



Staff Report

Meeting Date: October 22, 2018

Planner: Rob Haigh

APPLICATION SUMMARY:

Project Name: Nevada Street Townhomes

Case Number: PDO17-0005

Application type: Planned Development Overlay

Location: 5501 S. Nevada Street
(southwest corner of W. Berry St. and S. Nevada St.)

Size of Property: 5,950 square feet

Zoning: R-5 (current); R-5 PDO (proposed)

Owner: Aaron Metz, Nevada 717, LLC

Applicant: John Matthews

**Owner's
Representative:** Jessica Alizadeh

Applicant Request: A Planned Development Overlay to reduce required setbacks, increase maximum building height, and reduce the open space requirements of the R-5 zone district in order to construct five townhomes.

PROCESS:

➤ Planned Development Overlay
(approval, denial, or tabled to a date certain by planning commission at October 22, 2018 public hearing)

Site Development Plan
(administrative review and approval)

A planned development overlay requires a quasi-judicial decision in conformance with the City of Littleton Rules of Procedure for Quasi-Judicial Proceedings.

If the proposed planned development overlay (PDO) is approved, the next step in the development

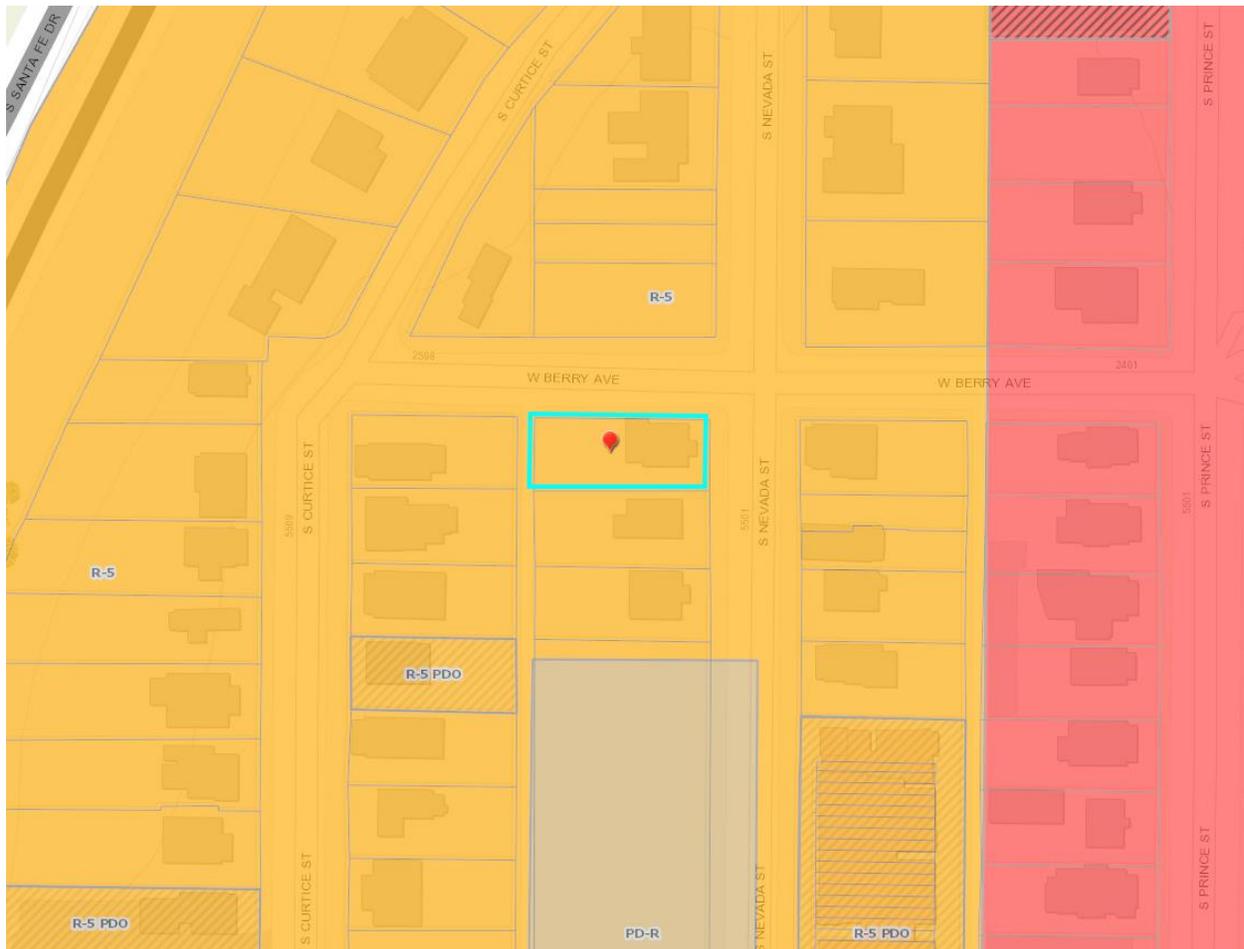
review process is a site development plan (SDP) in order to approve the physical development on the site and ensure compliance with the PDO and the Littleton Downtown Design Standards. Technical issues such as drainage, grading, and utilities are also reviewed during the site development plan review. If the proposed PDO is denied, any SDP for the property must meet all approved standards and codes.

