**Public Works and Development**
**Colorado State University Extension Office – East Meeting Room**
**6934 S. Lima St., Centennial, CO 80112**

# REGULAR MEETING OF THE ARAPAHOE COUNTY PLANNING COMMISSION NOVEMBER 1, 2016 @ 6:30 P.M.

## REGULAR ITEMS

| **ITEM 1:** | **CASE NO. W16-002, LAND DEVELOPMENT CODE AMENDMENT RE: PLANNED UNIT DEVELOPMENT (PUD) CHAPTER** | | |
|---|---|---|---|
| **LOCATION:** | Applies Countywide | **VOTE:** | |
| **ACREAGE:** | n/a | **7** | **IN FAVOR** |
| **EXISTING ZONING:** | n/a | **0** | **OPPOSED** |
| **PROPOSED USE:** | n/a | **0** | **ABSENT** |
| **APPLICANT:** | Arapahoe County Planning | **0** | **ABSTAIN** |
| **CASE MANAGERS:** | Planner: Jason Reynolds; Engineer: Chuck Haskins | | |
| **REQUEST:** | Request a positive referral for a land use code amendment. | ☐ **CONTINUED TO:** | |
| **MOTION SUMMARY:** | Recommended approval with changes noted. BOCC action required. | **Date: _____** | |

## ANNOUNCEMENTS:

- **The next regular Planning Commission meeting is scheduled for November 15, 2016.**
- **Planning Commission agendas, Board of County Commissioner agendas, and other important Arapahoe County information may be viewed online at *www.arapahoegov.com* or you may contact the Planning Division at 720-874-6650.**

## PLANNING COMMISSION MEMBERS:

| | | |
|---|---|---|
| **Mark Brummel - Present** | **Richard Rader - Present** | **Paul Rosenberg, Chair - Present** |
| **Diane Chaffin - Present** | **Jane Rieck - Present** | **Richard Sall - Present** |
| **Brian Weiss, Chair Pro-Tem - Present** | | |

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**ARAPAHOE COUNTY PLANNING COMMISSION**
**PUBLIC HEARING**
**1 November 2016**
**6:30 PM**

# W16-002 Land Development Code Amendment to Chapter 13 Planned Unit Development Process

Jason Reynolds, Current Planning Program Manager 20 October 2016

**PROPOSAL:**
Planning Staff proposes updates to replace Section 13-100 (Planned Unit Development), Section 13-400 (Administrative Site Plan), Section 13-155 (Administrative Amendment), and 13-600 (Technical Amendment)

**STAFF RECOMMENDATION:**
Staff recommends approval of Case No. W16-002 based on the findings outlined in this staff report and with the conditions as noted.

## I. BACKGROUND INFORMATION

Based on feedback from our land development customers, we need to make significant changes to both our land development processes and the codes supporting those processes. In recent months, the County has begun implementing some recommended changes, including electronic plan review. We can make some incremental improvements, but to truly respond to our customer feedback, we need to update the code. Updates will also bring our processes more in line with current practices by local governments with respect to levels of decision-making for land development approvals.

In 2015, the County contracted with Clarion Associates to prepare a Land Development Code Assessment, which identified and prioritized a number of problems with our current code and processes. The top priority was to improve Arapahoe County's Planned Unit Development (PUD) system. The draft code amendment would implement those recommended improvements by decreasing the amount of detail required early in the process, allowing more administrative approvals for lower impact projects or where greater detail can be committed early in the process, and creating more flexibility in the administrative amendment process.

## II. DISCUSSION

Staff reviewed this application for compliance with the Comprehensive Plan and the Zoning Regulations and reviewed all background activity and comments from referral agencies. The following sections summarize the proposed changes and discuss public outreach, the Comprehensive Plan, Align Arapahoe, and outside referrals.

**Proposed Changes:**
Currently, the PUD code requires two steps: a Preliminary Development Plan (PDP) and a Final Development Plan (FDP). Both of those steps require hearings at Planning

Commission and the Board of County Commissioners. For a graphic comparison of the current process and the proposed process, please refer to the attached summary slides. The proposed code includes three types of plans:

- General Development Plan – a very general document showing proposed zoning areas and listing allowed uses;

- Specific Development Plan – a plan showing more detail about development standards, landscaping, buildings, and how the site relates to surrounding properties; and

- Administrative Site Plan – a plan including more precise detail about landscaping, infrastructure, grading, lighting, architecture and other details.

This section highlights a number of proposed changes (as well as things that will remain the same).

13-102.02 – Transition from Prior PUD Approvals
This section describes how the county will address its large number of older Planned Unit Developments. Existing approvals will remain in place. If an existing PDP or FDP provides the same level of detail as a Specific Development Plan, the existing plan can be treated as an SDP. The transition regulations also allow administrative amendments to uses within an FDP if those uses will have minimal impact and if they comply with the approved PDP.

13-103.02 – Development Standards (Open Space Requirements table)
This table requires the same open space as the existing regulations.

13-104 – General Provisions
This section provides the general processing requirements. The proposed changes clarify and consolidate a number of sections.

13-105 – Specific Provisions
The proposed code creates two options for developers: a two-step process and a three-step process. Both processes require an initial set of public hearings at both Planning Commission and the Board of County Commissioners; that initial step establishes the PUD zoning parameters, similar to the existing PDP process.

If a project qualifies for a two-step process, subsequent approvals within that site will be administratively reviewed. If a project does not qualify for a two-step process, the developer must submit a Specific Development Plan for review and approval by the Planning Commission.

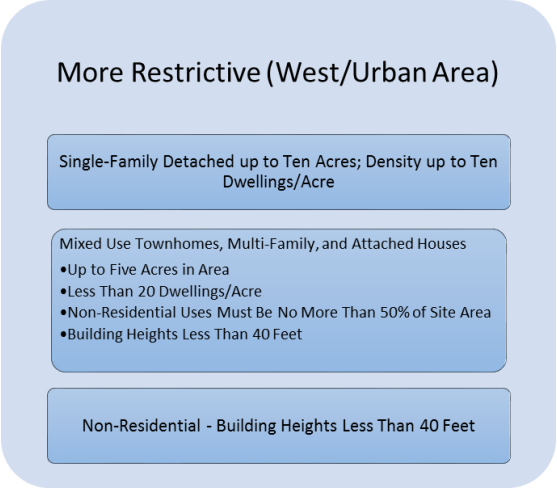
The following table illustrates the decision-making authority in both the two-step and the three step process:

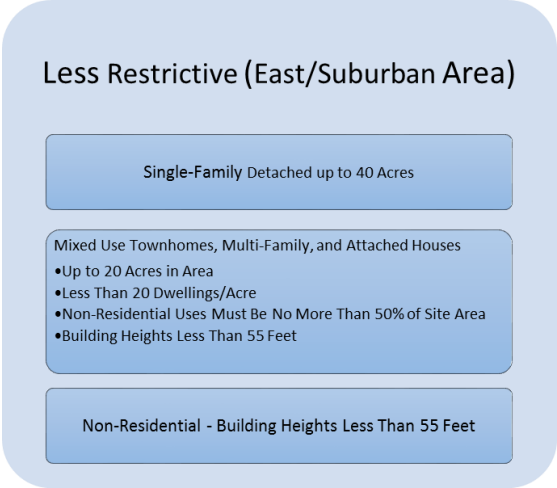
| TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE R = Review D = Decision <> Public Hearing) | | | |
|---|---|---|---|
| **Process** | **Staff** | **PC** | **BOCC** |
| **Two-Step Process** | | | |
| PUD Specific Development Plan | R | <R> | <D> |
| Administrative Site Plan | D | | |
| **Three-Step Process** | | | |
| PUD General Development Plan | R | <R> | <D> |
| PUD Specific Development Plan | R | <D> | |
| Administrative Site Plan | D | | |

There are two primary requirements for the two-step process. First, an applicant must provide a more detailed plan (the Specific Development Plan) for public hearing with the Planning Commission and Board of County Commissioners. Second, the project must meet other eligibility requirements for the two-step process outlined in the code.

Generally, projects that are larger, feature higher densities, and have the potential for greater impacts will need to follow the three-step process. Additionally, projects that submit only a less-detailed General Development Plan for approval of the Planning Commission and Board of County Commissioners will need to follow the three-step process.

Based on both developer and neighborhood feedback, the proposed regulations include different standards for the more urban/developed areas and for more suburban/developing areas. The developing areas have more flexibility while the more restrictive areas feature rules that help protect mature neighborhoods. Areas generally west of Peoria Street (including Four Square Mile) require lower densities, smaller development areas, and more moderate building heights for two-step process eligibility than in the less restrictive eastern/suburban areas.



13-106 – Approval Criteria

The existing code includes approval criteria in the "Intent" section. This new "Approval Criteria" section clearly identifies the approval criteria, including general conformance with the Comprehensive Plan.

This section also requires a PUD to represent an improvement in quality over otherwise applicable zoning districts. This has been difficult to achieve under the current Land Development Code. Additional conventional zoning districts will be considered for adoption in a future amendment intended to coordinate with the modified PUD code. The effective dates of these are proposed to be coordinated, as well. The intent is to encourage greater use of conventional zone districts and less reliance on PUD processes than occurs under our current code, which has no marketable options for residential development, in particular within conventional zone districts. These new districts will also help to set the bar for determining whether a PUD provides that improvement in quality sought through this process.

13-107 – Administrative Amendments

This section allows administrative amendments to Specific Development Plans and Administrative Site Plans. The current code includes two different types of amendments (Administrative and Technical), and the proposed code eliminates the distinction between the two, which simplifies County processes. At present, however, a number of amendments must go through public hearings without clear benefit to the public for this additional cost and time.

The proposed code does not allow amendments to General Development Plans due to their very general nature and rough equivalence to zoning; zoning changes require public hearings and approval by the Board of County Commissioners.

13-108 – Appeals

If an applicant does not agree with an administrative decision (Administrative Site Plan), this section allows the applicant to appeal the decision to the Planning Commission.

This section also provides a process for reviews of Planning Commission decisions on Specific Development Plans (SDP) in the three-step process. Currently, a Final Development Plan is placed on the Consent Agenda of the Board of County Commissioners (BOCC) following a recommendation of approval from the Planning Commission unless there is a written request for the BOCC to conduct a public hearing. The decision on whether to conduct a public hearing, in response to this request, lies with the BOCC.

Under the new process, the final decision on a Specific Development Plan in the three-step process lies with the Planning Commission. As there are concerns with citizens and land developers that there may, at times, be reasons that an application should be further considered by the Board of County Commissioners, the new process allows for either an applicant or a resident/property owner within 200 feet of the boundary of an SDP to submit a written objection of the decision of the Planning Commission to the Board of County Commissioners. The BOCC would have discretion over whether to hold a review, and a majority vote of the Commissioners would be required in order for the BOCC to review the decision.

13-400, -500, and -600 – Administrative Site Plans, Amendments, and Technical Amendments

The proposed updates in these sections clarify how the new PUD chapter interacts with existing code. The updates also clarify that existing Administrative Amendment and Technical Amendment processes do not apply to the new PUD chapter; those PUDs will use the revised amendment process in Section 13-107.

**Public Outreach:**

In addition to the customer and staff outreach gathered during the Land Development Code Assessment, Staff conducted extensive public outreach for these proposed changes.

- Code summary and updates were provided on the County web site.
- Staff held several meetings with both the Arapahoe Development Services Coordinating Committee (ADSCC) and the Technical Advisory Committee (TAC).The ADSCC is a group of organizations, developers, and consultants who do development work in Arapahoe County, and the TAC is a group of individuals with land use expertise (designers, land use attorneys, and developers). The meetings on May 3, July 13, and September 14 helped refine the proposed code changes.
- The County hosted two public open houses on August 2 and August 9. Fewer than ten people attended those open houses.
- Referral agencies included 72 HOAs in addition to other review agencies. The only neighborhood group that responded was the Four Square Mile land use committee.
- Staff presented a summary of the proposed amendments at the September 13 Four Square Mile neighborhood meeting.
- Staff discussed the proposed amendments with the Four Square Mile land use committee on September 28.

**Comprehensive Plan:**

The revisions proposed are consistent with the purpose and direction of the Comprehensive Plan, specifically Policy GM 3 and Strategy 3.1(a):

GOAL GM 3 - Continue to Improve the County's Development Review Procedures

Arapahoe County will have an efficient development review process and may consider streamlined procedures as a means to promote desired land use patterns;

Strategy 3.1(a) - Identify Opportunities to Streamline the Development Review Process

The County will consider streamlining development review procedures for proposals that meet the policy intent of this Plan and that meet applicable standards and regulations.

The proposed amendment would create streamlined processes for land development applications and simplify the amendment process for existing and future PUD's.

**Links to Align Arapahoe:**

Service First

This project will improve the land use process and the service provided to the land development sector of our customers.

Quality of Life
The update of the land use code will improve the quality of the land uses within the County, thereby providing long-term sustainability.

Fiscal Responsibility
Land Use Code and Process improvements and modifications will make the land use process more efficient, which in turn attracts economic development and long-term sustainability of development in the County.

**Referrals:**
Staff forwarded referrals to the attached list of referral agencies and individuals requesting that referral responses be submitted during the outside referral comment period. A summary of the referrals and responses may be found in the attachments.

## III. STAFF FINDINGS

Staff has reviewed the proposal and supporting documentation and referral comments, as detailed in this report. Based on review of applicable goals and policies as stated in the Comprehensive Plan, staff finds:

1. The proposed changes to Chapter 13 of the Land Development Code (LDC) are in conformance with the Arapahoe County Comprehensive Plan.

2. Arapahoe County has the authority to amend provisions of the LDC as proposed by this revision.

3. Modifications proposed comply with the applicable LDC Amendment policies and procedures as set forth in the LDC, including public notification requirements. Notice was provided in both the Villager and the I-70 Scout newspapers.

4. The proposed changes promote the public health, safety, and welfare of the unincorporated county.

## IV. STAFF RECOMMENDATION

In the event that the Planning Commission concurs with the Staff's findings, as stated above, and wishes to forward a recommendation for Approval of the amendment to Chapter 13, as proposed or with changes, Staff has recommended the following Conditions of Approval, which are included in the draft motion:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, following approval by the Board of County Commissioners subsequent to a public hearing, will be effective and integrated into the existing Code concurrent with future adoption of a reorganization of the Land Development Code and may be concurrent with adoption of new proposed residential zone districts.

3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

## V. DRAFT MOTIONS

### A. Motion for Approval as Submitted by Staff:

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated October 20, 2016, and recommend that the Board of County Commissioners **approve the amendment as submitted**, with the following conditions of approval:

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.
2. Modifications to Chapter 13 of the Land Development Code, following approval by the Board of County Commissioners subsequent to a public hearing, will be effective and integrated into the existing Code concurrent with future adoption of a reorganization of the Land Development Code and may be concurrent with adoption of new proposed residential zone districts.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

### B. Motion for Approval with Changes:

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We find ourselves in agreement with Staff findings one (1) through four (4) set forth in the Staff report dated October 20, 2016, and recommend that the Board of County Commissioners **approve the amendment with the following changes** and with the following conditions of approval:

Changes to the proposed text:

1. *Changes should be read as part of the motion to approve. The Planning Commission may generally note the changes to be accomplished and direct staff to modify the text with language determined to accomplish the intended purpose prior to forwarding the recommendation to the BOCC.*
2. *….*

Conditions of Approval: *Any changes to the following conditions should be stated as part of the motion.*

1. Minor modifications to the text identified as necessary are required prior to incorporation of this Amendment into the existing Land Development Code. Staff, in

conjunction with the County Attorney's Office, is hereby authorized to make necessary modifications to the text.

2. Modifications to Chapter 13 of the Land Development Code, following approval by the Board of County Commissioners subsequent to a public hearing, will be effective and integrated into the existing Code concurrent with future adoption of a reorganization of the Land Development Code and may be concurrent with adoption of new proposed residential zone districts.
3. Staff is authorized to prepare a Procedures Manual, referenced in the amended Land Development Code, to be used in conjunction with the updated PUD regulations.

