



Staff Report

TO: Planning and Zoning Commission

THROUGH: Derek Holcomb, AICP, Deputy Director of Community Development

FROM: Michael Gradis, AICP, Planner II

DATE OF MEETING: September 28, 2016

DATE OF SUBMITTAL: September 21, 2016

SUBJECT: Smoky Hill United Methodist Church Rezoning Plan (LU-16-00171)

DISTRICT/LOCATION: District 4 – 19491 E Smoky Hill Rd. (<https://goo.gl/LMcPOy>)

1. **Executive Summary:**

The Smoky Hill United Methodist Church (the “Applicant”) is proposing to rezone its property consisting of 4.77 acres (the “Subject Property”) from Neighborhood Conservation (NC_{2A}) to General Commercial (CG) through the Land Development Code (LDC). The Applicant seeks to rezone the property from NC_{2A} to CG in order to permit the installation of a new freestanding monument sign that fits the context of the Smoky Hill Road corridor. The current NC_{2A} zoning permits smaller freestanding monuments signs commonly found in residential subdivisions, which is not consistent with the Smoky Hill Road corridor. Should the rezoning be approved, the Applicant is required to apply for a sign permit for all new signs to verify compliance with the LDC. There is no development or redevelopment of the Subject Property proposed as part of this rezoning application.

2. **Discussion:**

The Subject Property consists of a 4.77 acre site with a place of public assembly use (Smoky Hill United Methodist Church) and is currently zoned NC_{2A}. The Applicant has requested a rezoning to CG in order to construct a new freestanding monument sign that fits the context of the Smoky Hill Road corridor. The current NC_{2A} zoning permits smaller freestanding monuments signs commonly found in residential subdivisions, which is not consistent with the Smoky Hill Road corridor.. Should the rezoning be approved, the Applicant is required to apply for a sign permit for all new signs to verify compliance with the LDC.. There is no development or redevelopment of the Subject Property proposed as part of this rezoning application.

When the City of Centennial legislatively rezoned the Subject Property in 2015 (as part of the citywide legislative rezoning process), the City was required to rezone property to an equivalent zoning district. At the time of the legislative rezoning, the NC_{2A} zone district was selected for the Subject Property because it was the closest equivalent to the Mixed-Use Planned Unit Development (M-U PUD) zoning designation approved in 1982, and the previous Agricultural

(A-1) zoning designation (which allowed a place of public assembly use) placed on the property by Arapahoe County in the 1960s. The Applicant approached the City in early 2016 requesting to construct a freestanding monument sign of a similar size to others along the Smoky Hill Road corridor. The Applicant was subsequently informed by the City that the existing zoning did not permit the type of sign requested and that a rezoning to CG would be required, and encouraged by Staff, in order to enhance the consistency of zoning along Smoky Hill Road.

Staff supports the request to rezone the Subject Property to the CG zone district, as the CG zone district is consistent and compatible with other properties along Smoky Hill Road, a major arterial pursuant to the City’s Transportation Master Plan. The City has not received any land use applications for redevelopment of the Subject Property. Per the requirements of the LDC, any future site plan would be required to go through a public hearing process with the Planning and Zoning Commission and City Council.

A comparison of the current NC_{2A} to the CG zone district is made in the chart below. A copy of the Applicant’s rezoning request and rezoning plan are attached to this report.

