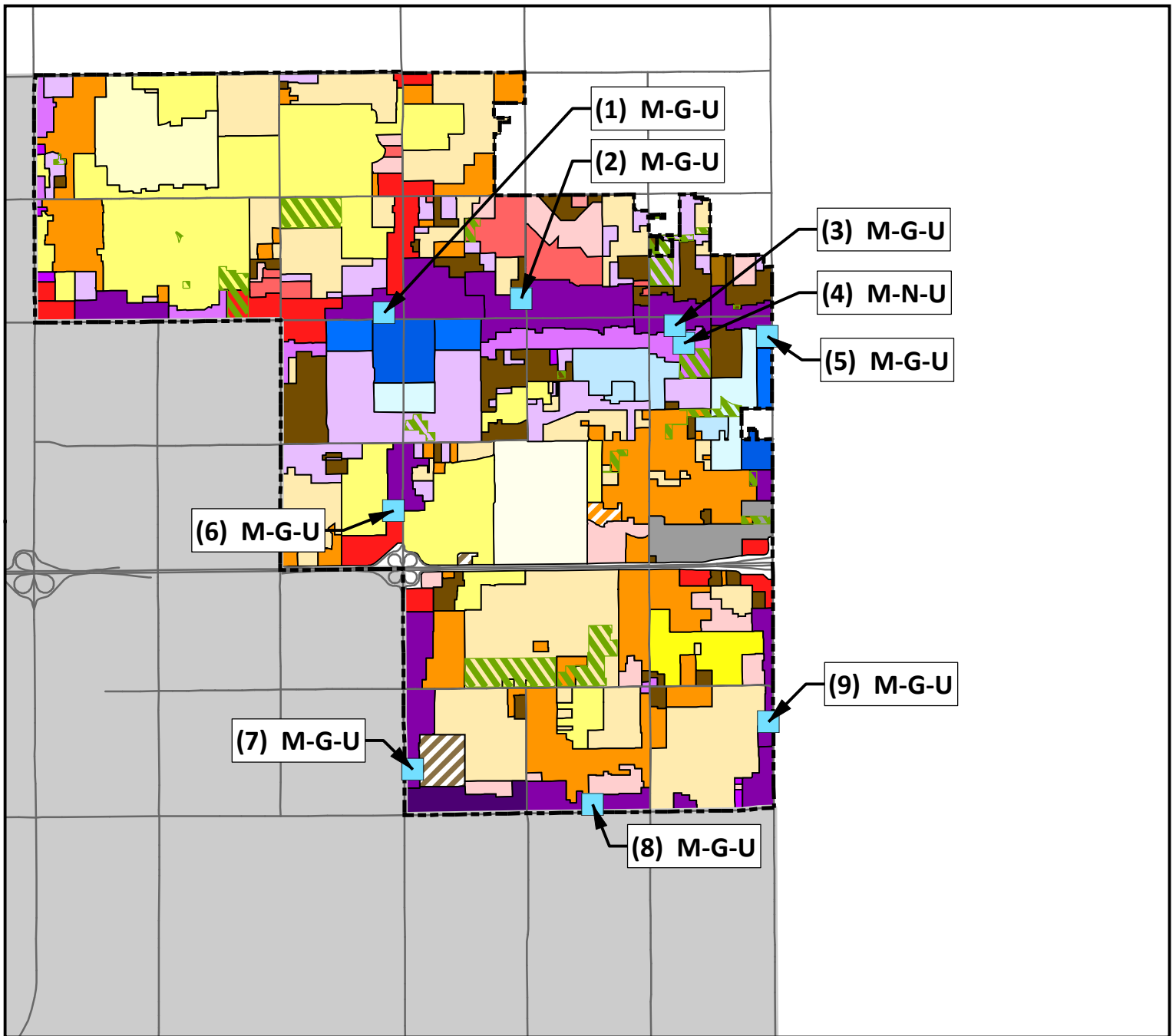


Lakewood
Colorado

Document: Car Washes Mapbook | Date: 11/25/2024

0 0.6 1.2
Miles

Ward 1 Standalone Car Washes			
Key	Zoning	Address	Parcel Owner
1	M-N-U	2503 KIPLING ST	BAILLIE BRIAN
2	M-G-S	11795 W COLFAX AVE	COLORADO AIRMOTIVE INC
3	M-G-S	11695 W COLFAX AVE	BINKLEY THOMAS J
4	M-N-S	800 KIPLING ST	WASH-N-CLEAN INC
5	M-G-U	11902 W CEDAR DR	UNION GREEN CAR WASH LLC

