

City of Littleton, CO – Department of Community Development
2255 W. Berry Ave.
Littleton, CO 80120

RE: Decision Criteria Narrative (5850 S Broadway – CarMax Lot Expansion)

Dear City of Littleton – Community Development Dept:

The purpose of this letter is to provide a narrative about the decision criteria for the proposed expanded use of the parking area at the existing CarMax dealership located at 5850 S. Broadway in Littleton, CO. Specifically, this narrative is to support the rezoning, conditional use permit amendment and major plan amendment processes as outlined by the Planning staff from the Pre-Application meeting held on 08/10/23.

ULUC Sec. 10-9-4.1 – Rezoning/ Zoning Map Amendment

Decision Criteria

1. **Consistency.** The proposed Rezoning / Zoning Map Amendment is consistent with the Land Use and Character Map of the Comprehensive Plan, or an adopted subarea plan, corridor plan, or other city policy, and consistent with the purpose statement of the proposed zoning district OR changed conditions have occurred such that the character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues not contemplated by the Comprehensive Plan.

Applicant Response: The developed CarMax site is split between two different zoning districts: the Corridor Mixed Use (CM) and Neighborhood Commercial (NC). The parking area is located within the NC zone district. The existing conditional use for the subject property permits parking for customers and employees. CarMax desires to improve and expand the use of the subject area to include the temporary parking of CarMax vehicles. The use, which identifies within the category of “Vehicle Sales and Service”, is consistent with the land use standards of Comprehensive Plan for CM zoning. This application for rezoning to CM is for the purpose of expanding the types of vehicles that may be parked on the subject property. This application presents no adverse impacts on traffic, schools, adjoining uses, or environmental issues within the project site location.

2. **Compatibility.** The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property.

Applicant Response: The proposed CM zoning for the subject property is consistent with the CM zoning covering the majority of CarMax's lot, the intended use of the subject property remains parking, and the landscape buffer along the eastern property edge will remain. The uses on the subject property remain compatible with properties in the immediate vicinity, as parking is a functionally necessary, incidental and accessory use of a Vehicle Sales, Rental and Leasing facility such as CarMax.

3. **Traffic.** The traffic generated by the land uses permissible in the requested Rezoning / Zoning Map Amendment will not lead to undue congestion, noise, or traffic hazards.

Applicant Response: The proposed rezoning is not anticipated to lead to undue congestion, noise, or traffic hazards. The subject property will be used for temporary staging and storage of vehicles awaiting service prior to resale.

4. **Adequate Public Facilities.** Facilities and services available to serve the subject property without compromising provisions for adequate levels of service to other properties.

Applicant Response: The proposed rezoning is not anticipated to require any public facilities or services that would impact the level of service of other properties.

5. **Natural Environment.** The district resulting from the requested Zoning Map Amendment will not cause harm to natural features on or adjacent to the subject property.

Applicant Response: The rezoning will not cause harm to natural features on or adjacent to the subject property. On the contrary, maintenance of landscaping features and preservation of a buffer/screening area all serve to prevent adverse impacts on the natural environment.

ULUC Sec. 10-9-5.1 – Conditional Use Permit

Decision Criteria

1. **Proposed Benefits.** The proposed use and its contemplated size, intensity, and location will provide a use that is necessary or desirable for the neighborhood and community.

Applicant Response: The .78 acre subject property may currently be used for parking by customers and employees per the conditional use permit approval in October 2011 allowing for a motor vehicle dealership and off-site parking uses. The ability to expand use of this area for the temporary parking of CarMax owned vehicles does not change the use, and such use is necessarily incidental to operations of the existing CarMax facility (Vehicle Sales, Rental and Leasing). The ability to use this portion of CarMax's lot for the temporary parking of CarMax vehicles is in furtherance of providing services necessary and desirable for the neighborhood and community.

2. **Adverse Impacts.** The proposed use will minimize any adverse impacts on any adjacent property or use.

Applicant Response: The proposed use is not anticipated to have adverse impacts on adjacent properties or their uses. The area will be screened by a 6-ft tall CMU wall at the northern and southern boundaries, and the existing landscape buffer will be preserved.

3. **Detrimental Impacts.** The proposed use will not be detrimental to the health, safety or general welfare of person residing or working in the vicinity or to property, improvements, or potential development in the vicinity based on;
 - a. The nature of the proposed site, including its size, shape, and topography and the proposed size, location, and arrangement of structures
 - b. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of traffic, locations of ingress and egress, and the adequacy of off-street parking and loading.
 - c. The provisions for landscaping, screening, common open space, service areas, lighting, and signage.

Applicant Response: Development of the subject property is not anticipated to be detrimental to the health, safety or welfare of persons residing or working in the vicinity of the property. The use will not negatively impact existing vehicular or pedestrian traffic patterns, diminish any landscape improvements or buffer, or, decrease the safety and security of persons in the vicinity of this site.

ULUC Sec. 10-9-5.2 – Major Plan Amendment

Decision Criteria

1. **Changing Conditions.** Necessary because of changed or changing conditions on the property or in the area in which the property is situated.

Applicant Response: A major plan amendment is necessary to maximize the land's utility. As previously indicated, the existing CarMax lot is split between (2) different zonings, CM & NC zoning. The subject .78 acre property is within the NC zoning district, and per City staff, needs to be re-zoned to allow for the temporary parking of vehicles owned by CarMax. In addition to the rezoning, the City of Littleton planning staff has directed the applicant to pursue a major plan amendment as well, due to the change in use.

2. **No Special Benefit.** Fairly applied such that no special benefit is conferred that would not otherwise be conferred on other properties with similar conditions.

Applicant Response: No special benefit is conferred by approval of this major plan amendment. CarMax simply desires to maximize the efficiency and functionality of its land and the services it provides. In this situation, CarMax seeks flexibility to use its land, which is located on the same lot and immediately adjacent to its service facility, for the temporary storage of vehicles.

3. **Density and Intensity.** Consistent with the nature of development and the density or intensity of land uses originally approved.

Applicant Response: The proposed use of the land to allow, not just customers but also CarMax, use of the land for parking is consistent with the nature of CarMax's development and the density and intensity of the land uses.

4. **Public Health, Safety, and Welfare.** Likely to result in a relative gain to the public health, safety, or welfare of the community.

Applicant Response: The proposed Major Plan Amendment will allow CarMax flexibility to use its property more efficiently, transport vehicles less frequently and ultimately produce more reliable and safer vehicles that benefit the health, safety and welfare of the community.

5. **Violation.** The request for a Major Plan Amendment does not violate a condition of approval of the original plan or any provision of this Code.

Applicant Response: The applicant agrees to comply with the Unified Land Use Code, as it relates to the CM zone district for the specific use of "Vehicle Sales, Rental and Leasing".

Should you have any questions, please contact me at (970) 749-5907 or kmccoy@centerpoint-is.com . Thank you and I look forward to hearing from you.

Respectfully,

Kelton McCoy