

# Controversial Lakewood Building Project Is About More Than Birds

The Dec. 24th *Sunday Denver Post* had a lengthy article in its business section about a 412-unit apartment building being proposed by a Texas developer for a 5-acre site adjoining Belmar Park (see satellite image at right).

The focus of the article was on birders, who are fighting the project as best they can, given that the public and even the city council have no say in Lakewood when it comes to development.

That's right — no say in any proposal to build on private property so long as it complies with zoning. The City Council doesn't even have a say on subdividing land, although it's a review body for *appeals* on major subdivisions. This project is on a single owned parcel and, because it's zoned multifamily, the developer could build a 12-story apartment or mixed-use building if he wanted. That developer, Kairoi Residential of San Antonio, is proposing a 6-story apartment building — still taller than most buildings in downtown Lakewood.

The City of Lakewood has ceded all regulation of such projects to its planning department. The planning director, Travis Parker, could, *at his discretion*, submit this project to the city's planning commission for hearings and debate, but he has chosen not to, despite the controversy.

Anita Springsteen served a 4-year term on the Lakewood City Council representing that ward through November. She told me that she didn't run for re-election because the council has no power. Once she was told by the city attorney that council members are like citizens and that she had no more right to the information she was requesting than any other citizen.

One such citizen, Mark Smith, made a Colorado Open Records Act (CORA) request for such information and was told that it would take 149 staff hours to produce the information and would cost him over \$5,000.

Mark is a retired city planner and he said that he knows of no other jurisdiction which provides literally no public process for approving significant development proposals. The City of Golden has a process that could be a model for Lakewood and any other city. Check out [GuidingGolden.com/planning-projects](http://GuidingGolden.com/planning-projects) for inspiration. It includes a process for councilors and citizens to have a voice.

Lakewood has an ordinance requiring any developer to set aside parkland in proportion to 5 acres per 1,000 added population. For the Belmar Park

development, that formula should require 3.5 acres, but the entire parcel is only 5 acres, so the director of community resources is allowing the developer to pay the city \$254,545 per acre in lieu of that requirement. (That formula was supposed to be updated last year to reflect current Fair Market Value, but that has not happened. The parcel was purchased by the developer for over \$1 million per acre.) Again, there's no public or legislative say in that decision and, of course, no hearing. The planning commission holds hearings; the planning director simply decides.

Anita Springsteen moved that the city manager deny the in-lieu fee, but Mayor Paul said, "I'm not going to allow a vote on an illegal motion." Is there such a thing as an illegal motion?

In recognition of local concerns, the developer announced a 2-month "pause" on October 18 to allow for a

**The big story here is that Lakewood has no public process for controlling development.**

"neighborhood meeting." That meeting, as described on the planning department's website, consisted of up to 3 members of city government, 3 representatives of the developer and 3 residents of Belmar Commons, a 45-unit townhome community closest to the project. It was unannounced, and the meeting was not recorded. A facilitator hired by the city took notes, but those notes do not include the names of any of the attendees.

The planning department's web page for the project says bluntly, **"This property has had this property right to build multistory uses for a long time, and courts have been quite clear that elected officials and cities can't impinge or impede a private property owner's property rights allowed under a 'use by right.' Courts have viewed efforts to do this as a 'taking' of property rights."**

Further, the web page says that **"the proposed development will occur solely through the administrative process managed by the Planning Department. That means the Planning Department will review the development to ensure it is meeting the city's regulations for setbacks of the building, heights, green space requirements, landscaping, etc."**

In 2019, Lakewood's voters approved the Strategic Growth Initiative which imposed a 1% growth limit,



patterned after a similar law in Golden. That law also included a provision that projects of 40 units or more should go to the city council for approval, although that requirement has been ignored, as far as I can tell.

In the wake of 2023 legislation outlawing growth limits statewide, the city council repealed the Strategic Growth Initiative and then re-passed it with a 2-year sunset provision, meaning that it dies unless the council (or voters) vote to retain it. Curiously, the new law retained the 1% growth limit, but that provision sunsets along with the rest of the law in 2025. I asked why the 412-unit Belmar Park project doesn't violate the growth limit and was told that it's because the original designation of the downtown/Villa Italia district as "blighted" exempts that area from the limitation, even though it's hardly blighted nowadays.

By now you've probably guessed that the majority of city council members in Lakewood are pro-growth or even pro-developer.

I interviewed Ramey Johnson, who served on Lakewood's city council from 2010 to 2020, and she couldn't think of any other jurisdiction in which the governing body has ceded its authority over development to administrative staff to the extent Lakewood has. "It's wrong," Ramey told me. She says that council has incrementally relinquished its power to administrative staff over many years.

She told how in 2003, in response to "angst" over CCU students living in residential areas, council passed an ordinance defining a "Student Living Unit." When the zoning ordinance was rewritten in 2012, Ramey noticed that definition had been deleted without

**If you live in another city, how does the way Lakewood operates compare with your city?**

pointing it out to the city council. Travis Parker responded, "It wasn't needed anymore."

"The staff simply took out something that was voted by City Council," Ramey said. "What other things voted by council were deleted?"

Lakewood has among the lowest paid elected officials and highest paid staff of any city its size. City council members make \$12,000, the mayor makes about \$40,000, but the city manager makes about \$350,000 (with benefits), and the department heads, like Parker, make over \$200,000. Council members have no staff and no expense accounts. "We even have to buy the coffee for our ward meetings," Anita Springsteen told me. "This is a recipe for corruption," she said.

She has studied the campaign finance disclosures of her fellow councilors and the mayor and told me that the lawyer representing the developer made a campaign contribution to Mayor Paul. Further, the chairman of her law firm, Norman Brownstein, made a contribution to Paul's campaign *after the election*, despite the fact that he was then term-limited.

No building permit has been issued yet for the Belmar Park development. But nothing's really stopping it.

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Rita and I depart this Saturday for a world cruise on the Viking Sky. My daily blog will be at <http://wherearejimandrita.substack.com>.

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