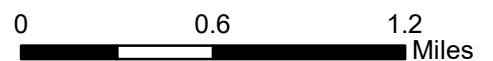


Standalone Car Washes in the City of Lakewood Ward 2

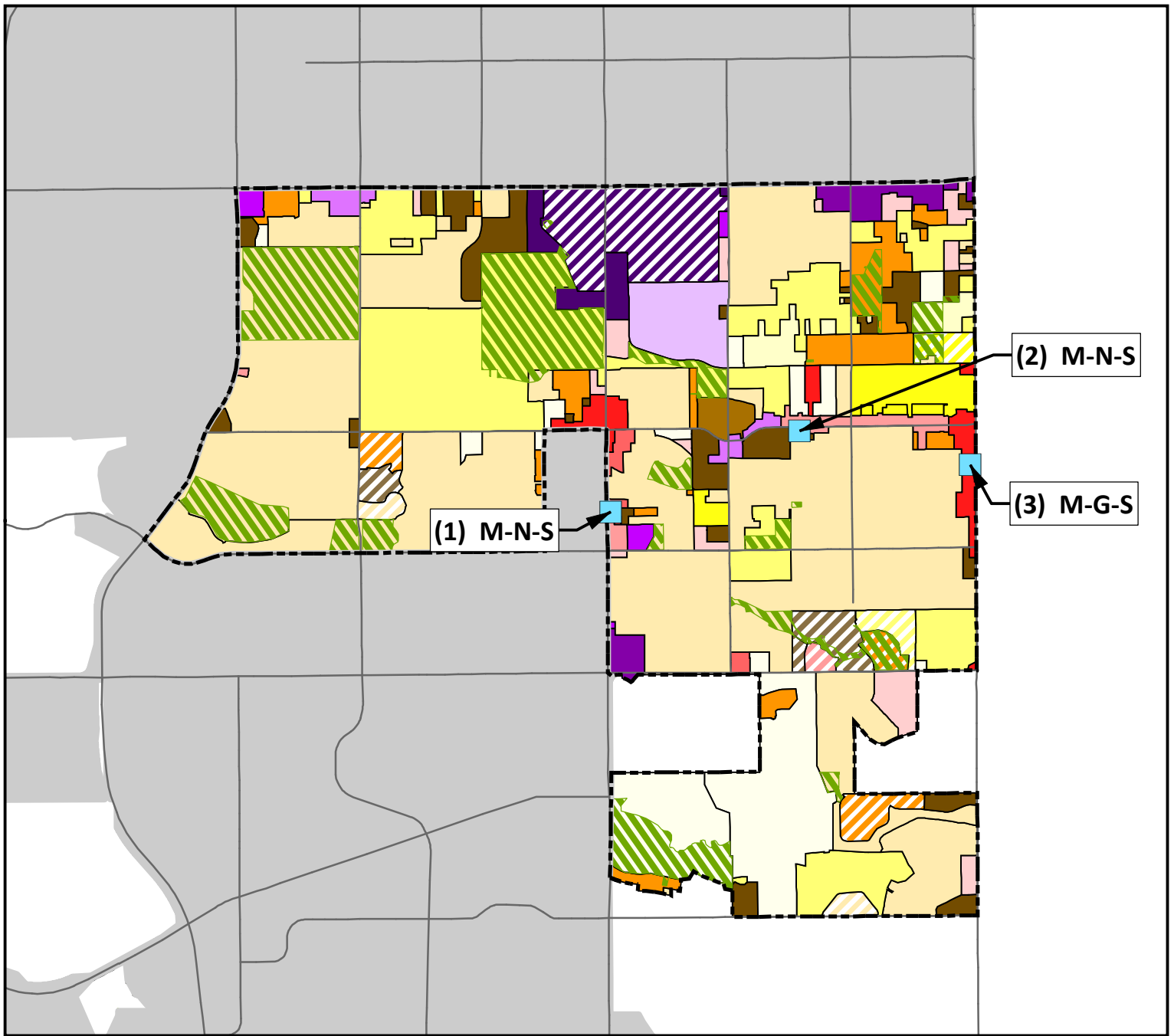


Lakewood
Colorado

Document: Car Washes Mapbook | Date: 11/25/2024



Ward 2 Standalone Car Washes			
Key	Zoning	Address	Parcel Owner
1	M-G-U	7633 W COLFAX AVE	V & N LLC
2	M-G-U	1565 PIERCE ST	SCHWAB DORIS L
3	M-G-U	5800 W COLFAX AVE	EXPRESS 78 PROPCO LLC
4	M-N-U	1400 FENTON ST	DANG HUNG X
5	M-G-U	1433 SHERIDAN BLVD	1433 SHERIDAN TRUST
6	M-G-U	801 WADSWORTH BLVD	801 WADS LLC
7	M-G-U	130 S WADSWORTH BLVD	COBBLESTONE DENVER PROPCO LLC
8	M-G-U	6387 W ALAMEDA AVE	JAF INVESTMENT COMPANY
9	M-G-U	19 S SHERIDAN BLVD	BRENT C MEYER LIVING TRUST



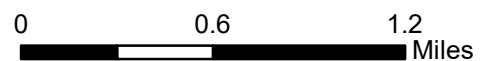
	R-1-43		R-1-6		M-R-S		M-R-U		M-R-T		C-L		Park
	R-1-18		R-2		M-N-S		M-N-U		M-N-T		C-R		PD with Base Zone District
	R-1-12		R-MH		M-E-S		M-E-U		M-E-T		LI		
	R-1-9		R-MF		M-G-S		M-G-U		M-G-T		LI-RD		
							M-C-U		M-C-T				

