

Agenda Date: 05/15/2018

Staff Report: Proposed Amendment to the Safeway Oakbrook Shopping Center General Planned Development Plan, 2nd Amendment for Lot 7

Presented By: Carol Kuhn, AICP, Planning Manager
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APPLICATION SUMMARY:

Project Name: Safeway Oakbrook Shopping Center General Planned Development Plan, 2nd Amendment for Lot 7

Case Number: APD17-0002

Application Type: Planned Development Amendment

Location: Lot 7 Block 1 Safeway Oakbrook Shopping Center

Size of Property: 3.33 acres

Zoning: PD-C Safeway Oakbrook Shopping Center General Planned Development Plan (GPDP)

Applicant: Steve More, Commercial Building Services

Owner: Chip Sabadash, AN/CF Acquisition Corp.

Applicant Request: The request is to amend the existing Safeway Oakbrook Shopping Center GPDP to allow for overnight vehicle inventory storage parking as a permitted use on Lot 7, Block 1.

PROCESS:

The General Planned Development Amendment is the first planning approval necessary in the overall approval process for the project. The steps are as follows:

- Amendment to the General Planned Development Plan (GPDP)
 - April 23, 2018 public hearing at Planning Commission – for recommendation by Planning Commission to City Council
- Amendment to the GPDP heard before City Council for final decision-making
 - First Reading – May 1, 2018
 - Second Reading – May 15, 2018
- Site Development Plan
 - administrative review and approval of proposed site work

An amendment to a planned development request requires a Quasi-Judicial decision. **Quasi-judicial decisions** involve individual applications that are being considered for approval. Here, broad policies are being applied to a specific parcel or project. Decision-makers must base their decision on the facts presented to them during the public hearing and on the information in the official record, applicable codes, statutes, and court decisions, just as a judge bases its decision on the evidence presented at trial. Members of the body must maintain their impartiality and avoid actions that can bring their impartiality into question. In a quasi-judicial hearing, decision-makers should be present for all evidence and should avoid ex parte communication. If an ex parte contact occurs, the affected decision-maker should disclose the contact and the substance of the communication at the hearing prior to receipt of public testimony.

LOCATION:

The site is located north and west of the intersection of East County Line Road and East Phillips Avenue on Lot 7 Block 1 of the Safeway Oakbrook Shopping Center.



Vicinity Map

The site does not currently have a street address (as it does not currently have any permanent structures).

BACKGROUND:

The applicant, Steve More, with Commercial Building Services, has submitted an application for an amendment to the existing Safeway Oakbrook Shopping Center GPDP. This is the 2nd request to amend the GPDP since it was originally approved in 1983. The 1st amendment to this GPDP was approved in 1996.

The applicant has included, as a component of the GPDP amendment document, a detailed list of the original development standards and the existing and proposed modifications to GPDP for Lot 7.

The following page includes a table which summarizes these approvals and amendments. Both the 1st amendment and the proposed 2nd amendment to the GPDP apply only to Lot 7 (previously Parcel 1A, in the original GPDP document).

Summarized Amendment History

Date	Approval/Amendment
GPDP Approval - August 11, 1983	Established the original development standards for the Safeway Oakbrook Shopping Center GPDP.
1 st Amendment - May 23, 1996	-Corrected the size and shape of Parcel 1A (from the GPDP) to match that of platted Lot 7 (subdivision occurred after the GPDP zoning document was approved); -Added off-site employee parking as a permitted use; -Reduced the number of structures allowed on the site from three (3) to one (1), with a corresponding reduction in parking and similar building-related site standards; -Added restrictions on site lighting.
2 nd Amendment - APD17-0002 (2017)	-Request to add overnight vehicle inventory storage parking as a permitted use; -Request to prohibit structures on the lot, if the principal permitted use is for vehicle inventory storage parking; -Request to further restrict on-site lighting.

All other development standards established by the original 1983 GPDP document and subsequent 1st amendment from 1996 will continue to apply to Lot 7.

The proposed 2nd amendment is a text amendment to the GPDP document, and not a map amendment. This proposed amendment cannot be approved administratively, as the applicant is requesting a change to permitted uses in the GPDP and to remove the restriction for overnight parking of inventory vehicles.