LOCATION:

The site is located at 5501 S. Nevada Street in Downtown Littleton at the intersection between S. Nevada Street and W. Berry Avenue.



Aerial



Zoning

BACKGROUND:

Timeline

December 18, 2018 *application submitted*
 January 29, 2018 *staff review completed*
March 26, 2018 *application resubmittal*
 May 11, 2018 *staff review completed*

May 15, 2018 - City Council approved an ordinance (Ordinance 20-2018) to amend Title 10 removing the application of the PDO provision in all residential zone districts. This application may continue and potentially be approved. If denied, no other residential PDO application will be accepted for the property.

May 25, 2018 *application resubmittal*
 June 27, 2018 *staff review completed*
August 13, 2018 *final application resubmittal*
 October 12, 2018 *staff review completed*

APPLICATION DETAILS:

The request is to establish a PDO on the subject property. The PDO provisions in the Littleton City Code (LCC), Title 10, Chapter 9, provide a procedure which permits more flexible site design and development while maintaining the land use characteristics of the underlying district. On May 15, 2018, Ordinance 2018-20 was passed by city council which eliminated the possibility for a PDO application to be processed in the R-5 zone district. However, because this application was submitted prior to that date, the application is under review in accordance with the regulations in place at the time of submittal. In order to take advantage of the flexibility allowed by the PDO regulations, the proposed development must comply with the development standards outlined in LCC Section 10-9-5.

The proposed PDO would establish a new maximum height, minimum unobstructed open space and minimum structure setbacks. The PDO would establish “design and site characteristics” that are included on sheet two of the PDO document. These design and site characteristics are based on the Littleton Downtown Design Standards and Guidelines (LDDSG) in an attempt to reinforce Littleton’s Downtown and city wide design goals. The application also includes a conceptual site plan and elevations to illustrate what future development could look like. The application evolved significantly through the review process as the applicant worked to address staff concerns surrounding the LDDSG and the PDO provisions that allow for variations from the underlying zoning district. Despite the significant modifications to the conceptual design and the design and site characteristics established in the proposed PDO, staff was unable to find that the level of design mitigates the proposed variations from the underlying R-5 zone district.



Figure 1

The elevation above in figure 1 shows the conceptual northern elevation along W. Berry Ave. The dashed, vertical lines delineate the dwelling units. Four of the five dwelling units will have front doors on W. Berry Ave. and the fifth dwelling on the far left (east) will have a front door that faces S. Nevada St. Vehicular access to the dwelling units is provided from W. Berry Ave. through the alley and enters the property from the west as shown by the blue arrow in figure 2 below. The individual garages are on the first floor of each dwelling and provide one parking space for each dwelling that faces W. Berry Ave. and two parking spaces for the easternmost dwelling that faces S.

Nevada St. The garages exit into a covered motor court and the second and third stories of the dwellings extend over this covered motor court.

The applicant is proposing to supply additional parking in two of the units (units B and D) through the incorporation of a vehicle lift system, which allows parked vehicles to be stacked one on top of another. The conceptual plans show six off-street parking spaces and the applicant plans to have vehicle lifts above two of the spaces, for a total of eight off-street parking spaces, which meets LCC requirements.

