

M E M O R A N D U M

TO: City of Littleton Planning Commission

FROM: Jennifer Q. Henninger, AICP Community Development Director

DATE: December 9, 2020

RE: Public Comment for Downtown Rezoning



In conjunction with the required public notification (newspaper notice, sign posting, and letters to residents and property owners) for the hearing on December 15, 2020, staff set up a dedicated website, email, and telephone number to track public comment.

As of noon, on December 9, 2020, staff received the attached seven emails and 20 phone calls. The calls were general questions about specific character areas and development requirements, non-conforming properties, and how to attend the virtual public hearing. Any additional emails received will be forwarded to the Planning Commission prior to the hearing.

On the dedicated webpage, staff also created a "frequently asked questions" page, which will continue to evolve as questions come in. A copy of the current FAQs is attached to this memorandum.

Attachments: Peterson email (two pages)
Kenney email (three pages)
Strong email (two pages)
Auckerman email (two pages)
Brady 10/29/20, 10/27/20 email (two pages)

FAQs as of 11/5/2020 (two pages)

Brady email 11/30/20, 11/16/20 (seven pages)
Brady email 11/15/20 (two pages)
Brady email 11/16/20 (one page)

From: [Bradford Peterson](#)
To: [Jerry Valdes](#); [Scott Melin](#); [Patrick Driscoll](#); [Karina Elrod](#); [Carol Fey](#); [Pamela Grove](#); [Kelly Milliman](#); [Karl Onsager](#)
Subject: <URGENT> Phase Two Zone Change Feedback
Date: Tuesday, October 6, 2020 11:11:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council and Planning,

I am a 13 year resident of Downtown Littleton, local builder and small business owner residing at 5503 S Prince St. in Downtown Littleton. I have two major points of concern after reading the zoning code changes that may affect myself and my immediate neighbors.

CA to DNR. The properties on Prince St., between Powers and Crestline, currently zoned CA, will be changed to DNR. The new language and permitted uses chart seems to disallow certain retail or service based businesses allowed under CA. How will this affect the businesses that currently operate there now or could potentially operate there in the future? Please clarify and denote that these businesses and properties will NOT be affected by the zoning change. Any changes should allow the same uses that were granted while it was CA. Please ask the planners what the motivation was in adding these properties to DNR when they border a high traffic thoroughfare into downtown?

Moreover, the chart (**Table 10-2-18(D)-1, Downtown (DT) Use Table**) states that "**ALL** overnight accommodations" are not permitted. This needs additional clarity as to NOT EXCLUDE PRIMARY OR NON PRIMARY SHORT TERM RENTAL (STR) OPPORTUNITIES for homeowners in DNR!

The change from CA to DNR on the Prince St. block also APPEARS to change setbacks from zero, granted in CA, to 10 and 5 feet allowed in DNR?? This code change, if i'm interpreting it correctly, would effectively steal land away from homeowners who may want to rehab, remodel or redevelop their properties one day. Has the city notified these homeowners of how this zone change may impact their rights as property owners? This would lower each home's value on this block about \$100,000.00+ with the swipe of a pen if so. PLEASE have the planning staff elaborate on what impacts this change will have on this block specifically.

USES in the new DNR. *"The area supports a mix of single-family and multi-family land uses that maintain the existing residential character while transitioning to more intensive nonresidential uses toward the Downtown core."*

The notion that there is still "an existing charter" in such a dynamic zone is a bit passe. As you know, R5 (DNR) is now dominated by 3 structures. The new high density 4.5 story workforce housing project, the high density Nevada Place east condominium complex, the lovely Essex house that borders the area to the north and a spattering of low density duplexes, single family residences and townhomes. If it's the city's goal to salvage what's left of the "**former character**" of this area, I think restricting height and development via "stories" is the wrong path forward. As nice as the new design guidelines are, they don't pencil for investors. If a third story can't be reasonably added few developers will invest here going forward and every homeowner will likely see a substantial dip in their property values.

The headwinds of getting projects through planning, the additional fees for plan reviews, the lengthy time it takes to navigate these "moving target" code changes and the new height restrictions are the last straw for developers.

I think having a new, bona fide PDO-like process returned and or modified would be wise if the city cares about new development. Any developer who is willing to invest in Littleton, with a real desire to be congruent with the *spirit* of the city's preferred design should be given a chance to do so. What a shame to see good development pass us by. I would urge council and planning to LISTEN TO THE CONSULTANTS AND FIND SOME COMMON GROUND on height, flexibility, and high quality projects. For reference, here is how the NEW code reads on height in DNR.

New buildings should be *"predominantly two stories, but accommodating some three stories, with one-story elements in front to establish a reduced scale."*

Thanks,

Brad Peterson

From: [REDACTED]
To: [Jerry Valdes](#); [Scott Melin](#); [Patrick Driscoll](#); [Karina Elrod](#); [Carol Fey](#); [Pamela Grove](#); [Kelly Milliman](#); [Karl Onsager](#)
Subject: URGENT - Zoning and STR discussion feedback
Date: Tuesday, October 6, 2020 11:49:21 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

With the recent talks about STR and specifically zoning changes up for discussion tonight, I'd like to chime in as a resident of one of the zones up for change. I reside at 5492 South Nevada St. I own the entire structure that is divided into two units as a duplex. I have recently, in response to COVID, turned Unit A, into a STR and work with a locally owned management company to "co-host" this property through Airbnb and VRBO etc.

