

Meeting Date: May 7, 2019

Planner: Mike Sutherland, Deputy Community Development Director

APPLICATION SUMMARY:

Project Name: Our Lady of Mt. Carmel Catholic Church

Case Number: PDP18-0001

Application type: Rezoning and General Planned Development Plan

Location: 5612 South Hickory Street
(southeast corner of S Hickory St. and W. Powers Ave.)

Size of Property: 1.51 Acres

Zoning: R-3 (current); PD-R (proposed)

Applicant: Wayne Sterling, Sterling Design Associates

Owner: Archdiocese of Denver

Applicant Request: The applicant is requesting a recommendation of approval for the rezoning of a 1.51-acre property from the R-3 district to the PD-R district and approval of a general planned development plan (GPDP) for the property

PROCESS:

- Rezoning and General Planned Development Plan (GPDP)
(Recommendation by planning commission at 4/8/19 hearing and decision by city council)

Final Planned Development Plan
(Staff review and approval)

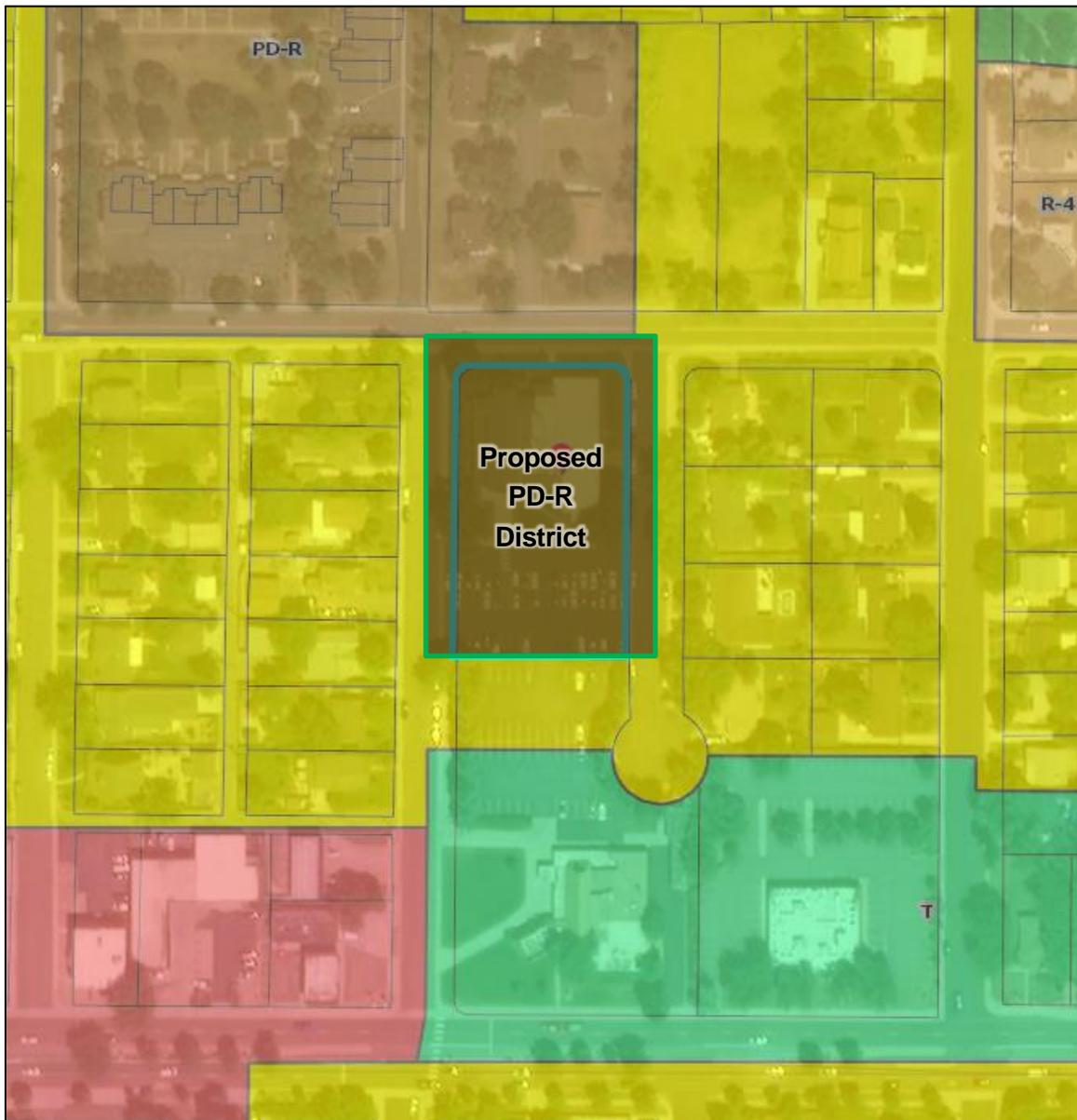
A rezoning and GPDP requires a Quasi-Judicial decision. Commissioners should refer to the “City of Littleton Rules of Procedure for Quasi-Judicial Proceedings.” After reviewing and considering the evidence and testimony presented at the public hearing, the commission shall render a recommendation based on the criteria in Littleton City Code (LCC) section 10-12-1 and subsections 10-2-23(A) and (B).