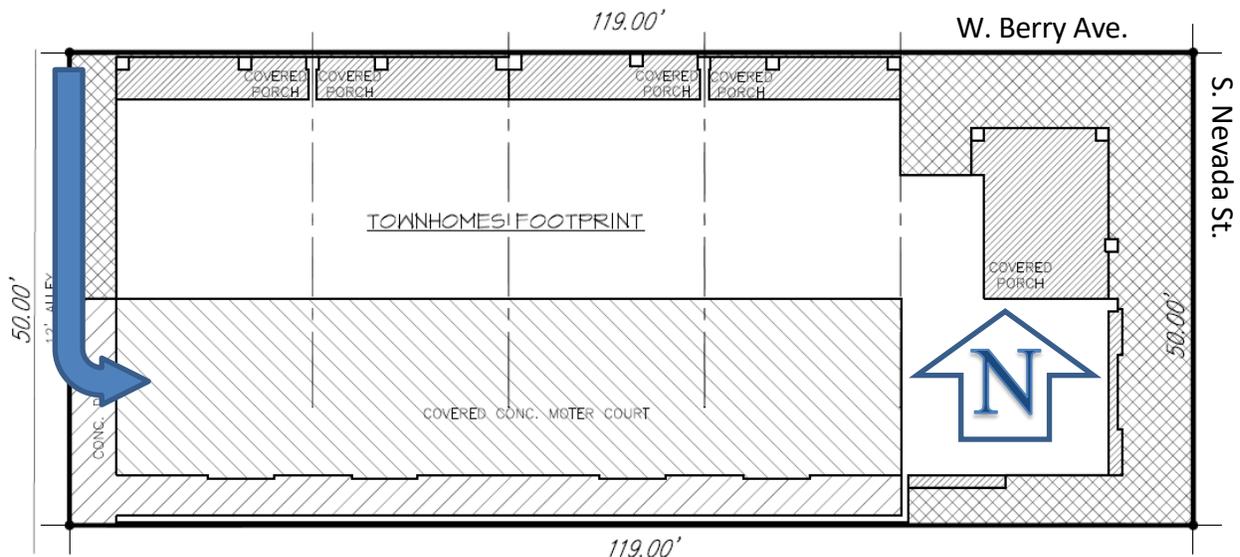


Figure 2

Because the majority of the units have front doors that face W. Berry Ave., the northern lot line is the front, the southern lot line is the rear, and the eastern and western lot lines are sides. The application seeks to establish lesser setbacks from all lot lines, with the front setback being 0.17 feet and rear setback being 0.33 feet. This is a significant reduction from the 20-foot front and rear setbacks that are required in the underlying R-5 zone district. The reduced rear setback at the south property line would result in a building that is 5.33 feet from the existing single family residence on the adjacent property to the south. Additionally, the design and site characteristics included in the PDO do not include any heightened level of design on this elevation and would allow for this southern façade to include a 10-foot concrete wall as shown on the conceptual southern elevation in Figure 3, on the following page. This exemplifies the insufficiencies in the proposed design and site characteristics that would be established through this PDO. These design and site characteristics do not establish design requirements or standards that extend substantially beyond the minimal levels already required in the LDDSG.

The application also includes a reduction in unobstructed open space in the underlying R-5 zone district from 25% to 15.6%. Open space on residential properties serves several purposes including aesthetics and functional buffering between properties and uses. A common unobstructed open space would be provided primarily at the western end of the subject property, with a narrow band of landscaping on the east end adjacent to the alley. With the proposed

setbacks, no landscaping or buffering can be accommodated along the southern property line between the proposed multi-family development and the existing single family residence that would be most significantly impacted by the development of the subject property.

