

1 CITY OF LITTLETON, COLORADO

2
3 ORDINANCE NO. 04
4 Series, 2019
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7 INTRODUCED BY COUNCILMEMBERS: VALDES & SCHLACHTER
8

9 AN ORDINANCE OF THE CITY OF LITTLETON,
10 COLORADO, AMENDING TITLE 10, CHAPTER 1,
11 SUBSECTION 8 OF LITTLETON'S ZONING CODE
12 REGARDING THE PRELIMINARY PROJECT PLAN
13 PROCESS (P4)
14

15 WHEREAS, the planning commission, at its regular meeting on November 26,
16 2018, held a public hearing and voted to recommend proposed amendments to Title 10, Chapter
17 1, Subsection 8 of Littleton's Zoning Code regarding the inclusion of rezoning concepts in the
18 Preliminary Project Plan Process (P4), more specifically described in Exhibit A, which is
19 attached hereto and made a part hereof by this reference; and
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21 WHEREAS, the city council finds that the proposed amendments to the city code
22 are consistent with the city's comprehensive plan; and
23

24 WHEREAS, the city council finds that the proposed amendments to the city code
25 are in the best interest of the city and will promote the public health, safety and welfare of its
26 inhabitants;
27

28 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
29 THE CITY OF LITTLETON, COLORADO, THAT:
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31 Section 1: Chapter 1, Section 2 of Title 10 of the City Code is hereby
32 amended as follows:
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34 10-1-2: DEFINITIONS
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36 PRELIMINARY PROJECT PLAN: A preliminary project plan represents a generalized land
37 use/site plan for the area proposed to be included within a Planned Development (PD) District
38 AND/OR ANY PROPOSED REZONING OF PROPERTY. It is an optional step that allows
39 early, informal, non-binding evaluation of a proposed PD AND/OR ANY REZONING WITHIN
40 ANY Zoning District request before detailed planning and engineering work has been
41 undertaken and before substantial expenses have been incurred.
42

43 Section 2: Chapter 1, Section 8 of Title 10 of the City Code is hereby
44 amended as follows:
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46 10-1-8: PRELIMINARY PROJECT PLANS; ~~PLANNED DEVELOPMENT DISTRICTS:~~
47

48 (A) Applicant Submittal: A prospective applicant for a rezoning amendment seeking ~~Planned~~
49 ~~Development (PD)-zoning~~ A PLANNED DEVELOPMENT (PD) AND/OR A REZONING

1 OF ANY PARCEL OF PROPERTY may elect to submit a preliminary project plan in
2 accordance with this section.

3 (B) Preliminary Project Plans Pre-Application Conference: Applicants shall attend a pre-
4 application conference before submitting a ~~PD~~ preliminary project plan for review.

5 (C) Submittal Of ~~PD~~ Preliminary Project Plan: A ~~PD~~ preliminary project plan shall be submitted
6 to the Community Development Director, together with the required fee. At a minimum, the
7 ~~PD~~ preliminary project plan shall include the following information:

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 development.

14 (D) Community Development Director/Staff Review And Report: The Community Development
15 Director and staff shall review the ~~PD~~ preliminary project plan. Based on the results of those
16 reviews, the Community Development Director shall provide a report to the Planning
17 Commission.

18 (E) Planning Commission's Review:

19 1. The Planning Commission shall review the ~~PD~~ preliminary project plan and shall offer its
20 comments regarding the plan to the applicant, unless such review is waived by the
21 Community Development Director due to direct submission of the plan to the City Council.
22 The Community Development Director shall present the preliminary project plan; the
23 applicant may be present to listen to comments. No comments made by the Planning
24 Commission shall be binding on the City's consideration of any subsequent application, and
25 are intended only to provide an informal evaluation of the proposed project.

26 2. After the Planning Commission's review, the applicant may submit the original or revised
27 ~~PD~~ preliminary project plan to the City Council or may withdraw the ~~PD~~ preliminary project
28 plan from any further consideration by submitting a letter to the Community Development
29 Director.

30 3. The Planning Commission review may be waived in order to provide for direct City
31 Council review at the discretion of the Community Development Director.

32 (F) City Council Review: After receipt of the ~~PD~~ preliminary project plan package, including
33 any revisions made by the applicant, the City Council shall review the ~~PD~~ preliminary
34 project plan in a meeting, 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-nonadjudicatory action.

(G) Effect Of Review: The ~~PD~~ preliminary project plan is not part of a formal application for approval of a PD AND/OR A REZONING REQUEST 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 AND/OR A REZONING 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 AND/OR PROPOSING A REZONING. Unless a zoning amendment PROPOSING A REZONING is filed within sixty (60) 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 15th day of January, 2019, 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 5th day of February, 2019, in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado,

39 at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

40 PASSED on second and final reading, following public hearing, by a vote of _____FOR
41 and _____ AGAINST on the 5th day of February, 2018 and ordered published by posting at
42 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

43 ATTEST:

44 _____
45 Wendy Heffner
46 CITY CLERK

Debbie Brinkman
MAYOR

47
48 APPROVED AS TO FORM:

49
50 _____
51 Lena McClelland
52 ASSISTANT CITY ATTORNEY

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