### C. Motion for Denial:

In the case of W16-002 - Land Development Code Amendment Chapter 13 Planned Unit Development, the Planning Commission has read the proposed code amendment and staff report and has considered additional information presented during the public hearing. We do not find ourselves in agreement with Staff findings set forth in the Staff report dated October 20, 2016, and therefore recommend the Board of County Commissioners **deny** the application **based on the following findings:**

1. *As part of the motion, state new or amended findings to support a motion for denial.*

### D. Motion to Continue:

In the case of W16-002 – Land Development Code Amendment Chapter 13 Planned Unit Development, I move to **continue** the [public hearing for] [action on] this item to [Date, 2016], date certain, 6:30 p.m., at [specify location], [to obtain additional information] [to further consider information presented during the public hearing].

Attachments

- Summary Slides
- Summary of Agency Responses
- Referral Comments
- Proposed Code Changes

## Referral Agency Responses

| | |
|---|---|
| Arapahoe County Attorney | Comments were incorporated in draft code. |
| Arapahoe County Engineering | Comments were incorporated in draft code. |
| Four Square Mile – Paul Hanley | Requested different standards for urban areas, specifying that HOA's receive referrals, requiring in-person applicant meetings with HOA's/neighborhood associations, and other documentation.<br><br>*Urban area standards are now included in the draft code. The County considers HOA's to be an "agency" and already includes them in referrals (this will be clarified in documents supporting the code such as submittal/process checklists). Some of the requests can be addressed with the larger code update, which will touch on public notice and neighborhood meeting requirements.* |
| Centennial Planning | No comments. |
| Douglas County Planning | No comments. |
| East End Advisory Planning Commission | Carl Kroh – no comments. No responses from others. |
| IREA | No comments. |
| Jefferson County Planning | No concerns. They offered some suggestions for defining uses within open space; those could be incorporated in the next phase of the code update in 2017. |
| City of Lone Tree | No comments. |
| Xcel Energy | No comments. |
| Tri-County Health | No comments. |
| We sent referrals to the following agencies and received no response:<br>Arapahoe County Agencies not listed above, Byers Development Council, CENCON, Denver South Economic Development Partnership, DORA-HOA Office, May Farms, REAP, South Metro Denver Chamber, Urban Drainage, US Army Corps of Engineers, Adams County Planning, Aurora Planning, Bennett Planning, Bow Mar Planning, Cherry Hills Village Planning, Columbine Valley Planning, Deer Trial Planning, Denver Planning, Elbert County Planning, Englewood Planning, Glendale Planning, Greenwood Village Planning, Littleton Community Development, Parker Planning, Sheridan Planning, Weld County Planning, Bijou Telephone Co-Op, Centurylink, and Colorado Parks and Wildlife | |

## Jason Reynolds

**From:** Hanley, Paul J. <PHanley@spencerfane.com>
**Sent:** Monday, October 03, 2016 9:59 AM
**To:** Mark Lampert; Jason Reynolds
**Cc:** Kevin Gross  Alton Park; Lynn Sauve 7676 E Arizona Dr; Lisa @ CCVW; Jan Yeckes
**Subject:** RE: Proposed Land Development Code

All,

Here are my comments regarding the proposed Land Development Code:

1. There should be different standards for urban areas, such as 4SQM.

2. The standards for eligibility for the two-step process in §13-105.02 should be modified (at least for urban areas, such as 4SQM):
    a. A height limitation of 40 feet for 4SQM in both §13-105.02(A)(1) & (2)(iv)(reduce from 55 feet).
    b. §13-105.02(A)(1) should also have a limitation of dwelling units per acre limitation for new "high density single family detached residences"--perhaps 10 dwelling units per acre.
    c. §13-105.02(A)(2)(i) should have a minimum requirement of a certain percentage of residential development—perhaps 50%.
    d. In §13-105.02(A)(2)(iii) the ten acres should be reduced to five acres.

3. In §13-104.02.05 and §13-105.03.063.02 (and anywhere else a referral process is referenced), the referral process should be further refined:
    a. Neighborhood associations, such as 4SQM, and surrounding HOAs should be explicitly a part of the referral process, not just "outside agencies."
    b. In person meetings should be required with representatives of neighborhood associations and HOAs.
    c. Referrals should include the PUD documents or they should be available on the County's website.
    d. Full-size drawings should be made available to representatives of neighborhood associations and HOAs in advance of the meetings.
    e. Detailed illustrations showing the general design and character, including landscaping plan should be made available to representatives of neighborhood associations and HOAs in advance of the meetings.
    f. Traffic studies should also be made available to representatives of neighborhood associations and HOAs in advance of the meetings for projects more than 25 dwelling units or 15,000 square feet of non-residential floor area.

4. Signs at the proposed development site should include a reference to the County's website where the application documents can be reviewed.

5. Notice of staff report completion should be provided to representatives of neighborhood associations and HOAs upon completion and made available on the County's website.

Paul

**Paul J. Hanley**
Spencer Fane LLP
1700 Lincoln St. | Suite 2000 | Denver, Colorado 80203
(303) 839-3861 | phanley@spencerfane.com

**From:** Mark Lampert [mailto:mlampert@4edisp.net]
**Sent:** Wednesday, September 21, 2016 11:06 PM
**To:** Jason Reynolds
**Cc:** Hanley, Paul J.; Kevin Gross Alton Park; Lynn Sauve 7676 E Arizona Dr; Lisa @ CCVW; Jan Yeckes
**Subject:** 4SM meeting is set!

Jason:

We are all set for next Wednesday, September 28th at 6:00 pm at the Cherry Creek Valley Water and Sanitation District Office, 2325 S Wabash St, Denver, CO 80231.

There will be 5 of us present to go over some of the slides that Jan presented to the Sept 4SM meeting regarding this topic. We have some other ideas we would like to share with you on this subject.

Looking forward to seeing next week.

Mark Lampert
for the
4 Square Mile Neighborhoods

Arapahoe County
Colorado's First

**Public Works and Development**
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us
**Planning Division**

# *Referral for LDC Code Updates*

| | |
|---|---|
| **Case Number / Case Name:** | **W16-002 Land Development Code PUD Chapter Rewrite** |
| **Planner:** | **Jason Reynolds** |
| **Date:** | **Chuck Haskins** |
| **Date to be returned:** | **October 3, 2016** |

| | **Arapahoe County Agencies for LDC Code Updates** | | | | |
|---|---|---|---|---|---|
| ☒ | Adams Co. Community & Econ Development | Norman Wright | ☐ | Elbert County Planning | |
| ☒ | Adams Co. Long Range Strategic Planning | Abel Montoya | ☐ | Englewood Planning | |
| ☒ | Arapahoe County Assessor | Beverly Reynolds<br>Karen Hart | ☐ | Englewood Post Office | |
| ☒ | Arapahoe County Attorney | Robert Hill | ☐ | Englewood School District | |
| ☒ | Arapahoe County Engineering | Chuck Haskins | ☐ | Englewood W&S | |
| ☒ | Arapahoe County Mapping | Pat Hubert | ☐ | FAA- Denver Airport | |
| ☒ | Arapahoe County Open Space | Raymond Winn | ☒ | Four Square Mile Area | Mark Lampert (w/separate HOA referral) |
| ☐ | Arapahoe County Planning | Jason Reynolds | ☒ | Four Square Mile Neighborhoods | Paul Hanley (w/separate HOA referral) |
| ☒ | Arapahoe County Sheriff | Glenn Thompson, Brian McKnight | ☒ | Foxfield Planning | |
| ☐ | Arapahoe County Weed Control | Russell Johnson | ☐ | Front Range Airport | Bob Lewan |
| ☒ | Arapahoe County Zoning | Tammy King | ☐ | Glendale Fire Prevention | |
| ☐ | Arapahoe Library District | | ☒ | Glendale Planning | |
| ☐ | Arapahoe Park & Rec District | | ☐ | Goldsmith Gulch Sanitation | |
| ☐ | ACWWA | | ☐ | Goldsmith Metro District | |
| ☐ | Aurora Center Tech Metro District | | ☐ | Greenwood S Metro District | |
| ☐ | Aurora Fire | | ☒ | Greenwood Village Planning | |
| ☒ | Aurora Planning | Porter Ingrum | ☐ | Havana W&S | |
| ☐ | Aurora School District 28J | | ☐ | Highland Park Metro | |
| ☐ | Bennett Fire Protection | Caleb Connor | ☐ | HI-LIN W&S | |
| ☒ | Bennett Planning | Trish Stiles | ☐ | Hills at Cherry Creek Metro District | |
| ☐ | Bennett Post Office | | ☐ | Holly Hills W&S | |
| ☐ | Bennett School District | | ☐ | Inverness W&S Metro | |
| ☐ | Bijou Telephone CO-OP | | ☐ | | |
| ☐ | Board Of Vet Medicine- State of Colorado | | ☒ | IREA | Brooks Kaufman |
| ☒ | Bow Mar Planning | | ☒ | Jefferson County Planning | John Wolforth |
| ☐ | Buckley Air Base | Katarzyna Kubiak-Smulka | ☐ | Kings Point Metro District | |
| ☐ | Byers Bus Development Council | Louis Otto | ☐ | Landmark Metro District | |
| ☐ | Byers Fire District 9 | Peg Sale | ☐ | Littleton Fire District | |
| ☐ | Byers Park & Rec | | ☒ | Littleton Planning | |
| ☐ | Byers Post Office | | ☐ | Littleton Post Office | |
| ☐ | Byers School District 32J | | ☐ | Littleton School District 6 | |
| ☐ | Byers W&S | | ☐ | Liverpool Metro District | |
| ☐ | Castlewood W&S | | ☒ | Lone Tree Planning | |
| ☐ | Cherry Creek Neighborhood Assoc. | | ☐ | Lost Creek Groundwater Management | |
| ☐ | CDOT Region 1 | | ☐ | N Kiowa Bijou Groundwater District | |

| | | | | | |
|---|---|---|---|---|---|
| ☐ | CDOT Region 6 | | ☐ | Panorama Metro District | |
| ☐ | CENCON | | ☐ | Panorama Park Architectural | |
| ☐ | CENCON Plans Review | | ☐ | Parker Jordan Metro District | |
| ☐ | Centennial 25 Metro District | | ☒ | Parker Planning | Steve Greer |
| ☐ | Centennial Airport | Aaron Repp | ☐ | Parker Rec District | |
| ☐ | | | ☐ | Piney Creek Vil. Metro District | |
| ☐ | Centennial Downs Metro | | ☐ | Post Office-Arapahoe CO Growth Coordinator | Krissy Summerfield |
| ☐ | | | ☐ | Rangeview Metro District | |
| ☒ | Centennial Planning | | ☒ | REAP I-70 Corridor | Gary Duke, Jack Keever |
| ☒ | Centurylink | Charles Place | ☐ | REAP | |
| ☐ | Chapparal Metro District | | ☐ | Regional Air Quality Council | |
| ☐ | Cherry Creek Basin W&S | | ☐ | Rodent Control Department of Ag | |
| ☐ | Cherry Creek Bus Center Architectural | | ☐ | RTD | |
| ☐ | Cherry Creek School District | | ☒ | Sable Altura Fire | Matt Hilinski |
| ☐ | Cherry Creek State Park | | ☐ | SEMSWA | |
| ☐ | Cherry Creek Valley W&S | | ☐ | Sheridan Fire & Prevention | |
| ☐ | Cherry Creek Village W&S | | ☒ | Sheridan Planning | |
| ☐ | Cherry Creek Vista Park & Rec | | ☐ | Sheridan School District | |
| ☒ | Cherry Hills Village Planning | | ☐ | Skyline Fire | |
| ☐ | Colorado Division of Water Res- State Engineering | | ☐ | Smoky Hill Metro | |
| ☐ | Colorado Geological Survey | | ☐ | South Arapahoe San | |
| ☒ | Colorado Parks and Wildlife | Travis Harris | ☐ | South Arapahoe San District 1 | |
| ☒ | Columbine Valley Planning | | ☐ | South East Public Improvement Metro District | |
| ☐ | Conoco Philips Pipeline- Amarillo | | ☐ | South Metro Denver Chamber | |
| ☐ | Copperleaf Metro District 1-9 | | ☐ | South Metro Fire | |
| ☐ | Cottonwood Metro District | | ☐ | South Suburban Park & Rec | |
| ☐ | Cunningham Fire | Tyler Everitt | ☐ | Southeast Business Partnership | |
| ☐ | Deer Trail Cons District | Sheryl Wailes | ☐ | Southgate At Centennial Metro District | |
| ☐ | Deer Trail Fire | Rich Loveless | ☐ | Southgate W&S District | |
| ☒ | Deer Trail Planning | | ☐ | Southwest Metro W&S | |
| ☐ | Deer Trail Post Office | | ☒ | State Land Board | Page Bolin |
| ☐ | Deer Trail School 26J | | ☐ | Strasburg Community Group | |
| ☐ | Denver Planning CPD | | ☐ | Strasburg Fire District | Tanner McCall |
| ☐ | Denver Regional Council of Gov. DRCOG | | ☐ | Strasburg Heights Citizens Org | |
| ☒ | Denver South Economic Dev Partnership | Lynn Meyers | ☐ | Strasburg Parks & Rec | |
| ☐ | Department of Health & Environmental State of Colorado | | ☐ | Strasburg Post Office | |
| ☐ | DIA | Jeannette Hilare | ☐ | Strasburg School | |
| ☐ | Division of Wildlife | | ☐ | Strasburg W&S | |
| ☐ | Division of Oil & Public Safety | | ☐ | Suburban Metro District | |
| ☐ | Division of Real Estate | | ☒ | Tri-County Health | Sheila Lynch, Mike Weakley |
| ☒ | Douglas County Engineering | | ☐ | | |
| ☒ | Douglas County Planning | | ☐ | Union Pacific Railroad | |
| ☐ | Dove Valley Metro District | | ☒ | Urban Drainage | David Mallory |
| ☐ | | | ☒ | Us Army Corps of Engineers | Kiel Downing |
| ☐ | E-470 Public Hwy | | ☐ | Vermillion Creek Metro | |
| ☐ | East Arapahoe Metro District | | ☒ | Washington County Planning | Annie Kuntz |
| ☐ | East Cherry Creek Valley W&S | | ☒ | Weld County Planning | |
| ☐ | Eastern Adams Cty Metro District | | ☒ | West Arapahoe Conservation District | Tasha Chevarria |

| | | | | | |
|---|---|---|---|---|---|
| ☒ | East End Advisory | | ☐ | Willow Trace Metro | |
| ☐ | East End Advisory | | ☐ | Willows Water District | |
| ☐ | East End Advisory | | ☒ | Xcel Energy | Donna George |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East Smoky Hill Metro District | | ☐ | Other | |
| | **HOA/Homeowners Associations** (sent via separate referral) | | | | |
| | | | | | |

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

| | COMMENTS: | SIGNATURE |
|---|---|---|
| ☐ | Have NO comments to make on the case as submitted | Michael Gracis 9-19-16 |
| ☐ | Have the following comments to make related to the case: | Michael Gracis - City of Centennial Planner II |
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**Project Name:** Land Development Code PUD Chapter Rewrite

**Project Number:** W16-002 **Jurisdiction:** Arapahoe County
**Date Received:** 2016-09-14 00:00:00 **Due Date:** 2016-10-03 00:00:00