Following the GPDP, the next step in the development review process is final planned development plan (FPDP). FPDPs are reviewed and approved administratively by staff – similar to a site development plan (SDP) – to ensure that the proposed development complies with the GPDP.

Architectural elevations, landscaping, minimum lot requirements and technical issues such as drainage, grading and utilities are reviewed during the FPDP.

LOCATION:

The site is located at 5612 S. Hickory Street and the proposed rezoning would extend to the centerline of adjacent rights-of-way



Subject Property and Surrounding Zoning

BACKGROUND:Timeline

<i>Early 1960's</i>	<i>church constructed</i>
<i>June 16, 2011</i>	<i>SDP approved for addition to church (administrative)</i>
<i>September 13, 2018</i>	<i>pre-application meeting held to discuss the proposed addition</i>
<i>December 13, 2018</i>	<i>rezoning and GPDP application submitted</i>
<i>April 8, 2019</i>	<i>Planning Commission public hearing</i>

The applicant is requesting rezoning from R-3 to PD-R and approval of the proposed GPDP in order to reduce the minimum unobstructed open space requirement from 50% as required by the R-3 residential zone district to 25% as permitted in the PD-R zone district. The current development on site provides approximately 34% unobstructed open space. The phasing plan in the approved SDP allowed for reduced open space provided that upon approval of the second phase the church would acquire adjacent property in order to provide additional landscaping and achieve a reduced open space requirement of 40%. The reduced open space requirement of 40% was approved as a variance within the SDP.

When the applicant met with staff in September 2018, they indicated that due to the church's changing needs and available funding, they would like to complete an intermediate phase and construct an addition prior to reaching the previously approved 40% unobstructed open space. After discussing the complications that would be involved in amending the approved SDP and meeting the minimum lot requirements of the R-3 zoning district, the applicant and property owner elected to explore the possibility of rezoning and establishing a planned development district.

APPLICATION DETAILS:

The subject property is a 1.51-acre parcel that includes Lots 1 and 2, Block 1, Hickory Heights Subdivision and half of the adjacent portions of W. Powers Avenue, S. Hickory Street and S. Hickory Circle. The proposed residential planned development district seeks to establish an unobstructed open space requirement of 25% for church uses on the subject property. This change in the minimum open space requirement on site would bring the existing development into conformance and would provide the applicant with additional flexibility for future developments without being required to develop exactly as described in the approved SDP. The proposed PD-R zone would establish a front setback from Powers Avenue of 10 feet where 20 feet is currently required for a front setback. The proposed GPDP would also limit allowed uses to churches, church facilities and single-family detached residential. Beyond these proposed changes, the proposed residential planned development is very similar to the R-3 zone district.

Zoning Requirements

The table below provides a comparison of the existing zoning and the proposed use.