As an owner *and* co-operator of this STR - I'd like to shed light on the many positive aspects that are often overlooked or maybe just unknown - since people don't often write letters to council to share good news:

- My property is registered and does generate and pay sales tax to the City of Littleton.
- Because we carefully vet our guests and have reasonable restrictions such as not renting to anyone under the age of 30, we have easily avoided all noise and disruption issues by simply stating what the house rules are on the rental agreement.
- All of our guests visit the local shops and restaurants almost daily during their stays generating additional sales tax revenue and much needed business to our struggling downtown during this time.
- Our guests often are coming to visit local family or friends that are residents in the city.
- Because we live on site, and clean/maintain the residence after each stay - the property is in its best shape ever. We hear countless compliments on our landscaping and upkeep of the structure from neighbors and others that walk by.
- Aside from the handful of neighbors we have openly talked to about it -I would guess most people on the block or in the area aren't even aware this is an STR.

Typically Airbnb or VRBO renters have personal ratings, just like the properties do. It is in their best interest to maintain that rating in order to continue having rental privileges with other properties. I suspect that the problem properties are new and unaware or aren't serious STR properties and need to educate themselves on the ins/outs of attracting quality guests that respect the property and neighborhood they are visiting.

If the primary motivation in adding additional restrictions and controls over STRs is "complaints"may i ask IF the number of complaints received from STRs is commensurately more than those received by regular rentals or apartment complexes? Perhaps the city could share the data.

I believe that some of your recommended restrictions from the Sept 15 meeting/session would weed out these "problem Properties"

- **I support the business licensing fee** - but also find Karina's mention of it being the only business that has to pay for licensing to be an interesting observation

- **I support Good Neighbor Letter** - but also question what constitutes a complaint. *I happen to live not far from a neighbor that looks for reason to complain about everything under the sun for no other reason but to complain. I would hope that there would be a way to measure what is a honest complaint. My fear is that if these good neighbor flyers are handed out proactively could they have the unintended consequences of attracting more complaints just because these properties are now on the radar? In our case we doubt anyone would even know we are hosts had we not openly shared it with neighbors. Maybe instead of the flyer make a map of where registered STRS are, for those interested?*
- **I support requiring a manager or owner being onsite or available within a short period of time to address any problems that arise.**
- **I support limiting number of cars and or occupants - depending on size of dwelling.**

Additionally:

- I would suggest and support limiting the number of licenses issued within certain areas.

I would like to counter arguments and painful letters you have received from citizens, of what I would assume are unregistered STR's, aren't representative of the full picture. It is easy to focus on a couple bad apples and let these instances create hype about a problem that is minuscule compared to the daily issues that other existing businesses or long term rentals attract that I have little or no say in - but directly affect me on a daily basis. Essex house, GraceFull cafe and various rental properties on my block to name a few.

I am for regulation that makes sense - but feel like I currently live on a street that is in the middle of a war zone of regulations and rules that are conflicting and barely understood even by the building and zoning department itself. The house diagonal from mine (see picture below) has been boarded up and ironically an unlicensed "guest house" of the non-paying kind (the homeless). It is unsightly and for no other reason, than it is essentially un-developable due to the current building regulations. The forthcoming regulations seem to only prohibit further what can be done with this property. As it sits, it is a blighted property with no immediate or even long term hope for change. The view from my porch to this property is unsightly and has been so for about 3 1/2 years. Is this to be representative of the existing "character" that the current code and forthcoming does not wish to deviate from? We cannot turn back the hands of time pretend that we don't *already* have an eclectic mix of structures. We must find middle ground to accommodate a newer generation of residents and tax payers while acknowledging and paying homage to our history and those here before us.

In closing, I would suggest that my property provides proof that a well run and registered STR can be a true asset to the community. With simple regulations, the "problem" properties can be fixed or eliminated with simple enforcement and this business model could actually be an asset to the community and small businesses of Littleton. I would even be willing to sit on an advisory board or group to help with further efforts etc.

Best,

Amy Kenney



* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-100.1, et seq.

From: John Strong
To: jvaldez@littletongov.org; Scott Melin; Patrick Driscoll; Karina Elrod; Carol Fey; Pamela Grove; Kelly Milliman; Karl Onsager
Date: Tuesday, October 6, 2020 12:24:02 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Littleton City Council and Planning Department,

I am a 26-year resident of the City of Littleton as well as a former 29-year Littleton Police Department employee. I live at and own 5493 S. Prince Street, a Victorian house which I moved several blocks to its present location in 1998. The house is presently utilized as a residence but I have always enjoyed the possibility of being able to have a business within the residence as has been defined by its current zoning of Central Area (CA). This has been the case for the 22 years of my home's existence at this location, and much longer prior to me moving it there.

I am very concerned about the proposed zoning change from CA to DNR, not only for my residence but also every other residence that this proposed change will affect. I am concerned for several of my neighbors who presently run businesses out of houses in the new DNR zone as the new wording appears to disallow the businesses. If there was a "grandfather clause" that allowed these businesses to continue, what would be the city's position on a change from one business type to another (photography to a doctor's office for example)? Also, if there was a grandfather clause, then how could anyone see it fair that my neighbor could continue to run a business but then I or other neighbors be strictly denied that business by city code?

For your information, I have no intentions of moving, selling, or changing the appearance of my property as I believe in preserving some of the original character of old Littleton. I am, however, strongly opposed to a strict change that would disallow the business possibilities that I/we have been allowed as long as the CA zone has been in place.

