

SUBJECT: **ORDINANCE NO. 1873, 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 – 2nd READING (advertised *Daily Camera* 5/12/24)**

DATE: **JUNE 4, 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 with 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 (see further analysis below).
- 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 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 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 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

detailed 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:

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

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

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

STAFF RECOMMENDATION:

Staff recommends that the City Council approve Ordinance No. 1873, Series 2024 with the following condition.

- Remove the language “*the property is a minimum of one and no more than seven acres in area*” from LMC Sec. 17.28.250.B.1 of the draft ordinance.

ATTACHMENTS:

1. Ordinance NO. 1873, Series 2024
2. Planning Commission Resolution 02, Series 2024
3. Link to [Planning Commission Video](#) (8:19 – 1:02:00)
4. Presentation

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

**ORDINANCE NO. 1873
SERIES 2024**

**AN ORDINANCE AMENDING TITLE 16 AND TITLE 17 OF THE LOUISVILLE
MUNICIPAL CODE TO REVISE THE EXPEDITED PUD REVIEW PROCESS, THE
MINOR SUBDIVISION PROCEDURES, AND SUBDIVISION DEFINITIONS**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, the expedited PUD process is an effective tool for appropriate PUD applications but has a limited scope of eligible applications;

WHEREAS, the City desires to revise the expedited PUD review process so a broader range of appropriate PUD applications can utilize the process;

WHEREAS, the City desires to revise the minor subdivision procedures and subdivision definitions to align with the revised expedited PUD process;

WHEREAS, after a duly noticed public hearing held March 14, 2024, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated March 14, 2024, the Louisville Planning Commission has recommended the City Council adopt the amendments to the LMC set forth in this ordinance; and

WHEREAS, City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Louisville Municipal Code Chapter 17.28 – Planned Unit Developments is hereby amended as follows:

Sec. 17.28.250. - Expedited PUD procedure.

- A. The purpose of this section is to provide an expedited process for planned unit developments (PUDs) that can be adequately evaluated for consistency with applicable City rules and policies without a related preliminary planned unit development. An applicant may request expedited review of a planned unit development application upon submittal of all applications and information required in this title for consideration of a planned unit development. The requirement of filing a preliminary planned unit development plan and holding a public hearing thereon is waived under this expedited PUD procedure. Review of a planned unit development meeting the criteria for expedited review shall be conducted by the planning

commission and the city council under the procedures authorized for final development plan approval.

- B. A planned unit development application meeting all of the following criteria shall be eligible for expedited PUD review if:
- ~~1. The property is a minimum of one and no more than seven acres in area;~~
 - ~~2. The property has been previously subdivided and any proposed replat with the planned unit development application is eligible for the minor subdivision procedure in Sec. 16.12.110; and~~
 - ~~3. The Director determines the application will not result in a material change in the extent, location, or type of public improvements, easements, arrangement of streets, open space, or utilities.~~
 - ~~4. The property is governed by an approved general development plan as part of a planned community zone district;~~
 - ~~5. The proposed planned unit development contains no more than one building and principal use; and~~
 - ~~6. The property is subject to covenants of record addressing the use and development of the property.~~

Section 2. Louisville Municipal Code Chapter 16.12 – Procedure is hereby amended as follows:

Sec. 16.12.110 – Minor Subdivision procedure.

- A. Subdivider may apply through the minor subdivision procedure by submitting all the applications and information required in this title for consideration of a subdivision. The planning commission shall hold a public hearing after notice is given as set forth in [section 16.04.070](#), concerning such minor subdivision and may give approval of a final plat at that time. Notice by mail shall only be required to be made to real property owners located within 750 feet of the property line of the proposed subdivision. The requirement of filing a preliminary plat and holding a public hearing thereon is waived under this process. The planning commission after holding a public hearing shall approve, disapprove or approve such final plat with modifications and submit the plat together with the commission's recommendations to the city council.
- B. Upon receipt of the plat and recommendations of the planning commission, the city council shall approve, disapprove or refer the plat back to the planning commission for further study. Following acceptance of the final plat by the city council, the plat shall be signed by the mayor and attested by the city clerk. The city clerk shall then record the plat as provided for other subdivisions in this chapter.
- C. A subdivision application meeting one or more of the following criteria shall be eligible for review as a minor subdivision:
1. The subdivision contains solely residential use and results in not more than four dwelling units;

2. 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;
3. The subdivision results in no more than two lots; each lot is adjacent to and has access to an accepted and maintained public street; the improvements required by [chapter 16.20](#) are already in existence and available to serve each lot; each lot will meet the requirements of the city's zoning regulations without the necessity for a modification; no modification or variance has been granted within the three previous years to any lot; and, no part of the subdivision has been approved as part of a minor subdivision within three years prior to the date of the submission of the minor subdivision plat;
4. The subdivision is of a lot, previously created by an approved final subdivision plat, which is split or subdivided into no more than two lots and the lots created by the split comply with the applicable dimensional requirements of the city's zoning regulations.