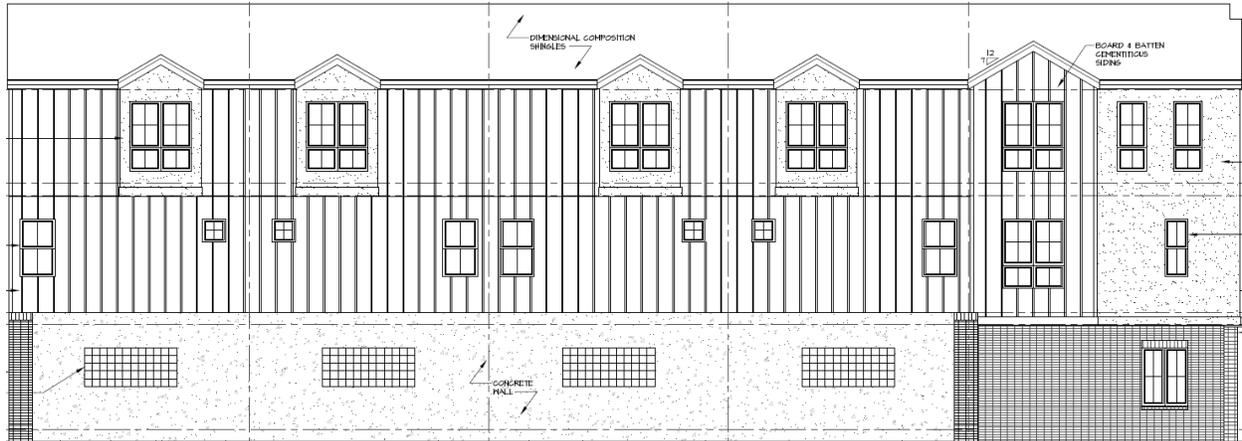


Figure 3

The final variation from the R-5 zone district requested through this PDO would increase the maximum height. The proposed PDO would establish a new maximum height of 38 feet on the subject property. This would be 26% higher than the 30-foot maximum height in the underlying R-5 zoning district. The primary roof form would be a gabled roof as required by the LDDSG and the PDO’s proposed design and site characteristics. Staff does not find that the design and site characteristics to demonstrate the special attention to creative, high quality design that would be needed to establish an increased height without impairing the intent of the land use code as required by LCC Section 10-9-5 and is recommending denial.

Zoning Requirements

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

Comparison of existing zoning requirements and the proposed PDO

	R-5	Proposed R-5 PDO
Uses	Land uses permitted in R-5 as described in the table in LCC Section 10-3-1: Land Uses.	No changes
Minimum lot area per dwelling unit	1,000 square feet (allows up to five dwelling units on this lot)	1,190 square feet (allows up to five dwelling units on this lot)
Building Setbacks	Front (north): 20 feet Rear (south): 20 feet Side street (east): 10 feet Side (west): 5 feet	Front (north): 0.17 feet Rear (south): 0.33 feet Side street (east): 7.5 feet Side (west): 4 feet

	R-5	Proposed R-5 PDO
Parking Ratios	1.5 spaces per unit (8 spaces required for conceptual 5-unit development)	No changes
Unobstructed Open Space	25% minimum	15.6% minimum
Maximum Building Height	30 feet	38 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. Please note that the application has been reviewed pursuant to the LCC in place at the time of application submittal. LCC Title 10, especially as it relates to PDOs, has been amended and this application would not be accepted if it were submitted today.

LCC sections

10-9-1 INTENT:

It is the purpose of the PDO regulations to provide a procedure which permits more flexible site design and development than is possible under traditional zone district through application of the provisions of this chapter.

10-9-2 APPLICABILITY:

No change in density or permitted uses is sought by this application. The provisions of the PDO procedure may be applied.

10-9-3 USES PERMITTED:

The proposed PDO includes no change in permitted uses from what is specifically allowed in the underlying R-5 zone district.

10-9-4 CONDITIONS; DENSITY OF USE:

The underlying R-5 zone district allows for a maximum of one dwelling per 1,000 square feet of gross land area. Based on the lot size of 5,950 square feet, the maximum number of dwelling units on the subject property would be five. The conceptual plan shows a five-unit multi-family development, which is within the allowed maximum of the underlying R-5 zone district.

10-9-5 DEVELOPMENT STANDARDS:

To take advantage of the flexibility allowed by the PDO regulations, the development must demonstrate special attention to creative, high quality design, and to producing a development that reinforces and compliments citywide and neighborhood design goal. 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. The evaluation of the application will be applied based on the intent statement in this section when changes to the underlying zone district are requested:

(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. In order to establish this variation, the application must demonstrate that this can be achieved without impairing the intent of the land use code and that the resulting development will reinforce and compliment the citywide and neighborhood goals. The purpose of a height limitation within a zone district – along with other bulk requirements – is to establish uniform building forms across the district and mitigate impacts that can result from tall structures being located immediately adjacent to smaller development. Because the R-5 district permits both multi-family dwellings and single-family dwellings, the height limitations are important to make sure that the uses and building forms are compatible across the district. Where the difference in height is great, tall buildings can loom over adjacent properties, impacting the views, light, and privacy, and character of the adjacent development. The impacts from increased height could be mitigated through increased setbacks or open space, step-backs at higher levels, improved landscape buffering, improved architectural requirements, or other creative solutions.

