

ORDINANCE NO. 17, Series 2018
INTRODUCED BY: MAYOR PRO TEM GUSTAVO REYNA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE, COLORADO, AMENDING SECTIONS 26-16 AND 26-18 OF THE CODE OF ORDINANCES OF LAFAYETTE, COLORADO, ALL PERTAINING TO AMENDING THE DEVELOPMENT REVIEW PROCEDURES FOR SKETCH AND PRELIMINARY PLAN APPLICATIONS, AND PUD APPROVAL FOR CERTAIN PROJECTS IN THE LAFAYETTE URBAN RENEWAL AREA

WHEREAS, City Council directed staff to review and revise the development review process for certain to include a more robust public input process and review process; and

WHEREAS, the Planning Commission, after a Public Hearing on May 23, 2018, and careful consideration of all relevant facts, has recommended amending Section 26-16-3, Section 26-16-4 (b) and Section 26-18-4 of the Code of Ordinances, City of Lafayette (the “Code”) to the City Council; and

WHEREAS, the City Council held a public hearing on June 5, 2018 concerning the Planning Commission’s recommendation regarding the amendments to Sections 26-16-3, 26-16-4 (b) and Section 26-18-4 of the Code; and

WHEREAS, Lafayette City Council wishes to amend the Code to revise the review process for Sketch and Preliminary Plans to afford more opportunity for public input and an enhanced review process and allow staff review of certain application in the Lafayette Urban Renewal Area; and

WHEREAS, the City Council of the City of Lafayette finds and declares that all officers, boards, and the City Council have complied with all applicable provisions of the City Charter, City Ordinances and State Statues.

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

Section 1. Sub-sections (c), (f) and (h) of Section 26-16-2 of the Code of Ordinances of Lafayette, Colorado, entitled “Required process,” are amended to read as follows:*

(a)...

(b)...

(c) *PUD.* A planned unit development shall be processed concurrently with the subdivision, in accordance with sections ~~26-16-3, 26-16-4~~ and ~~26-16-5~~ of this chapter, except that if the expedited review exemption in sections 26-18-4(b) or (c) can be met, the procedure outlined in section 26-16-6 of this chapter may be followed.

(d)...

(e)...

(f) *Subdivision.* A subdivision shall be processed in accordance with sections ~~26-16-3, 26-16-4~~ and ~~26-16-5~~ of this chapter, unless otherwise specified.

(g)...

(h) *Review of TDR/PUD.* Review and approval of any matter pursuant to the "Intergovernmental Agreement for City of Lafayette-Boulder County TDR Comprehensive Development Plan," such as the identification of sending and receiving sites, and the approval of any transferred development rights planned unit development within the plan area governed by said intergovernmental agreement, shall be processed as a PUD, in accordance with sections ~~26-16-3~~, ~~26-16-4~~, ~~26-16-5(b)(1)~~, and ~~26-16-7~~ of this chapter; except that the provisions of section ~~26-16-4(e)(2)~~ shall not apply to the approval of a TDR/PUD. Any matter pursuant to said intergovernmental agreement shall be referred to in this chapter as a "TDR/PUD."

(*Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~.)

Section 2. Section 26-16-3 of the Code of Ordinances of Lafayette, Colorado, entitled "Review Procedures," is amended to be entitled "**Pre-application conference and neighborhood meeting excluding Sketch Plan and Preliminary Plan Applications**" and to add the following new sub-section (a), with the remaining subsection being renumbered accordingly:

- (a) This section 22-16-3 shall not apply to applications for either sketch plan or preliminary plan applications, both of which are addressed in Section 22-16-4.

Section 3. Section 26-16-4(b) of the Code of Ordinances of Lafayette, Colorado, entitled "Sketch plans and preliminary plans-review procedure", is hereby amended to read as follows:*

- (b) *Review procedure.*

(1) Pre-application Conferences. Prior to submitting a formal application for either sketch plan approval or preliminary plan approval, the applicant shall schedule pre-application conferences with the Community Development Director or the director's representative in order to obtain information and guidance. The purpose of the first pre-application conference is to familiarize the applicant with the city's requirements, procedures and comprehensive plan before substantial time and financial commitments are made in the preparation of plans, surveys, and other studies. At this pre-application conference, the Community Development Director will furnish the applicant with a predevelopment questionnaire. Completion of the predevelopment questionnaire by the applicant shall be a prerequisite to filing a formal application. Following the first pre-application conference and prior to holding a second pre-application meeting, the applicant shall the complete "Intent to Develop Notification" requirement specified in Section 26-16-4 (b) (2). The purpose of a second pre-application conference is to allow city staff an opportunity to review the applicant's application package in order to verify compliance with the submittal requirements. The requirement for a second pre-application conference may be waived by the Community Development Director.

