Memorandum

TO: Jennifer Henninger, AICP, Community Development Director

FROM: Karl Onsager, Planner

DATE: May 24, 2019

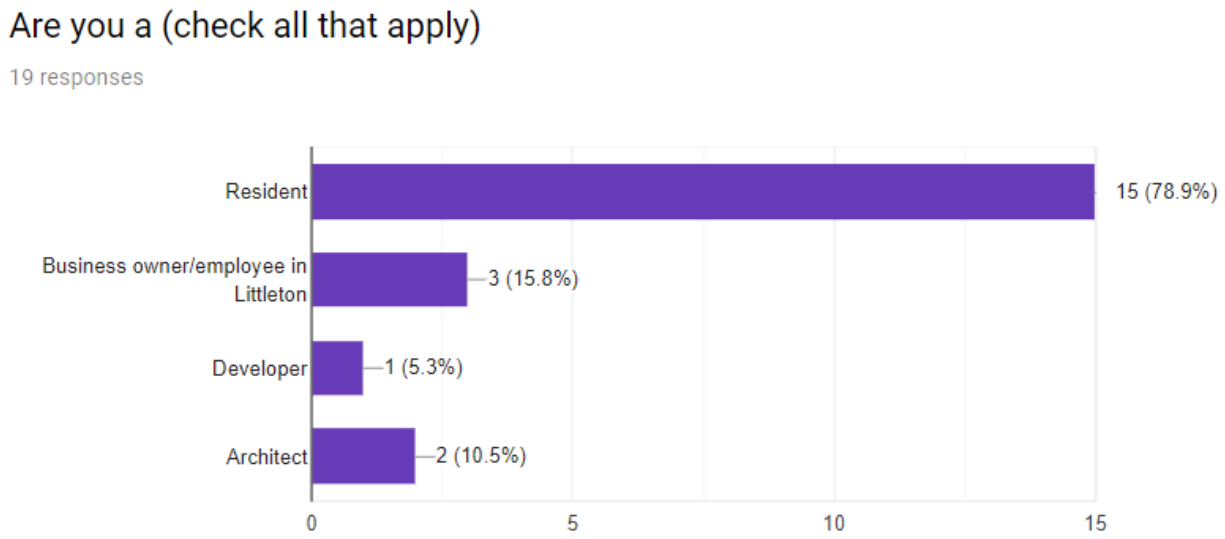
SUBJECT: SDP Code change survey and feedback summary

Background

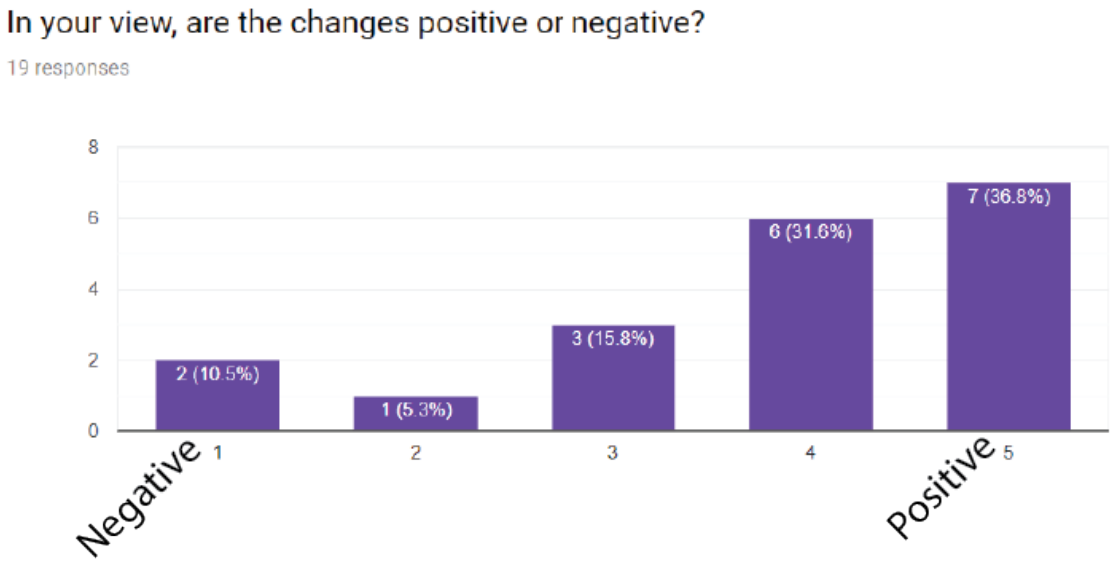
The city was tasked with developing a survey to better engage the community and elicit feedback on proposed code amendments. The following is a summary of results for survey responses and emails received by 12:00 p.m. on May 24, 2019. The survey was originally published prior to the Planning Commission meeting and email notices were sent to LittletonPlans.org subscribers and city contacts who had attended a pre-application meeting for a site development plan since 2014. Note, a second survey with the same questions was published on OpenLittleton which was noticed using social media. While there were clicks, the OpenLittleton survey did not receive any responses and was subsequently closed.

Summary of Results (5/24)

The city has received 19 survey responses through the linked survey on LittletonPlans.org. The city also received four emailed responses with either comments or red-lined attachments for the proposed code revision. The individual survey responses and emails are attached. The majority of respondents from the survey are residents of Littleton, two are architects, two are business owner/employee in Littleton, one developer, and one was a resident and business owner/employee.



Survey results suggest the proposed code revision is viewed positively.



Other comments from the survey and emails suggest mixed opinions on the right to appeal. Some responses indicate that the current proposed 300 ft. is inadequate. Other responses, on the other hand, indicate that the proposed neighbor appeal provision undermines private property rights. Other comments focused on the actual mechanics of the appeals process, neighborhood meeting, and notice deadlines.

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (●) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	(●)	( )	( )	( )	( )	Positive

What specifically do you like about the code revisions?

not much, the most needed changes of transparency and public involved have not been made

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

10-7-4: APPEALS: and probably other sections, lB) restricting the right of appeal to owners within 300 ft of the site. When that is in a neighborhood almost no one is eligible to appeal a decision that will affect many more than the measly 300 ft. limit. This is pro developer in the extreme. 10-7-5 REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE: (D) has the same out-dated and inadequate 300 foot limit on area notification of plans.

