



Littleton

Legislation Details (With Text)

File #: Ordinance 29-2014 **Name:**

Type: Ordinance **Status:** Passed

File created: 6/24/2014 **In control:** City Council

On agenda: 9/16/2014 **Final action:** 9/16/2014

Title: Ordinance on second reading approving the rezoning of a portion of the Broadridge Plaza Shopping Center known as 6905 South Broadway from B-1 Neighborhood Business District to B-2 Community Business District.

Sponsors:

Indexes: Council Goal 1: Assure a financially-sound city government

Code sections:

Attachments: 1. Broadridge Plaza Shopping Center Ordinance 2014-29, 2. Broadridge Plaza Shopping Center Vicinity Map, 3. Planning Board Resolution No. 2014-05, 4. Application materials, 5. Neighborhood Meeting Summary, 6. PDO revised 08-14-14

| Date | Ver. | Action By | Action | Result |
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| 9/16/2014 | 3 | City Council | | |
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Agenda Date: 09/16/2014

Subject:
Ordinance on second reading approving the rezoning of a portion of the Broadridge Plaza Shopping Center known as 6905 South Broadway from B-1 Neighborhood Business District to B-2 Community Business District.

Presented By: Glen Van Nimwegen Community Development Director, AICP

POLICY QUESTION:

Does the city council support the proposed rezoning allowing additional permitted uses in the Broadridge Plaza Shopping Center?

BACKGROUND:

The shopping center site, which is approximately 10.94 acres, is zoned B-2, Community Business District and B-1, Neighborhood District. The westerly portion of the site, adjacent to the residential neighborhood is zoned B-1. The easterly portion fronting South Broadway is zoned B-2. The applicant is requesting to rezone the B-1 portion of the property to B-2, with a planned development overlay to restrict certain uses.

Historically shopping centers were assigned both the B-1 and B-2 zoning designations. The B-1 zoning was sited adjacent to residential uses and the B-2 zoning was located toward the front of the property along the public right-of-way. The intent of the split zoning was to provide a transition between commercial uses and the adjacent residential area.

The owner of Broadridge Plaza Shopping Center has experienced problems leasing space in the western portion of the shopping center because the permitted uses are limited. Recently, a health and fitness club inquired about leasing the former fabric/grocery store space and found that health and fitness clubs are not permitted in the B-1 zone district.

The B-1 and B-2 zone districts permit retail sales and personal services directed toward serving the immediate neighborhood and surrounding community, respectively. The permitted land uses are similar. The most notable difference is the B-2 zone district allows for motor-vehicle related services, recreation, amusements and entertainment uses that are not permitted in the B-1 zone district.

STAFF ANALYSIS:

Proposed B-2 (Community Business District) Zoning and Planned Development Overlay:

The B-2 zone district allows a number of uses that are not compatible with residential uses that are directly adjacent. Therefore, staff recommends a planned development overlay be tied to the zoning to ensure the proposed land uses are compatible. The proposed rezoning benefits the owner by increasing the number of possible uses and the PDO is used to ensure that those uses are compatible with the adjacent residential properties.

In determining compatible uses, the impacts of the proposed B-2 uses were compared to the existing and former uses. There are other appropriate B-2 uses that are similar in character and impact when compared to the uses permitted in the B-1 zone district. The planned development overlay presented to the planning board proposed the following permitted (P) land uses:

| PERMITTED USES | B-2/PDO |
|---|----------------|
| All uses permitted in the B-1 Zone District | P |
| 2.00 SERVICES AND ENTERPRISES RELATED TO ANIMALS | |
| 2.12 Treatment and boarding of small animals within enclosed structure | P |
| 2.60 Animal boarding and care facility | P |
| OFFICE, CLERICAL, AND SERVICES NOT RELATED TO GOODS OR MERCHANDISE | |
| 5.50 Ambulance facilities | P |
| 6.00 RESTAURANT/FOOD SERVICE | |
| 6.20 Service within enclosed area under roof with drive-through facility | P |
| 6.40 Automotive curbside service | P |
| 10.00 MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS | |
| 10.42 Services related to cleaning (e.g., car washes), mechanical (e.g., engine steering, drive train, tires, brakes) and body repair | P |
| 11.00 RECREATION, AMUSEMENT, ENTERTAINMENT | |
| 11.11 Bowling alleys, ice skating and roller-skating | P |
| 11.12 Movie theater/theaters | P |

| | |
|---|---|
| 11.15 Indoor amusements not included in 11.11 | P |
| 11.16 Health/recreation clubs | P |

In addition, the proposed PDO as presented to the planning board specifically excluded the following B-2 district permitted uses and conditional uses:

EXCLUDED USES

- 7.12 Pawnshops
- 10.10 Sales of automobiles by licensed dealers
- 10.11 Sales of new automobiles
- 10.12 Sales, leasing, rental, or pawning of used motor vehicles
- 10.20 Sales of gasoline
- 15.20 Correctional facility, other than county jail

EXCLUDED CONDITIONAL USES

- 11.13 Teen club
- 11.20 Activity conducted primarily outside enclosed structure

PLANNING BOARD RECOMMENDATION:

On August 11, 2014, the planning board reviewed the proposed planned development overlay as described above and expressed concerns regarding several of the proposed permitted uses. The planning board unanimously voted to approve the planned development overlay (PDO) with the following conditions.