Standalone Car Washes in the City of Lakewood Ward 3

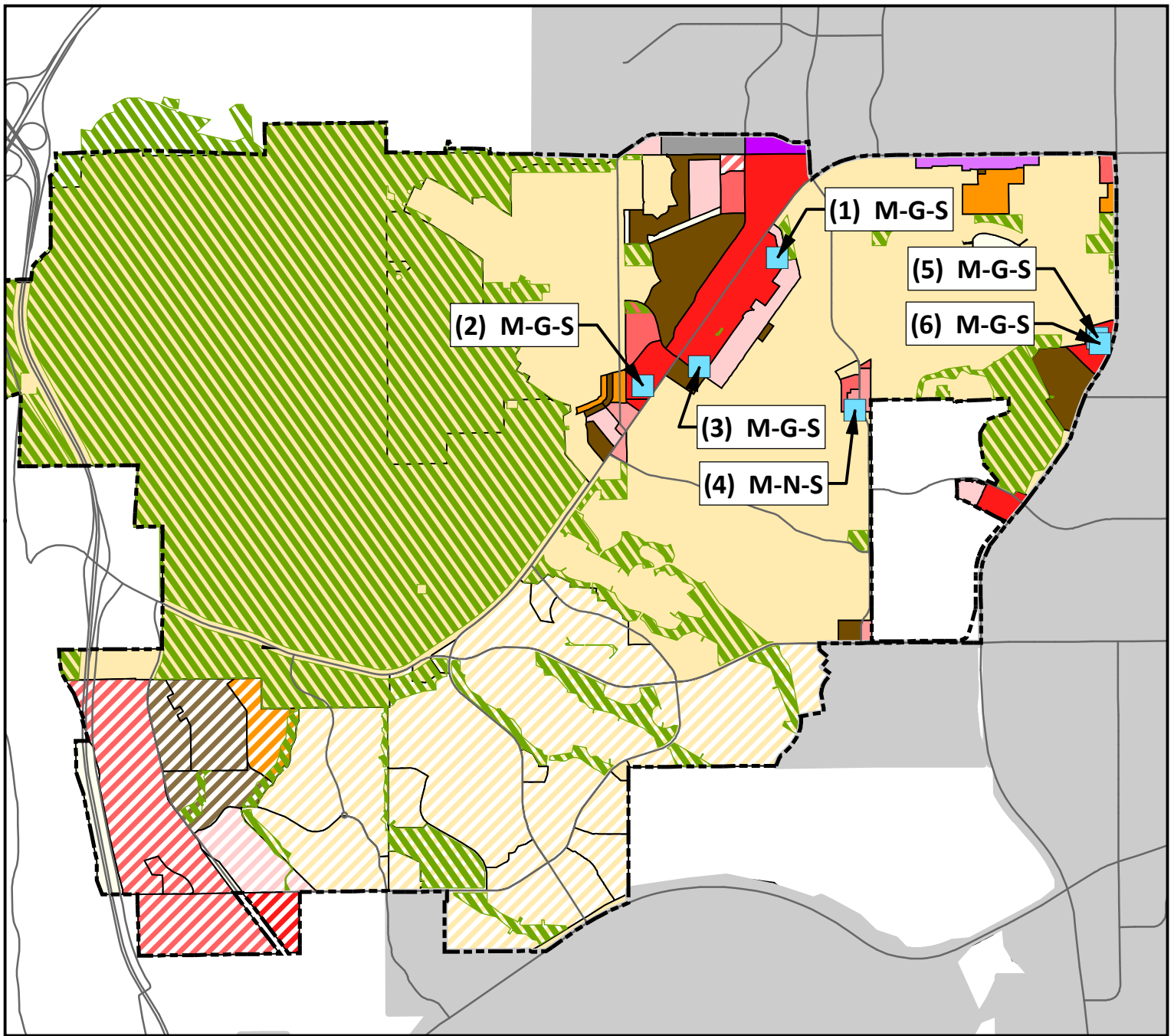


Lakewood
Colorado

Document: Car Washes Mapbook | Date: 11/25/2024



Ward 3 Standalone Car Washes			
Key	Zoning	Address	Parcel Owner
1	M-N-S	1398 S WADSWORTH BLVD	MUTH PROPERTIES LLC
2	M-N-S	6360 W MISSISSIPPI AVE	ARMENDARIZ EMMANUEL
3	M-G-S	1215 S SHERIDAN BLVD	SCRUBBLES I LLC