What, if anything, would you change and why? (Please reference code section or summary table number)

I cannot reference something that doesn't exist, which is best management practices for land development making use of low impact development tools for any site. This does include stormwater but also includes heat island effects, roof color, insulation standards and the like. Now is the time to truly update code to address the major environment threats Littleton faces--water quality and supply and climate change.

What questions or issues would you like City Council to address?

I would like Council to address the far too narrow notification and appeal requirements, that are about 1/3 of a block. That is too small an area. I would also like Council to address the environmental factors that are not included in the proposed changes.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [ ] Resident
- [x] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- ( ) Yes
- (•) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	(•)	( )	( )	( )	( )	Positive

What specifically do you like about the code revisions?

It woould be nice if the link worked and we could actually read them. But generally real people have been left out of the changes so that a small minority can make a lot of money with too dense housing while those who actually live and work in Littleton suffer. it doesn't surprise me the link doesn't work. You people prefer no one to really know what what you are doing.

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [x] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	(•)	( )	( )	Positive

What specifically do you like about the code revisions?

_____

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

The ability for neighboring property owners to appeal major SDP decisions

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

10-7-5(D) "Notification of Major SDP approval to property owners" - doesn't specify timing of notification/proof of notification back to the city. Per 10-7-4(B), any appeal by a neighboring property owner must be made within 10 days of the SDP approval. Meeting the appeal deadline could be troublesome if notification of SDP approval isn't **extremely** timely

What, if anything, would you change and why? (Please reference code section or summary table number)

10-7-4(B) - appeal rights of neighboring property owners 300 feet away from a major development. 300 feet is not enough; a major development will potentially have negative impacts for owners further than 300 feet away.

What questions or issues would you like City Council to address?

Why is it specified that an appeal hearing is an administrative review rather than a quasi-judicial hearing? This language seems unusual to include in an ordinance.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

Google Forms

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

better understanding

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

no

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	(•)	( )	( )	Positive

What specifically do you like about the code revisions?

_____

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

Building codes on environmental sensitivity - Leeds qualified requirements

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [ ] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [x] Other: Architect

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(•)	( )	Positive

What specifically do you like about the code revisions?

Eliminated the conceptual SDP, and establishes one SDP. Allows for a sketch SDP that can establish relative acceptance of the proposed project

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

No

What, if anything, would you change and why? (Please reference code section or summary table number)

None

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(•)	( )	Positive

What specifically do you like about the code revisions?

An appeal process for challenging development plans

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

Other than the assertion of personal property rights

What, if anything, would you change and why? (Please reference code section or summary table number)

Change from challenges from properties with 300 ft of the project to Littleton-wide challenges without any distance stipulation

What questions or issues would you like City Council to address?

Major development projects affects us all not just those next to the development site. Tr

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

It puts more information in the hands of the people who already live here, people who have already made an investment in their properties. I see this as a positive step.

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

What, if anything, would you change and why? (Please reference code section or summary table number)

In regard to the neighborhood meetings, please expand the people required to be invited to the immediate subdivision as well as the current proximity in feet. Please also require that the invites be delivered at least a week in advance of the proposed meeting. Please also require that the invites be delivered at least a week in advance of the proposed meeting.

What questions or issues would you like City Council to address?

I might have some as this moves along.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(•)	( )	Positive

What specifically do you like about the code revisions?

Seems more clearly stated.

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

No

What, if anything, would you change and why? (Please reference code section or summary table number)

10-7-3 #5 the first line has the words "adjacent development to" Perhaps it reads more clearly if those words read "development adjacent to" the subject property....

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [ ] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [x] Other: Architect

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

It seems like it will streamline the process.

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [ ] Resident
- [x] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

Makes things more clear and understandable. Better definition of expectations

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

Is "neighborhood meeting" defined in there, what does that look like and how is it measured?

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (●) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(●)	( )	Positive

What specifically do you like about the code revisions?

_____

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	(•)	( )	( )	( )	Positive

What specifically do you like about the code revisions?

_____

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

I cannot reopen the code revision to reverence the sections

What questions or issues would you like City Council to address?

With all these changes and item to facilitate growth in Littleton, why is it we cannot go from one end of town, east/west or north/south with significant traffic delays? I live off of Mineral, west of Broadway; the development at Dry Creek Circle and S. Broadway isn't even finished or fully occupied yet and traffic is bumper to bumper on all the side streets and Mineral West of South Park from 3 P.M. on.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [x] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	( )	(•)	Positive

What specifically do you like about the code revisions?

The appeal process codified and the minor SDP designation

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

No

What, if anything, would you change and why? (Please reference code section or summary table number)

Anytime you simplify things is a good time

What questions or issues would you like City Council to address?

Updating the zoning codes and bringing them into greater conformity with the rest of the metro area.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

Bob Schwinn 303-521-7752 rjsconstruction@gmail.com

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (●) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(●)	( )	Positive

What specifically do you like about the code revisions?

Community involvement/opinions and also puts potential developers on 'notice' that the local community is aware and actively involved

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

I would like to see Council raise local residents' opinions/grievances to certain projects to a higher level

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

slwrock@comcast.net

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	( )	(•)	( )	Positive

What specifically do you like about the code revisions?

_____

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Council should not allow urban camping.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- (•) Yes
- ( ) No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	( )	( )	(•)	( )	( )	Positive

What specifically do you like about the code revisions?

It is a more clear explanation of the process than the existing version.

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

The process is still missing details, that if clearly articulated, would save both the applicant and the city time and money. Some of the requirements don't make sense and bring into question the City's intent, specifically: the requirement of any development occurring on 10 acres or more triggering a major site plan; the requirement that an applicant "spell out" all requirements by other regulatory agencies; what are the specific components of a circulation plan;

What, if anything, would you change and why? (Please reference code section or summary table number)

Add definitions to that section of the code and/or more clearly define in the relevant paragraphs any terms that could be viewed as subjective. For example "significant impact"

The Operating Standards should be revised to include specific timeframes for each review to be completed by City Staff. For example, the initial completeness review of the applicants initial submittal should be accomplished within 21 calendars of receipt of the submittal. The first, second, and third reviews of the complete submittal should be accomplished within 35 calendar days of receipt of each submittal by City staff. Without such timeframes the City's code provides no assurance to landowners and developers that this process will be efficient and reliable, and importantly, not arbitrary.

