



Planning Review Memo

October 12, 2018

5501 S. Nevada St. Townhomes Planned Development Overlay (PDO)

PDO17-0005

RE: 4th Review of PDO

APPLICANT'S RESPONSE IN RED – OCTOBER 16, 2018

Community Development has completed a review of the Planned Development Overlay (PDO) submittal received August 13, 2018 for the Nevada Street Townhomes to be located at 5501 S. Nevada Street. Based on this review of the most recent submittal, staff cannot recommend approval of this Planned Development Overlay application.

We, the applicant, went through four rounds of review and resubmittal. After each review, we made thoughtful changes including a complete redesign in order to respond to staff comments and feedback from our neighbors. We submitted our final round to staff on August 13, 2018. However, were not provided with written comments until less than two working days before the packet was due to Planning Commission to formally respond or address staff's concerns as articulated here.

General Comments

1. Staff recommends thoroughly reviewing the PDO document to locate and correct typographical errors.

We will thoroughly review the PDO document to locate and correct typographical errors; however, given the impossibly short deadline, it is not possible to do so prior to the deadline for materials submittal for public hearing.

2. The Zoning Ordinance establishes the Planned Development Overlay regulations in order to allow additional flexibility in development. However, As stated in Section 10-9-5:

*"To take advantage of the flexibility allowed by the PDO regulations, the proposed development must demonstrate special attention to creative, high quality design, and to producing a development that **reinforces and complements citywide and neighborhood design goals and objectives.** Plans that demonstrate such attention may qualify for certain variations from the underlying zone district requirements, as detailed in this section, provided that such variations can be accomplished **without impairing the intent of the land use code while providing a substantial benefit to the city of Littleton.**"*

Littleton staff finds that the current submittal would not produce a development that reinforces and complements citywide and neighborhood plans. Additionally, the submittal does not effectively demonstrate how the variations could be accomplished without impairing the intent of the land use code. Staff finds that the variations cannot be accomplished without impairing the intent of the zoning ordinance.



Staff omits over 12 goals and objectives of the citywide and neighborhood design goals and plans satisfied by the proposed development such as those omissions outline below. Moreover, staff comments completely ignore the approved PDOs on both the east and west sides of Nevada, on the very same block, which decrease setbacks, increase height, decrease parking, and decrease open space in the immediate area. While Planning Commission approved those PDOs years ago for mid-scale multi-family housing, we are proposing only five, for-sale, luxury townhomes with significantly less impact.

Respectfully, the proposed homes meet the very intent of the PDO ordinance, as it existed at the time of our application. The proposed townhomes are high quality, custom homes with design and outdoor spaces specifically intended to relate to their immediate context. Staff has offered no evidence to the contrary here other than listing each of our proposed changes. However, the PDO was intended to allow for exactly these kinds of changes as evidenced to a much greater degree on our block and in our immediate area.

This property is located in Subarea 4: Northwest Residential. The Downtown Design Standards and Guidelines state:

“the existing character is “transitioning from a diversity of older single-family houses to new multi-family residences.”

It goes on to provide that the desired character of new development “should continue the residential character as much as possible and maintain the traditional gabled roof, porch, lap siding character of the neighborhood even with higher density building types. New buildings should be clad in either horizontal lapped, shingled or ribbed siding, or stucco. Complementing the older residential character of the neighborhood is desirable.”

Our proposed residences offer gabled roofs, porches, and exterior materials that are very much in character with the desired exterior materials. Staff has offered here no examples of design elements or materials that do not meet the Downtown Design Standards.

- a. **Height:** The application proposes to establish a maximum height of 38 feet where the maximum allowed in the R-5 zoning district is 30 feet. The purpose of a height limitation within a zone district – along with other bulk requirements – is to mitigate potential impacts that could result from tall structures being located immediately adjacent to smaller development. This is especially important in the R-5 zoning district since multi-family developments and single-family developments can be located immediately adjacent to one another. The proposal does not include any creative, high quality design elements that mitigate the impacts from the increased height to the adjacent properties or surrounding neighborhood.

The proposed townhomes are actually lower than 63% of the other structures on the very same block! While the applicant proposes to increase the height of the proposed townhomes by only 8 feet over the allowable requirement, the existing structures on the block stand over 42 and 45 feet.

We were particularly sensitive to our neighbors and reached out to obtain their input. In fact, our adjacent neighbor in the most affected single family home is

supportive of the project as evidenced by the attached letter. The increased height does not create some hulking eyesore as staff insinuates. These are for-sale homes that co-exist well within the context of the rest of the block and the neighborhood.