Development Criteria Comparison Chart

	Existing Zoning	PROPOSED ZONING (LU-16-00171)
ZONING	NC _{2A}	CG
PERMITTED USES	Per Section 12-2-301, <i>Use Tables</i> of the LDC Generally: residential development	Per Section 12-2-301, <i>Use Tables</i> of the LDC Generally: commercial and mixed use development
BUILDING MAX HEIGHT	35 feet	50 feet
MINIMUM BUILDING/PARKING SETBACKS	Front: 50 feet Street side: 50 feet Interior side: 25 feet Rear: 25 feet (<i>No parking setbacks</i>)	Front: 25 feet Street side: 25 feet Interior side: 10 feet Rear: 25 feet From Residential: 50 feet
PARKING RATIOS	Per Section 12-5-202, <i>Required Off-street Parking and Loading Spaces</i>	Per Section 12-5-202, <i>Required Off-street Parking and Loading Spaces</i>
LIGHTING ZONE/MAX POLE HEIGHT	Lighting Zone 2 (LZ-2) <u>Mounting Height Restriction.</u> For parking areas, the maximum height of light poles shall be: <ul style="list-style-type: none"> • 18 feet when located <i>up to</i> 50 feet from the property line of areas zoned for residential uses, except when the residential uses are located within an AC or UC zoning district. • 25 feet when located 50 to 100 feet from the property line of areas zoned for residential uses, except when the residential uses are located within an AC or UC zoning district. 35 feet when located <i>more than</i> 100 feet from the property line of areas zoned for residential uses.	Lighting Zone 3 (LZ-3) <u>Mounting Height Restriction.</u> For parking areas, the maximum height of light poles shall be: <ul style="list-style-type: none"> • 18 feet when located <i>up to</i> 50 feet from the property line of areas zoned for residential uses, except when the residential uses are located within an AC or UC zoning district. • 25 feet when located 50 to 100 feet from the property line of areas zoned for residential uses, except when the residential uses are located within an AC or UC zoning district. 35 feet when located <i>more than</i> 100 feet from the property line of areas zoned for residential uses.
LANDSCAPE SURFACE RATIO	80 percent required (maximum 20 percent building coverage)	15 percent required

As required under Table 12-14-311 of the Land Development Code (LDC), the public hearing before Planning and Zoning Commission was properly noticed, including newspaper notice,

posted notice on the property and mailed notice to adjacent property owners at least 14 days prior to the public hearing. Planning and Zoning Commission. Therefore, has jurisdiction to consider the application.

A rezoning requires a recommendation by the Planning and Zoning Commission and approval by City Council. The Planning and Zoning Commission must consider evidence presented at the public hearing and evaluate the proposed rezoning against the approval standards set forth in Section 12-14-604(E), *Approval Standards*, of the LDC and listed below.

12-14-604(E)(1) – *Direct implementation of the Comprehensive Plan or an adopted Sub-Area Plan, or support for the implementation of such plans, for example, by providing for supportive land uses or intensities in the area of a Sub-Area Plan.*

The purpose of the CG zone district is to provide for commercial and mixed-use development along the City's commercial corridors. As the Subject is located on a major arterial road, the application of the CG zone district is consistent with the following goals and objectives of the Comprehensive Plan:

Comprehensive Plan Element – Land Use

Goal 5: Encourage Development at Activity Centers

- *Reinforce new and existing neighborhoods by encouraging the convenient location of shopping, recreation, civic, and educational facilities.*
- *Encourage the preservation, revitalization, and enhancement of existing activity centers, such as Southglenn, and other neighborhood commercial centers.*

Goal 6: New Development and Development Phasing

- *Encourage commercial development and redevelopment that respects the context of surrounding land uses and meets market demands.*
- *Locate larger activity centers adjacent to freeways, mass transportation, or major arterial intersections.*

The City has not received any land use applications for redevelopment of the Subject Property. Per the requirements of the LDC, any future site plan would be required to go through a public hearing process with the Planning and Zoning Commission and City Council.

12-14-604(E)(2) – *Recognition of the limitations of existing and planned infrastructure, by thorough examination of the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.*

There is no building expansion or use change proposed as part of the rezoning application. Existing water, sewer, drainage, and transportation infrastructure exist to serve the Subject Property. Should a site plan be submitted in the future for expansion or redevelopment of the existing place of public assembly building and use, Staff will verify the availability of these services to meet future demand at that time.

12-14-604(E)(3) – Assurance of compatibility between the proposed development, surrounding land uses (existing or planned), and the natural environment.

