

1 **CITY OF LITTLETON, COLORADO**

2
3 **ORDINANCE NO. 34**

4
5 **Series, 2017**

6
7 **INTRODUCED BY COUNCILMEMBERS: SCHLACHTER & ELROD**

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

18
19 **WHEREAS**, the city council considered evidence and testimony concerning the
20 proposed zoning code changes at a public hearing;

21
22 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
23 **THE CITY OF LITTLETON, COLORADO, THAT:**

24
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:

28
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.

36
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:

40
41 **10-1-8: PRELIMINARY PROJECT PLANS; PLANNED DEVELOPMENT DISTRICTS**

42
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.

46
47 **B. PRELIMINARY PROJECT PLANS PRE-APPLICATION CONFERENCE.**
48 APPLICANTS SHALL ATTEND A PRE-APPLICATION CONFERENCE BEFORE
49 SUBMITTING A PD PRELIMINARY PROJECT PLAN FOR REVIEW.

1
2 C. SUBMITTAL OF PD PRELIMINARY PROJECT PLAN. A PD PRELIMINARY
3 PROJECT PLAN PACKAGE SHALL BE SUBMITTED TO THE COMMUNITY
4 DEVELOPMENT DIRECTOR, TOGETHER WITH THE REQUIRED FEE. AT A MINIMUM,
5 THE PD PRELIMINARY PROJECT PLAN SHALL INCLUDE THE FOLLOWING
6 INFORMATION:
7

- 8 1. USES PROPOSED;
9 2. INTENSITY OR DENSITY OF USES PROPOSED;
10 3. LOCATION OF PUBLIC AND PRIVATE OPEN SPACE;
11 4. LOCATION OF EXISTING AND PROPOSED BUILDINGS ON THE SITE;
12 5. ROAD, STREET, AND PEDESTRIAN NETWORKS PROPOSED; AND
13 6. EXISTING OR PROPOSED UTILITIES AND PUBLIC SERVICES FOR THE
14 DEVELOPMENT.
15

16 D. COMMUNITY DEVELOPMENT DIRECTOR/STAFF REVIEW AND REPORT. THE
17 COMMUNITY DEVELOPMENT DIRECTOR AND STAFF SHALL REVIEW THE PD
18 PRELIMINARY PROJECT PLAN. BASED ON THE RESULTS OF THOSE REVIEWS, THE
19 COMMUNITY DEVELOPMENT DIRECTOR SHALL PROVIDE A REPORT TO THE
20 PLANNING COMMISSION.
21

22 E. PLANNING COMMISSION'S REVIEW.
23

24 1. THE PLANNING COMMISSION SHALL REVIEW THE PD PRELIMINARY
25 PROJECT PLAN AND SHALL OFFER ITS COMMENTS REGARDING THE PLAN TO THE
26 APPLICANT, UNLESS SUCH REVIEW IS WAIVED BY THE COMMUNITY
27 DEVELOPMENT DIRECTOR DUE TO DIRECT SUBMISSION OF THE PLAN TO THE
28 CITY COUNCIL. THE COMMUNITY DEVELOPMENT DIRECTOR SHALL PRESENT
29 THE PRELIMINARY PROJECT PLAN; THE APPLICANT MAY BE PRESENT TO LISTEN
30 TO COMMENTS. NO COMMENTS MADE BY THE PLANNING COMMISSION SHALL
31 BE BINDING ON THE CITY'S CONSIDERATION OF ANY SUBSEQUENT
32 APPLICATION, AND ARE INTENDED ONLY TO PROVIDE AN INFORMAL
33 EVALUATION OF THE PROPOSED PROJECT.
34

35 2. AFTER THE PLANNING COMMISSION'S REVIEW, THE APPLICANT MAY
36 SUBMIT THE ORIGINAL OR REVISED PD PRELIMINARY PROJECT PLAN TO THE
37 CITY COUNCIL OR MAY WITHDRAW THE PD PRELIMINARY PROJECT PLAN FROM
38 ANY FURTHER CONSIDERATION BY SUBMITTING A LETTER TO THE COMMUNITY
39 DEVELOPMENT DIRECTOR.
40

