

**CITY OF LITTLETON, COLORADO**

**ORDINANCE NO. 34**

**Series, 2017**

**INTRODUCED BY COUNCILMEMBERS: SCHLACHTER & ELROD**

**AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE 10, ZONING CODE, FOR PRELIMINARY PROJECT PLAN**

**WHEREAS**, the planning commission, at its regular meeting on November 13, 2017, held a public hearing and voted to recommend approval of an ordinance amending Title 10, Chapter 1, Section 2 of the Littleton City Code to add a new definition for Preliminary Project Plan, and implement a new process in Title 10, Chapter 1, Section 8 pertaining to Preliminary Project Plan; and

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

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

**Section 1:** Title 10, Chapter 1, Section 2 of the Littleton City Code pertaining to Zoning; Definitions is amended to add a new definition for Preliminary Project Plan and shall read as follows:

**PRELIMINARY PROJECT PLAN:** A PRELIMINARY PROJECT PLAN REPRESENTS A GENERALIZED LAND USE/SITE PLAN FOR THE AREA PROPOSED TO BE INCLUDED WITHIN A PLANNED DEVELOPMENT (PD) DISTRICT. IT IS AN OPTIONAL STEP THAT ALLOWS EARLY, INFORMAL, NON-BINDING EVALUATION OF A PROPOSED PD ZONING DISTRICT REQUEST BEFORE DETAILED PLANNING AND ENGINEERING WORK HAS BEEN UNDERTAKEN AND BEFORE SUBSTANTIAL EXPENSES HAVE BEEN INCURRED.

**Section 2:** Title 10 of the Littleton City Code pertaining to Zoning is amended to enact a new Chapter 1, Section 8 pertaining to Preliminary Project Plan and shall read as follows:

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

A. APPLICANT SUBMITTAL. A PROSPECTIVE APPLICANT FOR A REZONING AMENDMENT SEEKING PLANNED DEVELOPMENT (PD) ZONING MAY ELECT TO SUBMIT A PRELIMINARY PROJECT PLAN IN ACCORDANCE WITH THIS SECTION.

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

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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

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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.

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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.

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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.

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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.

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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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42 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council  
43 of the City of Littleton on the 19<sup>th</sup> day of December, 2017, passed on first reading by a vote of 7

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1 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the  
2 Municipal Courthouse and on the City of Littleton Website.

3 PUBLIC HEARING on the Ordinance to take place on the 16<sup>th</sup> day of January,  
4 2018, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,  
5 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

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7 PASSED on second and final reading, following public hearing, by a vote of 5 FOR and  
8 1 AGAINST on the 16<sup>th</sup> day of January, 2018, and ordered published by posting at Littleton  
9 Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

10 ATTEST:

DocuSigned by:

11 *Wendy Heffner*

12 Wendy Heffner

13 CITY CLERK

DocuSigned by:

14 *Debbie Brinkman*

15 Debbie Brinkman

16 MAYOR

17 APPROVED AS TO FORM:

DocuSigned by:

18 *Lena McClelland*

19 Lena McClelland

20 ASSISTANT CITY ATTORNEY  
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