

Legislation Text

File #: Ordinance 16-2019, **Version:** 4

Agenda Date: 06/04/2019

Subject:

Ordinance 16-2019: Second introduction of an ordinance amending the city code Title 10, Chapters 1 and 7, regarding Site Development Plans

Presented By: Mike Sutherland, Deputy Director, Community Development

POLICY QUESTION:

Does city council support creation of “major” and “minor” categories for site development plans and individual appeals processes for each?

BACKGROUND:

Currently, only the applicant has the ability to appeal administrative denial of a site development plan. Under the proposed code amendment, the applicant will retain their appeals status, but for major site development plans, surrounding property owners will have standing to appeal administrative approvals to the planning commission. An attachment summarizes the proposed changes and the reasons for each.

PRIOR ACTIONS OR DISCUSSIONS:

- January 22, 2019 - joint study session with planning commission and council to discuss the proposed amendment.
- April 22, 2019 - planning commission public hearing: recommended approval with the following conditions:
 - Add new subsection "J" to section 10-7-2(B)(2) requiring the submittal of any documents required to demonstrate compliance with Littleton's operating standards and the site development plans approval criteria;
 - For major applications, the final decision date shall be defined as the date the applicant provides certification of mailing to nearby property owners to the city;
 - For major applications the appeal period shall be 20 days; and
 - Exclude rights of way and easements from the 300 feet notification range.
- May 21, 2019 - passed on first reading at regular meeting of City Council.

The planning commission's recommended conditions and several citizen's comments have been incorporated into the proposed ordinance and are summarized in the summary table. The planning commission recommended excluding easements from the notification range, but parcel information used for notification does not include easement information, so implementation of that provision could be problematic.

STAFF ANALYSIS:

- The proposed amendment defines minor versus major site development plans
- The proposed amendment establishes appeals processes for both major and minor site development plans
- All site development plans continue to be approved or denied administratively
- Administrative decisions on minor site development plans may be appealed to the planning commission by the applicant
- Administrative decisions on major site development plans may be appealed to the planning commission by either the applicant or neighboring property owners

- Appeal decisions by the planning commission are final, all other appeals must proceed through the district court process

OPTIONS/ALTERNATIVES:

If council adopts the proposed ordinance, the Littleton City Code will be changed and all new site development plans submitted after the effective date will be categorized as either major or minor and a new appeals process will apply to major site development plans. If council does not adopt the proposed ordinance, the current site development plan process will remain in place.

FISCAL IMPACTS:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the proposed ordinance (including the planning commission conditions and selected citizen comments) noting that for larger projects with greater community impacts, the amendment will provide additional opportunity to appeal administrative decisions, which improves the welfare of the citizens.

PRESENTATIONS:

- i. **Staff Presenter:** Mike Sutherland
- ii. **Applicant Presenter:** N/A

PROPOSED MOTION:

I move to approve the ordinance amending the Littleton City Code Title 10, Chapters 1 and 7 regarding site development plans.