STAFF ANALYSIS:

The criteria for “Review and Approval of the General PD Plan” (and for non-administrative amendments) is found in Sec. 10-2-23(E)(4)(a) of the Littleton Zoning Code, which states that;

The planning commission shall base its recommendation and the council shall base its

decision on the conformance of the proposed plan with the stated intent of the planned development district as stated in subsections (A) and (B) of this section.

Subsection (A) Intent

The proposal must be in compliance with the regulations of the Planned Development Commercial (PD-C) district, which is the underlying zoning for the GPDP. This includes:

- 1) *Uses*: Uses permitted in the B-1 and B-2 zone districts.
 - a. “Sales of automobiles by licensed dealers” and “sales of new automobiles” are permitted in the B-2 district.
- 2) *Open Space*: A minimum of 20% open space of the site and a 50’ wide buffer when adjacent to residential.
 - a. The proposed amendment does not include any changes to the existing 38.3% open space requirement and 50’ buffer from the residential neighborhood to the north.
- 3) *Height*: A maximum of 30’ within 150’ of residential property.
 - a. No changes to the existing height requirement in the GPDP are proposed.
- 4) *Parking*: To comply with Sec. 10-4-9.
 - a. The principal permitted use of the property is intended to be parking.

Subsection (B) Application and Intent

Additionally, the proposal must meet the “Intent” of the Planned Development District, as outlined in Sec. 10-2-23(B). This includes the following:

- 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 subject property does not currently have any structures or significant improvements. The proposed amendment will allow the owner of the property to make improvements such as improved fencing, lighting, and security measures which will benefit the immediate neighborhood. Additionally, the applicant has provided an illustrative site plan in the attached “Parking/Maintenance Plan Exhibit.” This exhibit is illustrative in nature, and subject to change, as any future site work will require the submission, review, and approval of a sketch plan or site development plan. This requirement is included as a condition of approval in the attached resolution.
- 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.*
 - No residential uses are allowed by the GPDP on Lot 7, and no residential uses are proposed by the amendment.
- 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 general PD plan.*

- The proposed GPDP amendment allows for a use which was not originally anticipated for the site in the original GPDP document, but which has the potential to better meet the needs of both the property owner and community now. The GPDP amendment specifically states that if the site is to be used for overnight vehicle storage parking, a building cannot be built on the property. This preserves the view corridors from the adjacent residential neighborhood, while allowing an economically viable use on the site.
- 4) *Provide a process which relates the design and development of a site to the particular characteristics of the site.*
- The subject property is currently underdeveloped due to its location behind the Oakbrook Shopping Center, which fronts East County Line Road. The proposed GPDP amendment allows a use which will allow the owner to make minor site improvements such as fencing, lighting, and security to improve both the aesthetics and functionality of the property.
- 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.*
- Any future site work, either to develop vehicle storage parking or any other use on the property, will require the approval of a sketch plan or site development plan in accordance with Sec. 10-7 of the Littleton Zoning Code. These requirements will be evaluated at the time one of these plans is submitted, but the proposed use could easily be accommodated on the site while maintaining compatibility with these requirements.
- 6) *Encourage development that is consistent with the policies and guidelines established in the adopted Comprehensive Plan for the area and for the City.*
- The GPDP amendment supports “Land Use Policy 1” of the South Neighborhood Plan that “residential areas be protected from commercial and industrial development by utilizing a combination of setback “buffers,” screening, and other measures to reduce the visual and audible impacts created by the development.” The GPDP amendment includes further specifications on site lighting to reduce the effects of the site on the neighborhood. The applicant has also responded to feedback from neighbors by re-orienting a drive aisle to better address the concerns of the neighborhood.

NEIGHBORHOOD OUTREACH:

The applicant has submitted information to staff regarding two neighborhood outreach meetings held, to discuss this project with property owners in the area.

An outreach meeting was held on May 10, 2017, and 2 people attended. At this meeting, attendees commented on the lack of maintenance of the landscaping and fences surrounding the property and brought up concerns over the orientation of lighting on the site.

The most recent outreach meeting was held on April 4, 2018, and 5 people attended. At this meeting, attendees remarked on recent improvements to the northern fence (adjacent to residential)

and the installation of “Private Property – No Trespassing” signs. Attendees raised concerns over the lack of security on the site and the parking of vehicles overnight on the property.