Prince Street, from Belleview Avenue, past S. Santa Fe Drive and all the way through S. Church Street, has been both a commuter route and a business route regarding traffic as well as being and having a business feel, with businesses scattered along the entire route. To suddenly deny the ability for owners to run a business in the new DNR zone while still having all of that heavy, non-residential traffic is at least a contradiction if not legally questionable.

Another note: right after having moved my house to its present location, I had discussed with a city employee the possibility of having my home designated as historic. I was told that, because it was moved, that would not be possible. This seemed very silly to me as the residence was built in 1892 and had a City of Littleton Mayor, Fire Chief and Police Chief as historic residents. It now seems as if the city wants to embrace historic residential buildings

and or character in an ambiguous way by trying to force zoning rules upon specific residences and not others, as demonstrated by only part of my block (5400 block) being in the DNR zone and the other part not.

While I greatly appreciate historic preservation in the City of Littleton, as demonstrated by my saving an historic residence and reviving it to its 1892 stature and beauty, I do not appreciate the city's attempt to limit my, and others, uses by a strict zoning change. It is a clear challenge to meld historic preservation while at the same time progressing as a city and community.

I feel that the new DNR zoning rules, as currently written, would immediately devalue the affected properties as well as completely limit any ability to remodel and/or redevelop (even with an eye to historic style) as well as limit our ability to earn a living out of the affected properties with one simple meeting and signature. I also feel slighted as this process, while not done behind the scenes, was not presented to the affected owners by way of direct communication. Historically, any time an owner wanted to make a change not specifically allowed by code, such as a variance, signs needed to be posted and affected neighbors needed to be notified. Why the city wasn't obligated to this notification process with such drastic changes is really beyond me.

While I am not in your shoes with the weight of these decisions clearly on your heads, I think that allowing the affected properties in the new DNR zone the same uses as are enjoyed in the present CA zone would be more than reasonable. At the very least, the affected property owners should be directly notified and more time should be given for property owners to reflect upon and comment on the proposed changes.

I send this letter with great respect and understanding for your positions and responsibilities as employees and representatives of the City of Littleton.

John Strong

*** Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-100.1, et seq.**

From: Misty Auckerman
To: Jerry Valdes; Scott Melin; Patrick Driscoll; Karina Elrod; Carol Fey; Pamela Grove; Kelly Milliman; Karl Onsager
Subject: Urgent City of Littleton Zoning meeting
Date: Tuesday, October 6, 2020 3:29:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Council Members,

I am a business owner and resident of Downtown Littleton, residing at 5523 S Prince St. in Downtown Littleton. I have substantial concerns after reading the planned zoning code changes that may affect myself and my immediate neighbors.

CA to DNR. The properties on Prince St., between Powers and Crestline, currently zoned CA, will be changed to DNR. The new language and permitted uses chart seems to disallow certain retail or service based businesses allowed under CA.

How will this affect the businesses/residences that currently operate/reside there now or could potentially operate there in the future? **Please clarify and denote that these businesses and properties will NOT be affected by the zoning change. (Grandfather clause)**

Any changes should allow the same uses we enjoy currently; that were granted under CA zoning.

Please ask the planners what the motivation was in adding these properties to DNR when they border a high traffic thoroughfare into downtown. Prince Street, from Belleview Avenue, past S. Santa Fe Drive and all the way through S. Church Street, has been at times both an extremely congested commuter route and business route regarding traffic as well as being and having a business feel, with businesses scattered along the entire route. To suddenly deny the ability for owners to run a business in the new DNR zone while still having all of that heavy, non-residential traffic streaming by our homes and businesses seems to be quite a contradiction at best and unfair to all of the current residents/business owners at worst.

I have no intention of relocating my business or moving unless forced to by these proposed changes.

I am strongly opposed to a strict change that would disallow the business possibilities that I/we have been allowed as long as the CA zone has been in place.

My concern underscores the fact that much more time and thorough outreach, review and input is needed by all residents that these changes will affect. I have invested substantially in my business and request that full consideration be given to me as well as my neighbors on Prince

Street.

Sincerely,

Misty Dawn
Owner / Master Stylist
Memory Lane Salon & Bridal Boutique LLC.
www.memorylanesalon.com
[REDACTED]
303.537.7089 -boutique

* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-100.1, et seq.

From: John Brady [REDACTED]
Sent: Thursday, October 29, 2020 9:56 PM
To: John Brady [REDACTED]
Cc: Kathleen Osher <kosher@littletongov.org>
Subject: Re: Building Height restrictions in Downtown Littleton

Kathleen,

Thank you for the call earlier today.

My request, (if necessary? based on the answers to my questions below): Please change the character area on the block between Powers (to the south), Berry (to the north), Prince (to the west), and Sycamore (to the east) to DMU-3story Max (On the map, this area is the red with white stripes).

Reason for my request: To keep the maximum height of all buildings in that block to 3/45'. The East side of Sycamore is full of residential homes, designed to capture the Westerly views. I'm currently a future resident on the East side of Sycamore. Having this block be a character area DMU w/ the 3-story max, like the area around Geneva Park, would be ideal in that area, for all the residents, East of that block.

Questions:

1. Does the footnote on table 10-4-18 (M) apply to all building types for DMU? It is not clear (with the various footnotes) what the max height is for mixed use, commercial, and institutional in the areas of downtown North of Church Ave and South of Berry Ave. Same question for DTA mixed use ?