1. The property is rezoned to B-2, Community Business within one year.
2. The following note is added to the PDO prior to recording: “The uses and standards stated in this PDO do not specifically apply to unit 15, but apply to the entire portion of the property as described in the stated legal description of 5.32 acres.
3. The uses: 6.20 (service within enclosed area under roof with drive-through facility), 6.40 (automotive curbside service), 5.50 (ambulance facilities), and 10.42 (cleaning services (e.g. car wash)) are removed as permitted uses on the PDO plan and added to excluded uses.
4. Use 2.60 (animal boarding and care facility) is removed as a permitted use on the PDO plan and added to a new category for conditional uses.

In conjunction with the above approval, the planning board unanimously voted to forward a favorable recommendation of approval to the city council on the proposed rezoning with the condition that the applicant submit the Broadridge Plaza Shopping Center Planned Development Overlay Plan, as conditionally approved by the planning board, for recording within one year in accordance with section 10-1-9(E) of the city code. In the event the applicant does not meet such submittal requirements, the planned development overlay and rezoning shall be null and void.

The applicant and staff concur with the planning board’s conditions of approval. Both Planning Board Resolution 2014-05 and the attached PDO reflect the board’s conditions of approval and are provided to council for reference.

Consistency with the Comprehensive Plan:

Section 10-12-1 of the city's zoning ordinance requires that zoning amendments be consistent with the goals and policies of the comprehensive plan and promote the general welfare of the community. It is staff's opinion that the proposed rezoning is consistent with the pertinent goals and policies of the city's comprehensive plan and promotes the general welfare as follows:

City Wide Plan:

Goal 1: A Dynamic Littleton

Policy 1.1 - Generate more opportunities for residents to live, shop, and play where they work, and to work, shop, and play where they live.

- Adjacent residential properties and the community will benefit from the proposed rezoning through additional shopping and employment opportunities.

Policy 1.2 - Create the circumstances that will encourage dynamic, innovative employers to locate within the city.

- The proposed rezoning increases the number of permitted uses which will establish opportunities for a greater variety of employers.

Policy 1.3 - Draw retail that will provide the goods needed and desired by residents while capturing retail sales from both residents and non-residents.

- The proposed B-2/PDO uses will attract residents from the surrounding community, which in this case may include residents from the City of Centennial. Businesses that locate in the shopping center will attract related businesses; both will capture retail sales from residents and non-residents.

Policy 1.7 Evaluate the redevelopment potential of blighted properties. Work with owners throughout the redevelopment process to encourage sustainable uses and structures. Design the redevelopment so that it mitigates its negative effects, if any, on adjacent uses and structures.

- The proposed rezoning allows the property owner more flexibility and greater opportunity in leasing vacant space within an existing shopping center. This will vitalize the shopping center and benefit the local economy by generating new interest and activity within the shopping center. The rezoning with the planned development overlay will ensure uses that will be compatible with adjacent uses and structures.

Ketring Park Neighborhood Plan:

The Ketring Park Neighborhood goals and policies focus on the preservation of the neighborhood, open space and general "quality of life" aspects, as well as prohibiting further development of new commercial and continued conversion of residential structures to commercial uses in existing single-family residential areas.

The proposed rezoning with the PDO does not conflict with these goals and policies since the proposal does not create new commercial areas that encroach on the residential areas. Instead the proposal improves the viability

of the existing commercial area by allow for additional permitted uses without impacting the integrity of the neighborhood.

Promotes the general welfare of the community:

The proposed rezoning will promote the general welfare of the community by giving the property owner more flexibility and greater opportunity in leasing the vacant space within an existing shopping center. This will vitalize the shopping center and create additional shopping and employment opportunities within the community, which will benefit the local economy.

Neighborhood Outreach:

On Thursday June 26, 2014, the owner of the property, Steve Scannell from Transmark Company, held a neighborhood meeting. Neighbors met in the former grocery/fabric store space, (Unit 15) the proposed location of the health and fitness club. A summary of the neighborhood meeting is attached.

FISCAL IMPACTS:

Building permit fees for tenant finishes.

STAFF RECOMMENDATION:

Staff finds that the proposed rezoning with the planned development overlay complies with the pertinent goals and policies of the city's comprehensive plan and the Ketring Park Neighborhood Plan and promotes the general welfare of the community. Staff recommends approving the proposed ordinance.

PROPOSED MOTION:

Motion to approve on second reading the ordinance approving the rezoning of a portion of the Broadridge Plaza Shopping Center property known as 6905 South Broadway from B-1 Neighborhood District to B-2 Community Business District.