Additionally, attendees expressed a preference for the drive aisle to run parallel to the 50’ setback/buffer line, which would move vehicles an additional 24’ away from the northern property line (which is adjacent to residential). The applicant agreed with this recommendation and has updated to the illustrative site plan to demonstrate that it is a feasible option prior to the submission of a sketch plan or site development plan.

PUBLIC NOTICE:

A sign to notice this public hearing was posted on the subject property and mailed notice was sent to property owners within 700 feet of the subject property on April 3, 2018.

REFERRAL AGENCY COMMENTS:

This application was referred to Arapahoe County, Douglas County, and the City of Centennial. No responses were received from either Arapahoe or Douglas Counties, and the City of Centennial provided a “no comment” response on the application.

PLANNING COMMISSION RECOMMENDATION:

On April 23, 2018, the Planning Commission recommended approval of the Safeway Oakbrook Shopping Center General Planned Development Plan 2nd Amendment for Lot 7 (Case Number APD17-0002), by a vote of 7-0, subject to ten (10) conditions of approval. These conditions of approval are included below.

STAFF RECOMMENDATION:

Staff finds that the Safeway Oakbrook Shopping Center General Planned Development Plan (GPDP), 2nd Amendment for Lot 7 meets the review and approval criteria, both Subsections A and B, of the Planned Development District and recommends approval of this subject to ten (10) conditions of approval:

- 1) “Prior to any site work a site development plan shall be submitted, reviewed, and approved in accordance with Sec. 10-7 of the Littleton Zoning Regulations;
- 2) The applicant will, with staff oversight, provide compliance with the agreed upon neighborhood meeting conditions, as discussed during the Planning Commission hearing;
- 3) No recreational vehicles will be allowed to be parked on the site;
- 4) Lighting shall be reduced to security levels from 9pm-6am;
- 5) Fences shall be repaired and shall be in conformance with Littleton Code Section 10-4-3;
- 6) Security gates shall be installed, subject to review and approval by Community Development, Public Works, and Littleton Fire Rescue;
- 7) Open space and landscaping shall comply with the City’s zoning regulations and shall be reviewed and approved with the site development plan;
- 8) No outdoor vehicle repair shall be conducted on Lot 7, Block 1;
- 9) No parking of large profile vehicles shall be permitted on the north-west to south-east boundary facing residential houses;
- 10) No off-loading of cars on E. Phillips Avenue or in the parking lot.”

PROPOSED MOTION:

..Proposed Motion

MOTION TO APPROVE AND/IF NECESSARY, WITH CONDITIONS

I move to approve the ordinance on second reading to amend the Safeway Oakbrook Shopping Center General Planned Development Plan for Lot 7 subject to ten (10) conditions of approval:

1. Prior to any site work a site development plan shall be submitted, reviewed, and approved in accordance with Sec. 10-7 of the Littleton Zoning Regulations;
2. The applicant will, with staff oversight, provide compliance with the agreed upon neighborhood meeting conditions, as discussed during the Planning Commission hearing;
3. No recreational vehicles will be allowed to be parked on the site;
4. Lighting shall be reduced to security levels from 9pm-6am;
5. Fences shall be repaired and shall be in conformance with Littleton Code Section 10-4-3;
6. Security gates shall be installed, subject to review and approval by Community Development, Public Works, and Littleton Fire Rescue;
7. Open space and landscaping shall comply with the City's zoning regulations and shall be reviewed and approved with the site development plan;
8. No outdoor vehicle repair shall be conducted on Lot 7, Block 1;
9. No parking of large profile vehicles shall be permitted on the north-west to south-east boundary facing residential houses;
10. No off-loading of cars on E. Phillips Avenue or in the parking lot.

Motion for Denial:

I move to deny the ordinance on second reading to amend the Safeway Oakbrook Shopping Center General Planned Development Plan for Lot 7, Block 1, based on the findings that (insert findings below):

- 1.

Motion to Continue:

I move to continue the ordinance on second reading to amend the Safeway Oakbrook Shopping Center General Planned Development Plan for Lot 7, Block 1, based on the findings that (insert findings below):

- 1.