Answer (Community Development): For apartments (shown in table M), the maximum height allowed in the Downtown Transition Area (DTA) is 3 stories / 45 feet. The maximum height for apartments in the Downtown Mixed Use (DMU) area is 4 stories / 55 feet except in the white hatched area along Prince Street, where the maximum height is 3 stories / 45 feet (see the DMU-3 Story Max area indicated on the map in Section 10-2-18).

The mixed use building type standards (shown in Table O) are similar. The maximum height allowed in the DTA is and the DMU is four stories / 55 feet. In the DMU-3 Story Max area (shown in white hatch) the maximum height is 3 stories / 45 feet.

2. It appears that the following building types/character areas between North of Church and South of Berry are allowed a max of 4 stories and 55': DTA-Mixed Use; DMU-Commercial; DMU-Institutional. Is this correct?

Answer (Community Development) There are several character areas between Church Avenue and Berry Avenue. The tables shown in Section 10-4-18 show maximum height standards for different building types. A mixed use building in the DMU or DTA character areas is limited to 4 stories / 55 feet and 3 stories / 45 feet in the Downtown Main Street (DMS) character area. An apartment building is limited to 4 stories / 55 feet in the DMU and 3 stories / 45 feet in the DTA. Allowed building height is dependent on character area and building type.

Thank you,

John Brady

On Tue, Oct 27, 2020 at 6:39 PM John Brady <[REDACTED]> wrote:

Kathleen

Hi. I had a nice conversation with Elizabeth from Planning this afternoon. She referred me to you.

What are the odds of getting the block between Powers, Berry, Prince, and Sycamore zoned to DMU-3story Max (On the map the red with white stripes) or even Residential? It's currently looking like Regular DMU where certain building types could be as high as 4 stories or 55 feet.

That block in question parallels Sycamore to the West. All along that block to the East of Sycamore are all Residential except for the North end.

My guess is, like me (I'm currently under contract on a home on that East side of Sycamore St), that all the residents bought their homes on that street, among other reasons, to enjoy the Westerly views. If it's possible for future developers to go 55 feet high on that block in question would definitely kill the Views and the vibe for residents on the East side of Sycamore (and potentially Jeopardize the values)

I'm sure the economies of the strategic plan would be fine in downtown with a 3 story or less max height restriction on that block, by changing the zone character.

Thanks for your time!

John

Sent from my iPhone

> On Oct 27, 2020, at 3:14 PM, John Brady <[REDACTED]> wrote:

>

> Hi I was curious to know if the building height restrictions have changed with title 10 revisions lately, and if so, what are they currently? Will they be changed Again pursuant to the Comprehensive plan?

>

> Thanks

>

> Sent from my iPhone

FAQ on New Zone District & Character Areas

Q: What is rezoning?

Rezoning makes adjustments to the rules of how a building can be built on a property and may make adjustments to how the property can be used. For example, different zones allow different maximum building heights, and different distances buildings must be from property lines. Also, some zoning districts may allow homes while others may allow businesses, and others allow both.

Q: Will Littleton be rezoning the entire city or just Downtown?

At this time, the city is only rezoning the Downtown. This interim step is starting to address the top priority identified in the city's recently adopted Comprehensive Plan - to modernize zoning and subdivision codes citywide and transition to a Unified Land Use Code (ULUC) in 2021. The recently amended Title 10 created a new zone district (DT-Downtown) and divided that district into four character areas. The ULUC, which addresses the entire city, is planned to be heard by the city council in the Fall of 2021 and potential rezoning or other parts of the city will follow.

Q: How many zoning areas does Downtown currently have and how many new ones are being proposed?

Downtown Littleton currently has seven zone districts. This rezone will simplify Downtown into one zone district with four character-areas and will provide more specific controls on building height, scale, bulk, placement, and other land development standards.

Q: How will this affect new development in Downtown Littleton?

With the completion and adoption of the revised Title 10, there is now more predictability in the development process. It also decreases the emphasis on building use and increases attention to the look and feel of the building and how it is designed on the property.

Q: I am a business owner in Downtown Littleton. Will this affect the way I do business or prevent me from providing certain services?

These changes will not affect or impact the current use of buildings or impact existing businesses in Downtown. The only impact could be to future development or re-development depending on what type of development/use is proposed.

Q: How will the new zone standards differ from the previous one?

The previous codes were written almost 45 years ago and contain no graphics or photos and had a strong focus on use. The new zoning provides a character-based approach to zoning with the establishment of the following Character Areas: Downtown Transition (DTA), Downtown Main Street (DMS), Downtown Mixed Use (DMU), and Downtown Neighborhood (DNR). The code is a "hybrid," which relies on drawings, tables, and photographs to clearly show what the city desires in development and re-development; not just written text.

Q: How can I learn more about this process and provide my feedback?

A hotline (303-795-3800) will be staffed Monday-Friday from 8 a.m. to 5 p.m. to answer specific questions regarding the rezoning and proposed zoning map changes. More information and a map showing the new zone district and character areas can be found at <http://bit.ly/DTRezone>. Littleton's Planning Commission will hold a public hearing on the proposed city zoning map changes on

November 9 at 6:30 pm. City council will hold a first reading of the ordinance for the proposed city zoning map changes December 1, with a second reading and public hearing scheduled for December 15, 2020.

