



Staff Report

Meeting Date: November 26, 2018

Planner: Rob Haigh

APPLICATION SUMMARY:

Project Name: Bow-Mar Estates Planned Development Amendment

Case Number: APD18-0002

Application type: Amendment to a Planned Development

Location: 5828 S. Paintbrush Court
(north of W. Bowles Ave., east of S. Sheridan Blvd.)

Size of Property: 1.745 Acres

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

Applicant: Mick Kittle, Plan West Inc.

Owner: Kayle Wilhelm

Applicant Request: To remove the covenants on the Planned Development that prohibit further subdivision of the existing lots.

PROCESS:

- Amendment to the Planned Development
(recommendation by planning commission at November 26, 2018 hearing and decision by city council)

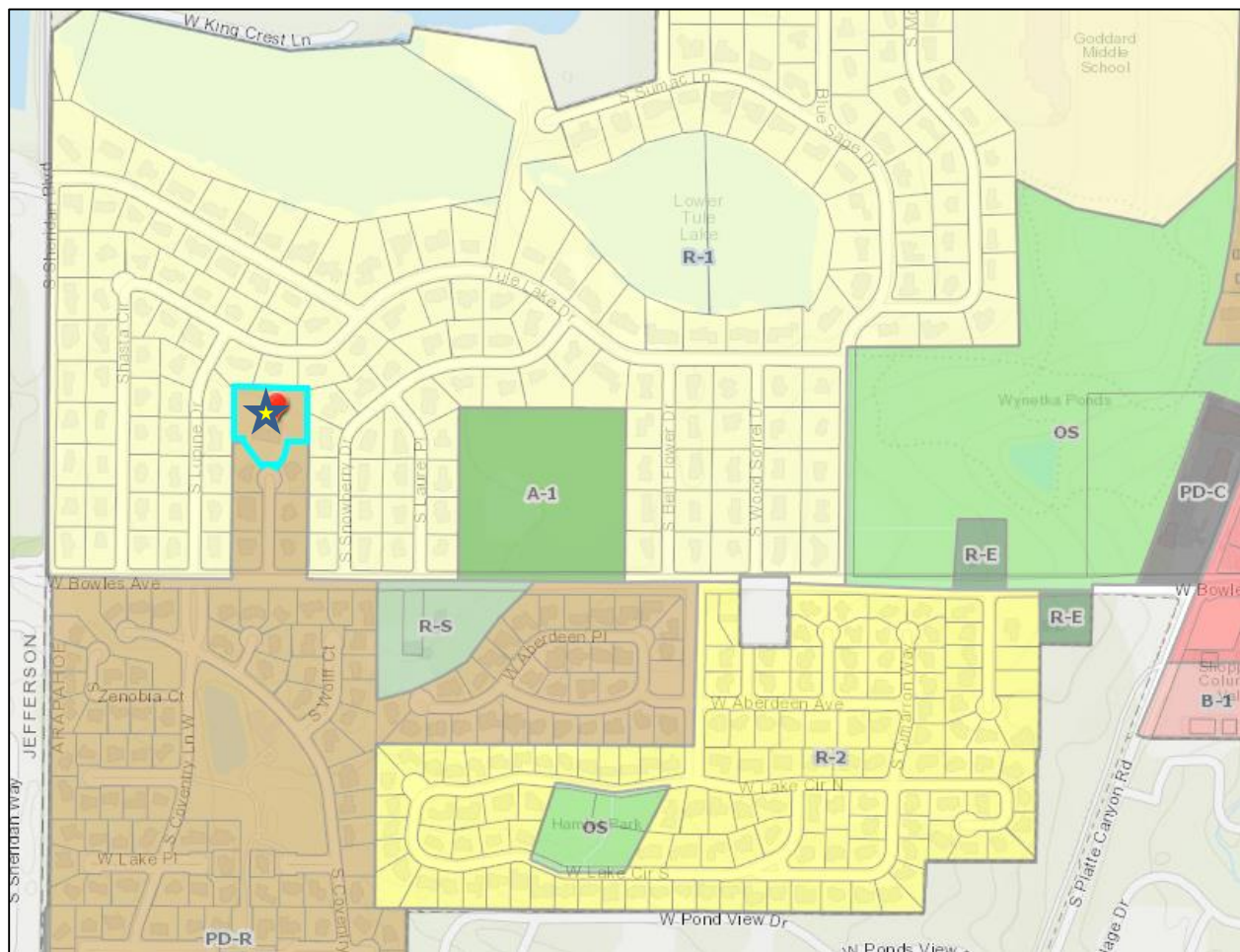
Minor Subdivision Plat
(Preliminary and final plats reviewed by staff and decision by city council)

An Amendment to a Planned Development requires a quasi-judicial decision in conformance with the City of Littleton Rules of Procedure for Quasi-Judicial Proceedings.

