



# Staff Report

**Meeting Date:** January 27, 2020

**Planner:** Elizabeth W. Kay Marchetti, Senior Planner

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## APPLICATION SUMMARY:

**Project Name:** Highland Square Oakbrook Commercial Center PD 2<sup>nd</sup> Amd.

**Case Number:** APD19-0001

**Application type:** Amendment to a General Planned Development Plan

**Location:** 501 E. County Line Road, Littleton, CO  
(northwest corner of E. Phillips Ave. and E. County Line Rd.)

**Size of Property:** 1.33 acres

**Zoning:** PD-C (current); PD-C (proposed)

**Applicant:** Mr. Steve Morris

**Applicant's  
Representative:** Mr. Steve Brown

**Owner:** Mr. Steve Morris

**Applicant Request:** Approval of an amendment to a general planned development plan.

## PROCESS:

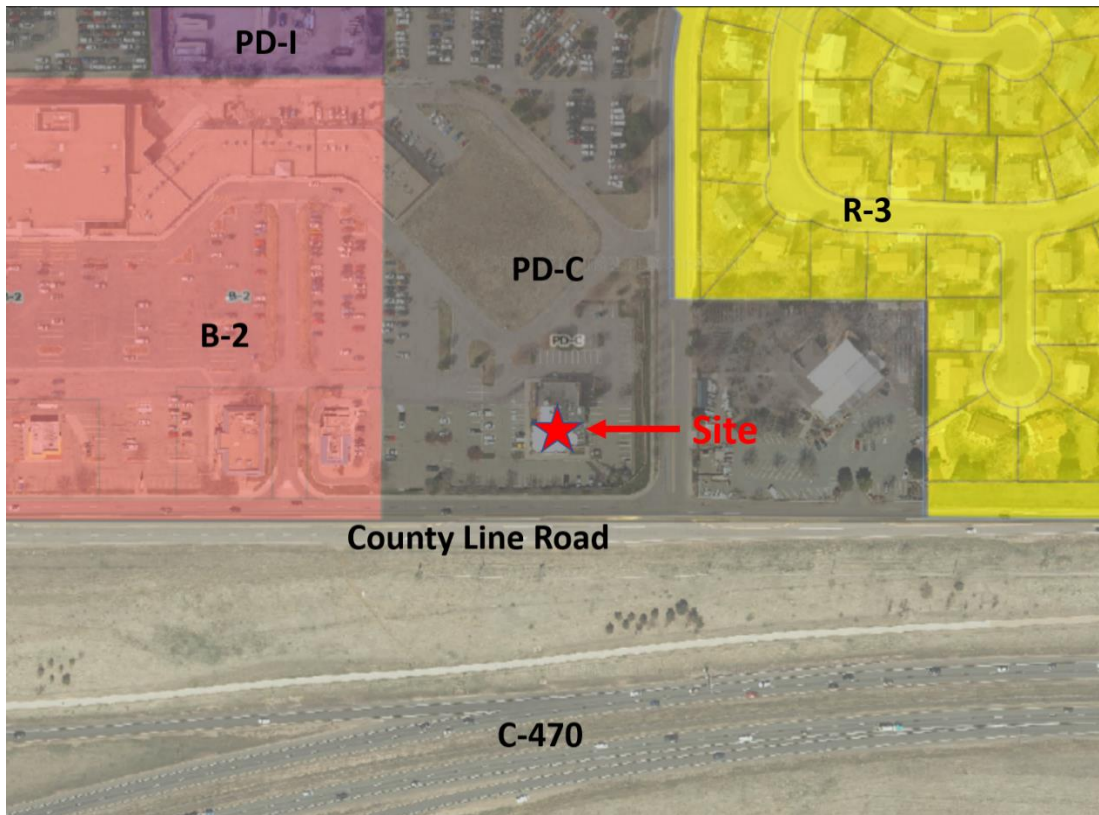
- Amendment to a general planned development plan  
(recommendation by planning commission at January 27, 2020 hearing and decision by city council at March 3, 2020 hearing)

Conditional use permit  
(Planning Commission)

An amendment to a general planned development plan requires a quasi-judicial recommendation by the planning commission and decision by city council. The planning commission should weigh the application against the stated intent of Planned Development Districts as written in Title 10, Chapter 2, Section 23 of the Littleton City Code (LCC).

Following the amendment to a general planned development plan the next step in the development review process is a request for approval of a conditional use permit. A new allowed use, maximum building footprint and maximum building height are being determined today. Technical issues such as drainage, architecture, landscaping, and parking are reviewed with the sketch plan as part of the conditional use permit process.

