

1 CITY OF LITTLETON, COLORADO

2  
3 ORDINANCE NO. 34

4  
5 Series, 2017

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7 INTRODUCED BY COUNCILMEMBERS:

8  
9 AN ORDINANCE OF THE CITY OF LITTLETON,  
10 COLORADO, AMENDING TITLE 10, ZONING CODE, FOR  
11 PRELIMINARY PROJECT PLAN  
12

13 WHEREAS, the planning commission, at its regular meeting on November 13,  
14 2017, held a public hearing and voted to recommend approval of an ordinance amending Title  
15 10, Chapter 1, Section 2 of the Littleton City Code to add a new definition for Preliminary  
16 Project Plan, and implement a new process in Title 10, Chapter 1, Section 8 pertaining to  
17 Preliminary Project Plan; and  
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19 WHEREAS, the city council considered evidence and testimony concerning the  
20 proposed zoning code changes at a public hearing;  
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22 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
23 THE CITY OF LITTLETON, COLORADO, THAT:  
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25 Section 1: Title 10, Chapter 1, Section 2 of the Littleton City Code pertaining  
26 to Zoning; Definitions is amended to add a new definition for Preliminary Project Plan and shall  
27 read as follows:  
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29 PRELIMINARY PROJECT PLAN: A PRELIMINARY PROJECT PLAN REPRESENTS A  
30 GENERALIZED LAND USE/SITE PLAN FOR THE AREA PROPOSED TO BE INCLUDED  
31 WITHIN A PLANNED DEVELOPMENT (PD) DISTRICT. IT IS AN OPTIONAL STEP  
32 THAT ALLOWS EARLY, INFORMAL, NON-BINDING EVALUATION OF A PROPOSED  
33 PD ZONING DISTRICT REQUEST BEFORE DETAILED PLANNING AND ENGINEERING  
34 WORK HAS BEEN UNDERTAKEN AND BEFORE SUBSTANTIAL EXPENSES HAVE  
35 BEEN INCURRED.  
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37 Section 2: Title 10 of the Littleton City Code pertaining to Zoning is  
38 amended to enact a new Chapter 1, Section 8 pertaining to Preliminary Project Plan and shall  
39 read as follows:  
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41 10-1-8: PRELIMINARY PROJECT PLANS; PLANNED DEVELOPMENT DISTRICTS  
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43 A. APPLICANT SUBMITTAL. A PROSPECTIVE APPLICANT FOR A REZONING  
44 AMENDMENT SEEKING PLANNED DEVELOPMENT (PD) ZONING MAY ELECT TO  
45 SUBMIT A PRELIMINARY PROJECT PLAN IN ACCORDANCE WITH THIS SECTION.  
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47 B. PRELIMINARY PROJECT PLANS PRE-APPLICATION CONFERENCE.

APPLICANTS SHALL ATTEND A PRE-APPLICATION CONFERENCE BEFORE SUBMITTING A PD PRELIMINARY PROJECT PLAN FOR REVIEW.

C. SUBMITTAL OF PD PRELIMINARY PROJECT PLAN. A PD PRELIMINARY PROJECT PLAN PACKAGE SHALL BE SUBMITTED TO THE COMMUNITY DEVELOPMENT DIRECTOR, TOGETHER WITH THE REQUIRED FEE. AT A MINIMUM, THE PD PRELIMINARY PROJECT PLAN SHALL INCLUDE THE FOLLOWING INFORMATION:

1. USES PROPOSED;
2. INTENSITY OR DENSITY OF USES PROPOSED;
3. LOCATION OF PUBLIC AND PRIVATE OPEN SPACE;
4. LOCATION OF EXISTING AND PROPOSED BUILDINGS ON THE SITE;
5. ROAD, STREET, AND PEDESTRIAN NETWORKS PROPOSED; AND
6. EXISTING OR PROPOSED UTILITIES AND PUBLIC SERVICES FOR THE DEVELOPMENT.

D. COMMUNITY DEVELOPMENT DIRECTOR/STAFF REVIEW AND REPORT. THE COMMUNITY DEVELOPMENT DIRECTOR AND STAFF SHALL REVIEW THE PD PRELIMINARY PROJECT PLAN. BASED ON THE RESULTS OF THOSE REVIEWS, THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PROVIDE A REPORT TO THE PLANNING COMMISSION.