41 3. THE PLANNING COMMISSION REVIEW MAY BE WAIVED IN ORDER TO
42 PROVIDE FOR DIRECT CITY COUNCIL REVIEW AT THE DISCRETION OF THE
43 COMMUNITY DEVELOPMENT DIRECTOR.
44

45 F. CITY COUNCIL REVIEW. AFTER RECEIPT OF THE PD PRELIMINARY

1 PROJECT PLAN PACKAGE, INCLUDING ANY REVISIONS MADE BY THE
2 APPLICANT, THE CITY COUNCIL SHALL REVIEW THE PD PRELIMINARY PROJECT
3 PLAN IN A MEETING ~~ATTENDED BY THE APPLICANT~~, TAKING INTO ACCOUNT
4 THE PLANNING COMMISSION'S COMMENTS, IF ANY. THE COMMUNITY
5 DEVELOPMENT DIRECTOR SHALL PRESENT THE PRELIMINARY PROJECT PLAN;
6 THE APPLICANT MAY BE PRESENT TO LISTEN TO COMMENTS. NO COMMENTS
7 MADE BY THE CITY COUNCIL SHALL BE BINDING ON THE CITY'S
8 CONSIDERATION OF ANY SUBSEQUENT APPLICATION, AND ARE INTENDED ONLY
9 TO PROVIDE AN INFORMAL EVALUATION OF THE PROPOSED PROJECT. THE CITY
10 COUNCIL REVIEW IS DEEMED TO BE LEGISLATIVE-NON ADJUDICATORY ACTION.
11

12 G. EFFECT OF REVIEW. THE PD PRELIMINARY PROJECT PLAN IS NOT PART OF
13 A FORMAL APPLICATION FOR APPROVAL OF A PD AND NO COMMENTS MADE BY
14 THE CITY IN REACTION TO A PD PRELIMINARY PROJECT PLAN SHALL BE
15 BINDING ON THE CITY'S CONSIDERATION OF ANY SUBSEQUENT PD APPLICATION
16 NOR RESULT IN THE VESTING OF ANY RIGHTS UNDER THIS CODE OR STATE
17 STATUTE. THE VOLUNTARY SUBMISSION OF A PD PRELIMINARY PROJECT PLAN
18 SHALL CONSTITUTE A COMPLETE WAIVER OF ANY AND ALL LEGAL CLAIMS
19 THAT ARE BASED ON, OR ARISE FROM, PLANNING COMMISSION OR CITY
20 COUNCIL REVIEW OF, OR COMMENT UPON, SUCH PD PRELIMINARY PROJECT
21 PLAN. SINCE THE PD PRELIMINARY PROJECT PLAN IS CONCEPTUAL ONLY, THERE
22 ARE NO LAPSE PROVISIONS APPLICABLE.
23

24 H. ALL REQUIREMENTS REMAIN IN EFFECT. THE PD PRELIMINARY PROJECT
25 PLAN DOES NOT CONSTITUTE AN APPLICATION FOR A PD ZONING AMENDMENT.
26 UNLESS A ZONING AMENDMENT IS FILED WITHIN SIXTY CALENDAR DAYS
27 FOLLOWING COUNCIL REVIEW OF A PD PRELIMINARY PROJECT PLAN, THE
28 PRELIMINARY PROJECT PLAN SHALL BE DEEMED EXPIRED AND CLOSED.
29

30 **Section 3:** Severability. If any part, section, subsection, sentence, clause or
31 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
32 validity of the remaining sections of this ordinance. The City Council hereby declares that it
33 would have passed this ordinance, including each part, section, subsection, sentence, clause or
34 phrase hereof, irrespective of the fact that one or more parts, sections, subsections, sentences,
35 clauses or phrases may be declared invalid.
36

37 **Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in
38 conflict with this ordinance are hereby repealed, provided that this repealer shall not repeal the
39 repealer clauses of such ordinance nor revive any ordinance thereby.
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41
42 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
43 of the City of Littleton on the 19th day of December, 2017, passed on first reading by a vote of 7

FOR and 0 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 16th day of January,
2018, in the Council Chamber, 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 16th day of January, 2018, 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