The proposed PDO is able to comply with the LDDSG, but does not exceed LDDSG requirements to provide a substantial benefit to the City of Littleton. The proposed design and site characteristics in the PDO mostly serve to explain how the conceptual design would comply with the standards, guidelines, and the neighborhood and citywide plans. The PDO does not propose any design features or requirements that would not otherwise be required by the LDDSG. The PDO does not propose any creative design requirements to mitigate the impacts that could result from the increased height allowed by the proposed PDO.

(B) Lot Width and Setback: The proposed overlay district would reduce the setbacks from all property lines. This increases the building coverage on site, and subsequently reduces the area available for unobstructed open space and landscaping. The setback requirements in the R-5 zoning district serve to provide separation and buffers between adjacent uses, create yard space, define the character and perceived density within the district, and provide area as unobstructed open space. The impacts from the reduced setbacks are greatest at the front and rear lot lines, where the setbacks are proposed to be 0.17 feet and 0.33 feet respectively.

At the front lot line, this setback reduction effectively eliminates any yard or usable open space along the northern elevation of the four dwellings that have front doors along W. Berry Ave. The design and site characteristics include the reestablishment of the tree lawn along W. Berry. However, any multi-family development on this property would require a maintained tree lawn along the rights-of-way in accordance with LCC Section 10-5-7(C)2. Despite this tree lawn, the proposed reduction in setbacks along with the increase in height would permit a 38-foot-tall structure to be located immediately adjacent to the public right-of-way. It is worth noting that the conceptual elevations include rooflines that step back to the maximum height as the structure extends back from the property line. However, the roof form located immediately at the front setback is approximately 27 feet in height, which does not effectively mitigate the impacts that could result from the decreased setbacks established

by this PDO.

Along the southern lot line, the rear setback is proposed to be 0.33 feet. This lot line is shared with a single-story, single-family dwelling that is located approximately five feet from the property line in accordance with the side setback for that lot. The design and site characteristics do not employ any strategy, creative or otherwise, to mitigate the increased impacts that would result from this reduction in setback. As noted earlier in the report, the illustrative elevations show the lower ten feet of the proposed structure as a concrete wall. In combination with the increased height, the reduced setback would allow for a structure that would negatively impact the character of the adjacent property due to the height, proximity, and length of the multi-family structure that could be constructed on this lot.

(C) Lot Size: The subject property is 5,950 square feet in size, which is smaller than the minimum lot size of the R-5 zone district. However the lot is a legal platted lot of record and is known as Lot 10, except the west 6 feet, Block 5, Littleton. The western six feet that are excepted from the platted lot became the public alley that divides the block. The property is considered nonconforming for lot size and the applicant is not seeking to further reduce the size of the lot.

(D) Open Space: The PDO application seeks to establish a reduced minimum unobstructed open space requirement. The underlying R-5 zone district requires that 25% of the lot (1,487.5 square feet) be preserved as unobstructed open space. The PDO application proposes to reduce the open space requirement on the property to 15.6% (930 square feet). This is likely a product of the reduced setback requirement since the reduction in setbacks reduces the space that is available on the site for open space. The applicant is proposing to incorporate additional landscaping areas below the overhanging second story (654 square feet) in order to make up for the reduction in unobstructed open space. These areas below second story areas of the structure are not included in the PDO's unobstructed open space calculation. Littleton's definition of unobstructed open space precludes porches and areas under structures from inclusion.

The purpose of unobstructed open space is to provide a buffer between uses and soften the impacts from adjacent properties. Unobstructed open space accommodates landscaping areas and supports the aesthetics of a site and neighborhood. Within the R-5 zone district, unobstructed open spaces also provide usable areas for the residents of that property. The PDO application does not demonstrate any special attention to creative, high quality design that would otherwise accomplish the goals of unobstructed open space in order to meet the intent of the land use code.

(E) Off Street Parking and Loading: The proposed PDO is consistent with LCC requirements for multi-family development and the conceptual site plans shows six off-street parking spaces and vehicle lifts to provide an additional two off-street parking spaces in units B and D.