**Addressing Comments:**
No Comments

**Engineering Comments:**
No Comments

**Planner Comments:**
No Comments

Arapahoe County
Colorado's First

**Public Works and Development**
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us
**Planning Division**

# *Referral for LDC Code Updates*

| | |
|---|---|
| **Case Number / Case Name:** | **W16-002 Land Development Code PUD Chapter Rewrite** |
| **Planner:** | **Jason Reynolds** |
| **Date:** | **Chuck Haskins** |
| **Date to be returned:** | **October 3, 2016** |

| **Arapahoe County Agencies for LDC Code Updates** | | | | | |
|---|---|---|---|---|---|
| ☒ | Adams Co. Community & Econ Development | Norman Wright | ☐ | Elbert County Planning | |
| ☒ | Adams Co. Long Range Strategic Planning | Abel Montoya | ☐ | Englewood Planning | |
| ☒ | Arapahoe County Assessor | Beverly Reynolds<br>Karen Hart | ☐ | Englewood Post Office | |
| ☒ | Arapahoe County Attorney | Robert Hill | ☐ | Englewood School District | |
| ☒ | Arapahoe County Engineering | Chuck Haskins | ☐ | Englewood W&S | |
| ☒ | Arapahoe County Mapping | Pat Hubert | ☐ | FAA- Denver Airport | |
| ☒ | Arapahoe County Open Space | Raymond Winn | ☒ | Four Square Mile Area | Mark Lampert (w/separate HOA referral) |
| ☐ | Arapahoe County Planning | Jason Reynolds | ☒ | Four Square Mile Neighborhoods | Paul Hanley (w/separate HOA referral) |
| ☒ | Arapahoe County Sheriff | Glenn Thompson, Brian McKnight | ☒ | Foxfield Planning | |
| ☐ | Arapahoe County Weed Control | Russell Johnson | ☐ | Front Range Airport | Bob Lewan |
| ☒ | Arapahoe County Zoning | Tammy King | ☐ | Glendale Fire Prevention | |
| ☐ | Arapahoe Library District | | ☒ | Glendale Planning | |
| ☐ | Arapahoe Park & Rec District | | ☐ | Goldsmith Gulch Sanitation | |
| ☐ | ACWWA | | ☐ | Goldsmith Metro District | |
| ☐ | Aurora Center Tech Metro District | | ☐ | Greenwood S Metro District | |
| ☐ | Aurora Fire | | ☒ | Greenwood Village Planning | |
| ☒ | Aurora Planning | Porter Ingrum | ☐ | Havana W&S | |
| ☐ | Aurora School District 28J | | ☐ | Highland Park Metro | |
| ☐ | Bennett Fire Protection | Caleb Connor | ☐ | HI-LIN W&S | |
| ☒ | Bennett Planning | Trish Stiles | ☐ | Hills at Cherry Creek Metro District | |
| ☐ | Bennett Post Office | | ☐ | Holly Hills W&S | |
| ☐ | Bennett School District | | ☐ | Inverness W&S Metro | |
| ☐ | Bijou Telephone CO-OP | | ☐ | | |
| ☐ | Board Of Vet Medicine- State of Colorado | | ☒ | IREA | Brooks Kaufman |
| ☒ | Bow Mar Planning | | ☒ | Jefferson County Planning | John Wolforth |
| ☐ | Buckley Air Base | Katarzyna Kubiak-Smulka | ☐ | Kings Point Metro District | |
| ☐ | Byers Bus Development Council | Louis Otto | ☐ | Landmark Metro District | |
| ☐ | Byers Fire District 9 | Peg Sale | ☐ | Littleton Fire District | |
| ☐ | Byers Park & Rec | | ☒ | Littleton Planning | |
| ☐ | Byers Post Office | | ☐ | Littleton Post Office | |
| ☐ | Byers School District 32J | | ☐ | Littleton School District 6 | |
| ☐ | Byers W&S | | ☐ | Liverpool Metro District | |
| ☐ | Castlewood W&S | | ☒ | Lone Tree Planning | |
| ☐ | Cherry Creek Neighborhood Assoc. | | ☐ | Lost Creek Groundwater Management | |
| ☐ | CDOT Region 1 | | ☐ | N Kiowa Bijou Groundwater District | |

| | | | | | |
|---|---|---|---|---|---|
| ☒ | East End Advisory | Carl Kroh | ☐ | Willow Trace Metro | |
| ☐ | East End Advisory | | ☐ | Willows Water District | |
| ☐ | East End Advisory | | ☒ | Xcel Energy | Donna George |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East Smoky Hill Metro District | | ☐ | Other | |
| | **HOA/Homeowners Associations** (sent via separate referral) | | | | |
| | | | | | |

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

| | COMMENTS: | SIGNATURE |
|---|---|---|
| ☒ | Have NO comments to make on the case as submitted | Carl Kroh |
| ☐ | Have the following comments to make related to the case: | |
| | | |
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| | | |

## Jason Reynolds

**From:** Kaufman Brooks <BKaufman@Irea.Coop>
**Sent:** Thursday, September 15, 2016 8:13 AM
**To:** Jason Reynolds
**Subject:** RE: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Jason

The Association has no comment on this referral.

Respectfully

Brooks Kaufman
Lands and Rights-of-Way Director
Intermountain Rural Electric Association
5496 N U.S. Hwy 85
P.O. DRAWER A
Sedalia, CO 80135
Office (303) 688-3100 ext 5493
Direct (720) 733-5493
Fax (720) 733-5868
Cell (303) 912-0765
bkaufman@irea.coop
P please consider the environment before printing

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**From:** Jason Reynolds [mailto:JReynolds@arapahoegov.com]
**Sent:** Wednesday, September 14, 2016 1:55 PM
**To:** Jason Reynolds
**Subject:** Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

**Case:** W16-002 – PUD Chapter Rewrite
**Project Manager:** Jason Reynolds
Please return any comments by **October 3, 2016**
**Direct link to draft code:** http://www.arapahoegov.com/DocumentCenter/View/3879

Arapahoe County is preparing an update to our Land Development Code based on recommendations outlined in a recent assessment performed by Clarion Associates. The first code amendment we're preparing is an overhaul of our Planned Unit Development process, which is the process most properties in unincorporated Arapahoe County have used to develop. The goals for these updates include: improve the clarity and predictability of the County's regulations; simplify the process for adopting and modifying PUD approvals as market conditions and planning priorities change over

time; and avoid the use of PUD when other more predictable, efficient, and administrable forms of land use approval are appropriate.

In addition to the proposed PUD Chapter changes, we will be adding new residential zoning districts to our code and reorganizing the code to make it more readable and user-friendly. We'll send out a separate referral when those sections are drafted.

We have a lot of information related to this project, including the full Land Development Code Assessment, on the project's web page: http://www.arapahoegov.com/index.aspx?nid=1464.

If you'd like a general overview of the proposed process, you can download the flow charts: http://www.arapahoegov.com/DocumentCenter/View/3862

If you have comments, please email them to me or to ldcrewrite@arapahoegov.com by Monday, October 3. Please put the case number in the subject line. I have attached a referral routing sheet if you'd like to use it for your comments; an email or something on your letterhead are also fine options. If you have questions, let me know - I appreciate your input.

Thanks,
Jason Reynolds, Current Planning Program Manager
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112
720-874-6664 direct / 720-874-6650 Planning / 720-874-6574 TDD
jreynolds@arapahoegov.com / 720-874-6611 Fax
www.arapahoegov.com ;

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**Board of County Commissioners**

**Libby Szabo**
District No. 1
**Casey Tighe**
District No. 2
**Donald Rosier**
District No. 3

# MEMORANDUM

To: Jason Reynolds, Current Planning Program Manager

From: Heather Gutherless, Senior Planner

Date: October 7, 2016

Subject: W16-002 – PUD Chapter Rewrite
Jefferson County Case no. 16-120620OA

Thank you for sending Jefferson County the proposed changes to the PUD chapter. It is always interesting to see how other jurisdictions are modifying their regulations. the rezoning information for Wadsworth Station. Staff has reviewed the plans and has the following comment:

It may be useful to define 'permitted uses' for open space designated lands in the Land Use and Development Standards (13-103.01) section. For example, Section 18.7 of the Jefferson County Zoning Resolution (PD-Planned Development) clearly defines the uses for open space designated lands:

Use of Open Space Designated Lands
a. Unless otherwise specified within the Official Development Plan, permitted uses in areas designated in the Planned Development Zone District as open space, conservation, preservation, or other similar term, are limited to the following. (orig. 8-31-93)
(1) Passive recreation, defined as activities which use the land with minimal disturbance and which do not utilize structures or permanently installed equipment. (orig. 8-31-93)
(2) Recreational trails for non-motorized use, except that motorized wheelchairs are permitted. (orig. 8-31-93)
(3) Perimeter fence with a maximum height of 42". (orig. 8-31-93)
(4) Signs 6 square feet or less that are accessory to a permitted open space use. (orig. 8-31-93)
(5) Structures under 250 square feet for restrooms, picnic shelters, maintenance equipment storage or other use accessory to a permitted open space use. (orig. 8-31-93)

(6) Properly managed grazing of horses, cattle, sheep, goats, wildlife or other grazing or browsing animals. (orig. 8-31-93)
(7) Forest management activities designed to promote healthy and aesthetic forests. (orig. 8-31-93)

Again, thank you for the opportunity to review the Regulation changes. If you have questions please call or email me at 303-271-8716 or hgutherl@jeffco.us.

## Jason Reynolds

**From:** Hans Friedel <Hans.Friedel@cityoflonetree.com>
**Sent:** Thursday, September 15, 2016 9:03 AM
**To:** Jason Reynolds
**Subject:** RE: Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

Jason,

Lone Tree has no comment on this. Thank you for the opportunity to review the proposed changes.

Regards,

**Hans G. Friedel**
Planner III

City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, CO 80124
720.509.1271
hans.friedel@cityoflonetree.com
www.cityoflonetree.com

---

**From:** Jason Reynolds [mailto:JReynolds@arapahoegov.com]
**Sent:** Wednesday, September 14, 2016 1:55 PM
**To:** Jason Reynolds <JReynolds@arapahoegov.com>
**Subject:** Arapahoe County Referral - W16-002 Land Development Code PUD Chapter Changes

**Case:** W16-002 – PUD Chapter Rewrite
**Project Manager:** Jason Reynolds
Please return any comments by **October 3, 2016**
**Direct link to draft code:** http://www.arapahoegov.com/DocumentCenter/View/3879

Arapahoe County is preparing an update to our Land Development Code based on recommendations outlined in a recent assessment performed by Clarion Associates. The first code amendment we're preparing is an overhaul of our Planned Unit Development process, which is the process most properties in unincorporated Arapahoe County have used to develop. The goals for these updates include: improve the clarity and predictability of the County's regulations; simplify the process for adopting and modifying PUD approvals as market conditions and planning priorities change over time; and avoid the use of PUD when other more predictable, efficient, and administrable forms of land use approval are appropriate.

In addition to the proposed PUD Chapter changes, we will be adding new residential zoning districts to our code and reorganizing the code to make it more readable and user-friendly. We'll send out a separate referral when those sections are drafted.

We have a lot of information related to this project, including the full Land Development Code Assessment, on the project's web page: http://www.arapahoegov.com/index.aspx?nid=1464.

If you'd like a general overview of the proposed process, you can download the flow charts:
http://www.arapahoegov.com/DocumentCenter/View/3862

If you have comments, please email them to me or to ldcrewrite@arapahoegov.com by Monday, October 3. Please put the case number in the subject line. I have attached a referral routing sheet if you'd like to use it for your comments; an email or something on your letterhead are also fine options. If you have questions, let me know - I appreciate your input.

Thanks,
Jason Reynolds, Current Planning Program Manager
Arapahoe County Public Works and Development
Arapahoe County Lima Plaza, 6924 South Lima Street, Centennial CO 80112
720-874-6664 direct / 720-874-6650 Planning / 720-874-6574 TDD
jreynolds@arapahoegov.com / 720-874-6611 Fax
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**Planning Division**

# *Referral for LDC Code Updates*

| | |
|---|---|
| **Case Number / Case Name:** | **W16-002 Land Development Code PUD Chapter Rewrite** |
| **Planner:** | **Jason Reynolds** |
| **Date:** | **Chuck Haskins** |
| **Date to be returned:** | **October 3, 2016** |

**Arapahoe County Agencies for LDC Code Updates**

| | | | | | |
|---|---|---|---|---|---|
| ☒ | East End Advisory | | ☐ | Willow Trace Metro | |
| ☐ | East End Advisory | | ☐ | Willows Water District | |
| ☐ | East End Advisory | | ☒ | Xcel Energy | Donna George |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East End Advisory | | ☐ | Other | |
| ☐ | East Smoky Hill Metro District | | ☐ | Other | |
| | **HOA/Homeowners Associations** (sent via separate referral) | | | | |
| | | | | | |

The enclosed case has been submitted to the Arapahoe County Planning Office for consideration. Because of the possible effect of the proposed development upon your area, the case is being referred for your comment. Please examine this request and, after review, check the appropriate line and return to the Arapahoe County Planning Office on or before the date indicated above.

| | COMMENTS: | SIGNATURE |
|---|---|---|
| ☒ | Have NO comments to make on the case as submitted | Donna George |
| ☐ | Have the following comments to make related to the case: | |
| | | |
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| | | |

October 3, 2016

Jason Reynolds
Arapahoe County Planning Division
Arapahoe County Lima Plaza
6924 S Lima St
Centennial CO 80112

RE: Land Development Code PUD Chapter Changes, W16-002
TCHD No. 4086

Dear Mr. Reynolds:

Thank you for the opportunity to review and comment on the proposed Land Development Code PUD Chapter changes to improve the clarity and predictability of the County's regulations, simplify the process for adopting and modifying PUD approvals, and avoid the use of PUD when other forms of land use approval are appropriate. Tri-County Health Department (TCHD) staff has reviewed the code update and has no comments.

Please feel free to contact me at (720) 200-1585 or lbroten@tchd.org if you have any questions.

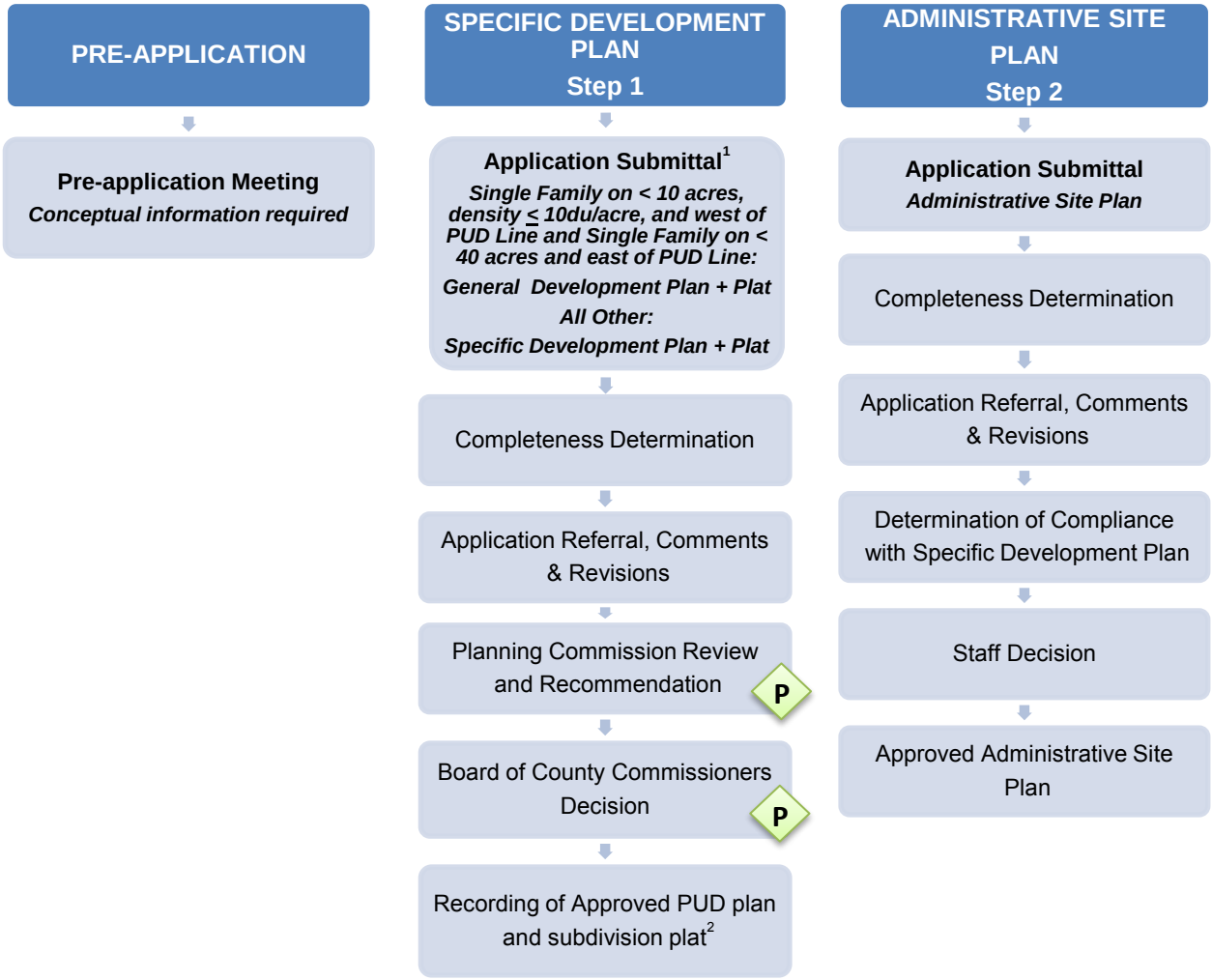
Sincerely,

Laurel Broten, MPH
Land Use and Built Environment Specialist
Tri-County Health Department

CC: Sheila Lynch, Steve Chevalier, TCHD

## Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process

**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.



# 13-100 PLANNED UNIT DEVELOPMENT[1]

## 13-101 Purpose[2]

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally confirm3 with the Arapahoe County Comprehensive Plan.