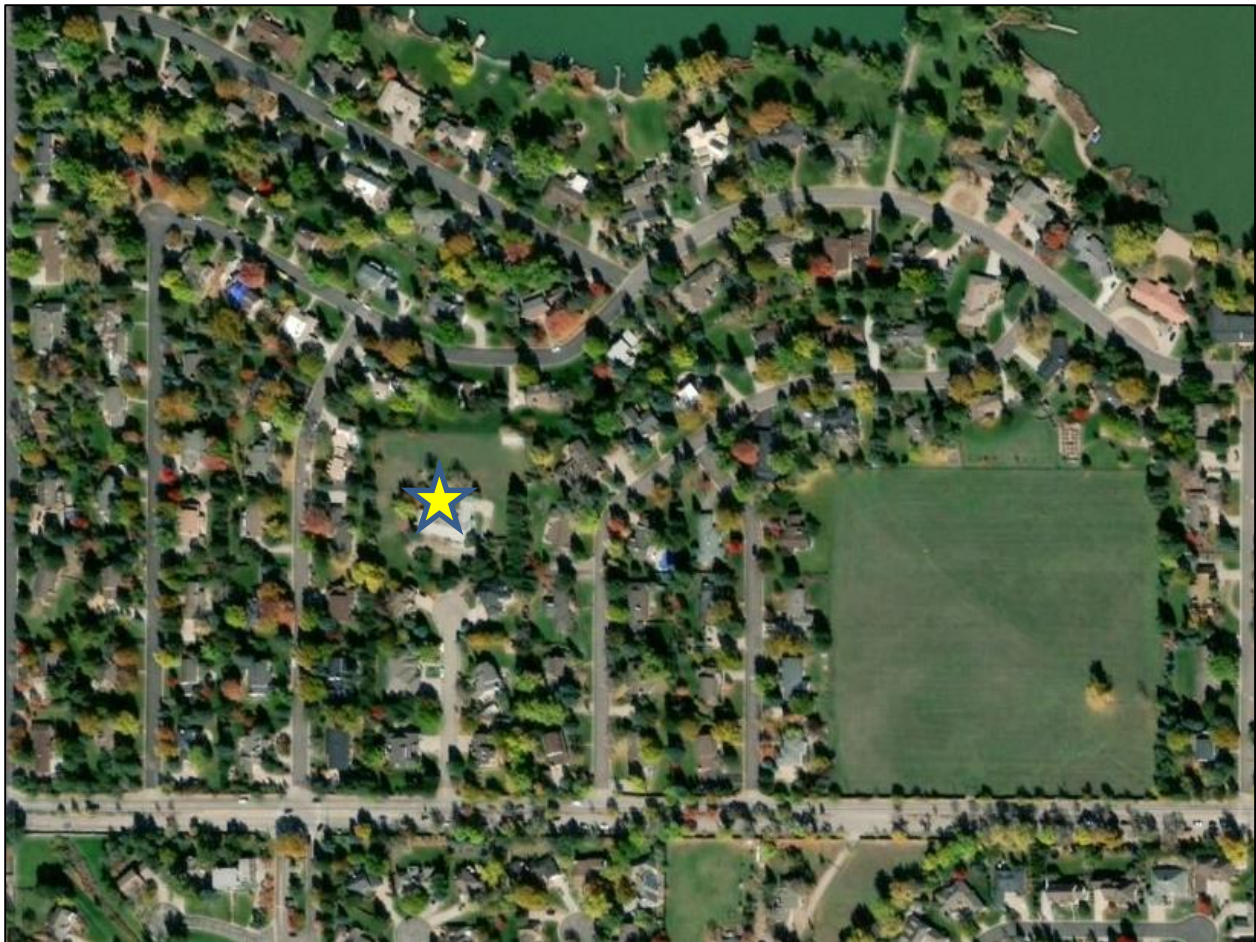
Following the amendment to the planned development, the next step in the proposed project would be a minor subdivision to divide the subject property into three lots for single family residential development. Technical issues such as drainage, grading and utilities are also reviewed during subdivision review of preliminary and final plats. Following the subdivision of the subject property, single-family dwellings can be approved through the building permit review process.

