

**SUBJECT: ORDINANCE XX, SERIES 2024 – 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
– 1st READING AND SET PUBLIC HEARING FOR MAY 21, 2024**

DATE: MAY 7, 2024

PRESENTED BY: MATT POST, SENIOR PLANNER

SUMMARY:

Staff is presenting the first reading of an ordinance that would 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.

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, 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:

- Remove the size requirement of less than seven acres.
- 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). A subdivision plat must meet one of four criteria. One of the criteria will be amended to read as follows: *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.

Regarding Removal of the Seven Acre Threshold

Properties that are greater than seven acres in size are not currently eligible for the expedited PUD process. This was maintained in the draft ordinance presented to the Planning Commission.

Deliberation by the Planning Commission included inquiries into the origin of the seven acre threshold as a criterion for considering whether a project is eligible for expedited PUD review. Staff reviewed the history of the seven acre threshold and were unable to find a clear reason or intent as to why the standard exists and was initially adopted.

Removal of the seven acre threshold from the expedited PUD process was not proposed to the Planning Commission; however, based on the discussion at the Planning Commission public hearing, the lack of rationale for this size threshold, and that the proposed language would still provide discretion for the city to require a preliminary PUD for major applications, staff are recommending that the City Council remove the seven acre threshold from this draft ordinance.

ANALYSIS:

Staff find 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 determines 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.

Removing the seven acre threshold would further reduce redundancies in the review process and lessen staff caseloads by allowing most developments to move directly to final PUD and plat, which would still require Planning Commission and City Council public hearings. Staff would retain the opportunity to require a preliminary PUD and plat if a material change as defined by this ordinance update is identified in the proposal. The applicant may choose to undergo preliminary review for their own benefit or engage in the recently adopted Concept Plan process for nonbinding City Council and public feedback.

Retaining the seven acre threshold and requiring those projects to undertake the preliminary PUD and plat process may benefit the applicant by allowing them to undergo review and receive preliminary approvals from the city prior to investing in a final document package.

Removing the seven acre threshold and allowing larger projects to move directly to final PUD and plat at their own discretion will require the applicant to make a significant investment into developing the required final plan set. Once an applicant makes those investments and generates a final document package, it may prove difficult for staff to impose non policy-related changes to the development plans in the latter stages of review.

Properties in the city that are currently greater than seven acres in size are generally located along the McCaslin Blvd and Centennial Pkwy corridors (Centennial Valley), and within the Conoco Phillips Campus GDP (Redtail Ridge), among others.

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.	Yes, the application would be eligible for the expedited PUD process. The site is greater than 7 acres and has been previously subdivided.
Development that includes a “material change” or is not previously subdivided.	No, the application would not be eligible for the expedited PUD process. A material change is occurring and/or the property is not previously subdivided. A material change may include major changes street configurations, publicly accessible open space, major changes to shared utilities, etc.

PUBLIC COMMENTS:

No public comments have been received to date.

FISCAL IMPACT:

No fiscal impact is anticipated from the changes to the code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed the draft ordinance at their March 14, 2024, meeting and voted unanimously to recommend approval with the following conditions:

- Remove the language “extent, location, or” from LMC Sec. 17.28.250.B.3 of the draft ordinance to address a staff oversight.

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All Commission conditions were incorporated into the 1st reading draft for City Council.

Planning Commission meeting minutes will be provided with the 2nd reading and public hearing.

The recording of the meeting is available [here](#) (8:19 – 1:02:00).

STAFF RECOMMENDATION:

Staff recommends that the City Council approve Ordinance XX, Series 2024 on first reading and setting the public hearing for May 21, 2024 with the following condition.

- Remove the language “*the property is less than seven acres in area*” from the draft ordinance.

ATTACHMENTS:

1. Ordinance XX, Series 2024 - Draft Expedited PUD Review, Minor Subdivision Procedure, and Subdivision Definitions Ordinance.
2. Planning Commission Resolution 02, Series 2024
3. Planning Commission Minutes

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STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☐	 Reliable Core Services
☒	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☒	 Engaged Community	☐	 Healthy Workforce
☐	 Supportive Technology	☐	 Collaborative Regional Partner

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