Comparison of existing zoning requirements and the proposed use

	Existing R-3 Zoning	Proposed PD-R district
Principal Uses	Single-Family detached residential, churches , church facilities (conditional), group homes for persons with disabilities, group homes for the elderly, foster care home, off-site commercial employee/customer parking on residential zoned property (conditional), childcare center (conditional), private elementary/secondary school (conditional), private trade and vocational schools (conditional), home childcare, studios for teaching fine arts and martial arts (conditional) city owned/ operated government facilities, government facilities other than city owned/operated, home occupations, utility installations (conditional) ancillary utility structures, building or roof mounted CMRS facilities, air supported membrane structures (conditional)	Single-Family detached residential, churches , church facilities (conditional)
Minimum lot size	0.15 acres (6,500 sq. ft.)	0.15 acres (6,500 sq. ft.)
Building Setbacks	Front: 20 feet Rear: 20 feet Side (north/west): 5 feet Side (south/east): 10 feet Side street: 10 feet	Powers Ave (north): 10 feet Rear (south): 20 feet Side street: 10 feet
Parking Ratios	In conformance with 10-4-9 of the city's zoning regulations	In conformance with 10-4-9 of the city's zoning regulations
Unobstructed Open Space	50% minimum	25% minimum for churches and church facilities, 50% for single family residential
Maximum Building Height	30 feet	Church and church facilities: 30 feet except that the height of steeples, bell towers or spires is not restricted to such limits and may be constructed to the height approved on the final SDP. Single family residential: 30 feet

CRITERIA & STAFF ANALYSIS:

The following is the analysis of the proposal for compliance with the provisions of LCC Title 10, the comprehensive plan, existing and proposed development and comments from affected agencies.

LCC SECTION 10-2-23 (A): INTENT

Planned development districts are created to promote the public health, safety and general welfare by allowing more flexible development based upon a comprehensive, integrated plan. The proposed planned development district seeks to reduce the unobstructed open space requirement and reduce the front yard setback to align with the existing development on site. The purpose of these proposed modifications to the minimum lot requirements is to provide additional flexibility for the church's future developments and bring the existing development into compliance. The proposal does not seek to modify minimum parking requirements or increase the permitted height of any structure. Because the proposed permitted uses do not expand beyond what is otherwise allowed in the R-3 zoning district, the PD-R district is able to make the proposed changes while supporting the public health safety and general welfare.

LCC SECTION 10-2-23 (B): APPLICATION AND INTENT: Further, in the application of this section it is the intent of the Council to:

1. *Encourage more creative and effective use of land and public or private services and to accommodate changes in land development technology so that the resulting economies benefit the community.*

The focal point of the application is the reduction in the required unobstructed open space. The minimum unobstructed open space requirement in the R-3 zone district is 50%. While this requirement typically is required to provide for appropriate separations and buffering between single family residential dwellings, the provision can be difficult to comply with when applied to institutional uses such as a church. In situations where a church shares property lines with several single family homes, the open space requirement is useful to provide suitable separation and buffering between the uses. However, in the situation on the subject property where the church is surrounded by rights-of-way on three sides, the 50% open space requirement does not serve the intended purpose of buffering adjacent uses.

By reducing the minimum unobstructed open space requirement, the church is able to use its property more effectively and efficiently without negatively impacting the surrounding neighborhood.

2. *Encourage innovation and efficiency in residential development to meet the growing demands for housing of all types and designs for persons of any social or economic status.*

While the applicant does not currently intend to establish any single family dwellings on the property, the proposed planned development will include single-family residential as a permitted use in the unexpected case that the church ceases to exist or changes location. This aligns with the surrounding R-3 zone district that allows for single-family residential housing.

3. *Encourage innovative development or redevelopment of all land uses to meet the contemporary needs of the community by providing for a greater variety and mix of uses including those which may coexist on the same parcel or within the same building as shown on an approved GPDP.*

The proposal does add any permitted principal uses on the subject property. The PD-R zoning limits the uses to single-family residential and churches and church facilities. By allowing for more flexibility of the redevelopment on the subject property, the application allows for development to meet the contemporary needs of the churches community and the application is consistent with this intent statement.

4. *Provide a process which relates the design and development of a site to the particular characteristics of the site.*

As previously discussed, the subject property is separated from any adjacent single-family residential property by S. Hickory Street, S. Hickory Circle and W. Powers Avenue. Because these streets provide a buffer, the open space requirement serves less of a purpose due to the particular characteristics of the site. The reduced setback requirement from W. Powers Avenue when compared to the current R-3 zoning will not impact any future development since the proposed 10-foot setback aligns with the location of the existing structure. The exact design of the site's landscaping, parking lot landscaping and living landscaping requirements and maintenance will be reviewed in accordance with LCC chapter 10-5 upon submittal of a final planned development plan.