Move existing Paragraph E to be a part of the Application Requirements: new Paragraph (B) 2.

Please please please add a requirement to the application process that the applicant send mailed (letter OR postcard) notification to all landowners within a certain radius of the proposed site development plan. This notification should be sent by the applicant to the required population at the same time that the project is sent on referral. The notification should provide the City Project Planner's contact information so that neighbors can send their inquiries/comments to the Planner.

Notification of the neighbors that an approval has been issued is too little too late and prevents residents from engaging in a meaningful way with the City's review and approval process!

Also, please add language indicating the required timing and breadth of the neighborhood meeting. For example, "The neighborhood meeting shall be advertised to all landowners within ……radius of the project and occur prior to the second review of the application." Such language will assure the community that they have opportunities to learn about, and comment on such applications in a timely manner.

The new paragraph (B) 4. is still unclear and the review process must be articulated more clearl. Currently the language doesn't express when the 1st Technical Review is to occur and when the 2nd Technical Review is to occur.

What questions or issues would you like City Council to address?

The most problematic part is that the Planning Commission is allowed to consider seemingly any issue outside of the Approval Criteria in making its decision. This neuters the City's Code and the thought, planning, and collaboration with community members that went into the creation of those Approval Criteria. It empowers the Planning Commission up to be abirtary and capricous in its decision making.

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

ekaymarc@gmail.com

SDP Code Update Survey

Are you a (check all that apply)

- [x] Resident
- [ ] Business owner/employee in Littleton
- [ ] Developer
- [ ] Other: _____

Have you read the proposed code revision? If not go to: https://littletonplans.org/sites/littletonplans.org/files/media/Proposed%20Code%20Amendment%20042219.docx

- ○ Yes
- ○ No

In your view, are the changes positive or negative? *

	1	2	3	4	5	
Negative	○	○	○	○	◉	Positive

What specifically do you like about the code revisions?

allow for property owners to give feedback on site development

Do you see any potential challenges with the proposed code revisions? (Please reference code section or summary table number)

_____

What, if anything, would you change and why? (Please reference code section or summary table number)

What questions or issues would you like City Council to address?

Please send any redlined comments of the proposed code changes to: plans@littletongov.org

Contact information:

Interested in receiving updates or would like Community Development to contact you? Please provide your contact information below (not required to submit survey)

Littleton

Karl Onsager <konsager@littletongov.org>

Fwd: Comments on the Proposed SDP revisions

3 messages

Plans Resource <plans@littletongov.org> Fri, Apr 19, 2019 at 4:14 PM
To: Michael Sutherland <msutherland@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

---------- Forwarded message ---------
From: **Elizabeth Kay Marchetti** <ekaymarc@gmail.com>
Date: Tue, Apr 16, 2019 at 12:16 PM
Subject: Comments on the Proposed SDP revisions
To: <plans@littletongov.org>

Dear Mike,

Hello and how are you? I really appreciate the opportunity to provide some comments on the proposed SDP language.

I did a lot of writing and if you need or want to I'm happy to talk through it with you.

Regards,
Elizabeth Kay Marchetti, AICP
6477 S. Sterne Parkway
Littleton, CO 80120
303-941-0156

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-100.1, et seq.

EKM Comments 4.16.19 Proposed Code Amendment 042219.docx
38K

Michael Sutherland <msutherland@littletongov.org> Mon, Apr 22, 2019 at 8:21 AM
To: Plans Resource <plans@littletongov.org>
Cc: Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

Thanks, Elizabeth!

We will include these with the comments. I appreciate you taking a close look at the ordinance.

Mike Sutherland, AICP
Deputy Director
Community Development

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3763 (direct line)
www.littletongov.org
www.littletonplans.org
Twitter | Facebook | YouTube

Littleton Colorado

[Quoted text hidden]

Jennifer Henninger <jhenninger@littletongov.org> Mon, Apr 22, 2019 at 10:10 AM
To: Karl Onsager <konsager@littletongov.org>

[Quoted text hidden]
[Quoted text hidden]

EKM Comments 4.16.19 Proposed Code Amendment 042219.docx
38K

Littleton

Karl Onsager <konsager@littletongov.org>

Fwd: Proposed Site Development Plan Code Amendments

2 messages

Plans Resource <plans@littletongov.org> Fri, Apr 19, 2019 at 4:14 PM
To: Michael Sutherland <msutherland@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

---------- Forwarded message ---------
From: **Loretta Lohman** <lorettalohman@gmail.com>
Date: Sun, Apr 14, 2019 at 1:53 PM
Subject: Proposed Site Development Plan Code Amendments
To: <plans@littletongov.org>
Cc: Peggy Cole <pcole@littletongov.org>

Littleton Planning Commission
Re: Proposed Site Development Plan Code Amendments
14 April 2019

I live approximately one half mile from whatever is proposed for the derelict Columbine Square parcel that claims to be 15 acres. That is far more that 300 hundred feet. In fact, if you visited and walked the area, virtually everything that will be impacted by a major high-density development on that plot is farther than the 300 foot limit. Therefore almost no one will have to be notified and under the current and proposed rules, and most directly impacted will not have standing.

Specifically, 10-7-4: APPEALS:(B) confers significant authority to the community development director and restricts citizen appeals to owners for real property within 300 feet who can afford to pay whatever fee city council adopts and who are actually aware of such decision. The appeal rules are quasi-judicial even though the section specifically states it is an administrative review.

This amendment strikes me as an effort to further preclude wide public involvement in major development plans that affect entire neighborhoods.

Elimination of 10-7-2: SUBMISSION REQUIREMENTS: ~~(B) Conceptual SDP:~~ is clearly beneficial to developers who no longer have to submit any concepts prior to submitting development plans. That means a strong investment has already been made before the public is even aware of any proposals. In the case of Columbine Square, the ONLY public information we have is the concept for 15 discrete 3-story multi-family buildings. So we know the basic wishes of the owner even though nothing has yet been pursued. With new restrictions on notice and a shortened timeline for review the greater affected neighborhood will know even less.

