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

PLANNER: Matt Post, Senior Planner

REQUEST: Approval of Resolution 2, 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 subdivision definitions.

SUMMARY:

Attached for recommendation to the City Council is a draft ordinance to update which planned unit development (PUD) applications are eligible to go straight to final PUD (“expedited PUD”) and which subdivision plat applications are eligible to go straight to final subdivision plat.

Staff presented a previous draft ordinance on this topic to the Planning Commission on December 14, 2023. This draft did not include proposed updates to the minor subdivision procedure and subdivision definitions. Upon further review, staff determined that the minor subdivision procedure and subdivision definitions required parallel updates to align with the proposed changes to the expedited 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.

Pursuant to Louisville Municipal Code (LMC) Sec. 17.28.150, when subdivision review is required for the proposed development, it must be evaluated concurrently with the PUD. The subdivision establishes the final development pattern and condition for the subject property, including lot layout, site design, and the location of public and private streets.

Most new PUDs need an approved preliminary PUD and subdivision plat with Planning Commission and City Council public hearings before requesting final PUD and plat approval per LMC Sec. 17.28.170. The preliminary PUD and subdivision plat establish major features like street connections, lot layout, potential easement locations, and proposed land uses. The final PUD and plat are more granular with a detailed site plan and plat. Under the current process, a typical PUD and subdivision plat application will include four public hearings to reach a final decision – two for preliminary, two for final.

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.

PROPOSAL:

The proposed changes update the types of projects eligible for expedited PUD review and that can go straight to final subdivision plat review. The proposed changes to Title 16 and 17 address the expedited PUD process, subdivision process, and subdivision definitions as follows:

Regarding the Expedited PUD Process:

- 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, coupled with targeted changes to the minor subdivision section (see subdivision plat bullet points below).
- 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 the proposed language in LMC Sec. 16.12.110 (subdivisions) to address those PUD applications and new subdivisions that may have impactful changes but are previously platted and are under seven acres.

Regarding Subdivision Plats:

- Amend LMC Sec.16.12.110.C.1 (Minor Subdivision Procedure) as follows. A subdivision plat must meet one of four criteria and the following is one of them. *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 the definition of “Planned Unit Development” in LMC Sec. 16.080.020 to allow for the submittal and review of a final PUD without prior preliminary plat review when a project is eligible for expedited PUD 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 processes to adequately evaluate the proposal. Two, limiting the expedited PUD process 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”).

Overall, the goal of the proposed changes is to allow broader access to the expedited PUD process for appropriate projects. This ordinance does not change anything about the final PUD or final subdivision plat process, including the requirement for Planning Commission and City Council public hearings for both and the applicable review criteria.

The proposed changes to LMC Title 17 (Zoning) provide clearer language and would enable more PUDs to be eligible to apply for a final PUD and bypass the preliminary PUD than what is currently permitted (e.g., < 7 acres, only replats that are minor, etc.).

The proposed changes to LMC Title 16 (Subdivisions) are necessary to comprehensively address the current limitations of the expedited PUD process given that subdivision review must be carried out simultaneously with PUDs pursuant to LMC Sec. 17.28.150 (Coordination with subdivision regulations).

The proposed revision to LMC Sec.16.12.110 (Minor Subdivision procedure) will allow expanded access to the expedited PUD process and ensure that appropriate projects may be eligible for final subdivision plat review and will not need to undergo preliminary plat review. Staff anticipate that the proposed revision will reduce redundancies in the review process while supporting the administration of applicable engineering and zoning regulations and policies. The proposed revision will not remove the requirement that all

requests for subdivision, regardless of scope or scale, be approved by the Planning Commission and City Council at a public hearing.

The proposed changes to LMC Title 16 (Subdivisions) would parallel the expedited PUD approach while acknowledging that the subdivision plat process is not intended to evaluate density, location and extent of easements, or number of lots on a discretionary level. The review of a subdivision plat is whether it meets the objective standards or not (e.g., minimum lot sizes, sizes of easements to meet engineering standards, etc.). A subdivision plat will still need to satisfy the review criteria of LMC Title 16 for staff to recommend approval.

The table below summarizes three scenarios where an applicant could request expedited PUD review under the proposed changes and the likely outcomes.

Scenarios for PUDs with Proposed Expedited PUD Changes	
Project Type	Eligible for Expedited PUD with Proposed Changes?
Single use commercial building on one property; < 7 acres; previously subdivided.	Yes, the application would likely be eligible for the expedited PUD process. This type of development would typically not need to replat beyond the minor subdivision thresholds.
Multi-building, mixed use development (e.g., residential and commercial); < 7 acres; previously subdivided.	Yes, the application would likely be eligible for the expedited PUD process. It is previously platted, less than 7 acres, and eligible for the minor subdivision process if it meets one of four criteria in LMC Sec. 16.12.110.
Multi-building, mixed-use, commercial, or industrial; > 7 acres; previously subdivided.	No, the application would not be eligible for the expedited PUD process. The site is greater than 7 acres even though it has been previously subdivided.

PUBLIC COMMENTS:

No public comments have been submitted.

STAFF RECOMMENDATION:

Staff recommends approval of Resolution 2, 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 subdivision definitions.

ATTACHMENTS:

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