## 13-102 Applicability[4]

### 13-102.01 General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

### 13-102.02 Transition from Prior PUD Approvals[5]

A. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before [effective date of these PUD amendments] shall remain valid under the previous PUD regulations. [6]

B. A PDP or FDP approved prior to the effective date of these amendments that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Manager, will be considered an approved SDP.

---

[1] New Planned Unit Development procedures drafted in 2016.

[2] Revised current section 13-101 Intent; reworded subsection 13-101.01; and deleted current subsection 13-101.02 as repetitive of PUD definition in Definitions section. Current subsection 13.101.03 relocated to new Approval Criteria section.

[3] All instances where PUDs are required to be “consistent with” the comprehensive plan have been revised to require that they “generally conform” with the comprehensive plan, to match the text in the Colorado PUD Act.

[4] New Section incorporating current subsections 13-102.01 and adding new language to address transition to new PUD process and how current PDPs, FDPs and MDPs are handled.

[5] New section to explain how existing PDPs, FDPs and MDPs will be administered.

[6] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

If the Planning Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter. [7]

C. A PDP or FDP approved prior to the effective date of these amendments that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Manager, will be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.

D. Where a PDP or FDP approved prior to the effective date lists specific permitted uses, the Planning Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use. [8]

E. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.

F. Applications filed after [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

## 13-103 Land Use and Development Standards[9]

### 13-103.01 Permitted Uses[10]

A. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.

G. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Manager, and the development plan does not state that the use is exempt from further review, those

[7] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.
[8] New language to address how a change in use is processed in previously approved PDPs
[9] New section -- May be relocated to PUD Zone District in reorganized LDC
[10] New language incorporates special review from current section 13-103.04(A).

uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

## 13-103.02 Development Standards[11]

A. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.

B. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.

C. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 13-100.1below. [12]

**Table 13-100.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE**

| Land Use | Minimum Amount of Open Space (Percentage of net site area) |
|---|---|
| Residential – up to 4 du/ac | 10% |
| Residential – 4.1 to 10.9 du/ac | 30% |
| Residential – 11 du/ac and higher | 35% |
| Commercial or Public | 20% for single story; plus 5% for each additional story, up to a maximum of 35% |
| Industrial | 20% |

D. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.[13]

[11] Revises current section 13-102.10 to clarify that development standards can be modified by PUD.
[12] Current section 13-102.11 reformatted into a table with density standards from current sections 6-206, 6-306, and 6-406 included as reference for single-family, moderate density and high density.
[13] Reworded and reorganized current section 13-105.02.07 and incorporates last two sentences of current section 13-102.04. Revises current text to clarify that PUD can modify LDC standards and to reference similar uses (rather than zone districts) and address who determines which standards apply when a PUD does not address a standard.

# 13-104 General Procedures[14]

All PUD applications for amending the Zoning Map shall follow the procedures outlined in this Section 13-100. A zoning map amendment to a conventional zone district shall follow the procedures as established in Section 13-200 of this LDC.[15]

## 13-104.01 Who May File[16]

A. An application for a PUD zoning amendment may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.
B. The Board of County Commissioners shall have the power to condition approval of individual land use applications upon the receipt of signatures of additional persons with record interests in the land that is the subject of the land use application.
C. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

## 13-104.02 Application Process[17]

### 13-104.02.01 Pre-Submittal Meeting[18]

A. Applicants are required to meet with the Planning Division prior to formal submittal of a PUD application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.
B. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Procedures Manual along with any required fees.
C. The application and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.

### 13-104.02.02 Application Submittal and Materials[19]

Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development proposed, the location of the project, and the service availability to the project site.

---

[14] Consolidates, rewords and renames current sections 13-102 and 13-104 as noted. Some procedures may be relocated to common procedures in reorganized LDC.
[15] Carries forward and rewords current sections 13-102.01 and 13-102.04.
[16] Carries forward current sections 13-102.02, 13-102.08, and 13.102.09
[17] New section consolidating common application procedures. Changes are as noted.
[18] Current subsection 13-104.01, reworded to reflect revisions to PUD section. Deletes provision for waiving of pre-submittal meeting for ASPs submitted pursuant to an MDP because new PUD process is linked to the ASP process (current section 13-400) which requires a pre-submittal meeting. Requirement in current subsection 13-104.01 to hold pre-submittal meeting within 5 business days has not been carried forward.
[19] Incorporates and rewords current sections 13-102.09, 13-104.02, 13-105.02.01, and 13-106; deletes/relocates requirement for PUD applications submitted after Nov. 1, 1999 comply with provisions of current section 13-105

A. All applications shall include the forms provided by the Planning Division and all required items indicated on the Submittal Matrix provided to the applicant at the pre-submittal meeting.
B. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.
C. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed PUD.

### 13-104.02.03 Application Fee[20]

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county's website.

### 13-104.02.04 Completeness Determination[21]

A. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
B. A determination of application completeness shall be made within ten business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
C. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
D. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
E. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any PUD document based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

[20] New section combining all references to application fees
[21] Expands current subsection 13-403.02 to all PUD application types and clarifies process for determining completeness of application.

### 13-104.02.05 Referral[22]

After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

#### A. Review by Outside Agencies

1. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
2. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
3. The referral period is usually thirty (30) days but can be longer or shorter depending on the size and complexity of the application. The referral period may be extended by up to thirty additional days by mutual consent of the applicant and the Planning Manager or designee.
4. Failure of an agency to respond within the prescribed time period or extension period may be deemed "no objection" to the application materials as circulated for referral.

#### B. Review and Coordination of Referral Comments [23]

Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application's compliance with the approval criteria in Section 13-106, the applicable standards of this LDC, any standard included in a previously-approved PUD-related document applicable to the same property and the requirements of referral agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

#### C. Revision of Application

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

1. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be required to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within the timeframes listed in subsection 13-104.07.[24]
2. If a public hearing is required and the applicant chooses not to make the required revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.
3. If a public hearing is not required and the applicant chooses not to make the required revisions, Arapahoe County staff may deny the application or may approve

[22] Carries forward and rewords current sections 13-104.03 thru 13-104.05
[23] Current section 13-104.04 and 13-104.05.
[24] New provision. Required time frame for completing revisions is the same as the time frame for completing documents required upon approval.

the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.

### 13-104.03 Notice Requirements[25]

A. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.

B. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Chapter 17 of this LDC.

C. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

### 13-104.04 Public Hearing[26]

A. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.

B. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.

C. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

### 13-104.05 Decision and Findings[27]

A. The decision-making body shall consider the application in relation to the staff report, comments received from referral agencies, public hearing testimony (if applicable) and

[25] Current sections 13.102.03, 13-104.05, 13-104.10 and 13-104.11. Current section 13-104.11 regarding removal of posted signs will be relocated to Notice and Hearing section in LDC reorganization or included in Procedures Manual.

[26] Current section 13-104.06 and 13-104.07

[27] Current sections 13-104.08(A) and (B) and 13-105.03 (A) and (B). Deletes subsection 13-105.03(C), ratification of Planning Commission action by BOCC, to reflect revised decision-making process of new 2-Step and 3-Step processes. Deletes section 13-104.08 (B) referencing BOCC authority to require public hearing for final site plans to conform to new 2-Step and 3-Step process.

the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:

1. Approve as submitted;
2. Approve with additional conditions to bring the proposed development into compliance with applicable regulations, to mitigate impacts on surrounding properties and streets, or to ensure the proposed development will not occur in advance of the availability of necessary infrastructure, permits, dedications or easements;
3. Continue to a date certain or table for information or to resolve unforeseen issues, etc.;
4. Take the request under advisement to a date certain; or
5. Deny the application.

B. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.

C. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 13-106.

D. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable. [28]

1. Copies of the Board of County Commissioners' resolution may be obtained at the office of the Board of County Commissioners.
2. For General and Specific Development Plans, the official County Zoning Map will be revised to reflect the PUD zone district after date of the final approval by the Board of County Commissioners.[29]
3. Copies of the Planning Commission's decision may be obtained at the Planning Division.
4. Administrative decisions shall be in writing and may be obtained at the Planning Division.

## 13-104.06 Withdrawal and Reapplication[30]

A. The Planning Manager may allow an application to be withdrawn, without prejudice, at any time during the process.

B. If denied by the Board, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.

C. The resubmittal of a General Development Plan or Specific Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial.[31]

[28] Current section 13-104.12, revised to reflect new 2-Step and 3-Step process, adding Planning Commission and administrative decisions.
[29] Deletes signing of mylar and replaces with final approval date. Deletes reference to conventional zone districts.
[30] Current section 13-104.09, with appeal of Planning Manager's decision deleted.
[31] Provision for requesting a reconsideration of a reapplication denial has not been carried forward.

### 13-104.07 Lapse of Approval through Inaction[32]

A. If all required documentation is not submitted within 60 days of approval, the application will be considered inactive and the applicant will be sent a notice that if resubmittal is not received within 30 days of the date of the notice all application materials will be returned to the applicant, along with any portion of the application fee not used for initial review of the application. Reactivation will require a resubmittal.

B. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

### 13-104.08 Extensions[33]

A. The Planning Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 13 for up to twelve (12) months, upon a written request by the applicant or staff for good cause shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

B. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the development plan may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.

C. The denial of an extension by the Planning Manager may be appealed to the original approving body in writing within ten (10) working days of the decision by the Planning Manager.

### 13-104.09 Recording Requirements[34]

Prior to the County's mapping or recognition of an approved PUD, the approved GDP and approved SDP must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of the approved GDP and SDP and associated documents shall occur within 90 days after approval by the Board. An extension may be granted in writing by the Planning Manager pursuant to Section 13-104.08.

### 13-104.10 Zoning Map Requirements[35]

For purposes of mapping, notice and general information, the PUD shall be identified with a label of "PUD".

[32] Current sections 13-110.11.01 and 14-307A (MDP & Subdivision).
[33] Current sections 13-110.11.02 thru 13-110.11.04 and 14-307B thru D (MDP & Subdivision) and revises appeal authority to the original approving body rather than BOCC to align with new Two-Step and Three-Step approval authorities.
[34] New provision for PUD - Copies and rewords current section 14-306,recording requirements for subdivision
[35] Revises current section 13-102.04 to eliminate association of PUD with an underlying zone district.

### 13-104.11 Requirements for Permits after Approval[36]

A. Approval of a PUD GDP or SDP does not give the applicant authority to build. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior development of the site.

B. An application for an Administrative Site Plan under a PUD may be submitted only after an SDP is approved and all required documents have been submitted and recorded (if applicable).

C. An application for an Administrative Site Plan on land that has not been subdivided may only be submitted after a subdivision of land has been approved and all required documents have been submitted, signed by the county (if required) and recorded (if applicable).

D. Building permits may be issued after an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

## 13-105 Specific Procedures[37]

### 13-105.01 Summary Table of PUD Applications and Decision-Making Authority[38]

Two paths to PUD approval are available. The two-step process applies when the applicant submits detailed plans for a specific development to the Board of County Commissioners. The three-step procedures applies when the applicant submits general information about anticipated development on the site to the Board of County Commissioners, in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

**TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE**
**R = Review D = Decision <> Public Hearing)**

| Process | Staff | PC | BOCC |
|---|---|---|---|
| **Two-Step Process** | | | |
| PUD Specific Development Plan | R | <R> | <D> |
| Administrative Site Plan | D | | |
| **Three-Step Process** | | | |
| PUD General Development Plan | R | <R> | <D> |
| PUD Specific Development Plan | R | <D> | |
| Administrative Site Plan | D | | |

[36] Current section 13-104.13, updated to conform to new PUD process and to specify need to get additional approvals and permits as required by LDC and outside agencies. Deletes requirement for signed mylar and adds that all required documents must be completed prior to submission of an ASP.

[37] New section replacing current sections 13-101.05, 13-101.06 and all of section 13-103

[38] New table summarizing decision-making authority for revised PUD process. See sections below on Two-Step and Three –Step process for thresholds for each type of review.

## 13-105.02 Eligibility for Two-Step or Three-Step Process[39]

A. For property located generally west of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may be reviewed through the Two-Step PUD review process:

1. A project that includes only single-family detached residential dwelling units located on less than 10 acres of land and has a density no greater than 10 dwelling units per acre.[40]
2. A project that does not qualify under subsection (A)(1) above, where
   a. The application includes residential land uses on all or any portion of the site; and
   b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
   c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and[41]
   d. The total size of the project is five acres or less in land area;[42] and
   e. No building exceeds 40 feet in height.[43]
3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.[44]

B. For property located generally east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may be reviewed through the Two-Step PUD review process:

1. A project that includes only single-family detached residential dwelling units located on less than 40 acres of land.[45]
2. A project that does not qualify under subsection (B)(1) above, where
   a. The application includes residential land uses on all or any portion of the site; and
   b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
   c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and[46]
   d. The total size of the project is 20 acres or less in land area;[47] and
   e. No building exceeds 55 feet in height.

[39] New section detailing what types of development can apply for Two-step PUD process. Revised since public draft to include a smaller threshold for the older, more built up area of the county.
[40] Revised since public draft; changed from 20 acres to 10 acres and maximum density threshold added.
[41] New provision since public draft per comments from ADSCC.
[42] Revised since public draft; changed from 20 acres to 5 acres maximum size.
[43] Revised since public draft; changed from 55 feet to 40 feet.
[44] Revised since public draft; changed from 55 feet to 40 feet.
[45] Revised since public draft; changed from 20 acres to 40 acres and maximum density threshold added.
[46] New provision since public draft per comments from ADSCC.
[47] Revised since public draft; changed from 10 acres to 20 acres maximum size.

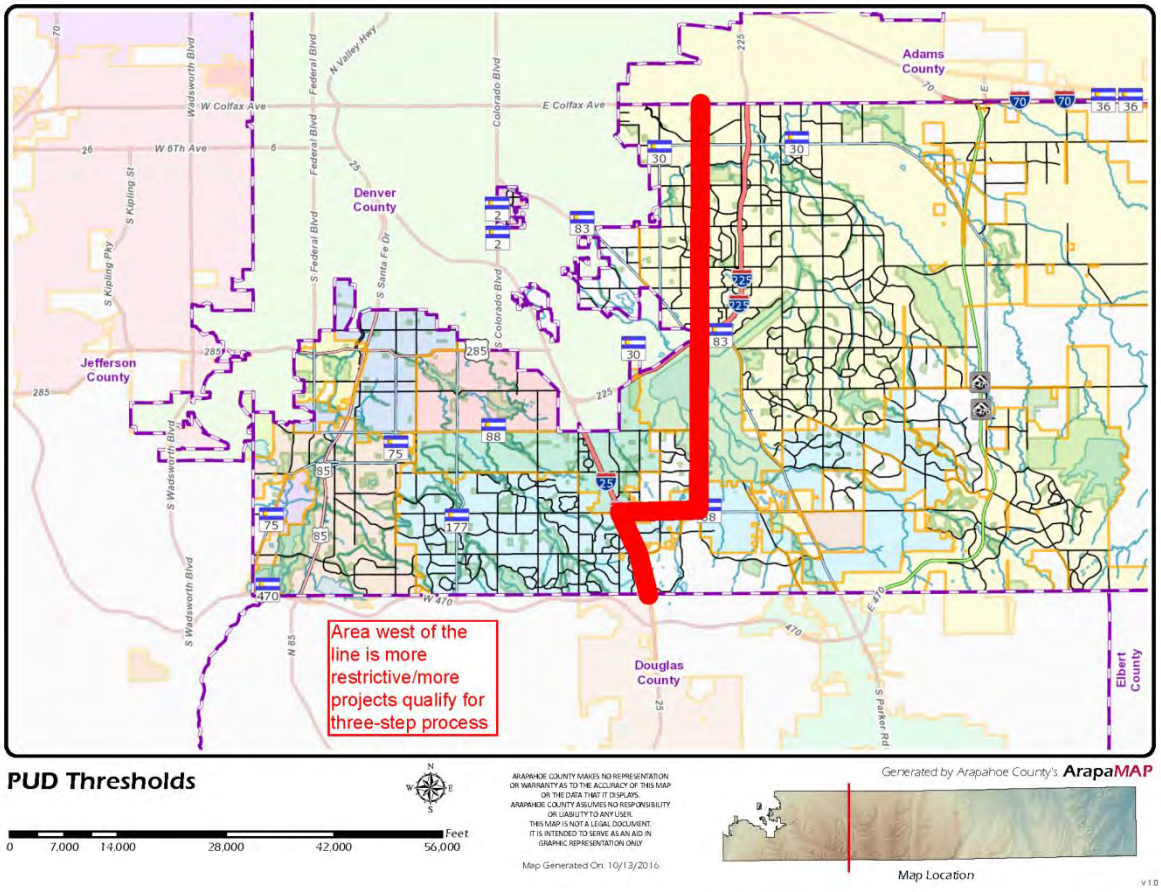
3. A project that includes only nonresidential uses, provided that no building exceeds 55 feet in height.