LOCATION:

The site is located at 5828 S. Paintbrush Court.



Zoning



Aerial

BACKGROUND:

Timeline

<i>March 15, 2018</i>	<i>Pre-application meeting held</i>
<i>August 8, 2018</i>	<i>Application submittal</i>
<i>August 30, 2018</i>	<i>Review comments sent</i>
<i>September 6, 2018</i>	<i>Application resubmittal</i>
<i>September 27, 2018</i>	<i>Review comments sent</i>
<i>October 2, 2018</i>	<i>Application resubmittal</i>

APPLICATION DETAILS:

The request is to amend the Bow-Mar planned development (PD) in order to facilitate the subdivision of the subject property. The existing PD approved was approved in 1985 and subsequently amended in 1989. The PD includes language that prevents the subdivision of the lots that were originally platted in the Bow-Mar Estates Subdivision as shown in **Figure 1** on the following page.

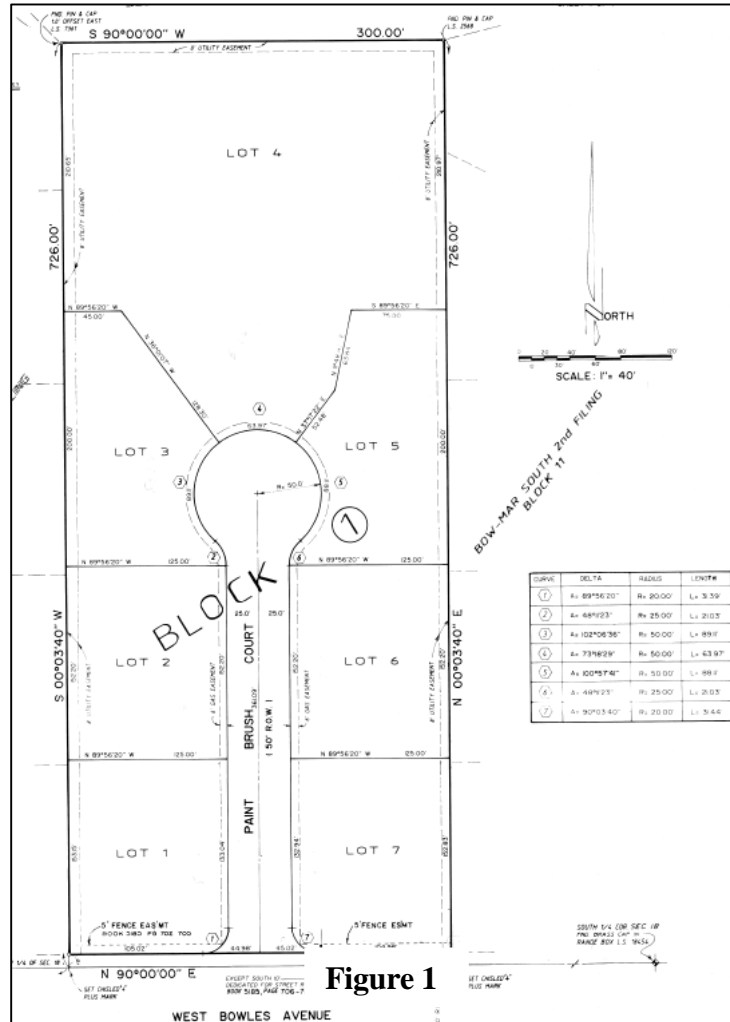


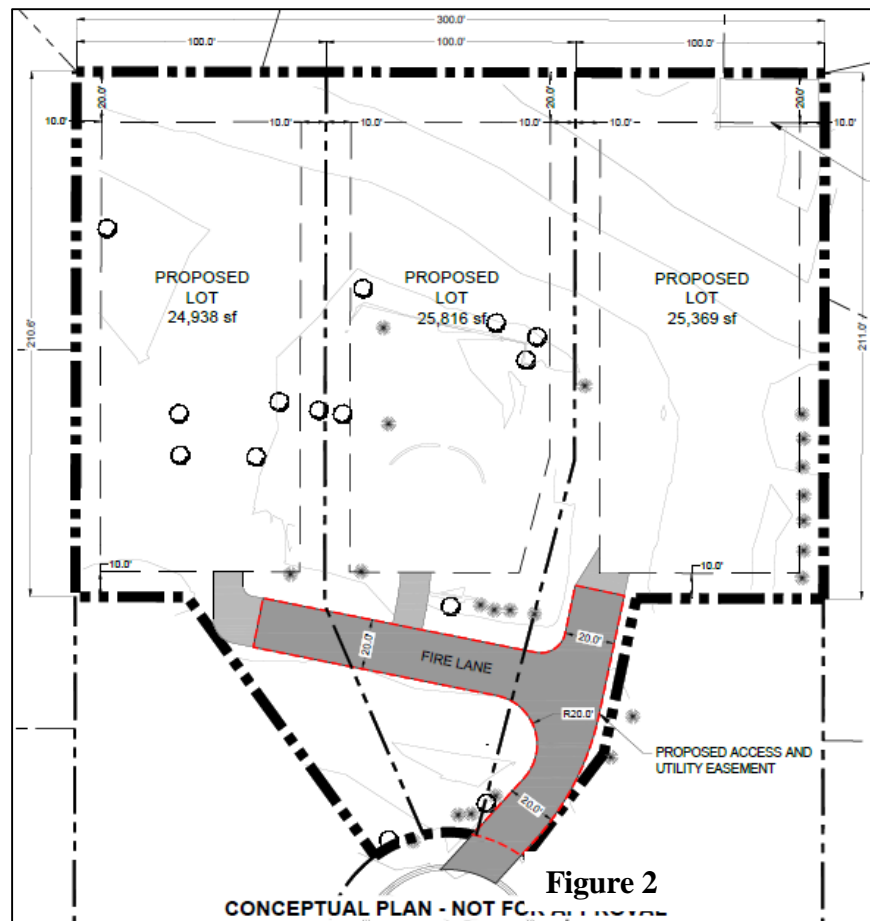
Figure 1

The amendment to the planned development (APD) would remove language on the development plan that prevents the further subdivision of the subject property which is known as Lot 4, Block 1. The existing PD establishes “Land Use & Covenants” that govern development within the planned development. These covenants establish permitted land uses, minimum lot sizes, building setbacks, maximum building heights, and other standard lot requirements. The covenants also include language that specifically prevents further subdivision of the subject property as note 1.d. states that “lot #4 is existing and shall remain.” The language in Note 1.d. would prevent the subdivision of the subject property even if the other minimum lot requirements of the PD could be met.

The APD application would only affect Lot 4, and would not apply to the other six lots within the PD. Along with the removal of Note 1.d., the application seeks to make several other changes to the PD in order to modernize the zoning and align the zoning more closely with the surrounding R-1 zone district. The applicant collaborated with staff to identify redundant language and portions of the “land use & covenants” that are already addressed by the City Code. The APD would remove notes that prohibit stores, offices, and businesses, visible satellite dishes and antennas, clotheslines and equipment, and livestock and poultry. The only permitted principal use in the APD is single family residential, but the provisions proposed to be removed would prevent future property owners

from operating a home occupation or using their property in a way that is otherwise allowed in residential zone districts. In order to compensate for the removal of these notes, the proposal adds language that states *“Any element of the construction, location, design, use, or operation of land or buildings not specifically shown on this Planned Development Plan in graphic or written form shall conform to the requirements of the R-1 Zone District.”* The removed notes pertain to land use issues that are addressed in other sections of the City Code, and through the inclusion of the new note, these uses will align with the R-1 zoning district and will be more efficiently reviewed and enforced by city staff.