I suggest that the affected area that MUST be noticed be at least one quarter mile with requirement for broader notification in areas where said development significally affects access to a long-established neighborhood. In the Columbine Square example that would be about .7 square mile bordered by Irving, Berry, Lowell and Bellview since the alternate access to Belleview, Lowell Blvd, is already heavily impacted by traffic avoiding Bowles traffic.

I further suggest that any conceptual discussion held with any person representating the city, city council, planning commission or community development, be made available to the public by memorandum of conversation at the very least.

Thank you for your consideration,

Loretta Lohman
3375 W Aqueduct Ave
Littleton, CO 80123
303-549-30.6

Sender and receiver should be mindful that all my incoming and outgoing emails may be subject to the Colorado Open Records Act, S 24-72-100.1, et seq.

Michael Sutherland <msutherland@littletongov.org> Mon, Apr 22, 2019 at 8:23 AM
To: Plans Resource <plans@littletongov.org>
Cc: Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

Hello, Ms. Lohman:

Thank you for the notes and suggestions. I will forward these to the Planning Commission for consideration.

Mike Sutherland, AICP
Deputy Director
Community Development

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3763 (direct line)
www.littletongov.org
www.littletonplans.org
Twitter | Facebook | YouTube

Littleton Colorado

[Quoted text hidden]

Littleton

Karl Onsager <konsager@littletongov.org>

Fwd: Proposed site development plan code amendments

1 message

Plans Resource <plans@littletongov.org> Mon, Apr 22, 2019 at 10:16 AM
To: Michael Sutherland <msutherland@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

---------- Forwarded message ---------
From: **Gloria Shone** <gloria.shone@gmail.com>
Date: Sat, Apr 20, 2019 at 2:04 PM
Subject: Proposed site development plan code amendments
To: <plans@littletongov.org>

I see this is a positive step in allowing current residents to have more say in proposed changes impacting them and their investments in their properties. The success depends upon the actions taken by our staff, our boards and commissions and elected city council members.

As a city almost completely build out, we are seeing inappropriate, jarring and looming redevelopment without regard for the people who have invested in adjacent & nearby properties. These are popping up even as we work to envision our future.

I believe we need more guidelines around what sorts of uses are appropriate around current zoning. For example, I recently heard planning & council members agree that a 3 story apartment complex with equipment on top was a logical transition between widely spaced single-family homes and an existing commercial office park, all with two-story buildings. The office buildings have been in place for many years and create no issues I know of for the residents. In no way would an apartment complex transition between these two uses. In addition, there was nodding agreement that placing a dog walking park in the required buffer space was an amenity, without regard to that drawing people to the residential backyards. Perhaps people would've changed their minds if given time to think it over.

While it is impossible to write code that addresses every situation, we can express language as to our intention regarding compatible uses, desired community character the direction we want our city to take.

The development of the Ensor property will profoundly impact the direction of our city and our traffic. We need to avoid it becoming another crying shame like Littleton Village. We need to implement workable parking space requirements that keep new development from infringing on existing neighborhoods. In my opinion, slot housing has no place in Littleton. Since the Ensor property has no immediate neighbors, we need to make sure there is a way for our voices heard around the development of this huge property which will impact us all.

Thank you!

Sent from my iPad - Syntax by Siri

Littleton

Karl Onsager <konsager@littletongov.org>

Fwd: Proposed Site Development Plan Code Amendments-feedback comments

1 message

Plans Resource <plans@littletongov.org> Mon, Apr 22, 2019 at 12:31 PM
To: Michael Sutherland <msutherland@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>, Karl Onsager <konsager@littletongov.org>

---------- Forwarded message ---------
From: **Jon Spencer** <jon@sterlingdesignassociates.com>
Date: Mon, Apr 22, 2019 at 10:44 AM
Subject: Proposed Site Development Plan Code Amendments-feedback comments
To: plans@littletongov.org <plans@littletongov.org>
Cc: candango303js@gmail.com <candango303js@gmail.com>

Denise,

Thank you for sending these edits for comment. I have a few I'd like to enter into the record:

10-7-3 Approval Criteria

10-7-3 (c)7 -Mitigate Adverse Effects: Any significant adverse impacts resulting from the use shall be mitigated or eliminated to the extent reasonably feasible, including:

-"reasonable feasible" is open ended and subjective and could be interpreted various ways depending on the community development director. From a development consultant perspective this is not something you can attain without much back and forth with staff. It is suggested this be changed to state whom decides what is "reasonably feasible", the director or planning commission.

10-7-4 Appeals

10-7-4 (b) – "…or a person owning real property (excluding owners of easements or rights-of-way) within 300 feet of the exterior boundary of the subject parcel"

-I understand where this is coming from based on past contentious developments in town... code.

This is however in my opinion overreaching and diminishes the rights of the property owner to develop whatever it may be as permitted by the zoning code and gives rights to someone a distance away. I caution against this. Just because a property owner within 300 feet doesn't like a development should not give them the right to infringe on another property owner's right to develop as permitted by the code.

If the use and development is permitted by zoning code, only adjacent property owners should have the right to appeal any approval. Comments from others within the 300 foot radius will come from the neighborhood meeting and be addressed with during the review process with staff and planning commission.

Appeals in this case should be limited to immediately adjacent property owners only.

10-7-5 Requirements prior to building permit issuance

1-7-5 (f) (1 and 2) –

1. An acceptable form of guarantee, approved by the city attorney, to secure to the city installation of all required off site improvements; and/or

2. An acceptable form of guarantee, approved by the city attorney, for on site open space, buffer yards or other required facilities.

-This is not very efficient and makes any form of guarantee difficult to anticipate. This has the potential to cause delays in the process and added stress for staff and applicant when open to whatever the city attorney deems "acceptable". Typically that is not the case from the applicants side and would likely require back and for and a consensus be reached. There are common forms of surety used throughout the industry to ensure installation of improvements. These are typically Letters of Credit or Bonds. I would suggest these be changed to use these typical avenues based on valuation of the improvements to ensure to provide surety to the city. That way it is more streamlined, everyone knows what to expect (both city and applicant/contractor), and there are not questions or additional back and forth that wastes a lot of unnecessary time and resources on both sides.