C. All other projects shall be reviewed through the Three-Step PUD review process.

D. Even if a PUD application qualifies under subsection A(1) above, staff may determine that the PUD application is of a size, intensity of use, or location that may result in unanticipated environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step process will apply.

**Figure 13-100.1 Boundary for Two-Step PUD Process Eligibility Threshold**

(Note: This map is a general depiction; for exact boundary contact the Planning Division)



## 13-105.03 Two-Step Process[48]

Where an applicant can provide a high level of detail about the proposed PUD, a two-step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before, before proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(B)(1) below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 13-105.04.

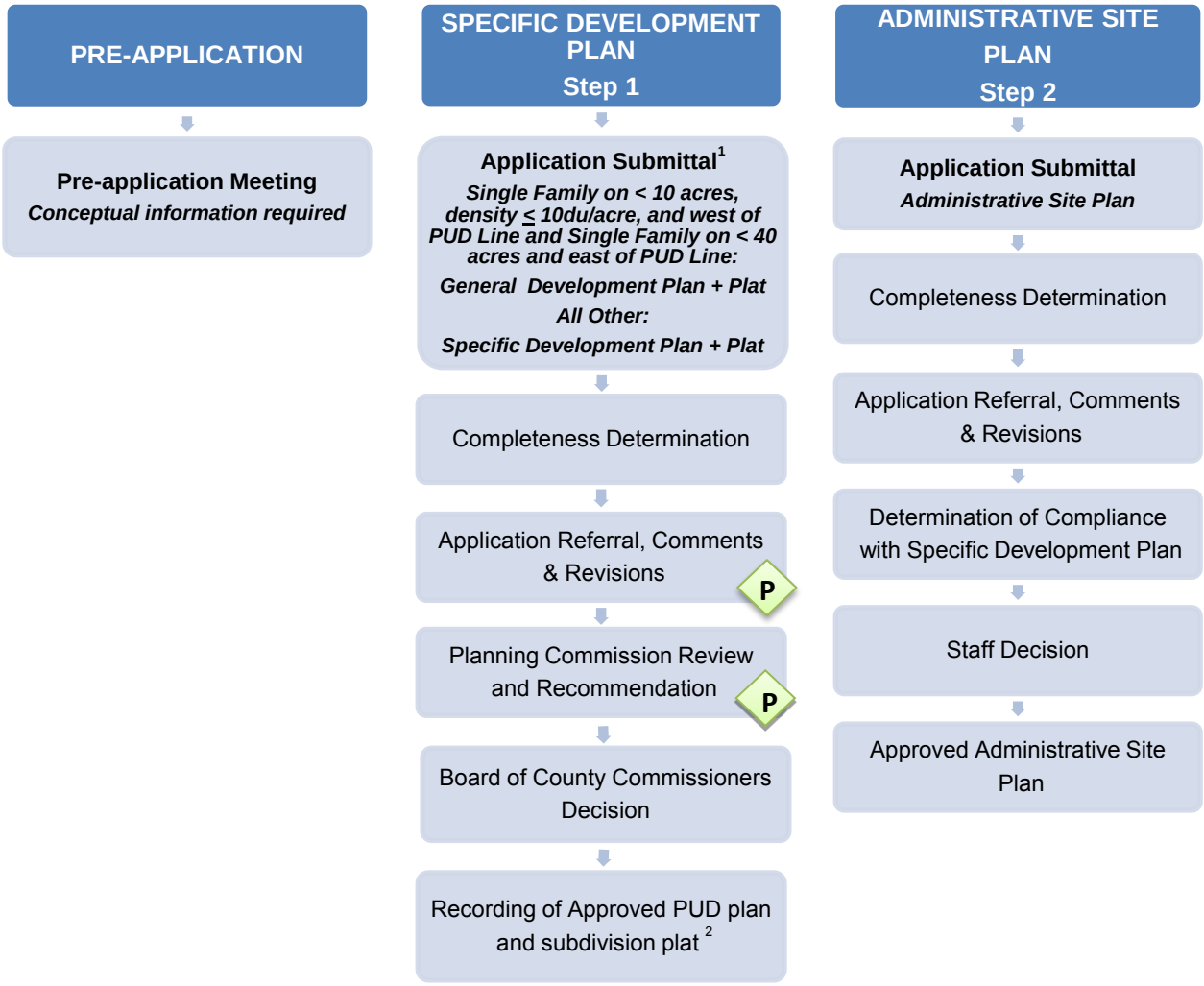
### A. Flowchart

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.

[48] New section explaining Specific Development Plan. Definition of Specific Development Plan to be added to Definitions section.

**Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process**

**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.




## B. Step One - Specific Development Plan (SDP)[49]

[49] Consolidates and replaces current lengthy and repetitive list of submittal and plan exhibit requirements in Sections 13-107, 13-108 and 13-109.

### 1. SDP Application

An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

a. If the application includes only single-family detached dwelling units and contains less than 40 acres of land, the requirement for a SDP shall be satisfied by the submittal of:[50]

   i. A GDP meeting all applicable requirements in subsection 13-105.04(B)(1), of this LDC, and the Procedures Manual; and

   ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.[51]

b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) or 13-105.02(B)(1) above, the application shall include the following:

   i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:

      - Location and land area for each type of land use;
      - Density and unit type for residential areas;
      - Size, floor area and building type for non-residential areas;
      - Location, size and access for parking areas for non-residential and multi-family residential;
      - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
      - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
      - Backbone infrastructure location, layout and system connections (civil construction engineering not required).

   ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.

   iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings[52] including materials palette, building design

[50] Revised since public draft per comments from ADSCC. Changed from 20 acres to 40 acres maximum size.
[51] Added to allow small developments of all single-family home to be processed through the Two-Step review process, per recommendation of ADSCC.
[52] Landscaping and building reference added.

features and building elevations showing the quality of each type of use in the PUD.

iv. Preliminary technical reports at conceptual level (civil construction engineering not required):

- Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;
- Water source and service capacity;
- Sewage treatment and service capacity;
- Phase 2 storm drainage management system and capacity report;[53]
- Natural hazard mitigation and resource protection at Phase 1 level; and
- Other utility and public safety provider district requirements.

v. Copies of any special covenants, conditions and restrictions.

vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).

vii. Development phasing plan.

viii. Development agreement, if applicable.

### 2. SDP Review and Approval

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements:

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.

b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.

c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two – Administrative Site Plan (ASP)[54]

### 1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any

[53] Modified since prior draft to clarify that a Phase 2 study is needed at this point.

[54] New section and language replacing current Section 13-110 with role of and requirements for Administrative Site Plan. Cross-reference to current ASP section, 13-400, which will be updated to include compliance with Specific Development Plan.

applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-105.04 Three-Step Process[55]

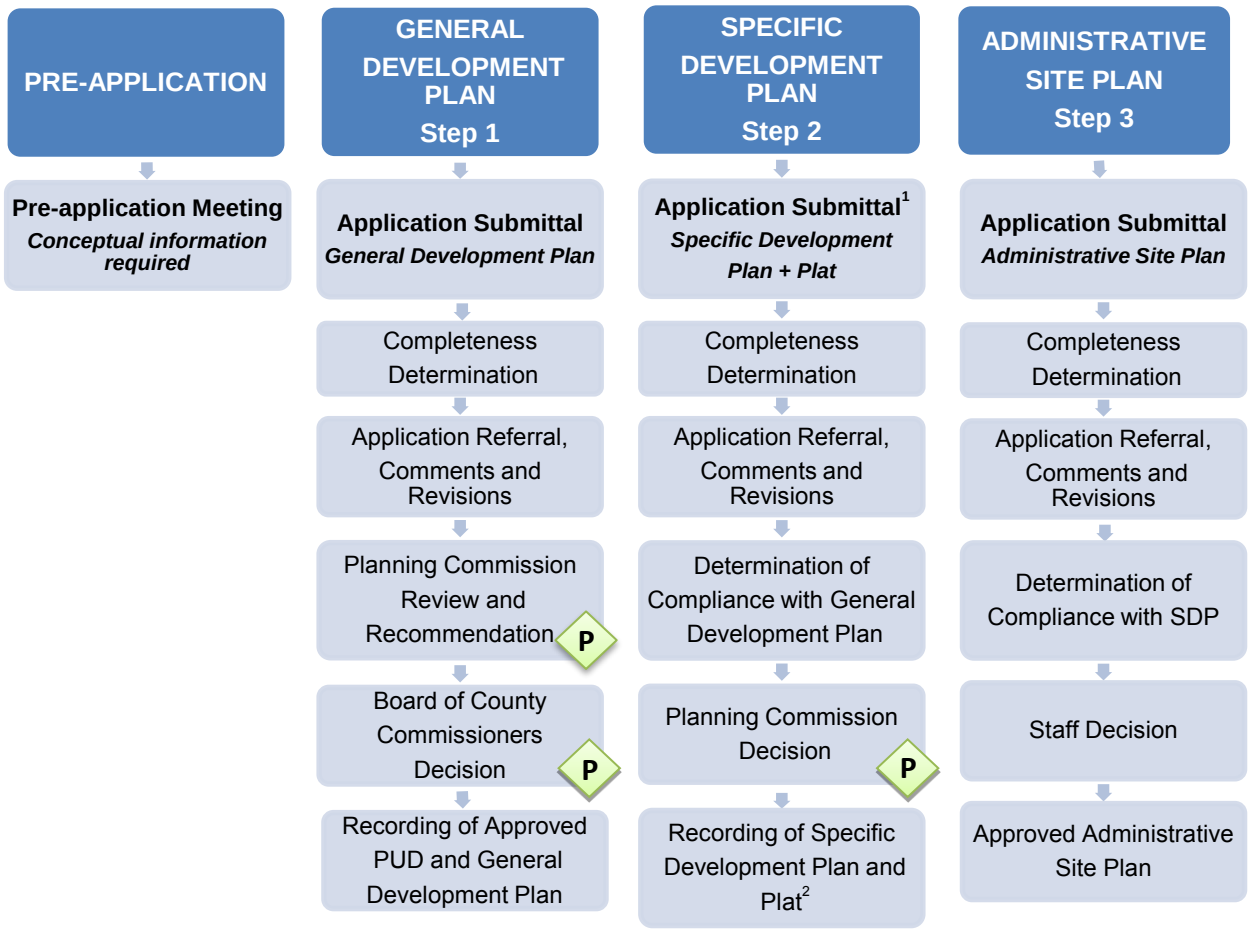
Where an applicant is not able to provide the high level of detail about the proposed PUD required to qualify for the Two-Step review process, as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1) the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

### A. Flowchart

Figure 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.

[55] New section explaining General Development Plan. Revises current section 13-103.01 to conform to new PUD process. Definitions for General Development Plan, Specific Development Plan and Administrative Site Plan will be included in Definitions section in Module 2.

**Figure 13-100.3 Summary of Procedure for PUD Three-Step Review Process**




**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 13-107 for minor and major amendment criteria.

## B. Step One - General Development Plan (GDP)[56]

### 1. GDP Application

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:[57]

[56] Current section 13-105.02.03, 13-105.02.04, 13-105.02.06
[57] Current Section 13-107 with repetitious provisions deleted and common submittal requirements included in General Submittal Requirements.

a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
b. The maximum development density/intensity on different portions of the site;
c. The maximum building heights on different portions of the site;
d. Existing and proposed locations of arterial and collector streets;
e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
f. Evidence that required infrastructure and drainage can be served within the infrastructure and capacity of service providers, which may be in the form of letters from service providers (civil construction engineering not required), and which must include a Phase 1 storm drainage management system and capacity report.[58]

### 2. GDP Review and Approval

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements.

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two - Specific Development Plan (SDP)

### 1. SDP Application

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 13-105.03(B)(1), with the following exceptions:

a. If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
b. The application shall include letters from all off-site service providers stating that there has been no change in the service provider's ability to serve the site and proposed development.

### 2. SDP Review and Approval

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above, and the following requirements:

[58] Modified from earlier drafts to clarify that a Phase 1 study is needed at this point.

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106 below.

**D. Step 3 - Administrative Site Plan (ASP)**

### 1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-106 Approval Criteria[59]

### 13-106.01 Approval Criteria for all PUD Applications [60]

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if the proposal meets all of the following criteria and any applicable criteria in Sections 13-106.02 and 13-106.03 below:

[59] New section with new criteria specific to PUDs. Current section 13-101.03 deleted as repetitious with the same standards in current section 13-201, Rezoning. Compliance with rezoning standards maintained and new PUD criteria added. Section13-101.04 deleted as unnecessary with language in review sections cross-referencing the approval criteria of this section.
[60] New section with PUD approval criteria applicable to all PUD applications. All new language.

A. It is consistent with and generally conforms to the Arapahoe County Comprehensive Plan; and
B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and
C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 of this LDC;
E. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
F. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

### 13-106.02 Approval Criteria for General Development Plan (GDP) [61]

In addition to meeting the criteria in Section 13-106.01 above, a GDP must also meet the following criteria:

A. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
B. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
C. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan;
D. It provides or expands access to existing open space, and preserves and protects natural features; and
E. It includes efficient general layouts for major water, sewer, and storm drainage areas.

### 13-106.03 Approval Criteria for Specific Development Plan (SDP) [62]

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted pursuant to an approved GDP under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

### 13-106.04 Approval Criteria for Administrative Site Plan (ASP) [63]

An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

[61] New section with new language
[62] New section with new language
[63] New Section with new language

# 13-107 Amendments[64]

## 13-107.01 Application for Amendments[65]

A. Amendments to an existing PUD Development Plan requires either the signature of all owners listed on the PUD signature document, or in cases where the signature of all owners is not attainable, the signature of the owners(s) of the land where the proposed amendment would apply.

   1. For proposed amendments where all of the PUD owner signatures cannot be obtained, the Planning Manager shall send a notice letter to all owners listed on the PUD signature stating there may be impacts to their property and recommending that they evaluate those possible impacts.
   2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendment is required.

B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02.[66] The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.

C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.

D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.

E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

## 13-107.02 Administrative Amendments[67]

**A. Eligibility for Administrative Amendments**

An Administrative Amendment may be granted for a Specific Development Plan provided that all of the following conditions are met:

[64] New section detailing PUD amendment process and standards for administrative versus minor amendments. This section applies to PUD development plans and related ASPs.

[65] New section detailing PUD amendment process and standards for administrative versus minor amendments. Cross-references to current section 13-500, Administrative Amendments, noted.

[66] New language referencing new administrative amendment section for SDPs and cross-referencing current LDC administrative amendment procedures for ASPs

[67] New section with new list identifying the point at which an amendment is complex enough for it to become a major amendment.

### 1. Land Uses

a. No change in the permitted number or type of residential uses (including residential uses in a mixed use development).
b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
c. No change affecting an area greater than:[68]
   i. Five acres in size for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.
   ii. 20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.
d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent (FDP) may be approved, subject to the limitations of Section 13-102.02(D). [69]

### 2. Development Standards

a. No increase in total lot coverage greater than ten percent.
b. No decrease in setbacks greater than ten percent.
c. No increase in residential density within any residential area shown on the SDP.
d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public greater than 10 percent).
e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
f. No increase in building height within 100 feet of residential property lines.
g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
i. No change to an area of the SDP greater than five acres in size. The Planning Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

### 3. Open Space/Buffers

a. No change in the location of or access to allowed on open space.
b. No decrease in open space.
c. No decrease in the width of buffer areas adjacent to residential zone districts.