While the APD removes language to facilitate the subdivision of Lot 4, Block 1, the amendment does not make any changes to the minimum lot size requirement or the maximum allowed density that was originally established by the PD. The subject property is significantly larger than the other lots in the planned development and could potentially be divided into three lots while still maintaining the minimum lot size requirement of 20,037 square feet (0.46 acres). The original PD does not establish a minimum lot width or lot frontage requirement and the proposed amendment would establish a minimum lot width of 16 feet. As a part of the APD, the applicant provided a conceptual drawing that demonstrates how the subject property might be subdivided. The conceptual drawing proposes a shared access easement that follows the existing driveway in order to provide access to the lots and reduce disturbance to the site. As indicated on Figure 2 below, this is only a conceptual plan and the technical details of this plan will be reviewed during the subdivision process.



Zoning Requirements

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

Comparison of existing zoning requirements and the proposed use

	Existing PD-R Zoning Bow-Mar Estates Planned Development	PD-R Zoning Bow-Mar Estates Planned Development Amendment No. 2
Uses	Single Family Residences	Single Family Residences
Site Area	~4.93 acres	~1.75 acres (76,020 sq. ft.)
Building Setbacks	Rear: 20 feet Front: 25 feet Side (north): 5 feet Side (south): 10 feet Side (east): 5 feet Side (west): 10 feet	Rear: 20 feet Front: 25 feet Side (north): 5 feet Side (south): 10 feet Side (exterior): 15 feet
Minimum Lot Size	19,000 square feet (~0.43 acres)	20,037 square feet (~0.46 acres)
Maximum Density	1 dwelling per 0.46 acres	1 dwelling per 0.46 acres
Minimum Land	Single story: 2,000 square feet per	Single story: 2,000 square feet per

	Existing PD-R Zoning Bow-Mar Estates Planned Development	PD-R Zoning Bow-Mar Estates Planned Development Amendment No. 2
Area to be covered by structures	lot Two story: 1,600 square feet per lot	lot Two story: 1,600 square feet per lot
Minimum Lot Width	None	16 feet
Parking Ratios	2 spaces per dwelling	2 spaces per dwelling
Unobstructed Open Space	50% minimum	50% minimum
Maximum Building Height	30 feet	30 feet

CRITERIA & STAFF ANALYSIS:

The following is the analysis of the proposal for compliance with the provisions of Title 10 of the Littleton City Code (LCC), 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 amendments to the Bow-Mar Estates PD would potentially allow for the creation of two additional lots where one lot currently exists. The subject property lies at the north end of a one-way public street that provides access to six other residential lots. Future development of the subject property would increase the annual average daily trips on Paintbrush Court by approximately 19 trips per day according to the Institute of Transportation Engineers (ITE) publication “Trip Generation, 7th Edition”, which is not found to be significant increase in traffic over what currently exists. The proposed amendment does not reduce the minimum lot size requirement of the PD and any future subdivision would not create density that is greater than the existing lots in the planned development or the surrounding R-1 zone district. The proposed APD does not expand the permitted principal uses beyond those which are already permitted within the Bow-Mar Estates PD-R zoning. Due to the minor nature of the proposed changes, and the consideration that the proposal does not seek to amend the principal uses or minimum lot size, the amendment to the Bow-Mar Estates PD promotes public health, safety, and general welfare and does not undermine the intent of the original PD approval.

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 application seeks to remove the language in the Bow-Mar Estates PD that precludes

the subdivision of the subject property. By maintaining the minimum lot size and density limitations that were originally established by the PD, the application would not enable the creation of any lots that are inconsistent with the other lots in the PD. The concept of utilizing a shared access drive represents a creative solution that could reduce the physical impacts to the subject property and the neighboring lots that share the cul-de-sac. By establishing a minimum lot width of 16 feet and considering the use of a shared access drive, the application seeks to more effectively utilize the subject property for residential development without increasing the density of the PD. As proposed on the APD, the access would be reviewed for compliance with accepted engineering and fire standards to ensure that any shared access could accommodate the future residential development. The application is consistent with this intent statement.

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.*

The proposed amendment would allow for the development of up to three residential dwellings where only one is currently allowed. This will more efficiently utilize the subject property to meet the growing demand for housing in the City of Littleton. The application is consistent with this intent statement.