**LOCATION:** 501 E. County Line Road



(Aerial photograph of the site, its surroundings including County Line Road and C-470, and all area zone district classifications.)

**BACKGROUND TIMELINE:**

August 16, 1983	Highland Square Oakbrook Commercial Center SDP/PD approved by City Council
October 2, 1984	Safeway Oakbrook Shopping Center Final Plat approved by City Council
March 15, 1996	Safeway Oakbrook Shopping Center GDPD approved by City Council
March 9, 1996	Carrabba's Italian Grill Site Development Plan approved by City staff
October 11, 2018	Pre-application meeting with City staff
July 2, 2019	Land Development Application is submitted for this request

**APPLICATION DETAILS:**

The request is to approve the Second Amendment to the Highland Square Oakbrook Commercial Center SDP/PD (PD), which will affect only Pad A within Parcel 1B. The PD's "Statement of Development Objectives" says that, "One of the major objectives to evolve from the development of this Project is the desire to be sensitive to the adjacent neighborhood. This concern is critical to the overall success of the Project."

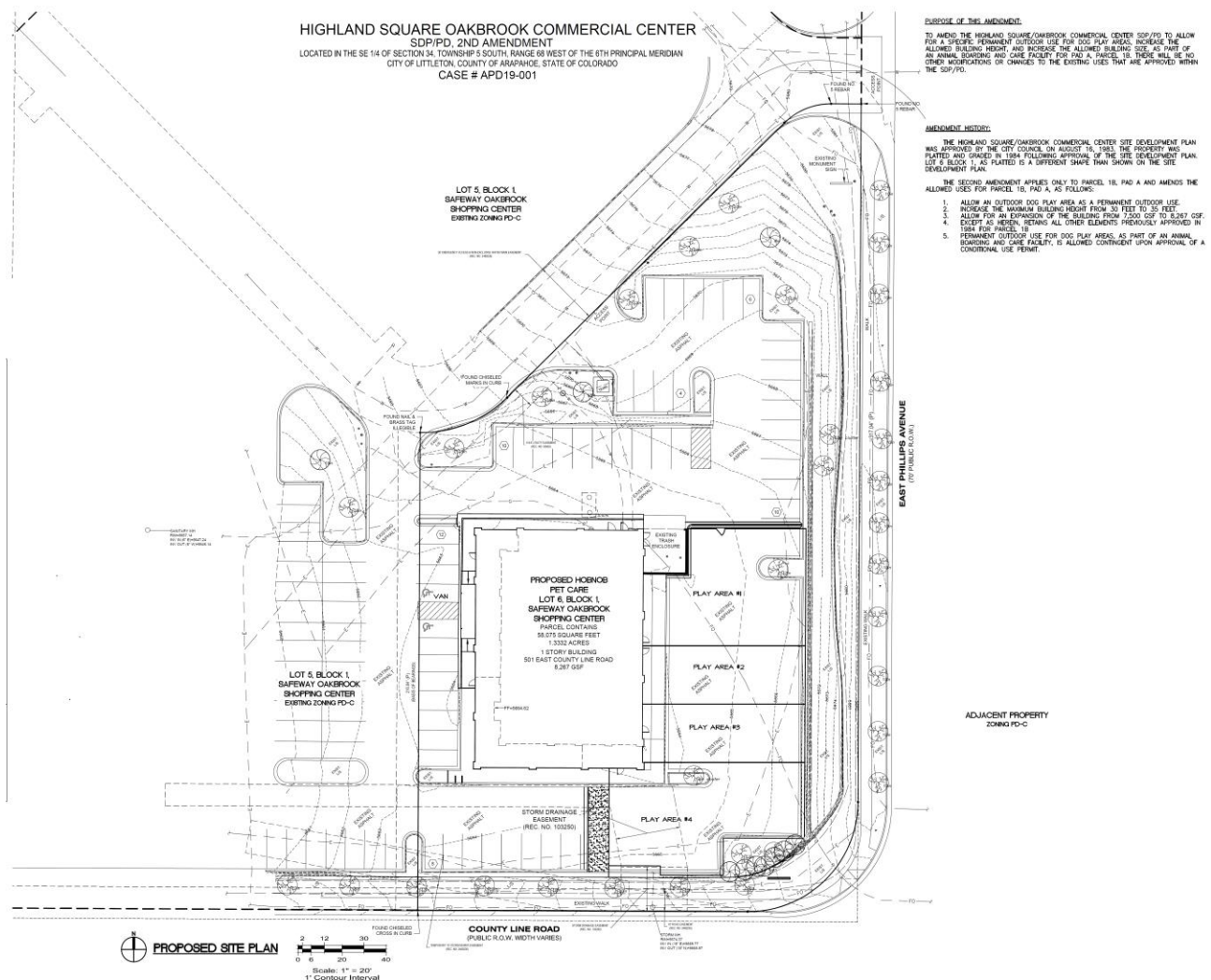
The subject site is also known as Lot 6 Block 1 of the Safeway Oakbrook Shopping Center, which is a 1.33-acre site. Pad A is approximately twenty (20) feet below E. Phillips Avenue, which is the eastern border of the lot. Retaining walls run the length of the lot from the north to south along the eastern boundary and from west to east along the southern boundary of the lot. Both E. County Line Road and E. Phillips Avenue rise above the site on the south and east. Visibility of the building is further limited from E. County Line Road by the mature trees which grow above the retaining walls along the eastern and southern boundaries of the lot.