### 4. Utilities/Infrastructure

a. No changes to of backbone infrastructure that would affect any property other than the applicant's property.
b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require

[68] Different size threshold added since Public Draft for areas west of line shown in new Figure 13-100.1
[69] New language to address how a change in use not included on an FDP or SDP is processed when listed in approved PDPs and GDPs

additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.

c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than 50 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

5. **Location**

No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

6. **Ordinances**

No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

7. **Cumulative Effect**

The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

**B. Approval Criteria[70]**

An Administrative Amendment may be approved provided the amendment:

1. Meets the conditions listed in subsection 13-107.02(A) above;
2. Does not result in a change to the overall character or intent of the PUD;
3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

## 13-107.03 Major Amendments[71]

An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

[70] New section adapted from current section 13-517 (Approval Criteria for Administrative Amendment)
[71] Current section 13-102.07, reworded.

# 13-108 Appeals[72]

## 13-108.01 Administrative Decisions

A. Appeals of any administrative decision authorized in this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Planning Commission.
   1. Such appeal must be made in writing within ten days after the decision.
   2. The appeal shall be scheduled for the next available Planning Commission meeting.
   3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.

   The decision of the Planning Commission shall be final.

B. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.[73]

## 13-108.02 Review of Planning Commission Decisions in Three-Step PUD[74]

A. An applicant for an SDP or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP may submit a written objection to the decision of the Planning Commission on the SDP.
   1. Written objection must be made to the Planning Manager within ten days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
   2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
   3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
   4. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 13-104.03, Notice Requirements.
   5. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.

[72] New section clarifying authority to hear appeals and review decisions in new Two and Three-Step process. Replaces current section 13-110.04 and makes Planning Commission the review body for appeals of Administrative decisions to incorporate best practices recommended in the LDC Assessment. Incorporates current section 13-105.04(A). May be relocated to consolidated Appeals section in reorganized LDC.
[73] Incorporated from current section 13-110.04(A)
[74] Current section 13-105.04, reformatted and including language to limit who may file a request to immediate neighbors and property owners, and to clarify that the applicant may request BOCC review.

B. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision on an SDP is final.

# 13-109 Vested Property Rights[75]

## 13-109.01 General Applicability

A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a "vested property right" either by approval of a "site specific development plan" or by approval of a "development agreement" relating to the proposed development. The following approvals shall be eligible for vesting as "site specific development plans":
   1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
   2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which a final subdivision plat has been recorded; and
   3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.

B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved. [76]

## 13-109.02 Vested Property Rights – General Provisions

A. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.
B. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.
C. The process for seeking a "vested property right" is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

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[75] Current section 13-110.12 reorganized and reworded and to conform to new Two and Three-Step PUD process and General Development, Specific Development and Administrative Site Plan terminology. Clarifies that vesting takes place at ASP and can be granted with an SDP if specifically requested and required procedures for vesting are done concurrently if requested. Deletes language specifying that an ASP automatically receives the same vested rights as have been granted pursuant to the Vested Property Rights Act for the Specific Development Plan to which the ASP relates, for the same period of vesting which remains for the SDP at the time the ASP is approved. The vesting section may be relocated into another section (i.e. not the PUD provisions) in a reorganized LDC.
[76] Current 13-110.12, with wording clarified.

## 13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

**A. Notice Requirements and Public Hearing**

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

**B. Vesting Period**

If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act.

**C. Criteria**

1. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:
2. Being required to pay compensation to the affected landowner,
3. Injury to others, and
4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

**D. Application Requirements**

1. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

**E. Specific Development Plan Determination**[77]

1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.
2. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that:
3. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that

[77] Current section references Administrative Site Plan. Revised to Specific Development Plan to align with proposed automatic vesting of ASPs.

might require the county to modify its approval of the site specific development plan.

4. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

## 13-109.04 Development Agreement Procedures

The process for establishing a "vested property right" relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- Master Sign Plans,
- Master Drainage Plans,
- Master Traffic Studies,
- Customized review and approval processes, and
- Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

### A. Notice Requirements and Public Hearing

1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

### B. Criteria

The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;

3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

**C. Vesting Period**

If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

## 13-109.05 Notice of Approval of Vested Property Right

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval.

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# 13-100 PLANNED UNIT DEVELOPMENT[1]

## 13-101 Purpose[2]

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally confo~~i~~rm3 with the Arapahoe County Comprehensive Plan.

## 13-102 Applicability[4]

### 13-102.01 General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

### 13-102.02 Transition from Prior PUD Approvals[5]

A. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before [effective date of these PUD amendments] shall remain valid under the previous PUD regulations. [6]

B. A PDP or FDP approved prior to the effective date of these amendments that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may~~will~~ be considered an

[1] New Planned Unit Development procedures drafted in 2016.
[2] Revised current section 13-101 Intent; reworded subsection 13-101.01; and deleted current subsection 13-101.02 as repetitive of PUD definition in Definitions section. Current subsection 13.101.03 relocated to new Approval Criteria section.
[3] All instances where PUDs are required to be "consistent with" the comprehensive plan have been revised to require that they "generally conform" with the comprehensive plan, to match the text in the Colorado PUD Act.
[4] New Section incorporating current subsections 13-102.01 and adding new language to address transition to new PUD process and how current PDPs, FDPs and MDPs are handled.
[5] New section to explain how existing PDPs, FDPs and MDPs will be administered.
[6] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

approved SDP. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter. [7]

C. A PDP or FDP approved prior to the effective date of these amendments that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Division Manager, may~~will~~ be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Division Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.

D. Where a PDP or FDP approved prior to the effective date lists specific permitted uses, the Planning Division Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Division Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use. [8]

E. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.

F. Applications filed after [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

## 13-103 Land Use and Development Standards[9]

### 13-103.01 Permitted Uses[10]

A. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Division Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.

[7] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.
[8] New language to address how a change in use is processed in previously approved PDPs
[9] New section -- May be relocated to PUD Zone District in reorganized LDC
[10] New language incorporates special review from current section 13-103.04(A).

G. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Division Manager, and the development plan does not state that the use is exempt from further review, those uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

## 13-103.02 Development Standards[11]

A. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.

B. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.

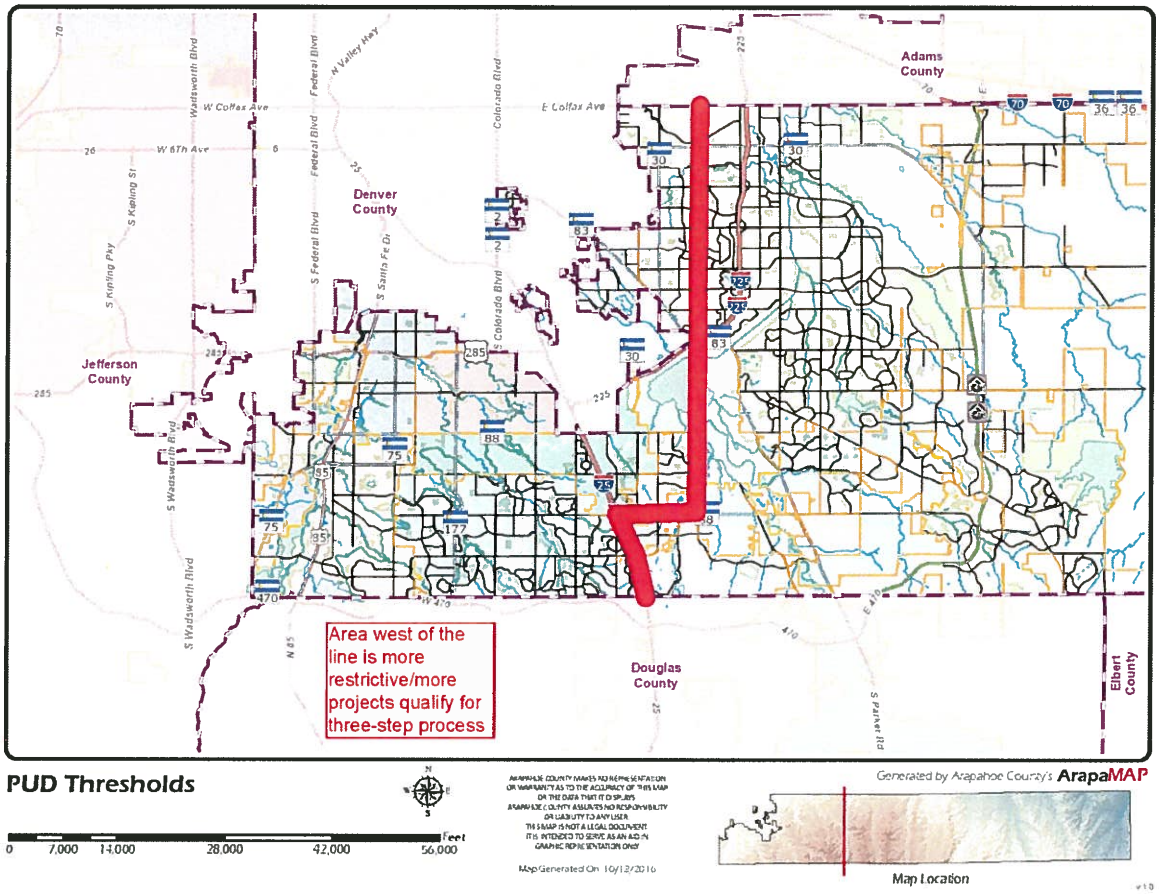
C. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 13-100.1below. [12]

**Table 13-100.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE**

| Land Use | Minimum Amount of Open Space (Percentage of net site area) |
|---|---|
| Residential – up to 4 du/ac | 10% |
| Residential – 4.1 to 10.9 du/ac | 30% |
| Residential – 11 du/ac and higher | 35% |
| Commercial or Public | 20% for single story; plus 5% for each additional story, up to a maximum of 35% |
| Industrial | 20% |

D. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.[13]

[11] Revises current section 13-102.10 to clarify that development standards can be modified by PUD.
[12] Current section 13-102.11 reformatted into a table with density standards from current sections 6-206, 6-306, and 6-406 included as reference for single-family, moderate density and high density.
[13] Reworded and reorganized current section 13-105.02.07 and incorporates last two sentences of current section 13-102.04. Revises current text to clarify that PUD can modify LDC standards and to reference similar uses (rather than zone districts) and address who determines which standards apply when a PUD does not address a standard.


Adams County
Denver County
Jefferson County
Douglas County
Elbert County
Area west of the line is more restrictive/more projects qualify for three-step process
PUD Thresholds
0 7,000 14,000 28,000 42,000 56,000 Feet
Map Generated On 10/12/2016
Generated by Arapahoe County's ArapaMAP
Map Location

## 13-105.03 Two-Step Process[48]

Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a T~~t~~wo-S~~s~~tep process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before~~, before~~ obtaining a~~nd~~ building permit and proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(B)(1) below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 13-105.04.

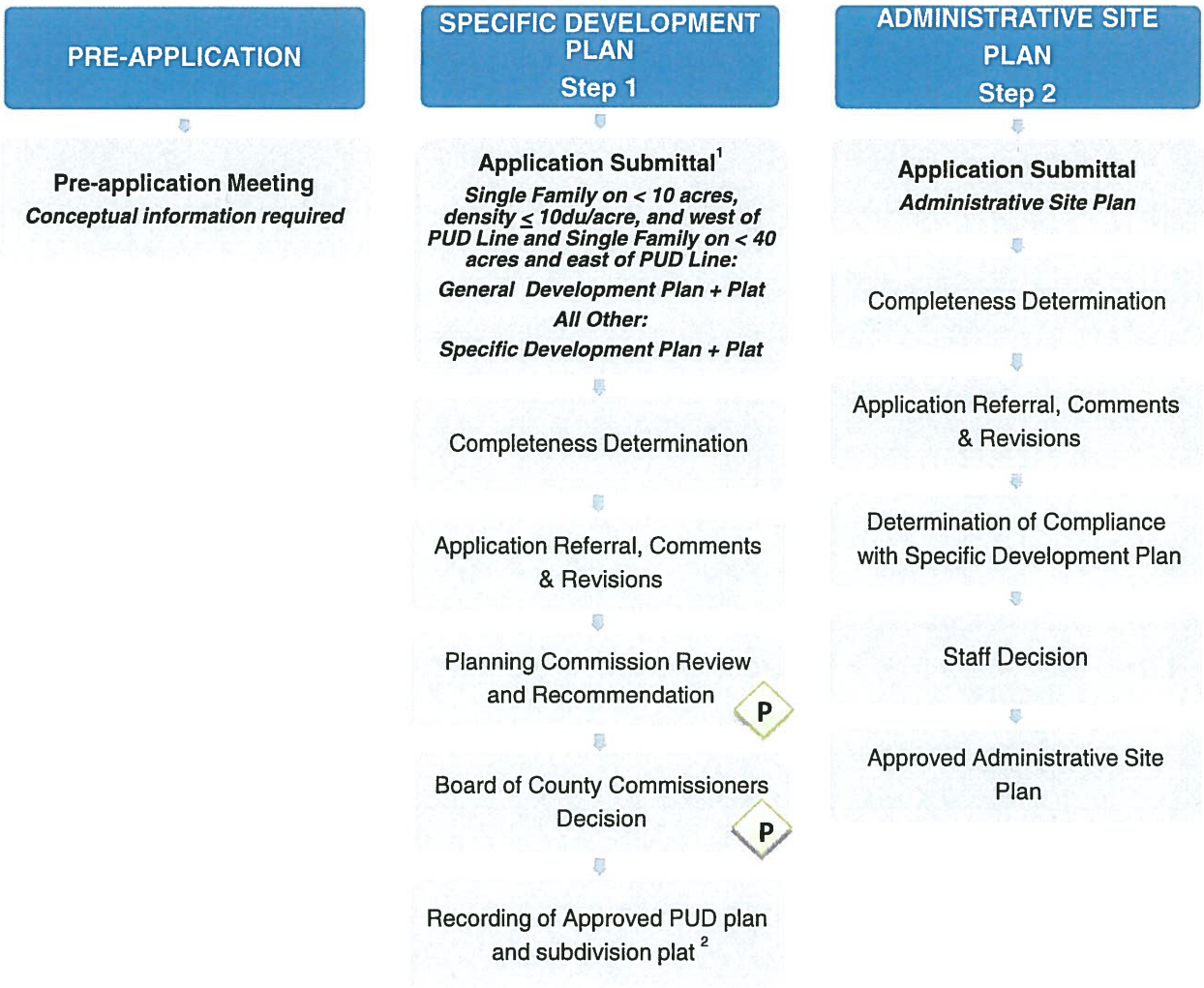
### A. Flowchart

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.

[48] New section explaining Specific Development Plan. Definition of Specific Development Plan to be added to Definitions section.

**Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process**

**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.




## B. Step One - Specific Development Plan (SDP)[49]

[49] Consolidates and replaces current lengthy and repetitive list of submittal and plan exhibit requirements in Sections 13-107, 13-108 and 13-109.

### 1. SDP Application

An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

a. If the application qualifies under 13-105.02(A)(1) or 13-105(B)(1), ~~includes only single-family detached dwelling units and contains less than 40 acres of land~~, the requirement for a SDP shall be satisfied by the submittal of:[50]

   i. A ~~GDP~~ document meeting all applicable requirements in subsection 13-105.04(B)(1)~~,~~ of this LDC, and the Procedures Manual; and

   ~~i.~~

   ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.[51]

b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) or 13-105.02(B)(1) above, the application shall include the following:

   i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:

      - Specific ~~L~~location and land area for each type of land use;
      - Density and unit type for residential areas;
      - Size, floor area and building type for non-residential areas;
      - Location, size and access for parking areas for non-residential and multi-family residential;
      - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
      - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
      - Backbone infrastructure location, layout and system connections (civil construction engineering not required).

   ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.

   iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings[52] including materials palette, building design

[50] Revised since public draft per comments from ADSCC. Changed from 20 acres to 40 acres maximum size.
[51] Added to allow small developments of all single-family home to be processed through the Two-Step review process, per recommendation of ADSCC.
[52] Landscaping and building reference added.

features and building elevations showing the quality of each type of use in the PUD.

iv. Preliminary technical reports at conceptual level (civil construction engineering not required):

- Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;
- Water source and service capacity;
- Sewage treatment and service capacity;
- Phase 2 storm drainage management system and capacity report;[53]
- Natural hazard mitigation and resource protection at Phase 1 level; and
- Other utility and public safety provider district requirements.

v. Copies of any special covenants, conditions and restrictions.

vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).

vii. Development phasing plan.

viii. Development agreement, if applicable.