Thank you for the opportunity to provide comment on proposed changes. Should you have any questions please feel free to reach out to me at this email or by phone.

Thanks,

Jon

Jonathan Spencer, PLA

VP, Director of Landscape Architecture

Sterling Design Associates, LLC

Civil Engineers – Landscape Architects

2009 W. Littleton Blvd. #300

Littleton, CO 80120

303-794-4727 ext 205

303-505-3655 cell

www.sterlingdesignassociates.com

Littleton

Karl Onsager <konsager@littletongov.org>

Littleton Plans Update: Feedback Needed on SDP Code Updates

3 messages

Plans Resource <plans@littletongov.org> Wed, Apr 10, 2019 at 2:24 PM
Reply-To: plans@littletongov.org
To: Plans Resource <plans@littletongov.org>
Bcc: cddepartment@littletongov.org

Littleton Plans
Planning Tomorrow Together

Proposed Site Development Plan Code Amendments

Currently, site development plans are categorized as either site development plans or sketch plans, both are processed administratively, and the applicant may appeal a denial of either a site development plan or sketch plan to the planning commission. The proposed changes include updates to the definitions and procedures which create different categories of site development plans, major and minor. As staff brings to the planning commission and council amendments to the code, we recommend correcting these definitions.

The city is seeking feedback on the **proposed site development plan code amendments** . Please send comments to plans@littletongov.org through April 22, 2019 at 5:00 p.m. to have your comments presented to Planning Commission on April 22.

https://littletonplans.org/site-development-plan

Plans Resource <plans@littletongov.org> Fri, Apr 19, 2019 at 4:13 PM
To: Michael Sutherland <msutherland@littletongov.org>, Karl Onsager <konsager@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>

---------- Forwarded message ---------
From: **CRISTYE SULLIVAN** <cristyes@aol.com>
Date: Thu, Apr 11, 2019 at 2:27 AM
Subject: Re: Littleton Plans Update: Feedback Needed on SDP Code Updates
To: Plans Resource <plans@littletongov.org>

Appears that a processing fee is requested but is not a standard amount.
There should be no processing fees.
This suggests bribery.
Appears subjective.

Sent from my iPhone

On Apr 10, 2019, at 2:24 PM, Plans Resource <plans@littletongov.org> wrote:

<title_ltnPLANS-3.png>

Proposed Site Development Plan Code Amendments

Currently, site development plans are categorized as either site development plans or sketch plans, both are processed administratively, and the applicant may appeal a denial of either a site development plan or sketch plan to the planning commission. The proposed changes include updates to the definitions and procedures which create different categories of site development plans, major and minor. As staff brings to the planning commission and council amendments to the code, we recommend correcting these definitions.

The city is seeking feedback on the **proposed site development plan code amendments** . Please send comments to plans@littletongov.org through April 22, 2019 at 5:00 p.m. to have your comments presented to Planning Commission on April 22.

https://littletonplans.org/site-development-plan

[Quoted text hidden]

Michael Sutherland <msutherland@littletongov.org> Mon, Apr 22, 2019 at 8:24 AM
To: Plans Resource <plans@littletongov.org>
Cc: Karl Onsager <konsager@littletongov.org>, Jennifer Henninger <jhenninger@littletongov.org>

Thanks, Ms. Sullivan:

I appreciate you comments and I will forward these to the Planning Commission.

Mike Sutherland, AICP
Deputy Director
Community Development

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3763 (direct line)
www.littletongov.org
www.littletonplans.org
Twitter | Facebook | YouTube

[Quoted text hidden]

10-1-2: DEFINITIONS: (additions to be inserted in alphabetical order)

SITE DEVELOPMENT PLAN - MAJOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new development on any parcel that consists of any one of the following:

1. Industrial Development in any zone providing for more than 10,000 square feet of gross floor area for new building space;
2. All Multi-family development in any zone having more than eight dwelling units. However, two or more multi-family projects on the same parcel or adjacent parcels which total more than eight units shall require a major site development plan;
3. All Commercial Development in any zone providing for more than 30,000 square feet of gross floor area; or
4. Any Development on any undeveloped parcel in excess of 10 acres regardless of zoning district.

Comment [CM1]: This is too broad. A proposed 300 s.f. storage shed on a vacant parcel would be over burdened. Is the purpose of #4 to address significant new development on 10+ acres? If so, add the language necessary clarify the intent.

SITE DEVELOPMENT PLAN - MINOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures or additions to be located in any zone district, except single-family dwellings, those developments which are defined as a Major Site Development Plan, or those developments that are eligible for review as sketch plan under section 10-7-6.

10-7-1: APPLICABILITY:

(A) Approval of a ~~final SDP~~ site development plan (SDP) shall be required for commercial, industrial and multiple-family residential development if one or more of the following are proposed to occur on the site:

1. The construction of a new principal structure;

2. The construction of a building addition of 15 percent or more of existing gross floor area, accessory structures over 120 square feet in gross floor area, additional surface parking and/or other paved or concrete surface~~, resulting~~ which result in significant impacts to over ten percent of the existing parking surface area~~, which may include, but not be limited to, drainage, parking, traffic, and landscaping~~. (Ord. 20, Series of 2012)

Comment [CM2]: What is a "significant impact" to a portion of a parking area? Is this trying to say: "which results in an increase to the existing parking surface area by more than 10 percent?"