Due to COVID-19, the City of Littleton is providing virtual coverage of city meetings to protect the health of citizens, council and board members, and staff. Meetings will not be held in the council chamber at least through the end of 2020. More information on how to participate can be found on the city's [website](#). To attend the City Council virtual meeting on December 1, call 669-900-6833 and enter Webinar ID 966 3478 6907. To attend the City Council virtual meeting on December 1, use Webinar ID 951 3946 0137.

Q: What is legal non-conforming use?

A non-conforming use is any legal use which, as the result of the adoption of new regulations no longer conforms to the new permitted uses established for the district in which the use is located. If adoption of the new DT district makes your use legally non-conforming:

- You can continue to use the property as you have been with no changes to zoning required
- You do not have to move the use to a different property.
- You can sell the property and the new owner can use it the same way, as long as the use is not discontinued for more than 12 months.
- You cannot expand a non-conforming use with an addition.

Q: What is a legal non-conforming structure?

A non-conforming structure is a structure which, at the time of construction, was lawfully erected or altered in conformance with all applicable regulations, but which no longer complies with newly adopted regulations. If adoption of the new DT district makes your structure legally non-conforming:

- You can provide maintenance to the structure as it is, for example replace the roof, get a new water heater, or update the wiring.
- You do not have to spend any money to change a legal non-conforming structure if the zoning changes.
- You can sell the property and the new owner does not have to make changes to the structure either.
- You may even be able to make additions to legally non-conforming structures, as long as they do not make the non-conforming aspect worse - for example, if a structure is too tall for the new regulations, the new addition needs to meet the current height requirements.

Colleen Norton

From: John Brady <jbbrady167@gmail.com>

Sent: Monday, November 30, 2020 1:31 PM

To: Patrick Driscoll <pdriscoll@littletongov.org>; Karina Elrod <kelrod@littletongov.org>; Carol Fey <cfey@littletongov.org>; Pamela Grove <pgrove@littletongov.org>; Scott Melin <smelin@littletongov.org>; Kelly Milliman <kmilliman@littletongov.org>; Jerry Valdes <jvaldes@littletongov.org>; Jennifer Henninger <jhenninger@littletongov.org>; Michael Sutherland <msutherland@littletongov.org>; John Brady <jbbrady167@gmail.com>

Subject: Fwd: UPDATE to my - Special Request to Amend the New Downtown Littleton Rezone Map

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council,

I am recycling my email to you in advance of your meeting to discuss this topic, ORDINANCE 43-2020, at your meeting this week on Dec. 1, 2020. I have also attached a copy of my public comment form.

Thank you for your consideration,

John Brady

----- Forwarded message -----

From: John Brady [REDACTED]

Date: Mon, Nov 16, 2020 at 10:48 AM

Subject: UPDATE to my - Special Request to Amend the New Downtown Littleton Rezone Map

To: <lccpd@littletongov.org>, <lccke@littletongov.org>, <lcccf@littletongov.org>, <lccpg@littletongov.org>, <lccsm@littletongov.org>, <lckm@littletongov.org>, <lcjv@littletongov.org>, <cdjh@littletongov.org>, <cdms@littletongov.org>, John Brady <jbbrady167@gmail.com>

Subject: Special Request to Amend the New Downtown Littleton Rezone Map

Date: November 16, 2020 (update to my Nov 15th request)

Dear Littleton City Council,

My name is John Brady. I am a new resident in Littleton, CO. I will be moving to Downtown Littleton in early 2021; purchasing a home.

Having only lived in the area for six months, I recently became aware of the new Comprehensive Plan and efforts to create a new ULUC for Littleton next year. Because I will be a resident, specifically, within the Downtown Zoning Area Boundary, I am particularly interested in the rezoning efforts underway there.

My requests:

Please review my three options below. They are in order of my preference, but I believe offer you some great options to consider with regard to changing the proposed character area boundaries on the Downtown Littleton Rezoning Map at your next Council Hearing. I strongly implore you to take action on one of these options.

Option 1 (preferred): Amend the Downtown rezoning Map to restrict building heights (of all types) to 3 stories/45' maximums in the 'Center of the Football', or more specifically, the area of Downtown which lies between North of Little Creek and South of Crestline Ave. Make the far North and far South ends of the football eligible for higher building heights up to 4 stories/55' but keep the center of the football to a max of 3 stories/45'. The buildings in the 'center football' geographic area that are currently over 45' would then be grandfathered (I believe there's only one currently which is where the ice cream shop is). I don't have issue with the current general character area definitions, and where they are on the map per se (though I know other residents are), but the building heights should be restricted to 3 stories/45'. (similar to the white hatched area restriction in Geneva Village, it's a DMU character area, but is restricted to 3 stories/45')

The areas South of Little Creek and North of Crestline are ripe for higher building growth, but when you start allowing this high-rise building growth in the middle of the football, where you have a lot of residential mixed in with DTA and DMU, you may create a future situation where current residents are driven out. Downtown Littleton is in high demand because of what it is today. If 55' apartments and 55' commercial buildings start to spring up beside current residential dwellings, the Quality of living in Downtown won't be the same as it is today, and demand could be hurt, property values could suffer, and the current, wonderful, fundamental personality of Downtown will slowly change for the worse.