Citywide and Neighborhood Design Goals

In order for a PDO to be approved, it must produce a development that reinforces and compliments the neighborhood and citywide design goals and objectives. For neighborhood context, staff looked to the Citywide Plan, the Downtown Neighborhood Plan, Subarea 4 in the LDDSG, and the existing development in the surrounding neighborhood.

1. Citywide Plan

In general terms, the proposed PDO is pulled in both directions by the Citywide Plan. Some policies support the proposed development, other policies oppose the development, and some could be argued to fall on either side.

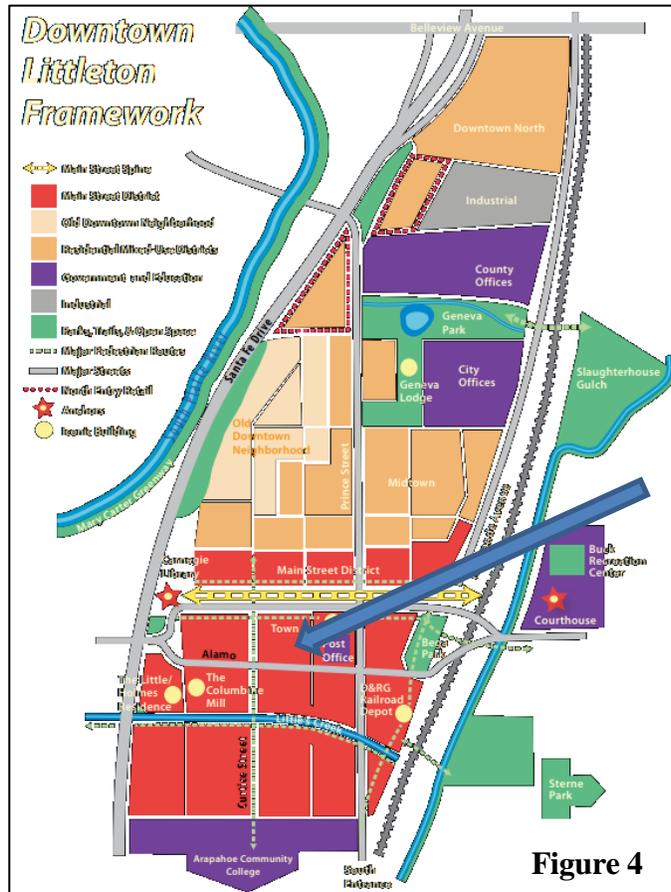


Figure 4

In support of the PDO, the plan promotes increased density and housing diversity. Staff does not dispute that downtown Littleton is the most appropriate place for increased density, but the resulting development within this PDO would create significant negative impacts to the adjacent properties and appears to be out of character with the R-5 neighborhood.

2. Downtown Neighborhood Plan

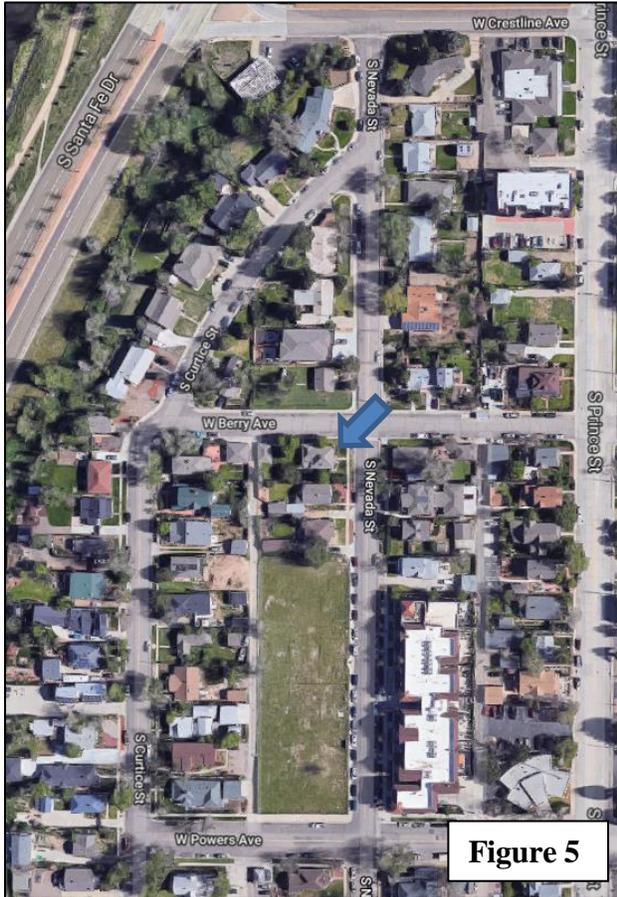
The subject property is located within the Old Downtown Neighborhood, which is a district within the “Downtown Littleton Framework” and contains the light-tan colored area in Figure 4 below. The blue arrow within figure 4 points to the subject property. The policies and implementation strategies direct staff to carefully consider any future development in this area and 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. Council adopted the Downtown Neighborhood plan in January of 2012.