(2) Intent to Develop. Prior to holding a second pre-application meeting the applicant shall:

(i) Schedule and facilitate a consecutive 10 day public online comment forum to be hosted on the City’s website. The applicant shall provide an illustrative plan of the proposed development, in a digital format as requested by the City, 20 days prior to the start of the online public comment. The online public comment period shall begin at least 15 days prior to a second pre-application meeting.

(ii) Mail, by regular mail, notice of the public online comment forum to all property owners within the distance from the subject property specified in Section 26-16-9. The notice shall include the city’s website address at which the illustrative plan and comment opportunity may be accessed, as well as city contact information to allow one to obtain a physical copy of the illustrative plan and provide comment and inquiry.

(iii) Post the subject property with a at least one sign with a minimum size of 18” by 24”, which is to be visible from the nearest roadway, with the words “Intent to Develop” and the relevant city website and contact information.

(3) Neighborhood Meeting. Within 15 days following the submittal of a complete formal application, the city shall hold a neighborhood meeting/open house with residents in adjacent neighborhoods regarding the proposed development. Such neighborhood meeting will allow the applicant to present the proposed development to the adjacent neighborhoods; will allow members of the adjacent neighborhoods to provide input regarding the proposed development; and will allow the applicant the ability to propose strategies to address the neighborhood's input as part of a revised submittal. The neighborhood meeting/open house also provides an opportunity for staff to address the development process and other Code requirements. The location and time of the neighborhood meeting/open house shall be reasonably convenient to the neighbors and shall be approved by the City at the pre-application conferences. The applicant shall notify all property owners within the distance specified in section 26-16-9 from the subject property by regular mail of the date, time and place of the neighborhood meeting/open house, and shall prominently post at least one sign on the subject property with a minimum size of 18" x 24", which is to be visible from the nearest roadway, that provides notice of the time and location of such neighborhood meeting/open house and reference the nature of the development application and how or where the development application may be reviewed.. Such notifications shall be mailed and placed on the subject property ten (10) days prior to the date of the neighborhood meeting/open house with a copy being sent to the planning and building department of the City of Lafayette. Copies of sign-in sheets and comments received by the applicant at the neighborhood meeting shall be submitted as part of the formal application.

(44) *Technical review committee.* Upon receipt of a complete application, the Community Development Director shall refer the application to the representatives of various departments and agencies assigned to the technical review committee.

Copies of the application may be mailed to other agencies or utility companies. Within ~~forty-five~~ fifteen (45) (15) days following the ~~filing deadlines~~ submittal of a complete application, the technical review committee shall meet to review the application, or, in lieu of a meeting, the Community Development Department shall compile the written comments of the technical review committee. ~~The applicant may attend the technical review meeting, if a formal meeting is scheduled.~~ If any deficiencies in the application warrant additional ~~work modifications~~ by the applicant or require further discussion by the technical review committee and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer processing the application sending the matter to the planning commission until the applicant has adequately addressed all issues, to enable the technical review committee to review the application. Based upon the comments of the technical review committee, the Community Development Director shall provide a summary of all comments to the applicant within 10 days of the Technical Review Committee meeting, or if no meeting is conducted, the date of the Community Development's compilation of comments. ~~then prepare a report and recommendation to the planning commission.~~

(5) Revised Plans. Based on comments received from the Director, the applicant may revise and re-submit the application to address the comments/concerns of the technical review committee. Prior to re-submittal the applicant shall schedule a re-submittal pre-application conference. If the applicant elects to not revise the application, the application will be forwarded to the planning commission in accordance with sub-section (7) below, with an appropriate recommendation from the staff.