Option 2: (see attached photo which highlights the DMU area where I am requesting a change). Extend the 'white hatched' boundary of DT-DMU 3 story max, on the map around Geneva (which restricts height to 3 stories/45'), to the DMU areas which are South of Berry and North of Main [please see attached photo for outlined area], but at a minimum, extend the DT-DMU 3 story max boundary to the specific interior block which abuts residential (to be exact this Block is bordered by Berry to the north, Powers, to the south, Prince, to the west, and Sycamore to East – photo attached, block in question marked with the number '3'). This area of Downtown has a lot of residents in it already who do not want 55' foot buildings and 55' apartments right next door. The specific block marked '3' in the photo has predominantly residential to its West along Prince and to its East along Sycamore. This block needs to be a transition zone at a minimum, so the same logic used to restrict the areas around Geneva to 3 stories/45' should be used here.

Option 3: Change the map boundaries to keep everything in the 'Center of the Football' (North of Little Creek and South of Crestline) to DTA, DMS, or DNR. Goal: Minimize intensity and height as much as possible

in the 'center of the football.' Keep the DMU intensive development character areas at the North and South bookends of Downtown.

I believe there are a few members of the council who support this. And it appears that even those council members that are pro-growth, would support the idea through modifying the rezoning map accordingly. North and South ends of the 'football' good for higher building heights, but middle of the 'football' bad. There are also opportunities for big growth in the Corridors and other areas of Littleton so please keep the Downtown area below 45'.

Discussion: To date I have been able to speak with a few members of the city planning staff, and have also attended the Nov 9th Planning Commission meeting, where the Planning Commission voted to adopt the current version of the downtown rezoning map. At that meeting, I, along with other members of the public provided feedback during the public hearing, and via email. But unfortunately, our public feedback was dismissed. It was disappointing, but, for me, I understand, that at that point in the process, I was late to the conversation. So, this could be my last attempt to appeal to the Publicly Elected City Council, to listen to the desires of the Public, and specifically, the downtown residents. I bet if you actually polled actual residents of downtown who would be impacted by these changes, the majority of them would agree (in fact, the surveys support my request, on the topic of building height). The public has spoken, the Residents of Downtown Littleton have spoken, we do NOT want bigger buildings in Downtown.

Because I'm late to this initiative, I decided to go back and view notes and videos from some of the envision meetings, past planning meetings, and past council sessions.

My conclusions, based on what I have read and heard, and my opinions:

- There has been a public outreach effort
- The public's response based on surveys and envision meetings (presumably many of those residents who actually live in Downtown) was not taken seriously with regard to building heights in Downtown.
- Early on the public expressed their preference to restrict building heights in Downtown, to 3 stories (~40'). Somewhere between getting that public feedback to later sessions with Planning Commission, the heights shot up to 5 stories/65' (then subsequently lowered to 4 stories/55' during Council meeting in October).
- It does appear that the contractors hired to help with the rezoning effort control the narrative, not the residents of Downtown nor other Littleton residents. Or it appears that those who stand to make money from new, bigger development, may be controlling the narrative, but not the public, and not the residents of Downtown.
- The 'reasons' for increasing building heights per City Planning Staff and the hired Contractors, as I've observed, are:
 - To have more housing, for more residents, to spur the downtown economy
 - Good idea, but when you look at the actual areas where this is possible in Downtown, the additional height from 3 stories to 4 stories is probably not going to make or break the City Budget (in terms of variable sales tax revenue). My guess is most folks spending money in Downtown, don't actually live in Downtown, and it's doing fine (discounting Covid era). Focus should be on how to drive more patrons to downtown, not building high rise apartments 'in Downtown' hoping those apartment residents will keep the local economy alive.

- The economic feasibility studies used to justify “higher buildings” look good for the entire city of Littleton, but using that logic to justify going higher on building height in the Downtown area (which again, would be limited to very few lots) is a stretch.
- To create opportunities for Low-Cost Housing
 - This is not practical for the Downtown area, and in many ways, is counter intuitive to the first reasons for ‘spurring the economy’ in Downtown. I get it, it aligns with the inclusion goals of the Comprehensive Plan, and I support government assisted housing, but Look outside of the downtown area in greater Littleton for spots for low-cost housing where it makes better sense. Don’t use “low-cost housing” as a reason for building higher in the small dedicated zones in Downtown. That makes no sense.

“Think Quality over Quantity” for Downtown Littleton. And you’ll keep and improve demand for the future, while aligning with the goals of the Comprehensive Plan.

Thank you for allowing me to offer my thoughts and request.

To conclude: Please Amend the proposed Downtown Littleton ReZoning Map, by exercising one of the options I have presented to you, above.

Regards,

John Brady



* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-200.1, et seq.

* Sender and receiver should be mindful that all incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-200.1, et seq.



Council Meeting Agenda Item Comment

Littleton Center
2255 W. Berry Avenue
Littleton, CO 80120
Date Submitted:

November 30, 2020 01:30 PM

Council meeting date:

12/01/2020

Council agenda item number:

6(a)

Name

John Brady

Email address

jbbrady167@gmail.com

Neighborhood

Downtown

Position

I oppose the issue

Comments:

Reference my email dated 16NOV20 to City Council for amplifying information.

With respect to Ordinance 43-2020, I do not support 'where on the map' the different character areas are being proposed in Downtown. I believe the proposed DT map is too intensive on building height in the 'center of the football' North of Littles Creek and South of Crestline. I'm Not Alone. See the public polling results from the envision studio sessions. Quote "General consensus among those writing in was that the buildings shown were again too massive and too dense. Also there was general agreement that four stories is too tall and three stories is preferred."