The existing structure was built in 1996 and has been used only by two different restaurants.

The applicant purchased the building in April 2019 with the intent of operating an animal boarding and facility with an outdoor play area for dogs. The Operation Summary provided by the applicant explains that a future doggy daycare would accommodate between 75 and 150 dogs.

The three proposed changes are to allow for:

1. an increase in the allowed building height for the sole purpose of building an uninhabitable tower feature on the southwest corner of the building;
2. allow for an increase in the maximum building footprint from 7,500 square feet to 8,267 square feet (a 767 s.f. increase); and
3. allow for the permanent outdoor use by a dog play area should the Planning Commission in the future approve a Conditional Use Permit for an animal boarding and care facility.



(Page 2 of the 2<sup>nd</sup> Amendment to the Highland Square Oakbrook Commercial Center SDP/PD showing the expanded building footprint and boundary of the potential outdoor dog play area to the east side of the building.)

## Zoning Requirements

### Comparison of existing zoning requirements and the proposed use

	Existing PD-C Zoning Highland Square Oakbrook Commercial Center SDP/PD	Proposed 2nd Amendment to Highland Square Oakbrook Commercial Center SDP/PD
<b>Uses</b>	Parcel 1B shall be all those uses permitted under the B-2 District, except...any permanent outdoor uses.	1. Allow an outdoor dog play area as a permanent outdoor use. 5. Permanent outdoor use for dog play areas, as part of an animal boarding and care facility, is allowed contingent upon approval of a conditional use permit.
<b>Building Footprint – Pad A Retail</b>	7,500 gross square feet	8,267 gross square feet
<b>Maximum Building Height – Pad A Retail</b>	30'-0"	Increase the maximum building height from 30 feet to 35 feet only for the purpose of accommodating an uninhabitable tower element at the southwest corner of the building on Parcel 1B. A certificate of occupancy will not be issued for the tower element if it is constructed.

### CRITERIA & STAFF ANALYSIS:

An Amendment to a General Planned Development Plan may be recommended for approval based upon the Planning Commission's findings of compliance with the following Sections of the LCC and the Citywide Plan (in effect at the time of the application).

**Section 10-2-23 (B) 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 proposed amendment to a general planned development plan allows for the adaptive re-use of a commercial building to accommodate an in-demand use; specifically, a possible doggy day care. The amendment enables the adaptation and success of an older shopping center.

**Section 10-2-23 (B) 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 amendment is not proposing any new housing; this is not applicable.

**Section 10-2-23 (B) 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 amendment would create development standards that would support the adaptive re-use and redevelopment of the existing building into a future animal boarding and care facility. Should a conditional use permit be approved by the planning commission sometime in the future, an animal boarding and care facility

could begin offering its services. The Oakbrook Shopping Center has not offered animal boarding and care services and the demand for such services is currently very strong. There is the potential for synergy between a future doggy day care and the veterinary hospital that is under construction to the northwest of this site.

**Section 10-2-23 (B) 4.** *Provide a process which relates the design and development of a site to the particular characteristics of the site.*

The application review process explored the possible impacts due to traffic, solid waste, noise, the increased building height, and expanded building footprint. The process resulted in a noise study being conducted and submitted to the City for review along with a waste management plan. Noise, odor, and solid waste management would also be reviewed during the Conditional Use Permit process should the proposed PD amendment be approved.