(6) Technical review committee. Upon receipt of a complete revised application, the Community Development Director shall refer the application to the representatives of various departments and agencies assigned to the technical review committee. Copies of the application may be mailed to other agencies or utility companies. Within twenty (20) days following the submittal of a complete revised application, the technical review committee shall meet to review the application, or, in lieu of a meeting, the Community Development Department shall compile the written comments of the technical review committee. If any deficiencies in the revised application warrant additional modification by the applicant or require further discussion by the technical review committee and the developer, or if additional information from the developer is received too late to be adequately processed and reviewed, the Community Development Director may defer sending the matter to the planning commission until the applicant has addressed all issues, to enable the technical/policy review committee to review the application. Based upon the comments of the technical review committee, the Community Development Director shall then prepare a report and recommendations to the planning commission.

(7)-(2) Planning commission action. The planning commission, at its next regular meeting, that is scheduled to take place a minimum of thirty (30) days after the Community Development provides the applicant with the technical review

committee comments, or, if the applicant has elected to submit a revised application in response to the technical review committee comments, at its next regular meeting that is scheduled to take place a minimum of thirty (30) days after the filing of the complete revised application, shall hold a public hearing on the application and consider the recommendations of the planning staff and the merits of the proposed application. Using the criteria set forth in this chapter, the comprehensive plan, and the Code of Ordinances, the planning commission may approve the application as submitted, approve it with modifications, deny the application, or refer the matter back to the applicant for further study. In approving any application, the planning commission may impose any reasonable conditions to ensure that the proposal satisfies the criteria set forth in this chapter, the comprehensive plan, and the Code of Ordinances. A written notice of the planning commission action shall be submitted to the city council.

(8) ~~(3)~~ Appeal to city council.

(i) Decisions by the planning commission may be appealed to the city council by the applicant, or by any property owner entitled to notice. Any such appeal shall be filed with the Community Development Department of ~~Planning and Building~~, in writing, within fourteen (14) days following the planning commission decision and shall include the following information: name of the person submitting the appeal; date of the appeal; a statement regarding the grounds for the appeal; and a statement as to the desired modifications being requested.

(ii) All costs associated with the public hearing for an appeal shall be at the expense of the appellant. Such cost shall be limited to the cost of mailing public hearing notices to adjacent property owners and the publication of a public notice.

~~(9) (4)~~ City Council initiated review.

(i) Decisions by the planning commission may also be called-up and reviewed by initiation of the city council upon the request of three (3) city council members. In the case of a call-up, the call-up shall be initiated by city council at a regularly scheduled city council meeting occurring no later than the second regularly scheduled city council meeting after the planning commission decision.

~~(10) (5)~~ For those matters appealed to the city council, the city council shall, after giving ten (10) days' written notice to applicant and appellant, review the request planning commission's decision at a public hearing meeting at which the applicant and/or appellant shall be entitled to present argument. The written notice to the applicant and appellant shall include a copy of any document filed to initiate an appeal; however, any stated grounds for the appeal shall not limit the scope of review by the City Council. Using criteria set forth in this chapter, the comprehensive plan, and the Code of Ordinances, and based on the record before the planning commission, the city council shall approve the application as submitted, approve it with modifications, or deny the application. In approving any application, the city council may impose any reasonable conditions to ensure that the proposal

satisfies the criteria set forth in this chapter, the comprehensive plan, and the Code of Ordinances.

(*Additions to the current text of the Code are indicated by underlining, and deletions are indicated by ~~strikethrough~~.)

Section 4. Section 26-18-4 of the Code of Ordinances of Lafayette, Colorado, entitled “Approval” is amended to add a new sub-section (c), to read as follows:

(c) In any designated Lafayette urban renewal area, commercial or industrial projects of less than one hundred thousand (100,000) square feet of floor area, residential developments of fewer than twenty (20) units or lots, and mixed-use building complex projects, provided that and such project or development is less than or five (5) acres in size may, be approved through the procedures defined in section 26-16-6.

Section 5. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

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

Section 7. The repeal or modification of any provision of the Code of Ordinances of Lafayette, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 8. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 9. Violations of this ordinance shall be punishable in accordance with Section 1-10 of the Municipal Code of the City of Lafayette, Colorado.

Section 10. This ordinance shall become effective upon the latter of the 10th day following enactment, or the day following final publication of the ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED
THIS 5TH DAY OF JUNE, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 3RD DAY OF JULY, 2018.

CITY OF LAFAYETTE, COLORADO

ATTEST:

Christine Berg, Mayor

Susan Koster, CMC, City Clerk

APPROVED AS TO FORM:

David S. Williamson, City Attorney

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