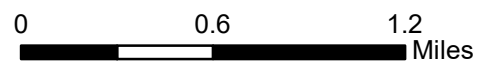


Standalone Car Washes in the City of Lakewood Ward 4

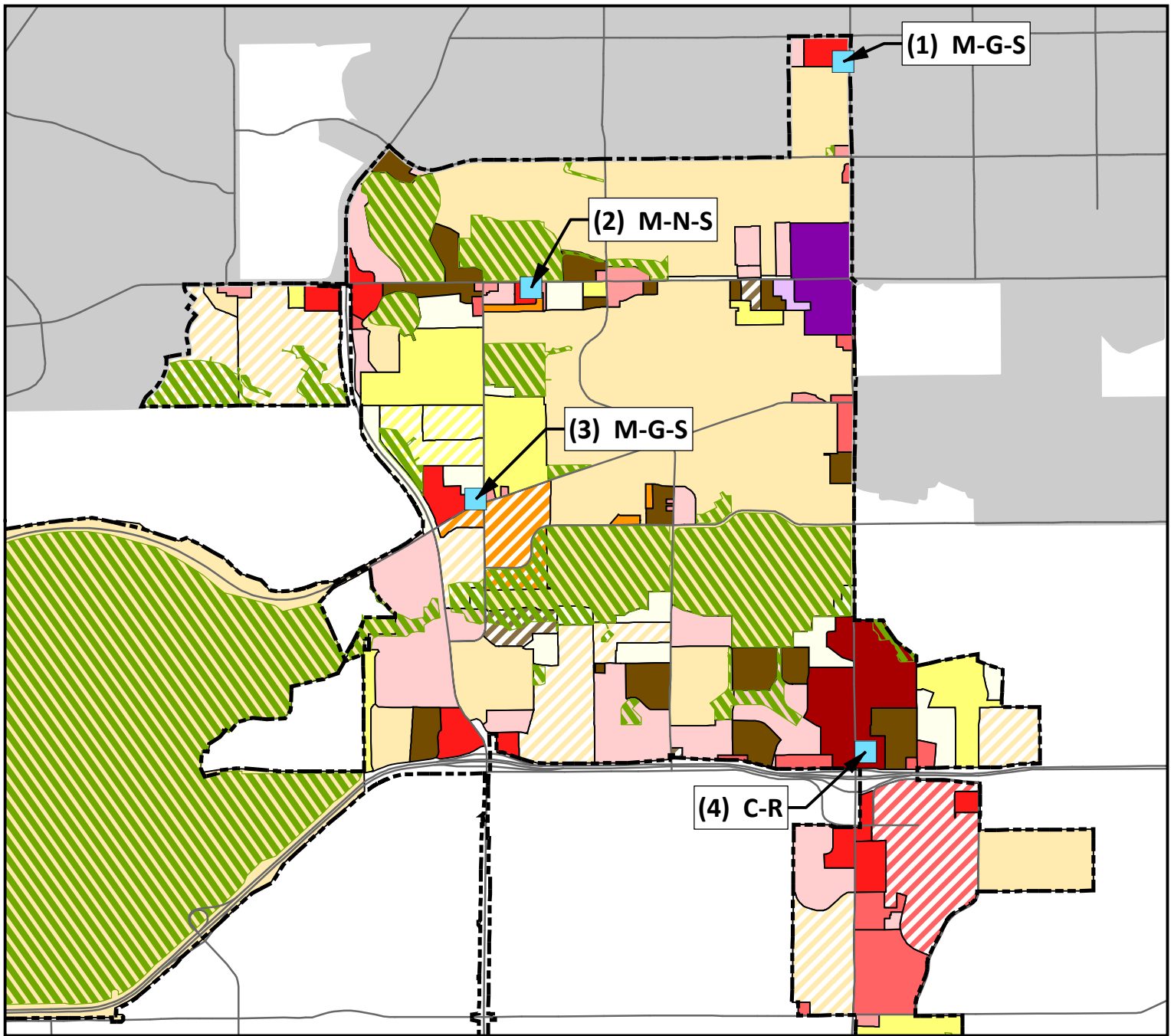


Lakewood
Colorado

Document: Car Washes Mapbook | Date: 11/25/2024



Ward 4 Standalone Car Washes			
Key	Zoning	Address	Parcel Owner
1	M-G-S	12299 W CENTER AVE	VISTA WASH LLC
2	M-G-S	13139 W ALAMEDA PKWY	COBBLESTONE DENVER PROPCO LLC
3	M-G-S	12890 W ALAMEDA PKWY	K & A WORLDWIDE LLC
4	M-N-S	1145 S UNION BLVD	YEN LLC
5	M-G-S	951 S KIPLING PKWY	CAR CARE OF COLORADO LLC
6	M-G-S	935 S KIPLING PKWY	CBML HOLDINGS LLC



R-1-43	R-1-6	M-R-S	M-R-U	M-R-T	C-L	Park
R-1-18	R-2	M-N-S	M-N-U	M-N-T	C-R	PD with Base Zone District
R-1-12	R-MH	M-E-S	M-E-U	M-E-T	LI	
R-1-9	R-MF	M-G-S	M-G-U	M-G-T	LI-RD	
			M-C-U	M-C-T		

Standalone Car Washes in the City of Lakewood Ward 5



Lakewood
Colorado

Document: Car Washes Mapbook | Date: 11/25/2024

0 0.6 1.2
Miles

Ward 5 Standalone Car Washes			
Key	Zoning	Address	Parcel Owner
1	M-G-S	1195 S WADSWORTH BLVD	CISSEL VINCENT J
2	M-N-S	9678 W JEWELL AVE	AURORA GROUP LLC
3	M-G-S	10001 MORRISON RD	MYTHOS LLC
4	C-R	3443 S VANCE ST	E Y J RE HOLDINGS LLC

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

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.

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.

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 OF MEETING: JANUARY 13, 2025 / AGENDA ITEM NO. 16

To: Mayor and City Council

From:

Subject: **Public Comment**

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

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.

NEXT STEPS: None

ATTACHMENTS: None

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	23 December 2024, 11:22PM
Receipt number	72
Related form version	8

Council member sponsor(s)	Roger Low
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Enter email address to receive a copy of this submission	rlow@lakewood.org