### 2. SDP Review and Approval

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements:

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.

b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.

c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two – Administrative Site Plan (ASP)[54]

### 1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any

[53] Modified since prior draft to clarify that a Phase 2 study is needed at this point.

[54] New section and language replacing current Section 13-110 with role of and requirements for Administrative Site Plan. Cross-reference to current ASP section, 13-400, which will be updated to include compliance with Specific Development Plan.

applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-105.04 Three-Step Process[55]

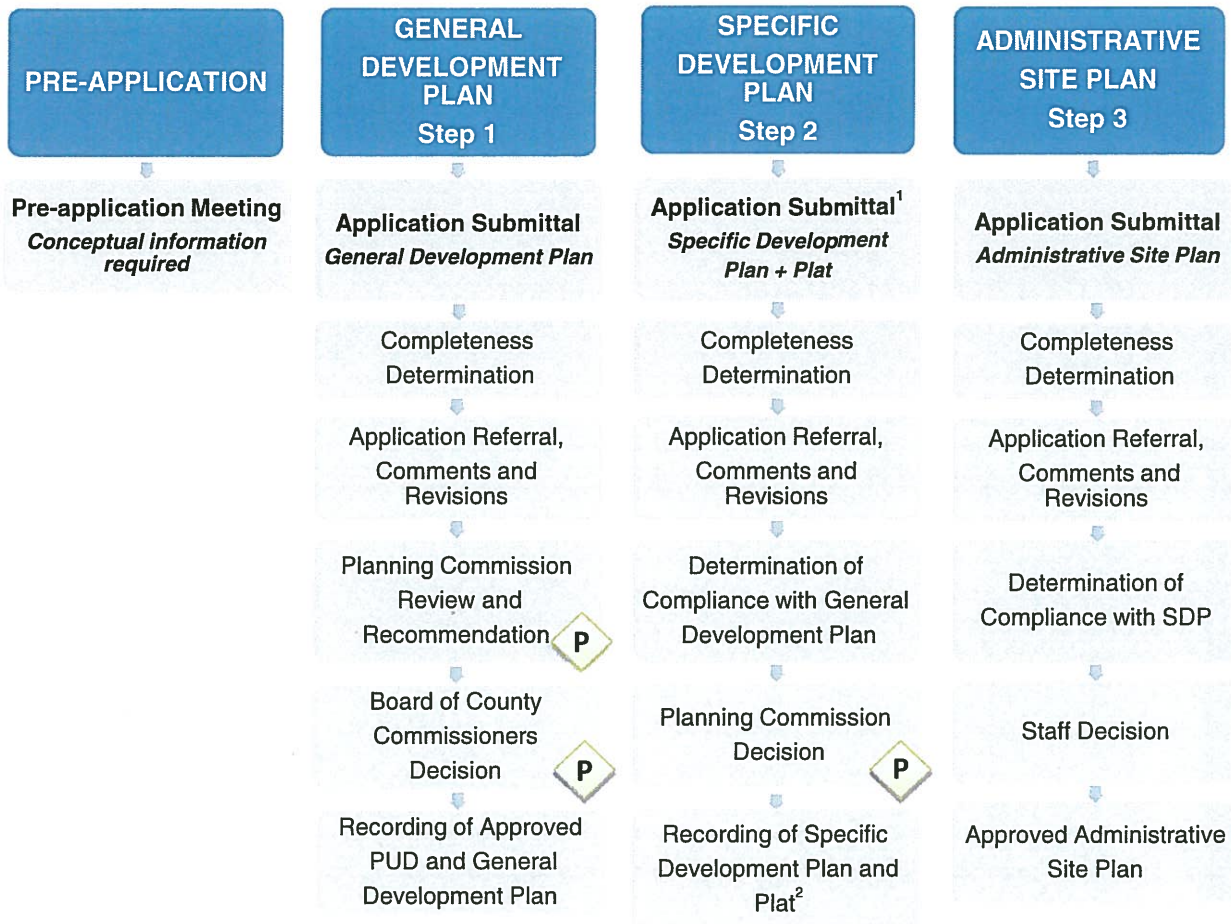
Where an applicant cannot satisfy the eligibility criteria for the Two-Step process in Section 13-105.02, is not able to provide the high level of detail about the proposed PUD ~~required to qualify for the Two-Step review process,~~ as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1), the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

### A. Flowchart

Figure 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.

[55] New section explaining General Development Plan. Revises current section 13-103.01 to conform to new PUD process. Definitions for General Development Plan, Specific Development Plan and Administrative Site Plan will be included in Definitions section in Module 2.

**Figure 13-100.3 Summary of Procedure for PUD Three-Step Review Process**




**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 13-107 for minor and major amendment criteria.

## B. Step One - General Development Plan (GDP)[56]

### 1. GDP Application

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:[57]

[56] Current section 13-105.02.03, 13-105.02.04, 13-105.02.06
[57] Current Section 13-107 with repetitious provisions deleted and common submittal requirements included in General Submittal Requirements.

a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
b. The maximum development density/intensity on different portions of the site;
c. The maximum building heights on different portions of the site;
d. Existing and proposed locations of arterial and collector streets;
e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
f. Evidence that required infrastructure and drainage ~~can~~ will be provided~~served~~ by and is within the infrastructure and capacity of the applicable service provider(s), which evidence may be in the form of "will-serve" letters from service provider(s) ~~(civil construction engineering not required)~~, and which must include a Phase 1 storm drainage management system and capacity report. However, civil construction engineering drawings and specifications are not required at this point.[58]

### 2. GDP Review and Approval

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements.

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two - Specific Development Plan (SDP)

### 1. SDP Application

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 13-105.03(B)(1), with the following exceptions:

a. If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
b. The application shall include letters from all off-site service providers stating that there has been no change in the service provider's ability to serve the site and proposed development.

[58] Modified from earlier drafts to clarify that a Phase 1 study is needed at this point.

### 2. SDP Review and Approval

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above, and the following requirements:

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106 below.

**D. Step 3 - Administrative Site Plan (ASP)**

### 1. ASP Application

Following the approval of an SDP, the applicant must obtain ~~an~~ approval of an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and those of any applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-106 Approval Criteria[59]

### 13-106.01 Approval Criteria for all PUD Applications [60]

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if

[59] New section with new criteria specific to PUDs. Current section 13-101.03 deleted as repetitious with the same standards in current section 13-201, Rezoning. Compliance with rezoning standards maintained and new PUD criteria added. Section13-101.04 deleted as unnecessary with language in review sections cross-referencing the approval criteria of this section.
[60] New section with PUD approval criteria applicable to all PUD applications. All new language.

the proposal meets all of the following criteria and any applicable criteria in Sections 13-106.02 and 13-106.03 below:

A. It ~~is consistent with and~~ generally conforms to the Arapahoe County Comprehensive Plan; and
B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and
C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 of this LDC; and
E. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
F. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

### 13-106.02 Approval Criteria for General Development Plan (GDP) [61]

In addition to meeting the criteria in Section 13-106.01 above, a GDP must also meet the following criteria:

A. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
B. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
C. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan; and
D. It provides or expands access to existing open space, and preserves and protects natural features; and
E. It includes efficient general layouts for major water, sewer, and storm drainage areas.

### 13-106.03 Approval Criteria for Specific Development Plan (SDP) [62]

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted ~~pursuant to an approved GDP~~ under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

### 13-106.04 Approval Criteria for Administrative Site Plan (ASP) [63]

An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

[61] New section with new language
[62] New section with new language
[63] New Section with new language

# 13-107 Amendments[64]

## 13-107.01 Application for Amendments[65]

A. Amendments to an existing PUD Development Plan require~~s~~ either the signature of all current owners within ~~listed on~~ the PUD ~~signature document~~, or in cases where the obtaining the signature of all such owners is not reasonably feasible~~attainable~~, the signature of the owners(s) of the land where the proposed amendments would apply.

1. For proposed amendments where it is not reasonably feasible to obtain the signature of all of the current ~~PUD~~ owners within the PUD ~~signatures cannot be obtained~~, the Planning Division Manager shall send a notice letter to all current owners in the PUD ~~owners listed on the PUD signature~~ notifying them of the proposed amendment and stating there may be impacts to their property ~~and recommending that they evaluate those possible impacts~~.
2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendments is required.

B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02.[66] The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.

C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.

D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.

E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

## 13-107.02 Administrative Amendments[67]

**A. Eligibility for Administrative Amendments**

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[64] New section detailing PUD amendment process and standards for administrative versus minor amendments. This section applies to PUD development plans and related ASPs.

[65] New section detailing PUD amendment process and standards for administrative versus minor amendments. Cross-references to current section 13-500, Administrative Amendments, noted.

[66] New language referencing new administrative amendment section for SDPs and cross-referencing current LDC administrative amendment procedures for ASPs

[67] New section with new list identifying the point at which an amendment is complex enough for it to become a major amendment.

~~An Administrative Amendment~~ Amendments to an SDP are eligible for administrative approval (meaning approval by the Planning Division Manager), ~~may be granted for a Specific Development Plan~~ provided that all of the following conditions are met:

1. **Land Uses**
   a. No ~~change~~ increase in the permitted number of residential dwelling units or no change in residential unit type (for instance: from single-family detached to single-family attached or to multi-family dwelling units) ~~or type of residential uses (including residential uses in a mixed use development)~~.
   b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
   c. No change affecting an area greater than:[68]
      i. Five acres in size for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.
      ii. 20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.
   d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent (FDP) may be approved, subject to the limitations of Section 13-102.02(D).[69]

2. **Development Standards**
   a. No increase in total lot coverage greater than ten percent.
   b. No decrease in setbacks greater than ten percent.
   c. No increase in residential density within any residential area shown on the SDP.
   d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public) greater than 10 percent~~)~~.
   e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
   f. No increase in building height within 100 feet of residential property lines.
   g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
   h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
   i. No change to an area of the SDP greater than five acres in size. The Planning Division Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

3. **Open Space/Buffers**
   a. No change in the location of or access to allowed on open space.
   b. No decrease in open space.

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[68] Different size threshold added since Public Draft for areas west of line shown in new Figure 13-100.1

[69] New language to address how a change in use not included on an FDP or SDP is processed when listed in approved PDPs and GDPs

c. No decrease in the width of buffer areas adjacent to residential zone districts.

4. **Utilities/Infrastructure**
   a. No changes to of backbone infrastructure that would affect any property other than the applicant's property.
   b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.
   c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than 50 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

5. **Location**
   No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

6. **Ordinances**
   No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

7. **Cumulative Effect**
   The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

**B. Approval Criteria[70]**

An Administrative Amendment may be approved by the Planning Division Manager provided the amendment:

1. Meets the conditions listed in subsection 13-107.02(A) above;
2. Does not result in a change to the overall character or intent of the PUD;
3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

## 13-107.03 Major Amendments[71]

An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

[70] New section adapted from current section 13-517 (Approval Criteria for Administrative Amendment)
[71] Current section 13-102.07, reworded.

# 13-108 Appeals[72]

## 13-108.01 Administrative Decisions

A. Appeals of any administrative decision authorized ~~in~~by this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Board of Adjustment~~Planning Commission~~.
   1. Such appeal must be made in writing within ten days after the decision.
   2. The appeal shall be scheduled for the next available Planning Commission meeting.
   3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.

   The decision of the Planning Commission shall be final.

B. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.[73]

## 13-108.02 Review of Planning Commission Decisions in Three-Step PUD[74]

A. An applicant for an SDP, or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP, may submit a written objection to the decision of the Planning Commission on the SDP.
   1. Written objection must be made to the Planning Division Manager within ten days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
   2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
   3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
   4. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 13-104.03, Notice Requirements.
   5. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.

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[72] New section clarifying authority to hear appeals and review decisions in new Two and Three-Step process. Replaces current section 13-110.04 and makes Planning Commission the review body for appeals of Administrative decisions to incorporate best practices recommended in the LDC Assessment. Incorporates current section 13-105.04(A). May be relocated to consolidated Appeals section in reorganized LDC.

[73] Incorporated from current section 13-110.04(A)

[74] Current section 13-105.04, reformatted and including language to limit who may file a request to immediate neighbors and property owners, and to clarify that the applicant may request BOCC review.

B. At any stage of the process for review of Planned Unit Development application under the Three-Step process, up to ten (10) calendar days following a decision of the Planning Commission on the application for an SDP, a majority of the members of the Board of County Commissioners may elect to call up the SDP application for a Public Hearing before the Board. Such Public Hearing will proceed following the hearing and determination of Planning Commission, will proceed *de* novo, and the final decision on the SDP will be made by the Board. Notice and procedure for such Board public hearing shall be as specified in this Code for other Public Hearings on Planned Unit Development applications.

~~B.~~C. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision, under either subparts A or B of this Section 13-108.02, on an SDP is a final decision.

## 13-109 Vested Property Rights[75]

### 13-109.01 General Applicability

A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, an applicant may seek approval of a "vested property right" either by approval of a "site specific development plan" or by approval of a "development agreement" relating to the proposed development. The following approvals shall be eligible for vesting as "site specific development plans":
   1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
   2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which ~~a~~ such original or amended final subdivision plat has been recorded; and
   3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.

B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved.[76]

### 13-109.02 Vested Property Rights – General Provisions

A. Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.

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[75] Current section 13-110.12 reorganized and reworded and to conform to new Two and Three-Step PUD process and General Development, Specific Development and Administrative Site Plan terminology. Clarifies that vesting takes place at ASP and can be granted with an SDP if specifically requested and required procedures for vesting are done concurrently if requested. Deletes language specifying that an ASP automatically receives the same vested rights as have been granted pursuant to the Vested Property Rights Act for the Specific Development Plan to which the ASP relates, for the same period of vesting which remains for the SDP at the time the ASP is approved. The vesting section may be relocated into another section (i.e. not the PUD provisions) in a reorganized LDC.
[76] Current 13-110.12, with wording clarified.

B. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements.

C. The process for seeking a "vested property right" is separate from the process for seeking approval of a PUD Development Plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

## 13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

**A. Notice Requirements and Public Hearing**

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

**B. Vesting Period**

If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act (CRS 24-68-101, *et seq.*, as amended).

**C. Criteria**

1. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without:
2. Being required to pay compensation to the affected landowner, and
3. Injury to others, and
4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

**D. Application Requirements**

1. The applicant shall present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period.
2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

**E. Specific Development Plan Determination[77]**

1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not

[77] Current section references Administrative Site Plan. Revised to Specific Development Plan to align with proposed automatic vesting of ASPs.

require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.

2. An SDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that:

~~3.~~ a. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that might require the county to modify its approval of the site specific development plan.

~~4.~~ 3. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

## 13-109.04 Development Agreement Procedures

The process for establishing a "vested property right" relating a development agreement shall involve negotiation of an agreement between the County and the developer. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- Master Sign Plans,
- Master Drainage Plans,
- Master Traffic Studies,
- Customized review and approval processes, and
- Any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes.

### A. Notice Requirements and Public Hearing

1. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

**B. Criteria**

The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. Whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development;
3. Whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

**C. Vesting Period**

If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act.