Please consider modifying the proposed DT Rezoning Map using one or more of the following options:

1. Amend the Downtown rezoning Map to restrict building heights (of all types) to 3 stories/45' maximums in the 'Center of the Football', or more specifically, the area of Downtown which lies between North of Littles Creek and South of Crestline Ave. Make the far North and far South ends of the football eligible for higher building heights up to 4 stories/55' but keep the center of the football to a max of 3 stories/45'. Building heights might be restricted to 3 stories/45' in the same manner to the white hatched area restriction in Geneva Village.
2. Extend the 'white hatched' boundary of DT-DMU 3 story max, on the map around Geneva (restricts height to 3 stories/45'), to the DMU areas which are South of Berry and North of Main [see attached photo in my ref. email for outlined area]. Or at a minimum, extend the DT-DMU 3 story max boundary to the specific interior block which abuts predominantly residential to its West and to its East (this Block is bordered by Berry to the north, Powers, to the south, Prince, to the west, and Sycamore to east - photo attached in my ref. email, block in question marked with the number '3') - This block is

surrounded by residential, so the same logic used to restrict the areas around Geneva to 3 stories/45' might be used here.

3. Change the map boundaries to keep everything in the 'Center of the Football' (North of Little Creek and South of Crestline) to DTA, DMS, or DNR. Goal: Minimize intensity and height as much as possible in the 'center of the football.' Keep the DMU intensive development character areas at the North and South bookends of Downtown.

I believe the options I have presented align with the goals of the Envision Littleton Comprehensive Plan, while also responding to the desires of the Downtown Littleton residents and public views. Though there was a macro level financial feasibility study for Littleton writ-large, there is no specific analysis (that I could find) at the micro level of the Downtown Area, to support the real economic benefit of variably increasing building heights in DT more than 3 stories/45', to a max of 4 stories/55'.

From: John Brady <[REDACTED]>
Sent: Sunday, November 15, 2020 7:23 PM
To: Patrick Driscoll; Karina Elrod; Carol Fey; Pamela Grove; Scott Melin; Kelly Milliman; Jerry Valdes; Jennifer Henninger; Michael Sutherland
Cc: John Brady
Subject: Special Request to Amend the New Downtown Littleton Rezone Map

Subject: Special Request to Amend the New Downtown Littleton Rezone Map

Date: November 15, 2020

Dear Littleton City Council,

My name is John Brady. I am a new resident in Littleton, CO. I will be moving to Downtown Littleton in early 2021; purchasing a home.

Having only lived in the area for six months, I recently became aware of the new Comprehensive Plan and efforts to create a new ULUC for Littleton next year. Because I will be a resident, specifically, within the Downtown Zoning Area Boundary, I am particularly interested in the rezoning efforts underway there.

My request: Amend the Downtown rezoning Map to restrict building heights (of all types) to 3 stories/45' maximums in the 'Center of the Football', or more specifically, the area of Downtown which lies between North of Littles Creek and South of Crestline Ave. Make the far North and far South ends of the football eligible for higher building heights up to 4 stories/55' but keep the center of the football to a max of 3 stories/45'. The buildings in the 'center football' geographic area that are currently over 45' would then be grandfathered (I believe there's only one currently which is where the ice cream shop is). I don't have issue with the current general character area definitions, and where they are on the map per se (though I know other residents are), but the building heights should be restricted to 3 stories/45'. (similar to the white hatched area restriction in Geneva Village, it's a DMU character area, but is restricted to 3 stories/45')

The areas South of Littles Creek and North of Crestline are ripe for higher building growth, but when you start allowing this high-rise building growth in the middle of the football, where you have a lot of residential mixed in with DTA and DMU, you may create a future situation where current residents are driven out. Downtown Littleton is in high demand because of what it is today. If 55' apartments and 55' commercial buildings start to spring up beside current residential dwellings, the Quality of living in Downtown won't be the same as it is today, and demand could be hurt, property values could suffer, and the current, wonderful, fundamental personality of Downtown will slowly change for the worse.

I believe there are a few members of the council who support this. And it appears that even those council members that are pro-growth, would support the idea through modifying the rezoning map accordingly. North and South ends of the 'football' good for higher building heights, but middle of the 'football' bad. There are also opportunities for big growth in the Corridors and other areas of Littleton so please keep the Downtown area below 45'.

Discussion: To date I have been able to speak with a few members of the city planning staff, and have also attended the Nov 9th Planning Commission meeting, where the Planning Commission voted to adopt the current version of the downtown rezoning map. At that meeting, I, along with other members of the public provided feedback during the public hearing, and via email. But unfortunately, our public feedback was dismissed. It was disappointing, but, for me, I understand, that at that point in the process, I was late to the conversation. So, this could be my last attempt to appeal to the Publicly Elected City Council, to listen to the desires of the Public, and specifically, the downtown residents. I bet if you actually polled actual residents of downtown who would be impacted by these changes, the majority of them would agree (in fact, the surveys support my request, on the topic of building height). The public has spoken, the Residents of Downtown Littleton have spoken, we do NOT want bigger buildings in Downtown.

Because I'm late to this initiative, I decided to go back and view notes and videos from some of the envision meetings, past planning meetings, and past council sessions.