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Briefly describe the minor modification being requested	I have discussed with the Mayor, HPC Chair Mayott-Guerrero, and the city manager the idea of organizing an optional one day tour for members of council to see Permanent Supportive Housing (PSH) sites (i.e. housing with additional services, an evidence-based approach specifically designed for those who were recently unhoused) in Lakewood and the greater metro area, so that councilors can better understand up close the need for, value of, and best practices associated with PSH in our community, in support of our 2025 agenda.
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Provide history / background information that supports the request	
--	--

I propose that the PSH site in Lakewood that opened in 2024, Solid Ground apartments, be included on a short list of sites to visit. I have had preliminary discussions with Beau Simone consulting, a boutique firm specializing in PSH which helped develop both Solid Ground and another PSH facility in Denver, Sanderson Apartments, about setting up such a tour for council, and they are enthusiastic about this idea.

I am bringing this request to council at the Mayor's suggestion so that we can move forward. If council will agree to vote yes on this request, I am happy to finalize logistics and a date, and hopefully work with the city to arrange a bus.

We might try to also add a Pallet Home community visit to the tour, if we can make the scheduling work, depending on how many members of council have not seen one yet and would be interested (for very brief discussion).

Thank you for considering this!

If it needs expedited handling, please provide an explanation why	
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Attach file if needed	
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