10-7-2: SUBMISSION REQUIREMENTS:

~~(B) Conceptual SDP:~~

~~1. Application Submittal: The applicant shall submit to the planning division the conceptual SDP, application materials, and the application fee, as established by the council. The time frame for processing the application shall be in accordance~~

~~with the operating standards as established by the department of community development.~~

~~2. Application Requirements: The conceptual SDP shall generally meet the requirements specified in the operating standards.~~

~~3. Amendments: There is no restriction on the number of conceptual SDP variations which may be submitted. Applicants are strongly encouraged to submit at least two (2) or three (3) variations with the original submission.~~

~~4. Review Procedure:~~

~~(a) Referrals: The application materials for the conceptual SDP review shall be distributed to other city staff to review for compliance with this code and other requirements related to safety.~~

~~(b) Review: Following review, city staff will submit written comments regarding the proposal to the planning division. These comments will be presented to the applicant by the planning division at a scheduled technical review meeting.~~

~~(c) Technical Review Meeting: The conceptual SDP will be reviewed by city staff at a scheduled meeting with the applicant. Certain conditions and recommendations will be provided to the applicant, based on the standards set forth in section 10-7-3 of this chapter.~~

(~~C~~B) ~~Final SDP~~Site Development Plan:

1. Application Submittal: The applicant shall submit to the planning division the proposed final SDP pursuant to the requirements listed below, together with the application, a processing fee as established by the council, and other application materials for technical and final review. The time frame for processing the application shall be in accordance with the operating standards as established by the department of community development.

2. Application Requirements: The ~~final~~ SDP application must meet the submission requirements stated in this chapter and in the operating standards. ~~In addition, the application shall address all conditions and recommendations which were offered at conceptual review. The final SDP shall generally meet the requirements specified in the operating standards.~~ Applications in a designated historic district shall include all requirements under this code for a Certificate of Appropriateness, if required found in section…….of this Code. All Applications shall specifically address:

(a) Location and size of all parking areas, lighting and signs
(b) Proposed construction timing
(c) Required approvals from other governmental entities

Comment [CM3]: Delete "final"

Comment [CM4]: The Operating Standards should be revised to include timeframes for each review to be completed by City Staff. For example, the initial completeness review of the applicants initial submittal should be accomplished within 21 calendars of receipt of the submittal. The first, second, and third reviews of the complete submittal should be accomplished within 35 calendar days of receipt of each submittal by City staff. Without such timeframes the City's code provides no assurance to landowners and developers that this process will be efficient and reliable.

Comment [CM5]: Is this requiring the applicant to list all other permits/approvals/certifications from local referral agencies, the State, and the Federal government? And in what detail? If so, why? Will the City be tracking and enforcing any of these other approvals? Does the City have the resources to do such tracking and enforcing of regulations beyond it's scope? If not, consider removing this requirement.

(d) Locations of trash containers and screening

(e) Adjacent property lot lines, parking and access

(f) Depiction of the location of existing and proposed buildings, ~~location of~~ setback lines

(g) Transportation and circulation plans.

(h) Proposed changes in occupancy between Commercial and Residential Uses

(i) Application fee as established by the council.

1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.

2. Final grading and drainage studies and plans.

3. Plans and/or agreements for placing utilities underground.

4. Right of way and easement documents sufficient to convey clear and unencumbered title.

5. Title insurance policies warranting free and unencumbered title to any public easement or land dedication within the area of the SDP to be conveyed to the city.

6. Traffic studies and signal plans.

7. Construction plans and agreements for off site improvements (i.e., sidewalks, curb and gutter installation, and removal).

~~(i)~~

3. Neighborhood Meeting: For every site development plan defined as a Major Site Development Plan in section 10-2-1, at least one neighborhood meetings shall be required.

~~3~~4. Review Procedure:

(a) Referrals: The application materials for the ~~final~~ SDP shall be distributed to ~~other~~ relevant city~~ty~~ ~~staff~~ departments to review for compliance with this code and other requirements related to safety.

(b) Review: Following individual review, the ~~affected~~ relevant city departments~~staff~~ will submit written comments regarding the proposal to the planning division. Planning division will then forward ~~the concerns~~all comments to the applicant. If the applicant disagrees with any of the ~~concerns or~~

Comment [CM6]: Add clarifying language. Is a pedestrian and bicycle facility plan required? Is all proposed lane striping required? Or just the depiction of right of way?

Comment [CM7]: None of paragraph E should be "additional materials" and should be part of the initial submittal packet.

Formatted: No bullets or numbering

Comment [CM8]: Is this in lieu of a mailed notification of the application? It shouldn't be! **Please please please add a requirement to the application process that the applicant send mailed (letter OR postcard) notification to all landowners within a certain radius of the proposed site development plan. This notification should be sent by the applicant to the required population at the same time that the project is sent on referral. The notification should provide the City Project Planner's contact information so that neighbors can send their inquiries/comments to the Planner**.

Notification of the neighbors that an approval has been issued is too little too late and prevents residents from engaging in a meaningful way with the City's review and approval process!

Regardless, add language indicating the required timing and breadth of such a meeting. For example, "The neighborhood meeting shall be advertised to all landowners within ……radius of the project and occur prior to the second review of the application." Such language will assure the community that they have opportunities to learn about, and comment on such applications in a timely manner.

Comment [CM9]: If this is the second step of the referral process, please revise the number and letter ordering to make it clear. Or is this "Review" separate from the Referral process?

~~requirements~~comments, or needs further clarification, a second technical review meeting may be set between the applicant and the city staff to discuss and resolve the issues.

~~4~~5. Technical Review Meeting: In the event a second technical review meeting is necessary, the planning division will prepare a comprehensive report on the ~~final~~ SDP application containing the various concerns and recommendations. The applicant will then submit a revised SDP based upon the comprehensive report provided by Staff. The revised ~~final~~ SDP will be reviewed by city staff at a scheduled meeting with the applicant occurring within 21 days of receipt of the revised plan. Certain conditions may be attached to the approval of the ~~final~~ SDP based on the criteria set forth in section 10-7-3 of this chapter. Should conditions be required, the conditions will be established and communicated by Staff to the applicant at the scheduled review meeting. The conditions of the ~~final~~ SDP must be met prior to the issuance of any building permit.

~~5~~6. Limitations On Approval: Approval of a ~~final~~ SDP does not constitute approval required by any other provision of this code. (Ord. 20, Series of 2012)

10-7-3: APPROVAL CRITERIA:

(A) ~~Provisions To Be Met: All provisions of this title are met, particularly the general supplementary standards as stated in chapter 4 of this title, together with any conditions of approval stipulated through any other review process which affects the property.~~The community development director shall take final action on the site development plan application and either approve, approve with conditions or deny such application.