The CG zone district is consistent and compatible with the Comprehensive Plan and the existing uses adjacent to the property. The goal of the CG zone district is to provide for commercial and mixed-use development along the City's commercial corridors, and Smoky Hill Road is classified a major arterial roadway. Any future proposed development or redevelopment would require an approved site plan application prior to construction on the Subject Property in which the Applicant would demonstrate compliance with the requirements in the LDC. Under the current LDC, the site plan would need to provide a 40 percent opacity bufferyard along the north property line to provide buffering from the single family detached homes zoned NC₆. The required buffer would include evergreen trees and shrubs to offer year round screening.

12-14-604(E)(4) – The efficient and adequate provision of public services.

There is no building expansion or use change proposed as part of the rezoning application. However, public services are available to serve the needs of the site. If any application for development or redevelopment is submitted in the future, external referrals to service providers will be sent.

12-14-604(E)(5) – Enhancement of convenience for the present and future residents of the City by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.

The proposed CG zoning fulfills the goals and policies of the Comprehensive Plan, which contains specific goals related to the long term redevelopment of the parcels along the City's arterial roadways. Though there has been concern expressed by residents within the adjacent residential development to the north regarding potential changes to the Subject Property, any proposed future development or redevelopment will be evaluated and considered through a site plan and public hearing process.

12-14-604(E)(6) – Protection of public health, safety, and welfare against natural and man-made hazards which include, but are not limited to, traffic, noise, water pollution, airport hazards, and flooding.

The rezoning application will not result in a discernible impact to the public health, safety and welfare. The rezoning of the Subject Property in itself will not generate traffic or noise incompatible with the surrounding uses and existing road network. The Subject Property accesses the road network via an existing access point from Smoky Hill Road.

12-14-604(E)(7) – Accessibility within the proposed development and appropriate connectivity or buffering or both between the development and existing adjacent uses.

Accessibility and connectivity would be reviewed through a future site plan, if redevelopment is proposed at that time. The proposed zoning permits land uses and structures that are complementary to existing adjacent uses.

12-14-604(E)(8) – *Minimization of disruptions to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements. Areas with significant natural resources shall not generally be rezoned to districts that allow development that would tend to degrade the resources unless adequate conditions are put in place to protect the resources.*

There are no physiographic features that are known to exist on the Subject Property that will be disrupted as a result of the rezoning application.

12-14-604(E)(9) – *Assurance that the amenities and uses to be provided tend to enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions that include, but are not limited to:*

- a. *The preservation of mountain views;*
- b. *The creation of landscaped open areas;*
- c. *The establishment of high-quality mixed-use centers that are accessible to residents of abutting neighborhoods;*
- d. *The establishment of recreational areas; or*
- e. *The creation of employment centers or large-scale retail or mixed-use centers in appropriate locations.*

The CG zone district promotes commercial and mixed use development that is accessible to pedestrians, cyclists, automobiles and public transit. The development standards within the CG zone district require bufferyards, site landscaping and pedestrian connections, which would be compatible with adjacent neighborhoods. Should a site plan be submitted in the future for expansion or redevelopment of the existing site, Staff will verify compatibility of the proposed development with adjacent properties at that time. Given the proximity to adjacent residential properties, if a site plan were submitted, residents would have opportunities to offer comments through the referral and public hearing processes.

Analysis of Application to Criteria

Staff has evaluated the request against the criteria for approval and found that the Rezoning Plan complies with the approval standards for rezoning contained in Section 12-14-604(E) of the LDC, as stated above.

Community Meeting

A community meeting was held for the rezoning application on April 7, 2016. Invitations were mailed to all adjacent property owners and to all registered homeowners associations and civic associations located within one-half mile of the Subject Property. There were 23 attendees that signed-in at the community meeting, not including the Applicant and City Staff. The majority of comments and questions received at the community meeting focused on potential uses that would be permitted on the Subject Property under the CG zone district, the uncertainty of future development in light of a rezoning to CG, and the public hearing/rezoning process in general. None of the participants objected to the Applicant's desire for a sign, but were concerned about what would occur on the property in the future, and potential reduction in property values resulting from a new commercial use.