5. *Require that the nature and intensity of development be supported by adequate utilities, transportation network, drainage systems and open space to serve the development and to minimize impacts on adjacent existing and future development.*

A traffic generation analysis was submitted with the application materials and concluded that the anticipated 1,700-square-foot addition – if the planned development is approved – would not generate a significant amount of additional traffic. Traffic impacts will be further assessed at the time of a final planned development plan when more details are provided about the addition, parking layout and access plan, but at this point, the proposed general planned development plan is not expected to create any negative impact on traffic operations. The site's specific drainage patterns will be reviewed during the final planned development plan submittal to ensure that any future development does not create negative impacts to the existing drainage patterns.

6. *Encourage development that is consistent with the policies and guidelines established in the adopted Comprehensive Plan for the area and for the City. (Revised 6-12-1992)*

The subject property is located within the Progress Park Neighborhood as identified by the City of Littleton Comprehensive Plan. The Progress Park Neighborhood plan includes four

neighborhood goals, two of which are applicable to the subject property and the proposed planned development plan.

Goal 1: The proposed planned development district includes single-family residential, churches and church facilities as the permitted primary uses. Additionally, the reductions to the minimum open space requirement and front yard setback from W. Powers Avenue align with the existing development and will not result in significant changes in how the site could be developed. This will help to preserve the existing character of the neighborhood.

Goal 2: During the preliminary discussions in how to accommodate future development on site, the applicant considered rezoning the property to a transitional zone district in order to reduce the minimum unobstructed open space requirement. By establishing a PD-R district, the applicant was able to make the desired alterations to the minimum lot requirements while maintaining the single-family residential and institutional use characteristics of the neighborhood. This helps to limit the encroachment of high-density residential, commercial and industrial uses into the neighborhood.

The Progress Park Neighborhood Plan also establishes two land use policies to help support the goals above.

Policy 1: The proposed PD-R limits the permitted uses to single-family residential, churches and church facilities, which supports policy 1 and preserves the low density character of the neighborhood.

Policy 2: The proposed PD-R district limits uses further than is otherwise allowed in the R-3 zoning district by eliminating many of the conditional uses that are allowed in the current zoning district. This limitation on conditional uses reduces the potential for more intense uses to be established on the subject property.

10-12-2: LIMITATIONS ON AMENDMENTS TO OFFICIAL ZONING MAP:

The LCC states that no amendment to the official zoning map shall be approved which creates a freestanding zone district of less than 180,000 square feet. The subject property is only 65,847 square feet including the areas of adjacent right-of-way. However, because the subject property is adjacent to another PD-R zone district that permits multi-family development, this provision can be met through the consideration of subsection 10-12-2(A)2 which allows for the consideration of the area of land that is contiguous to the subject parcel and which bears the same or lower zone district classification than is proposed, provided the lower zone district has the same letter district designation. The area of the subject property and the adjacent PD-R zoned property to the north exceeds 180,000 square feet.

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood outreach meeting on December 3, 2018. Notice of a public hearing was posted on the subject property and at city locations in advance of the scheduled planning commission meeting in compliance with the city's public notice requirements.

OUTSIDE REFERRAL AGENCIES:

The application was routed to all applicable internal departments and reviewers. Because any development will be preceded by a FPDP to review the technical details of the plans, no outside agency referrals were requested.

PLANNING COMMISSION HEARING AND RECOMMENDATION

On April 8, 2019, the planning commission held a public hearing in order to make a recommendation for the proposed rezoning and General Planned Development Plan. The planning commission discussed the proposed planned development district and the reduction in the minimum unobstructed open space and front setback requirement. The commission also considered the history of the construction of the church and how that relates to the church's difficulty in meeting the R-3 zoning requirements. Planning Commission is forwarding a recommendation of Approval with the following conditions:

1. That in the event the church ceases to function and the parcel reverts to residential use, all R-3 zone requirements will be enforced on the parcel; and
2. That the approved PD-R district allows for a maximum height of 34 feet for the existing building. Any future additions or structures must comply with the land use regulations described in section B.4. of the Land Use Regulations on sheet 2 of the General Planned Development Plan.

STAFF RECOMMENDATION:

Based on staff's analysis, it appears the proposed GPDP is in compliance with the pertinent goals and policies of the city's comprehensive plan and the Progress Park Neighborhood Plan, promotes the general welfare of the community and meets the intent of a planned development district. Therefore, staff recommends approval of Ordinance 14-2019, regarding Our Lady of Mt. Carmel Catholic Church rezoning and GPDP, as amended to address the planning commission conditions.