## 13-109.05 Notice of Approval of Vested Property Right

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

Power Point

ARAPAHOE COUNTY

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# Revisions to the Planned Unit Development Process

Planning Commission – November 1, 2016

# Code Assessment Project

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- September 2015
  - Clarion Associates selected as consultant
  - Outreach to staff, Arapahoe Development Services Coordinating Committee, Technical Advisory Committee
- November – December 2015
  - Draft LDC Assessment posted on web site
  - Outreach to staff, ADSCC and TAC repeated
  - Final Assessment released
- January 2016
  - Final Assessment presented to Planning Commission and BOCC
  - BOCC direction to revise PUD regulations, draft new residential base zone districts, and reorganize LDC
- April 2016
  - Concept for PUD revisions presented to BOCC
- July 2016
  - Revised Draft of PUD revisions posted on web site / outreach to ADSCC
- September 2016
  - PUD revisions finalized

# The PUD System

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## Major Concerns

- Too complicated to create and amend
- Too much detail required too early in the process
- Outdated base districts push too many into PUDs
- Development standards outdated

## Minor Concerns

- Management of review process unclear
- Forms and documentation need to be updated
- Format of current LDC is confusing
- Coordination with Comp Plan needs to be stronger

# Improving the PUD System

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## What's Changed:

- Consolidated one PUD system - MDP/PDP distinction removed
  - Review varies based on level of detail provided in application
- Clarified PUD amendment criteria
- Simplified the PUD amendment process
- Aligned documents required with stages of PUD approval
  - Less detail needed in earlier steps
- Established clear timelines for PUD reviews

# Improving the PUD System

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## Other Recommendations:

- Standardized and consolidated submittal checklists
- Graphic guides for PUD processes

# PUD System Changes

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**One PUD process – with the number of approval steps dependent on how much detail the applicant provides up front**

**Detailed Application = Two Step PUD Process**

- **Small Projects**
  - SDP to PC & BOCC
  - ASP to Staff
- **Single-Family Homes**
  - GDP and Plat to PC and BOCC (No SDP)

**General Application = Three-Step PUD Process**

- **General Concept Only or Large/Complex Project**
  - GDP to PC & BOCC
  - SDP to PC
  - ASP to Staff

# GDP → SDP → ASP

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- **General Development Plan:**
  - Less detail
  - General zoning – maximum densities; building typology; use categories
  - General design context
  - General infrastructure location and service information
- **Specific Development Plan:**
  - More detail
  - Specific land use detail –site specific density; building design; uses and size of use
  - Defined design guidelines and building character
  - "Backbone" infrastructure – site specific location, layout and connections
- **Administrative Site Plan:**
  - Final site-specific detail
  - Must comply with zoning and development standards in SDP and LDC
  - Must comply with building design criteria in SDP
  - Must be consistent with engineering standards
  - Final infrastructure design and location

# Two-Step PUD Review Process

## PRE-APPLICATION

**Pre-application Meeting**
***Conceptual information required***

## SPECIFIC DEVELOPMENT PLAN
## Step 1

**Application Submittal**[1]
***Single Family on < 10 acres, density ≤ 10du/acre, and west of PUD Line and Single Family on < 40 acres and east of PUD Line:***
***General Development Plan + Plat***
***All Other:***
***Specific Development Plan + Plat***

Completeness Determination

Application Referral, Comments & Revisions

Planning Commission Review and Recommendation (P)

Board of County Commissioners Decision (P)

Recording of Approved PUD plan and subdivision plat [2]

## ADMINISTRATIVE SITE PLAN
## Step 2

**Application Submittal**
***Administrative Site Plan***

Completeness Determination

Application Referral, Comments & Revisions

Determination of Compliance with Specific Development Plan

Staff Decision

Approved Administrative Site Plan

# Two-Step PUD

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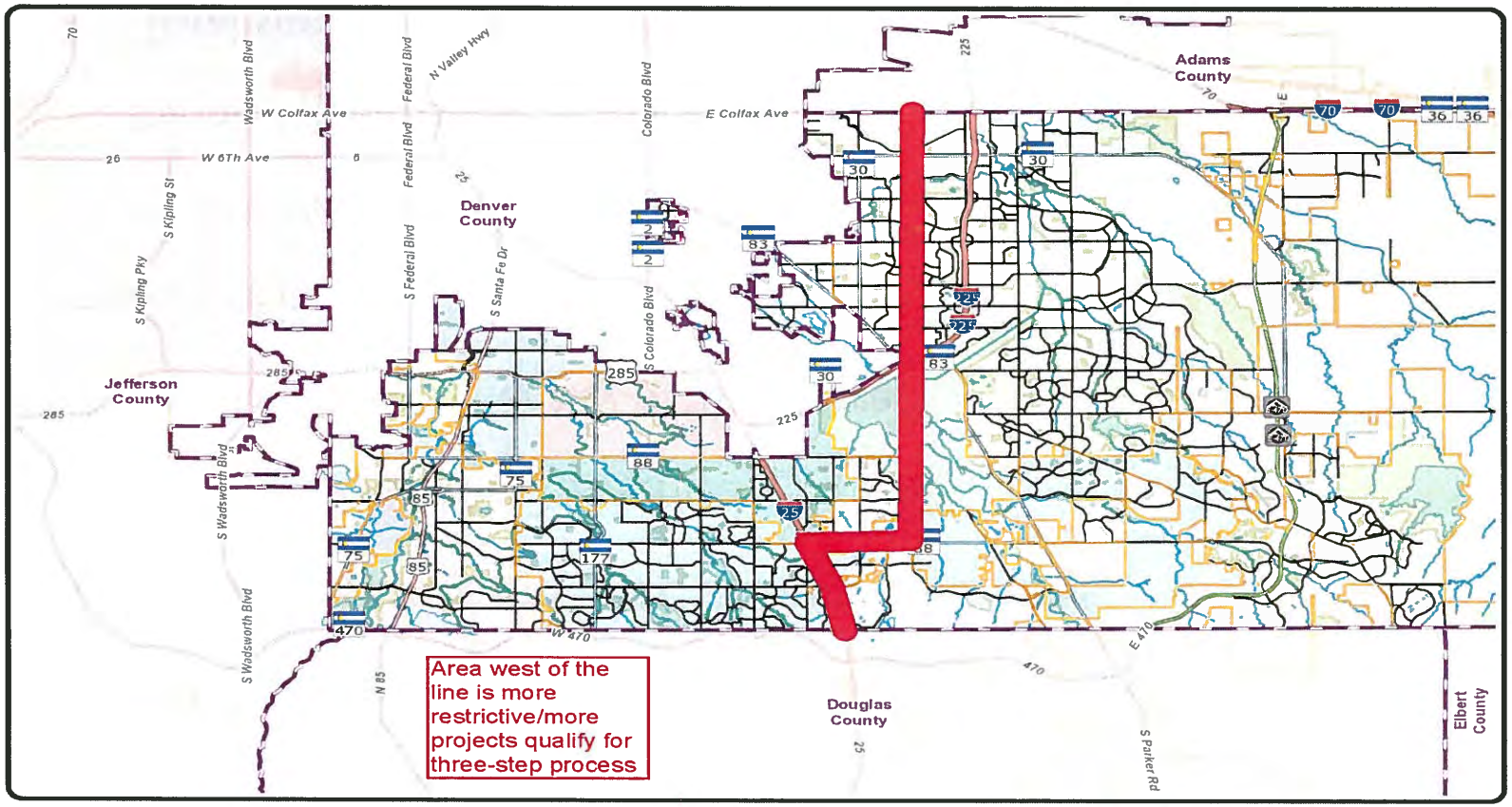
## Threshold Criteria – Based on Location




**PUD Thresholds**

0 7,000 14,000 28,000 42,000 56,000 Feet

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Map Generated On: 10/13/2016

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Map Location

v1.0

# Two-Step PUD

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## West of Peoria/I-25 Line:

## Only smaller projects get 2-step process

- 100% Single-Family Detached
  - <10 acres with density ≤ 10 du/acre
- Residential on all or part of the site
  - ≤ 20 du/acre
  - Non-residential on ≤ 50% of the site
  - Total site ≤ 5 acres
  - Building height ≤ 40 feet

# Two-Step PUD

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## East of Peoria/I-25 Line:

## Larger projects can also get the 2-step process

- 100% Single-Family Detached
  - < 40 acres
- Residential on all or part of the site
  - ≤ 20 du/acre
  - Non-residential on ≤ 50% of the site
  - Total site ≤ 20 acres
  - Building height ≤ 55 feet

- 100 % Non-Residential with building height ≤ 55 feet

# Three-Step PUD

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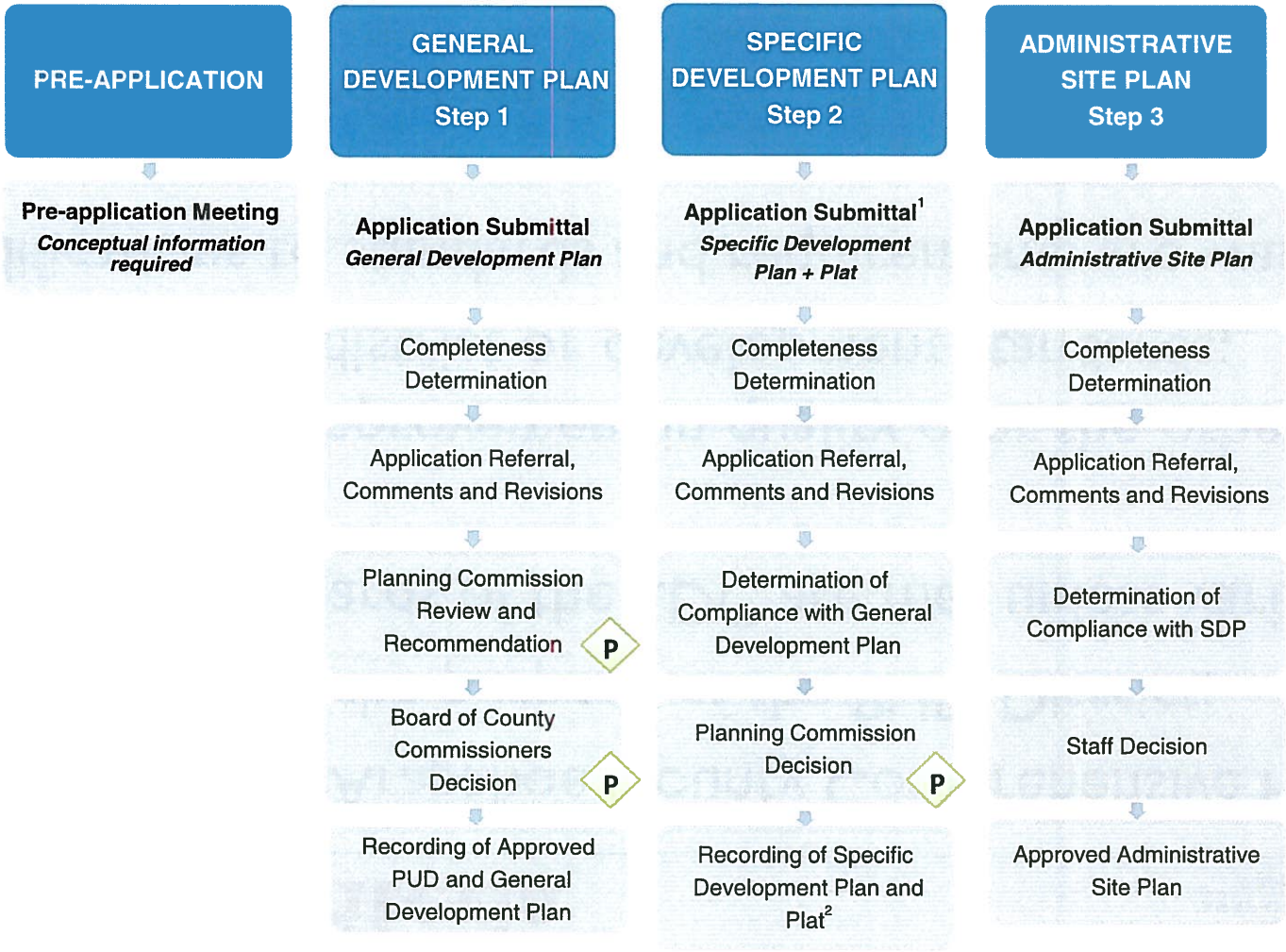
## Criteria:

- All applications not eligible for the Two-Step PUD process
- All applications that may result in impacts greater than those typically anticipated (as determined by staff based on size, intensity of use, or location):
  - Environmental
  - Utility
  - Transportation
  - Service Delivery

# Three-Step PUD Review Process



# Approval Criteria

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- Consistent with Arapahoe County Comprehensive Plan;
- Consistent with the purpose of the PUD District;
- Applicable standards of the LDC are met unless varied by the PUD;
- Represents an improvement in quality over the otherwise applicable zone district or development standards;
- Modifications to standards and requirements are warranted by:
  - Quality layout and design of site
  - Amenities
  - Protection of unique site features

# Amendments

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Administrative Amendments – for FDPs, SDPs, and ASPs (measured cumulatively with all prior amendments)

- **Land Use**
  - No change in use from one land use category to another
  - No change in number or type of residential uses greater than:
    - 5 acres or less west of PUD Line
    - 20 acres or less east of PUD Line

- **Development Standards**
  - No increase in residential density
  - No increase in building height within 100 feet of residential; 5% elsewhere
  - No change more than10 percent in lot coverage, setbacks;, non-residential gross floor area, or parking
  - No change to an area > 5 acres in size

# Amendments

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Administrative Amendments – for FDPs, SDPs, and ASPs (continued)

- **Open Space/Buffers**
  - No change location or access
  - No decrease in open space and or decrease < 20% in width of residential buffer
- **Utilities/Infrastructure**
  - No changes to backbone infrastructure affecting any property other than applicant's
  - No change in access points to arterial or collector roads by more than 50 feet unless no practical alternative, as determined by Engineering
- **Location**
  - No change to any area adjacent to residential zone district outside the PUD
- **Cumulative Effect**
  - The amendment criteria apply to the cumulative effect of the proposed amendment together with all previously approved administrative amendments

# Other Changes

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- **Clarified Review Process**
  - All general procedures consolidated to one section within the PUD Chapter
  - Timelines for review and revision to applications included

- **Simplified Basic Submittal Documents**
  - Basic levels of document detail listed in the PUD section
  - Staff updating detailed design / engineering requirements to align

- **Clarified Appeals Process**
  - Planning Commission review of appeals of Administrative decisions
  - BOCC may review Planning Commission decisions in Three-Step Process
    - Written objection from defined interested party
    - Majority of Commissioners must choose to hear the appeal

# Updates to PUD Draft

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- **BOCC Call-Up**
  - Within 10 days **AFTER** Planning Commission Public Hearing and decision
  - Majority vote of BOCC to call-up
  - De novo review by BOCC
- **Appeals of Administrative Decisions go to Board of Adjustment (not Planning Commission)**
  - Consistent with other types of appeals in LDC
- **Recording of PUD Documents**
  - May record full PUD **<u>or notice</u>** of PUD approval

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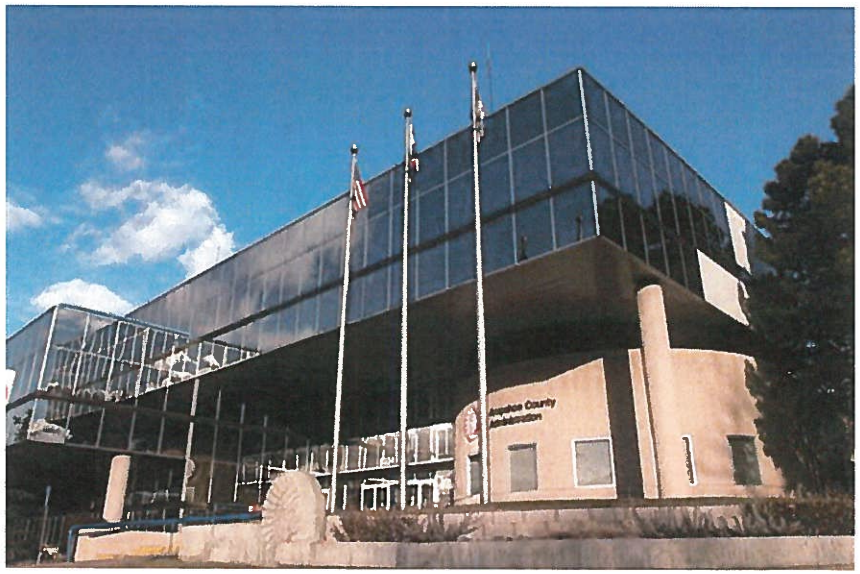
# Questions and Discussion



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# REGULAR MEETING OF THE ARAPAHOE COUNTY PLANNING COMMISSION
## TUESDAY, NOVEMBER 1, 2016 AT 6:30 P.M.
## COLORADO STATE UNIVERSITY EXTENSION OFFICE - EAST MEETING ROOM
## 6934 S LIMA ST, CENTENNIAL CO 80112

### CASE NO. W16-002, LAND DEVELOPMENT CODE AMENDMENTS RE: PLANNED UNIT DEVELOPMENT (PUD) CHAPTER

| No. | NAME | ADDRESS | Are you IN FAVOR of approval or OPPOSED? | Do you wish to address the Board on this matter? Yes or No? |
|---|---|---|---|---|
| 1 | Lynn Sauve | 7676 E. ~~Arapahoe~~ Arizona Dr. | | NO |
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