All attendees that signed-in at the community meeting were given an opportunity to provide formal comments through the external referral process. Comments received are included with this report.

Agency/Public Comments

Staff sent a total of 43 referral requests to outside agencies, community groups and families/individuals that signed into community meetings; 31 entities responded with comments and the remainder did not respond to the request. All agency and public comments received, as well as the Applicant's responses (if necessary), are attached to this report. A summary of comments and Staff responses are provided below:

ENTITY	COMMENTS			
	Response with comments	No Comments	No Response	Staff's Response
COMMUNITY GROUPS / MEETING ATTENDEES / OTHER COMMENTS RECEIVED				
CenCON		X		
Park View HOA		X		
Jackson Farms			X	
Jackson Farms II			X	
Smoky Ridge MA			X	
Susan Binette	Completely against re-zoning!			Comment acknowledged.
Will Childers			X	
Amilcar Correa	No rezoning.			Comment acknowledged.
Deborah Doig	Do not rezone!			Comment acknowledged.
Jim Dwyer	Vote no on re-zoning.			Comment acknowledged.
Brian Fought	I oppose any and all commercial zoning on Smoky Hill Road on the Smoky Hill United Methodist Church property. It certainly is not in the best interest of the neighborhood and does not benefit any of the families of individuals living on South Dunkirk Way.			Comment acknowledged.
Steven Hart	Overwhelmingly opposed to rezoning. Don't ignore the will of the people. (See response letter.)			Comment acknowledged.
Johnnie Hay	No to re-zoning – keep it neighborhood friendly – that's what it is now.			Comment acknowledged.
Eunjung Hyon	I don't want to change zone to commercial. Keep neighbor friendly.			Comment acknowledged.
Rick Johnson			X	
Jack Kramm	No to rezoning.			Comment acknowledged.
Dave Lisson			X	

ENTITY	COMMENTS			
	Response with comments	No Comments	No Response	Staff's Response
Kristen and Mike Loesch	Residents since 1998 and have not stopped improving our home, property, and community. We strongly are against making the properties behind us zoned for commercial, we work hard with our blood, sweat and tears to keep our property value high and feel that "commercial" would greatly reduce ours and everyone else's property values.			Comment acknowledged.
Kelli Malcolm	No to rezoning.			Comment acknowledged.
Adam McNear	I oppose any rezoning of the listed property. Allowing further rezoning of church properties will lower the value of my residence.			Comment acknowledged.
Alice and David Newsom	Concerned about possible rezoning to commercial. Church is looking for ways to make money. Church rents out parking lot to businesses. Family became sick from commercial operations. Would prefer that a sign variance be granted. (See response letter.)			Comment acknowledged. A variance was not supported by Staff given that a rezoning to CG is more appropriate in this circumstance.
Christine Norton	This can potentially affect my property value, view and serenity. I strongly oppose the commercial zoning.			Comment acknowledged.
Donna McBride and Debra Newman	We do not approve of the rezoning for commercially zoned property.			Comment acknowledged.
Rhonda Reid	I am opposed to rezoning said property to commercial			Comment acknowledged.
Janet Rogers	As long as it is just for a sign – I'm good. If they sell and build commercial I have a problem.			Comment acknowledged.
Robert Roskey	No to rezoning.			Comment acknowledged.
Matthew and Paul Thompson	No to rezoning commercial! Please keep the same.			Comment acknowledged.
Mac Thompson			X	
Jody Wendt	No to commercial re-zoning in consideration for homes nearby. We bought homes here for neighborhood family atmosphere not commercial development.			Comment acknowledged.
Scott Widick	Against rezoning.			Comment acknowledged.
AGENCIES				
Arapahoe Sherriff Community Resource Unit			X	
Arapahoe Sheriff Public Safety Bureau		X		