Section 3. Louisville Municipal Code Chapter 16.08 – Definitions is hereby amended as follow:

Sec. 16.08.020 – Definitions

Planned Unit Development means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses, or industries and associated uses; and planned as a single entity and therefore subject to development and regulation as one land use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional, open space for the mutual benefit of the entire tract and is designed to provide variety and diversity through the variance of normal zoning and subdivision standards, so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced, while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing. ~~A preliminary plat and a final plat must be submitted and processed through the subdivision procedures as provided in chapter 16.12.~~

Section 4. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change

in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED
PUBLISHED** this 7th day of May, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this 4th day of June, 2024.

Christopher M. Leh, Mayor

ATTEST:

Meredyth Muth, City Clerk

**RESOLUTION NO. 2
SERIES 2024**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
TITLE 17 AND TITLE 16 OF THE LOUISVILLE MUNICIPAL CODE TO REVISE THE
EXPEDITED PUD REVIEW PROCESS, THE MINOR SUBDIVISION PROCEDURE,
AND SUBDIVISION DEFINITIONS**

WHEREAS, the City of Louisville (the “City”), is a Colorado home rule municipal corporation duly organized and existing under laws of the State of Colorado and the City of Louisville Home Rule Charter (the “City Charter”);

WHEREAS, City of Louisville municipal code Title 17, Zoning, establishes development review application processes for the development of land within the City;

WHEREAS, City of Louisville municipal code Title 16, Subdivisions, establishes development review application processes for the division of land within the City;

WHEREAS, the expedited PUD process is an effective tool for appropriate PUD applications but has a limited scope of eligible applications; and

WHEREAS, the City desires to revise the expedited PUD review process so a broader range of appropriate PUD applications can utilize the process; and

WHEREAS, the City desires to revise the minor subdivision procedure and subdivision definitions to align with the revised expedited PUD process.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Title 17 and Title 16 of the Louisville Municipal Code to revise the expedited PUD process, the minor subdivision procedure, and subdivision definitions with the following conditions:

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

PASSED AND ADOPTED this 14th day of March, 2024.

By: _____
Steve Brauneis, Chair
Planning Commission

Attest: _____
Jeffrey Moline, Secretary
Planning Commission

City Council Public Hearing

June 4, 2024

Expedited Planned Unit Development (PUD) Review *Ordinance Amendment*

Ordinance NO. 1873, Series 2024, recommending approval of an ordinance amending Louisville Municipal Code Title 17 and Title 16 to update the expedited PUD process, minor subdivision procedures, and subdivision definitions.



Background

- PUDs are essentially site development plans with site-specific standards
- All development requires PUD before building permit application
- Most PUDs require four public hearings (preliminary/final; Planning Commission, City Council)
- The zoning code has a process for PUDs to go straight to final (two public hearings instead of four), but projects that are eligible are very limited.



Background

- If necessary, subdivision review occurs simultaneously with the review of a PUD
- Most subdivision plats with concurrent PUD review requires four public hearings (preliminary/final; Planning Commission, City Council)
- The subdivision code has a process for subdivision plats to go straight to final plat (two public hearings instead of four), but projects that are eligible are limited.

Proposal

- Recognize that many PUDs and subdivision plats can be adequately evaluated through the final PUD and final plat process.
- Allow broader access to the expedited PUD and final plat process for appropriate projects.
- Ensure that the subdivision process aligns with the expedited PUD process. Comprehensive Plan Amendments specific to a certain property

Highlights of the Proposed Ordinance

For PUDs to be eligible for the expedited process (Title 17):

- Maintain:
 - That the property was previously subdivided
- Add:
 - That any platting with the PUD can't exceed minor subdivision thresholds and no significant changes to streets, public improvements, easements.
- Eliminate:
 - Must be in an approved GDP with specific zoning
 - Must contain no more than one building and principal use
 - 7-acre size threshold



Highlights of the Proposed Ordinance

7-acre threshold standards recommended for removal:

- Properties that are greater than seven acres in size are currently not eligible for the expedited PUD process. This provision was maintained in the draft ordinance presented to the Planning Commission.
- Deliberation by Planning Commission included questions into the origin of the 7-acre threshold. Staff are unable to find a clear reason or intent for the standard.
- Removal of the 7-acre threshold was not proposed to Planning Commission; however, staff are recommending that the City Council remove the 7-acre threshold from this draft ordinance.



Highlights of Proposed Ordinance

For Subdivision Plats (Title 16) Amend:

- Minor subdivision thresholds to expand the number of projects eligible for this process and able to go straight to final plat.
- Includes removing language relating to density, number of lots, and extent and location of site improvement details.
- The definition of PUD to remove the requirement that a preliminary plat and final plat be submitted for every PUD review.
- Expedited PUDs and minor subdivisions still require public hearings before Planning Commission and City Council (two instead of four currently)



Scenarios Under Proposal

Project Type	Eligible for Expedited PUD with Proposed Changes?
Single use commercial building on single 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.



Planning Commission Recommendation

- Planning Commission held a hearing on March 14, 2024, 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

Staff Recommendation

- Staff recommend approval as drafted with the following condition:
 - Remove the language “the property is a minimum of one and no more than seven acres in area” from LMC Sec. 17.28.250.B.1 of the draft ordinance