3. Littleton Downtown Design Standards and Guidelines

As previously stated in the criteria review for the variation in building height, the proposed PDO can comply with the LDDSG, but does not include significant design requirements that go beyond these guidelines. When the application was originally submitted, the architecture was significantly different than the current proposal under consideration. The applicant has made changes to the design, height, and roof form in order to comply with the LDDSG. That said, the

LDDSG were recently replaced by the Littleton Downtown Design Standards (LDDS). While much of the language in the document remained the same, any future site development plan would be subject to review under the new standards. In places where the PDO establishes new characteristics and requirements (maximum height, reduced open space, 7:12 roof pitch, etc...), the PDO would govern. In general, staff finds that the conceptual design could meet the LDDS with minimal modification.



Even though the proposed development is able to comply with the applicable design guidelines, the PDO provisions in LCC Section 10-9-5 requires development to exceed the regularly required design requirements in order to qualify for certain variations from the underlying zoning requirements. Simply being able to comply with the design guidelines does not grant an applicant the right to develop with variations from the height, setback, and open space requirements of a zone district.

4. Existing Development.

When reviewing the existing development in the area to determine neighborhood character, staff considered the area within a roughly one-block radius. This area is primarily one- and two-family residences, with concentrations of larger multi-family development along S. Prince St. and the southern end of S. Nevada St. near W. Powers Ave. This development is more consistent with the larger multi-family developments than it is with the one- and two-family dwellings that make up the majority of

the neighborhood. Even though there are two large multifamily developments on the same block as the proposed PDO, it is apparent that these developments are atypical rather than typical in this neighborhood. Additionally, these structures are closer to W. Main St. while south of W. Powers St., the neighborhood character changes dramatically. Even though the R-5 zone district allows for multi-family development, the zoning regulations help maintain compatibility between these uses. The proposed PDO seeks to vary from many of the R-5 zoning requirements without mitigating adverse impacts to adjoining properties, and therefore impairing the intent of the LCC requirements.

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood meeting on April 2, 2018.

Mailed public notice of the Planned Development Overlay proposal was sent to all property owners within 700 feet of the site. Notice of a public hearing was posted on the subject property and at city

locations in advance of the October 22, 2018 planning commission meeting in compliance with the city's public notice requirements.

OUTSIDE REFERRAL AGENCIES:

In general, outside referral agencies had no concerns with the proposed PDO with the understanding that more detailed plans of the physical development would be reviewed at the site development plan stage. See attached outside referral agency matrix.

STAFF RECOMMENDATION:

It is staff's opinion that the proposed PDO fails to comply with the following LCC Sections:

10-9-5 Development Standards: Through reductions in building setback, increased building height and reductions in unobstructed open space, the proposal fails to demonstrate special attention to creative, high quality design and will produce a development that will meet, but not exceed, current design requirements. The resulting development will impair the intent of the LCC without providing a substantial benefit to Littleton.

At 38 feet tall and approximately 5.33 feet from the house to the south, the proposed PDO has not demonstrated compatibility with the existing use on an adjacent property. The proposed architectural design (as shown in the conceptual elevations) is not compatible with adjacent structures.

In consideration of these opinions, staff recommends adoption of PC Resolution 31-2018 denying the proposed PDO.

ALTERNATIVES:

1. Before closing the public hearing, the commission may continue the matter to a date certain to gather additional information.
2. After closing the public hearing, the commission may direct the city attorney to draft a resolution approving the proposed PDO.