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 proposal does not amend the permitted principal uses on the subject property. The PD-R zoning limits the uses to residential uses and the APD states that only single family residences are proposed. By allowing for more flexibility of the redevelopment on the subject property, the application allows for development to meet the contemporary needs of the 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.*

The proposed amendment to the PD would establish a lot width and frontage requirement of 16 feet and potentially allow for the use of a shared access drive to convey vehicles to-and-from the public right-of-way. These design considerations address the specific constraints presented by the size and shape of the subject property to allow for more efficient development without negatively impacting the health, safety, and general welfare of the neighborhood. The application is consistent with this intent statement.

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.

The proposal does not seek to increase the intensity of development beyond what is permitted across the remainder of the planned development. The details and technical issues surrounding the utilities and drainage will be reviewed during the subdivision and building permit processes. The APD could potentially allow for two additional dwellings at the north end of S. Paintbrush Court. Paintbrush court is a short dead-end street that terminates at a cul-de-sac immediately south of the subject property. The annual average daily trips (AADT) produced by a single family dwelling is 9.57 trips per day according to the Institute of Transportation Engineers (ITE) publication “Trip Generation, 7th Edition”. The addition of two additional dwelling units will increase the average daily trips by approximately 19.14, which is not considered to be a significant increase to S. Paintbrush Court or W. Bowles Ave. and would not result in significant negative impacts to the transportation system. The application is consistent with this intent statement.

The open space requirement for the Bow-Mar Estates PD is 50 percent and the proposed amendment maintains this requirement by requiring that each lot retains at least 50 percent open space. The amendment does not make any changes to the setback requirements along lot lines that are internal to the development, but establishes a 15-foot side setback from lot lines that share the exterior boundary of the planned development. This increased side setback from the PD boundary helps to mitigate negative impacts to adjacent properties outside of the PD. The application is consistent with this intent statement.

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 Goddard Neighborhood as identified by the City of Littleton Comprehensive Plan. The Goddard Neighborhood establishes six goals:

Goal 1: The proposal preserves the existing character of the neighborhood as exemplified by single-family residential uses, open space and suburban atmosphere by maintaining the same minimum lot size requirement established in the Bow-Mar Estates PD and requiring that any new lot retain at least 50 percent unobstructed open space.

Goal 2: The proposed amendment does not modify the permitted principal uses on the subject property and does not allow for the encroachment of strip commercial development into residential areas.

Goal 3: There is no intergovernmental component of this review. The subject property and surrounding properties are all within the City of Littleton. This goal is not applicable.

Goal 4: There is no public transportation service component of this proposal. However, the proposal does not discourage the development of public transportation and does not conflict with this goal.

Goal 5: The proposed amendment does not include any public recreation facilities. The original PD was approved without any public open spaces but required a minimum of 50 percent unobstructed open space. The proposed amendment includes a requirement that each lot reserve 50 percent of the land area as private unobstructed open space which will provide recreational areas for the residences.

Goal 6: In addition to the removal of language that prohibits the subdivision of the subject property, the proposed amendment makes other changes to the language in the PD to align the PD-R district with the City Code. For example, the amendment removes language that states: *all rubbish, trash, or garbage shall be removed from the lots and shall not be allowed to accumulate and shall not be burned thereon*. Removing this language clarifies that the properties are subject to enforcement of section 7-4-3 of the LCC and removes the redundancy that this statement creates. This modification supports code enforcement programs to minimize nuisance and protect property owners from adverse impacts of poor maintenance as stated in the Neighborhood Goal.

The application is consistent with this intent statement.

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood outreach meeting on August 1, 2018, at the Edwin A. Bemis Library. Mailed public notice of the APD proposal was also sent to all property owners within the Bow-Mar Estates planned development and all of those properties directly adjacent to the Bow-Mar Estates planned development. Notice of a public hearing was posted on the subject property and at city locations in advance of the planning commission meeting in compliance with the city's public notice requirements.

OUTSIDE REFERRAL AGENCIES:

No outside referral agency responded with significant concerns with the understanding that technical details will be reviewed during the subdivision and building permit reviews (see the attached outside referral agency matrix).

STAFF RECOMMENDATION:

Based on staff's analysis, it appears the proposed planned development amendment is in compliance with the approval criteria in LCC section 10-2-23, as detailed in the attached staff report. Therefore, staff recommends approval of PC Resolution 37-2018, recommending council approval of the Bow Mar Estates planned development amendment.