ENTITY	COMMENTS			
	Response with comments	No Comments	No Response	Staff's Response
Arapahoe County Engineering	Please ensure the sign is located outside of a sight triangle or sight line as to ensure unobstructed views. Please ensure that sign illumination does not have an adverse effect on traffic. Sign should not contain flashing, animated or moving messages.			Comments acknowledged. Any new sign would be reviewed under a sign permit that is separate from the rezoning request. The LDC requires a minimum property line setback and does not permit the use of flashing, animated or moving messages.
Arapahoe County Planning		X		
CenturyLink			X	
Cherry Creek School District		X		
Cunningham Fire Protection District	No comment on rezoning, but request that any future monument sign have an address located on the sign.			Comment acknowledged. Staff would take Cunningham Fire Protection District's into account for any future sign permit.
East Cherry Creek Valley Water and Sanitation District		X		
IREA		X		
Regional Transportation District			X	
Xcel	Public Service Company has existing natural gas distribution facilities within the areas indicated in this proposed rezone. Public Service Company has no objection to this proposed rezone, contingent upon PSCo's ability to maintain all existing rights and this amendment should not hinder our ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.			Comments acknowledged. All physical improvements would be reviewed as part of a site plan application, which would require some level of Planning and Zoning Commission and City Council review and/or approval.
Urban Drainage & Flood Control District			X	

3. Recommendation:

Staff recommends that the Planning and Zoning Commission recommend approval of the Rezoning Plan to City Council; specifically the Application to rezone the Subject Property from Neighborhood Conservation (NC_{2A}) to General Commercial (CG) through the Land Development Code (LDC).

4. Alternatives:

As this is a quasi-judicial action, Planning and Zoning Commission has the following alternatives:

1. Recommend denial of the rezoning Application to City Council based on specific findings of fact made at the public hearing; or
2. Continue the public hearing for additional information.

5. Fiscal Impact:

Approval or denial of this application will have no direct fiscal impact to the City.

6. Next Steps:

If the proposed rezoning plan is approved by City Council, the Subject Property will be rezoned and the Official Zoning Map of the City of Centennial will be amended to conform to and reflect the Subject Property's CG zone district classification.

7. Previous Actions:

None.

8. Suggested Motions:

SUGGESTED MOTION FOR APPROVAL:

I MOVE THAT CASE NUMBER LU-16-00171, SMOKY HILL UNITED METHODIST CHURCH REZONING PLAN, BE RECOMMENDED TO CITY COUNCIL FOR APPROVAL BASED ON THE PLANNING AND ZONING COMMISSION'S FINDING THAT THE PROPOSED REZONING SATISFIES THE APPROVAL STANDARDS SET FORTH IN SECTION 12-14-604(E) OF THE LAND DEVELOPMENT CODE, AS SUMMARIZED IN THE STAFF REPORT AND RECOMMENDATION DATED SEPTEMBER 21, 2016.

SUGGESTED MOTION FOR DENIAL:*

I MOVE THAT CASE NUMBER LU-16-00171, SMOKY HILL UNITED METHODIST CHURCH REZONING PLAN, BE RECOMMENDED TO CITY COUNCIL FOR DENIAL BASED ON THE FOLLOWING FINDINGS OF FACT:

1. THE REQUEST DOES NOT MEET ALL OF THE CRITERIA OF APPROVAL, SET FORTH IN §12-14-604(E) OF THE LAND DEVELOPMENT CODE INCLUDING BUT NOT LIMITED TO:

*In the event Planning and Zoning Commission seeks to recommend denial of this case, Staff recommends that the Commission consult with the City Attorney prior to making a motion.

- Attachment 1: Existing Zoning Map
Attachment 2: Applicant's Letter of Intent
Attachment 3: Smoky Hill United Methodist Church Rezoning Plan, LU-16-00171
Attachment 4: Agency/Public Comments Received