My conclusions, based on what I have read and heard, and my opinions:

- There has been a public outreach effort

- The public's response based on surveys and envision meetings (presumably many of those residents who actually live in Downtown) was not taken seriously with regard to building heights in Downtown.
- Early on the public expressed their preference to restrict building heights in Downtown, to 3 stories (~40'). Somewhere between getting that public feedback to later sessions with Planning Commission, the heights shot up to 5 stories/65' (then subsequently lowered to 4 stories/55' during Council meeting in October).
- It does appear that the contractors hired to help with the rezoning effort control the narrative, not the residents of Downtown nor other Littleton residents. Or it appears that those who stand to make money from new, bigger development, may be controlling the narrative, but not the public, and not the residents of Downtown.
- The 'reasons' for increasing building heights per City Planning Staff and the hired Contractors, as I've observed, are:
 - o To have more housing, for more residents, to spur the downtown economy
 - § Good idea, but when you look at the actual areas where this is possible in Downtown, the additional height from 3 stories to 4 stories is probably not going to make or break the City Budget (in terms of variable sales tax revenue). My guess is most folks spending money in Downtown, don't actually live in Downtown, and it's doing fine (discounting Covid era). Focus should be on how to drive more patrons to downtown, not building high rise apartments 'in Downtown' hoping those apartment residents will keep the local economy alive.
 - § The economic feasibility studies used to justify "higher buildings" look good for the entire city of Littleton, but using that logic to justify going higher on building height in the Downtown area (which again, would be limited to very few lots) is a stretch.
 - o To create opportunities for Low-Cost Housing
 - § This is not practical for the Downtown area, and in many ways, is counter intuitive to the first reasons for 'spurring the economy' in Downtown. I get it, it aligns with the inclusion goals of the Comprehensive Plan, and I support government assisted housing, but Look outside of the downtown area in greater Littleton for spots for low-cost housing where it makes better sense. Don't use "low-cost housing" as a reason for building higher in the small dedicated zones in Downtown. That makes no sense.

"Think Quality over Quantity" for Downtown Littleton. And you'll keep and improve demand for the future, while aligning with the goals of the Comprehensive Plan.

Thank you for allowing me to offer my thoughts and request.

To conclude: Please Amend the proposed Downtown Littleton ReZoning Map, as follows

1. Keep the character areas on the map the same, but
2. Restrict building heights of all building types to 3 stories/45', on the map, in the geographic area of Downtown Littleton which lies North of Little Creek and South of Crestline Ave.
3. Allow building heights up to 4 stories/55', on the map, in the geographic areas of Downtown Littleton which lies South of Little Creek and North of Crestline Ave.

Regards,

John Brady

From: John Brady <[REDACTED]>
Sent: Monday, November 16, 2020 7:54 AM
To: Karina Elrod <kelrod@littletongov.org>
Cc: Reid Betzing <rbetzing@littletongov.org>; Kathleen Osher <kosher@littletongov.org>; John Brady <[REDACTED]>
Subject: Re: Special Request to Amend the New Downtown Littleton Rezone Map

Karina,

Thank you for acknowledging me. Yes, I have spoken to Kathleen. I did request a boundary modification during public hearing at the Nov 9th planning commission meeting. I believe there was at least one other resident who made a similar request. There didn't appear to be any appetite from City Planning or the Planning Commission to embrace feedback from the public that evening. No boundaries were changed. My specific request that evening was to extend the 'white hatched' DMU area (around Geneva Village) to the block which is bordered by Berry, to its north, Powers, to its south, Prince, to its West, and Sycamore, to its East. Doing so would limit building height to 3 stories/45' in that block. If you look at where that block is located, you have neighborhood residential to its West and then along Sycamore to its East is predominantly residential. So that block is not a smooth transition area. If anything it should be DTA. After the planning meeting where I struck out, I decided to research more. In the beginning I was only focused on my section of the neighborhood (I'll be living on Sycamore and will be one of those residents directly impacted by these changes; but now I'm interested in seeing the whole of the map get boundaries changed to minimize the intensity and height in Downtown.

Based on your feedback, and similar to your actions to modify the DTA boundary more South, toward Littles Creek, on Sep 22nd, I will update my request and resend to all.

Action Request: Extend the 'white hatched' area version of DMU, which restricts height to 3 stories/45', to the other DMU areas, South of Crestline and North of Littles Creeks, but specifically the interior blocks which abut residential (as described above) , OR, simply Change the map boundaries to keep everything in the 'Center of the Football' (North of Littles Creek and South of Crestline) to DTA, DMS, or DNR. Goal: Minimize intensity and height as much as possible in the 'center of the football.' Keep the intensive development at the North and South bookends.

Thank you very much !

John Brady

On Sun, Nov 15, 2020 at 9:34 PM Karina Elrod <kelrod@littletongov.org> wrote:
Thank you John for sending this over. Confirming I've received it in consideration for upcoming hearing.

I'll have Reid, city attorney elaborate further on process but the upcoming public hearing will be on zoning boundaries and no longer on the specific measures within the zone (i.e. height, set back etc).

You will now see the new map is broken out by DNR -Downtown Neighborhood, DMS-Downtown Main St, DTA Downtown Transitional, and DMU Downtown Mixed Use.

<http://data.littletongov.org/PALAttachments/REZ20-0001/Rezone0323.pdf>

DMU is the most dense which allows up to 4 stories for most building types, and DTA is mostly 3 except for one building type use which could allow 4. DNR and DMS are only 3 stories.

In cc: Kathleen Osher in case I mis-stated anything.

Welcome to Littleton and thanks for reaching out.

Karina

Karina Elrod
Littleton City Council Member-At Large
2255 W. Berry Avenue
Littleton, Colorado 80120
303-362-3364
www.littletongov.org
Twitter | Facebook | YouTube