
ITEM: LMCA-000491-2023 – Zoning Ordinance Amendment
Revising the Expedited PUD Process

PLANNER: Matt Post, Senior Planner

REQUEST: Approval of Resolution XX, Series 2024 recommending to the City Council approval of an ordinance amending Title 16 and Title 17 of the Louisville Municipal Code to revise the expedited PUD process, minor subdivision procedures, and preliminary plat processing.

SUMMARY:

Attached for recommendation to the City Council is a draft ordinance to update which PUD applications are eligible to go straight to final planned unit development (PUD). The update requires additional consideration of provisions in Louisville Municipal Code (LMC) Title 16 (Subdivision) to align with the proposed change to the PUD process.

BACKGROUND:

All development in Louisville, except for residential development up to 6 units and less than an acre, requires approval of a PUD. A PUD establishes the site plan, landscaping plan, drainage, grading, utilities, lighting, and architecture, with development subject to the City's applicable development and design guidelines.

Most new PUDs need an approved preliminary PUD with Planning Commission and City Council public hearings before requesting final PUD approval per LMC Sec. 17.28.170. The preliminary PUD establishes major features like street connections and proposed land uses. The final PUD is more granular with a detailed site plan that shall be referred to the Planning Commission for recommendation to the City Council for a final decision.

LMC Section 17.28.250 (Expedited PUD) sets forth a procedure where an applicant for a new PUD can request to go straight to final PUD. To be eligible for expedited PUD the subject property and proposal must be:

- Less than seven acres;
- Previously subdivided;
- No more than one building and principal use;
- Governed by a general development plan in the planned community district; and
- Subject to "covenants of record addressing the use and development of the property".

The purpose of expedited review is not clearly stated or documented in City archives. The current process only applies to specific areas of Louisville and for specific types of projects that tend to have comparably minor impacts.

LMC Sec. 17.28.150 (Coordination with Subdivision Regulations) states that subdivision review under the subdivision regulations (Title 16) shall be carried out simultaneously with the review of a PUD. Under the current subdivision process, a preliminary plat and final plat are required with the review of a PUD.

PROPOSAL:

The proposed changes update the types of projects eligible for expedited PUD review and final plat review. The proposed updated expedited PUD process, subdivision process, and preliminary plat process is as follows:

- Maintain the size requirement of less than seven acres with changes to clarify the language.
- Maintain the requirement that the property has been previously subdivided but add a requirement that any new platting must be within the minor subdivision thresholds.
- Eliminate the following eligibility requirements:
 - That PUDs must be in an approved general development plan in the planned community district.
 - That they must be limited to one land use and one building.
 - That they must be subject to covenants of record addressing the use and development of the property.
- Add the requirement that the project will not have “material” changes in the type of public improvements, easements, arrangement of streets, open space, or utilities. This is parallel to language in LMC Sec. 16.12.110 (subdivisions) to address those PUD applications that may have impactful changes but not be platting and are under seven acres.
- Amend LMC Sec. 17.28.170 (Preliminary Development Plan – Plan Review) to align with the proposed changes to LMC Sec. 17.28.150 (Expedited PUD), which includes ensuring that multifamily dwellings, Special Review Uses, and requests for relief from applicable provisions (waiver and variance) may be eligible for expedited PUD review under the revised language.
- Amend LMC Sec.16.12.110.C.1 (Minor Subdivision Procedure) by removing the underlined language from the following provision: *The subdivision is a replat of an approved final subdivision plat which does not increase the number of lots or increase density, and which does not result in a material change in the extent, location, or type of public improvements, easements, arrangement of streets, open space, or utilities.*

The amended provision would read as follows: *The subdivision is a replat of an approved final subdivision plat which does not result in a material change in the type of public improvements, easements, arrangement of streets, open space, or utilities.*

- Amend LMC Sec. 16.12.020 (Preliminary Plat – Preparation) to indicate that the preliminary plat requirement may be waived by the Director when certain aspects of the site or development proposal are satisfied.
- Amend the definition of “Planned Unit Development” in LMC Sec. 16.080.020 to allow the review of a final PUD without requiring a preliminary plat review. A final plat may still be required for review.

ANALYSIS:

Staff finds that there are three main limitations of the current code. One, some PUD applications that do not meet all four of the expedited PUD criteria in LMC Sec. 17.28.250 may not need both the preliminary and final PUD process to adequately evaluate the proposal. Two, limiting the expedited PUD process only to properties governed by a general development plan and in the planned community zone district excludes, for example, properties near Old Town, much of the Colorado Technology Center (CTC), and most of the South Boulder Road corridor. Three, portions of the expedited PUD review process have confusing language (e.g., “covenant of record addressing the use and development of the property”).

The revision to LMC Sec.16.12.110.C.1 (Minor Subdivision Procedure) will reduce redundancies in the review process while supporting the administration of applicable and enforceable engineering and zoning regulations for development proposals. The proposed revision will not remove the requirement that all requests for subdivision, regardless of scope or scale, shall be referred to the Planning Commission for recommendation to the City Council for a final decision.

The revision to LMC Sec. 16.12.020 (Preliminary Plat – Preparation) will allow the Director to waive the requirement for a preliminary plat with the agreement of the applicant when specific review criteria related to the site and the proposed development are satisfied.

The goal of the proposed changes is to allow broader access to the expedited PUD process for appropriate projects. The proposed changes would enable more PUDs to be eligible to apply for a final PUD and Final Plat and bypass the preliminary PUD and preliminary plat steps than what is currently permitted (e.g., < 7 acres, only replats that are minor, etc.). This ordinance does not change anything about the final PUD or final plat process, including the requirement for Planning Commission and City Council public hearings and the applicable review criteria.

PUBLIC COMMENTS:

No public comments have been submitted.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution XX, Series 2024 recommending approval of an ordinance amending Title 16 and Title 17 of the Louisville Municipal Code to revise

the expedited PUD process, minor subdivision procedures, and preliminary plat process.

ATTACHMENTS:

1. Resolution XX, Series 2024
2. Draft Expedited PUD Review, Minor Subdivision Procedure, and Plat Processing Ordinance