(B) ~~Mitigate Adverse Effects: The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected; adequate fire protection can be provided; and adverse effects on adjacent property are mitigated or eliminated:~~Approval of a site development plan shall not be final until the applicant ~~accepts~~ meets all conditions of approval and submits a corrected site plan to the community development department. Notification of approval of a site development plan shall be sent in writing or via digital communication to the applicant from the community development department. For purposes of appeal only, an applicant may accept conditions of approval under protest in order to satisfy the requirements of a timely appeal of a final decision. The ten day timeframe for submitting an appeal shall begin the day after the approval is communicated to the applicant.

~~1. Location of buildings, structures and improvements;~~

~~2. Vehicular ingress and egress;~~

~~3. Internal vehicular circulation;~~

Comment [CM10]: When did the first Technical Review Meeting occur? Who is required to attend? What occurs at the meeting? Please clarify.

Comment [CM11]: What does "under protest" mean and why would an applicant do that? Does "under protest" mean that the applicant has an opportunity to negotiate the conditions? This sentence is very confusing as written.

~~4. Setback lines;~~

~~5. Height of building;~~

~~6. Service facilities;~~

~~7. Walls;~~

~~8. Open space and landscaping;~~

~~9. Sidewalks;~~

~~10. Exterior lighting.~~

(C) ~~Architecture And Colors: All architecture (including rooflines), building materials and colors shall be complementary to and compatible with existing or proposed development on surrounding properties.~~Approval of a SDP requires that the plan shall meet all of the following criteria:

~~1. Shall be consistent with the comprehensive plan.~~
~~2.~~1. Shall be consistent with any General Planned Development Plan, framework, vision or other land use approval.
~~3. Shall comply with any design standards adopted by the planning commission.~~
~~4.~~2. Shall comply with all applicable development and design standards including those of the applicable zoning district.
~~5.~~3. It is compatible with adjacent development to the subject property based on the factors identified in subsection 8
~~6.~~4. All provisions of this title are met, particularly the general supplementary standards as stated in chapter 4 of this title, together with any conditions of approval stipulated through any other review process which affects the property.
~~7.~~5. Mitigate Adverse Effects: Any significant adverse impacts resulting from the use shall be mitigated or eliminated to the extent reasonably feasible, including:

(a) Location of buildings, structures and improvements;
(b) Vehicular ingress and egress;
(c) Internal vehicular circulation;
(d) Setback lines;
(e) Height of building;
(f) Service facilities;
(g). Walls;
(h) Open space and landscaping;
(i) Sidewalks;
(j) Exterior lighting.

Comment [CM12]: Major or Minor or Both? Needs clarification.

Comment [CM13]: The originally proposed #1 was deleted because it is redundant.

Assuming the City's zoning code is compliant with the City's comprehensive plan then #1 is unnecessary and burdensome to landowners and developers. It will require significant time and resources to be spent by someone doing lots of research and writing to explain prior policy and regulatory decisions made by the City. Further, a site development plan applies to development that is already a use by right, as established by the zoning code. Again, the comprehensive plan is implicitly complied with because the use is "by right."

Comment [CM14]: Where is subsection 8? Please clarify.

Comment [CM15]: How does the City define "significant adverse impacts?" I couldn't find a definition in the City's zoning code. This must not be a subjective term left up to neighbors to define.

Also, how could a use by right that is complying with the zoning code's development and design standards create a significant adverse impact? All of these topics are required to be addressed by the applicant during the SDP review process.

This only seems to be a very easy way for NIMBYs to directly interfere with private property rights and for people who disagree with the City's zoning code to protest development or redevelopment that offends their personal aesthetics or sense of entitlement to a community that doesn't change around them.

(k) Architecture And Colors: All architecture (including rooflines), building materials and colors shall be complementary to and compatible with existing or proposed development on surrounding properties.

(l) Signage: Proposed signs shall not, by size, location, color or lighting, interfere with traffic or limit visibility and conform to the provisions of the city's sign code. Sign packages are to be prepared separately but may be submitted concurrently with the Site Development Plan.

(m) Water And Sewer Systems: Water and sewer systems contain the capacity and are adequate to serve the proposed development.

(n) Stormwater Runoff: Stormwater runoff problems shall not be compounded because of the development.

(o) Curb Cuts: Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations as approved by the public works director.

~~(D) Signage: Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.~~

~~(E) Water And Sewer Systems: Water and sewer systems are adequate to serve the proposed development.~~

~~(F) Stormwater Runoff: Stormwater runoff problems are not compounded because of the development.~~

~~(G) Curb Cuts: Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations.~~

~~(H) Design Guidelines Compatibility: The development shall be compatible with any design guidelines adopted by the planning commission which affect the property to be developed under the proposed plan.~~

10-7-4: APPEALS:

~~The decision of city staff on the SDP shall be final unless the applicant files a written appeal to the decision. Such appeal request shall be filed with the planning division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal request shall be placed on the agenda of the planning commission within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The planning commission will conduct a public hearing to receive evidence and testimony from the applicant, city staff and interested parties. After conducting the public hearing, the planning commission may approve, deny, or approve the SDP with modifications. In making its decision, the planning commission shall consider the SDP~~

~~requirements as set forth in this chapter. (ORD. 20, Series of 2012; amd. Ord. 15, Series of 2016)~~

(A) Minor Site Development Plans: The decision of the community development director on a minor SDP shall be final unless the applicant files a written appeal to the decision. Such appeal request, together with the fee adopted by city council for appeals, shall be filed with the planning division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal is not a quasi-judicial hearing, but an administrative review of the community development director's decision. In making its decision, the planning commission shall only consider the SDP requirements as set forth in this chapter. The appeal request shall be placed on the agenda of the planning commission within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The planning commission will review the matter at a public meeting and ~~may consider all relevant information.~~will hear testimony from meeting attendees wishing to address the Planning Commission. The planning commission may approve the minor SDP, approve the minor SDP with conditions or deny the minor SDP.