E. PLANNING COMMISSION'S REVIEW.

1. THE PLANNING COMMISSION SHALL REVIEW THE PD PRELIMINARY PROJECT PLAN AND SHALL OFFER ITS COMMENTS REGARDING THE PLAN TO THE APPLICANT, UNLESS SUCH REVIEW IS WAIVED BY THE COMMUNITY DEVELOPMENT DIRECTOR DUE TO DIRECT SUBMISSION OF THE PLAN TO THE CITY COUNCIL. THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PRESENT THE PRELIMINARY PROJECT PLAN; THE APPLICANT MAY BE PRESENT TO LISTEN TO COMMENTS. NO COMMENTS MADE BY THE PLANNING COMMISSION SHALL BE BINDING ON THE CITY'S CONSIDERATION OF ANY SUBSEQUENT APPLICATION, AND ARE INTENDED ONLY TO PROVIDE AN INFORMAL EVALUATION OF THE PROPOSED PROJECT.

2. AFTER THE PLANNING COMMISSION'S REVIEW, THE APPLICANT MAY SUBMIT THE ORIGINAL OR REVISED PD PRELIMINARY PROJECT PLAN TO THE CITY COUNCIL OR MAY WITHDRAW THE PD PRELIMINARY PROJECT PLAN FROM ANY FURTHER CONSIDERATION BY SUBMITTING A LETTER TO THE COMMUNITY DEVELOPMENT DIRECTOR.

3. THE PLANNING COMMISSION REVIEW MAY BE WAIVED IN ORDER TO PROVIDE FOR DIRECT CITY COUNCIL REVIEW AT THE DISCRETION OF THE

COMMUNITY DEVELOPMENT DIRECTOR.

F. CITY COUNCIL REVIEW. AFTER RECEIPT OF THE PD PRELIMINARY PROJECT PLAN PACKAGE, INCLUDING ANY REVISIONS MADE BY THE APPLICANT, THE CITY COUNCIL SHALL REVIEW THE PD PRELIMINARY PROJECT PLAN IN A MEETING **ATTENDED BY THE APPLICANT**, TAKING INTO ACCOUNT THE PLANNING COMMISSION'S COMMENTS, IF ANY. THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PRESENT THE PRELIMINARY PROJECT PLAN; THE APPLICANT MAY BE PRESENT TO LISTEN TO COMMENTS. NO COMMENTS MADE BY THE CITY COUNCIL SHALL BE BINDING ON THE CITY'S CONSIDERATION OF ANY SUBSEQUENT APPLICATION, AND ARE INTENDED ONLY TO PROVIDE AN INFORMAL EVALUATION OF THE PROPOSED PROJECT. THE CITY COUNCIL REVIEW IS DEEMED TO BE LEGISLATIVE-NON ADJUDICATORY ACTION.

G. EFFECT OF REVIEW. THE PD PRELIMINARY PROJECT PLAN IS NOT PART OF A FORMAL APPLICATION FOR APPROVAL OF A PD AND NO COMMENTS MADE BY THE CITY IN REACTION TO A PD PRELIMINARY PROJECT PLAN SHALL BE BINDING ON THE CITY'S CONSIDERATION OF ANY SUBSEQUENT PD APPLICATION NOR RESULT IN THE VESTING OF ANY RIGHTS UNDER THIS CODE OR STATE STATUTE. THE VOLUNTARY SUBMISSION OF A PD PRELIMINARY PROJECT PLAN SHALL CONSTITUTE A COMPLETE WAIVER OF ANY AND ALL LEGAL CLAIMS THAT ARE BASED ON, OR ARISE FROM, PLANNING COMMISSION OR CITY COUNCIL REVIEW OF, OR COMMENT UPON, SUCH PD PRELIMINARY PROJECT PLAN. SINCE THE PD PRELIMINARY PROJECT PLAN IS CONCEPTUAL ONLY, THERE ARE NO LAPSE PROVISIONS APPLICABLE.

H. ALL REQUIREMENTS REMAIN IN EFFECT. THE PD PRELIMINARY PROJECT PLAN DOES NOT CONSTITUTE AN APPLICATION FOR A PD ZONING AMENDMENT. UNLESS A ZONING AMENDMENT IS FILED WITHIN SIXTY CALENDAR DAYS FOLLOWING COUNCIL REVIEW OF A PD PRELIMINARY PROJECT PLAN, THE PRELIMINARY PROJECT PLAN SHALL BE DEEMED EXPIRED AND CLOSED.

**Section 3:** Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, including each part, section, subsection, sentence, clause or phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or phrases may be declared invalid.

**Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the \_\_\_\_ day of \_\_\_\_\_, 2017, passed on first reading by a vote of \_\_\_\_ FOR and \_\_\_\_ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the \_\_\_\_ day of \_\_\_\_\_, 2017, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of \_\_\_\_\_FOR and \_\_\_\_\_ AGAINST on the \_\_\_\_ day of \_\_\_\_\_, 2017 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

\_\_\_\_\_  
Wendy Heffner  
CITY CLERK

\_\_\_\_\_  
Debbie Brinkman  
MAYOR

APPROVED AS TO FORM:

\_\_\_\_\_  
Lena McClelland  
ASSISTANT CITY ATTORNEY