**Section 10-2-23 (B) 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. -and-*

**Highland Square Oakbrook Commercial Center SDP/PD Statement of Development Objectives** *One of the major objectives to evolve from the development of this Project is the desire to be sensitive to the adjacent neighborhood. This concern is critical to the overall success of the Project.*

- Water, sewer, electricity, and phone service have been available at this site for many years. The amount of open space on the site remains the same.
- Drainage systems are in place and no changes are being proposed. The possible new tower element on the southwest corner of the building will not increase the impervious surface of the site nor would the change in use from a restaurant to a doggy day care.
- Traffic impacts were studied, and it is expected that a doggy daycare would result in a decrease in overall traffic compared to the amount generated by the existing restaurant. The peak times for traffic would change from a restaurant's with afternoon and evening peak hours to a doggy day care's peak hours occurring in the morning and early evening. This topic would also be studied again should the applicant pursue a Conditional Use Permit with site development plan.
- The proposed increase to the building footprint is subtle and was determined not to be a negative impact upon either the neighboring commercial users or the residences to the northeast and above the site.
- The proposed thirty-five (35) foot height for a new tower element on the southwest corner of the existing building was determined to be another subtle change to the development pattern within the Oakbrook Commercial Center. Pad A on Parcel 1B is at a visual disadvantage compared to other businesses due to its location below both County Line Road and Phillips Avenue. The lot's comparatively lower elevation assures that the visual impact of a slender tower element to adjacent neighbors would be negligible. The applicant confirmed that the tower element would not be habitable and is proposed to allow for better visibility of the business by vehicles traveling on County Line Road.
- The question of solid waste was addressed through the waste management plan.
- The potential for noise was evaluated by Wave Engineering. Several iterations of the sound study were submitted and the final version, attached within the application materials, fully accounts for the possibility

of noise being generated by 150 dogs. Their January 13, 2020 study concludes that fluctuating noise generated by up to 150 dogs in an outdoor play area will not exceed the limits established by 7-3-6 of the City Code. The findings of the study conclude that the future fence for the outdoor play area will further mitigate sound impacts beyond what the existing retaining walls and distance between uses accomplishes.

- More detailed questions regarding site design, parking, architecture, noise, and odor would again be reviewed during a Conditional Use Permit with site development plan should the applicant choose to pursue that course.

**Section 10-2-23 (B) 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 proposed amendment to a general planned development plan was submitted when the previous comprehensive plan for the City, “Citywide Plan” was in effect along with the South Neighborhood Plan.
- The proposed amendment supports the Vision for the Future of Littleton, which includes the following statements: *Promote a vibrant economy for individuals, businesses, and the city as a whole and Strive for sustainability in economic, environmental, and social decisions.* By reusing the existing building and taking advantage of the existing infrastructure and services the possible future doggy daycare would be able to provide an in-demand service without demolishing a building and consuming the resources necessary to rebuild. This transition of a building from one use to another supports the economic vibrancy and environmental sustainability of the City.
- The proposed amendment would support the start of a new service and retail enterprise in support of Policy 1.3. Residents and non-residents are expected to engage the doggy daycare services that are currently in demand.
- Land Use Policy 1 from the South Neighborhood Plan states, *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 noise study conducted by the applicant’s sound engineers took a conservative approach and used several worst-case scenarios to establish the potential impact of an outdoor dog play area. The retaining walls and the distance from the play area to its neighbors also, according to the study, contribute to ensure that estimated noise will not exceed the City’s permitted limits.
- The applicant states that should a Conditional Use Permit be approved for an animal boarding and care facility the outdoor play area will be screened via fencing which will help mitigate the visual impact of dogs playing and an auditory impact of dogs barking. The lower elevation of the building and the retaining walls with mature trees on top along the east side of the site provide visual buffer between the residence to the east and the commercial building.

#### **NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:**

The applicant conducted one neighborhood outreach meeting on November 15, 2018. The applicant’s summary of the neighborhood meeting is included in the Neighborhood Meeting and Public Input attachment. Mailed public notice of the amendment to a general planned development plan proposal was also 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 tonight’s board meeting in compliance with the city’s public notice requirements.

#### **OUTSIDE REFERRAL AGENCIES:**

All issues and concerns raised by referral agencies have been addressed by the applicant.

**STAFF RECOMMENDATION:**

Based on staff's analysis, it appears the proposed amendment to a general planned development plan complies with the pertinent goals and policies of the city's comprehensive plan and meets the intent of a planned development district. Therefore, staff recommends approval of PC Resolution 01-2020, for the second amendment to the Highland Square Oakbrook Commercial Center SDP/PD at 501 E. County Line Road.