(B) Major Site Development Plans: The decision of the community development director on the Major SDP shall be final unless the applicant or a person owning real property (excluding owners of easements or rights-of-way) within 300 feet of the exterior boundary of the subject parcel file a written appeal to the decision. Such appeal request together with the fee adopted by city council shall be filed with the planning division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal shall specifically indicate which approval criteria are the basis for the appeal. Upon an appeal being filed by a party other than the applicant, the applicant shall have thirty (30) calendar days to respond to the appeal. The appeal shall be placed on the agenda of the planning commission within thirty days following the appeal or the receipt of the applicant's response whichever is later. The time may be extended by the chair of the Planning Commission for good cause shown. However, in no event shall the appeal be heard later than sixty days after the filing. The planning commission shall consider only the approval criteria contained in this chapter in ruling upon any appeal. The appeal is not a quasi-judicial hearing, but an administrative review of the community development director's decision. However, all parties shall have the right to present all relevant evidence relating to the approval criteria to the Planning Commission. The planning commission may approve the major SDP, approve the major SDP with conditions or deny the major SDP.

10-7-5: REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE:

(A) ~~Approved Final SDP:~~

Comment [CM16]: If the planning commission is allowed to consider a neighbor's offense to higher-density homes (a use by right) being proposed by a developer as part of it's decision-making process then the city's zoning code is a made irrelevant and all of the applicant's and City staff's time and $ is a huge waste. It completely undercuts the authority and the careful decision-making processes gone through by fellow citizens and elected and appointed officials in the writing of the zoning code.

Comment [CM17]: Please clarify how the "appeal is not a quasi-judicial hearing, but an administrative review" that results the Planning Commission making a final decision at the appeal?

Comment [CM18]: Again, if the project meets the requirements of the zoning code, why allow a neighbor to file an appeal? If the neighbor's been notified of the project, invited to a neighborhood meeting, and then provided comments on the project prior to this appeal then why allow this to occur? Why 300' feet? Is this # arbitrary or is it the average block length in the City?

Comment [CM19]: Why is the applicant required to respond? Haven't they proven through the review process that their request complies with the City's regulations? Or should the applicant just be required to acknowledge the existence of the appeal?

Comment [CM20]: The same comment as offered above re: Minor SDPs about the approval criteria that the Planning Commission must adhere to in its decision-making process

~~1. Recording: An approved final SDP, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to subsections 10-1-9(E) and (F) of this title prior to the issuance of a building permit. Even if the SDP has been recorded, the approval will become null and void after one year from the date of approval if a building permit has not been issued or construction has not begun unless a time extension is granted pursuant to subsection 10-1-9(F) of this title.~~

~~2. Distribution: After recording the approved final SDP, such plans shall be distributed to: planning division, engineering division and the applicant or owner.~~

Recording: Following the applicable appeal period, an approved SDP, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to this title prior to the issuance of a building permit.

(B) ~~Additional Material: The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:~~

~~1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.~~

~~2. Final drainage study.~~

~~3. Plans and/or agreements for placing utilities underground.~~

~~4. Right of way and easement documents sufficient to convey clear and unencumbered title.~~

~~5. Title insurance policies warranting free and unencumbered title to any public easement or land dedication within the area of the SDP to be conveyed to the city.~~

~~6. Traffic studies and signal plans.~~

~~7. Construction plans and agreements for off site improvements (i.e., sidewalks, curb and gutter installation, and removal).~~

Even if the SDP has been recorded, the approval will become null and void after one year from the date of approval if a building permit has not been issued unless a time extension is granted pursuant to this title. Construction must be completed within three years.

(C) ~~Completion Of Improvements: All on site and off site improvements associated with the SDP approval must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, such as adverse weather, certain improvements, excluding paving, may be delayed for a specified period of time provided that one or more of the following items are submitted:~~

~~1. An acceptable form of guarantee, approved by the city attorney, to secure to the city installation of all required off-site improvements; and/or~~

~~2. An acceptable form of guarantee, approved by the city attorney, for on-site open space, buffer yards or other required facilities. (Ord. 20, Series of 2012)~~

Distribution: After recording the approved final SDP, such recorded plans shall be distributed digitally to: planning division, engineering division, the applicant or owner and any other party as determined to be appropriate by the community development director.

(D) Notification for Major Site Development Plans: In a form acceptable to the City, the applicant shall notify all property owners within 300 feet of the development of the date of administrative approval of a major site development plan using the addresses on file with the county assessor and shall provide the City with a written notarized certification of making such notice.

(E) ~~Additional Material: The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:~~

~~1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.~~

~~2. Final grading and drainage studies and plans.~~

~~3. Plans and/or agreements for placing utilities underground.~~

~~4. Right of way and easement documents sufficient to convey clear and unencumbered title.~~

~~5. Title insurance policies warranting free and unencumbered title to any public easement or land dedication within the area of the SDP to be conveyed to the city.~~

~~6. Traffic studies and signal plans.~~

~~7. Construction plans and agreements for off-site improvements (i.e., sidewalks, curb and gutter installation, and removal).~~

(F) Completion Of Improvements: All on-site and off-site improvements associated with the SDP approval must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, such as adverse weather, certain improvements, excluding paving, may be delayed for a specified period of time provided that one or more of the following items are submitted:

1. An acceptable form of guarantee, to be negotiated with, and submitted to, the City's Public Works Department, approved by the city attorney, to secure to the city installation of all required off site improvements; and/or

2. An acceptable form of guarantee, to be negotiated with the City Planning Department, and submitted to the City's Publid Work Department, approved by the city attorney, for on site open space, buffer yards or other required facilities.

Comment [CM21]: I'm assuming, probably incorrectly, that the Public Works Department manages and tracks all guarantee funds. Whichever department does that should be listed in these paragraphs so that applicants understand the entities they'll need to work with.

10-7-6: SKETCH PLAN:

(A) There may be certain circumstances where a site development plan is not required, but certain architectural, landscaping, drainage or parking modifications will require the submittal of a sketch plan in order for city staff to evaluate a proposal in compliance with design guidelines, drainage criteria and landscaping criteria.

(B) The sketch plan shall generally meet the requirements specified in the operating standards (Ord. 20, Series of 2012)

(C) For development on a single lot, a plot plan may be required showing size and location of structures to be erected and such other information as provided in the operating standards

(D) Sketch or plot plan approval shall be valid for one year from the date of decision. Should a building permit not be issued within the one year time frame, the sketch or plot plan approval shall expire.