- b. **Setbacks:** The proposed overlay district would reduce the setbacks from all property lines. The impacts from the reduced setbacks are greatest at the front and rear lot lines, where the setbacks are proposed to be 0.17 and 0.33 respectively. The southern lot line is shared with a single-story, single-family dwelling that is located approximately 5 feet from the property line in accordance with the side setback for that lot. The design and site characteristics do not employ any creative strategy to mitigate the increased impacts that would result from this reduction in setback. The decreased setbacks compound the negative impacts from the increased height.

Please see our comment regarding our adjacent southern neighbor in section (a) above reiterated here for your convenience. We were particularly sensitive to our neighbors and reached out to obtain their input. In fact, our adjacent neighbor in the most affected single family home is supportive of the project as evidenced by the attached letter. The increased height does not create some hulking eyesore as staff insinuates. These are for-sale homes that co-exist well within the context of the rest of the block and the neighborhood.

- c. **Open Space:** The PDO application seeks to establish a reduced minimum unobstructed open space requirement of 15%. In the underlying R-5 zone district requires that 25% of the lot be preserved as unobstructed open space. The applicant is proposing to incorporate additional landscaping areas below the overhanging second story and a tree lawn adjacent to the rights-of-way. The landscaping below the second level does provide the same benefit as unobstructed open space that could support healthier vegetation and help to buffer the adjacent properties from all levels of the structure. The tree lawn would be required in any multi-family development and is not considered to be an exceptional feature of the design.

The proposed open space is absolutely commensurate with the rest of the neighborhood. Staff omits from this analysis the fact that both Nevada Place and the affordable housing project within the same block calculated their open space requirements INCLUSIVE of their balconies and space located under overhangs. Applying the same calculations as afforded other structures in the immediate vicinity, our open space exceeds 25%.

- d. **Parking:** The proposed PDO would establish an off-street parking requirement of 1.2 spaces per dwelling unit. Section 10-4-9 establishes a minimum off-street parking requirement of 1.5 spaces per multi-family dwelling unit. The PDO application includes the incorporation of mechanical vehicle lifts in order to accommodate additional parking. Staff cannot consider these vehicle lifts in meeting minimum parking requirements because they do not comply with section 10-4-9 of the city code. Vehicle lifts are inconvenient for daily use and the limitation of the ceiling height within the garages limits what types of cars could use the lift or the parking below. Additionally, the operability and maintenance of these lifts would impact the supply of parking on site.

STAFF NOW AGREES THAT WE HAVE MET THE PARKING REQUIREMENT.

- e. According to The Downtown Neighborhood Plan, the subject property is located within the subarea known as the Old Downtown Neighborhood. The plan recommends *“Retaining the existing character of the area referred to as the Old Downtown Neighborhood, which is currently zoned R-5”*. Additionally, Policy LU-3 states that *“The existing character of the Old Downtown Neighborhood should be preserved.”* The implementation strategies include direction to retain small-scale residential as the primary use in Old Downtown (LU-3a) and to ensure that development will conform with the existing scale, mass, and feel of the neighborhood(LU-3b). While these strategies do not specifically discuss the PDO process, Staff finds that this proposal is not in conformance with this plan.

See below.

The R-5 zone district allows for multi-family development but has minimum lot area, setback, and open space requirements that are important to maintaining the compatibility with the surrounding single family development within the zone district. The proposal seeks to reduce minimum setbacks, open space requirements, and increases the maximum height but does not demonstrate how these variations can be accomplished without impairing the intent of these requirements. The application must include creative design solutions that demonstrate how the intent of the land use code is not impaired.

The R-5 zone district is a high density zone district in and around a commercial corridor and a light rail station. In fact, there are densities on the same block of up to 24 dwelling units per acre and building heights of 45 feet. Multiple PDOs with much larger impacts exist on this block. This does not take into consideration the number of duplexes, and other redevelopments that have been approved within the Old Downtown Neighborhood. The proposed project is a quality development for no more than five families seeking to purchase a for-sale home.

The Old Downtown Neighborhood plan was written, reviewed by the community, and approved by the Littleton Planning Commission and City Council when BOTH approved PDOs were in place. In other words, it contemplated the very projects you are trying to omit from the old downtown character. The difference here is that these are not apartments or condominiums significantly increasing the density of the neighborhood. They are quality, custom townhomes designed in context.