

13-100 PLANNED UNIT DEVELOPMENT

13-101 Purpose

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 conform with the Arapahoe County Comprehensive Plan.

13-102 Applicability

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

- 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.
- 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 be considered an 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.
- 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 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.
 - 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

13-103.01 Permitted Uses

- 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.
- 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

- 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 13-100.1 below.

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.

13-104 General Procedures

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.

13-104.01 Who May File

- 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 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

13-104.02.01 Pre-Submittal Meeting

- 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

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.

- 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

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

- 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. 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.

13-104.02.05 Referral

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 up to thirty (30) days depending on the size and complexity of the application. The referral period may be extended by mutual consent of the applicant and the Planning Division 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

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 requested 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.

2. If a public hearing is required and the applicant chooses not to make the requested 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 requested revisions, Arapahoe County staff may deny the application or may approve the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments.

13-104.03 Notice Requirements

- 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, except that mail notification shall be sent at least fifteen (15) days prior to the Public Hearing
- 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

- 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

- A. The decision-making body shall consider the application and the staff report, comments received from referral agencies and the public, public hearing testimony and other

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

1. Approve;
 2. Approve with conditions;
 3. Continue to a date certain;
 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.
1. Copies of the Board of County Commissioners' resolution may be obtained at the office of the Clerk and Recorder.
 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.
 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

- A. The Planning Division 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.

13-104.07 Lapse of Approval through Inaction

- A. If all required documentation is not submitted within 60 days of the approval of an application by the approving authority for that application, the application will be considered inactive and the applicant will be sent a notice that if submittal is not received within 30 days of the date of the notice all application materials will be returned to the applicant. 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

- A. The Planning Division 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 Division Manager may be appealed to the original approving body in writing within ten (10) working days of the decision by the Planning Division Manager.

13-104.09 Recording Requirements

Prior to the County's mapping or recognition of an approved PUD, the approved GDP and approved SDP may 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 Division Manager pursuant to Section 13-104.08.

13-104.10 Zoning Map Requirements

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

13-104.11 Requirements for Permits after Approval

- 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 to 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 subdivision 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

13-105.01 Summary Table of PUD Applications and Decision-Making Authority

Two paths to PUD approval are available. The Two-Step process applies when the proposed development qualifies for the Two-Step procedure as specified in this Land Development Code and the applicant desires, and is able, to submit detailed plans for a specific development to the Board of County Commissioners. The Three-Step procedure applies when the proposed development does not qualify for the Two-Step process as provided in this Land Development Code or the applicant desires, or is able, to only submit general information about anticipated development on the site to the Board of County Commissioners, and 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		

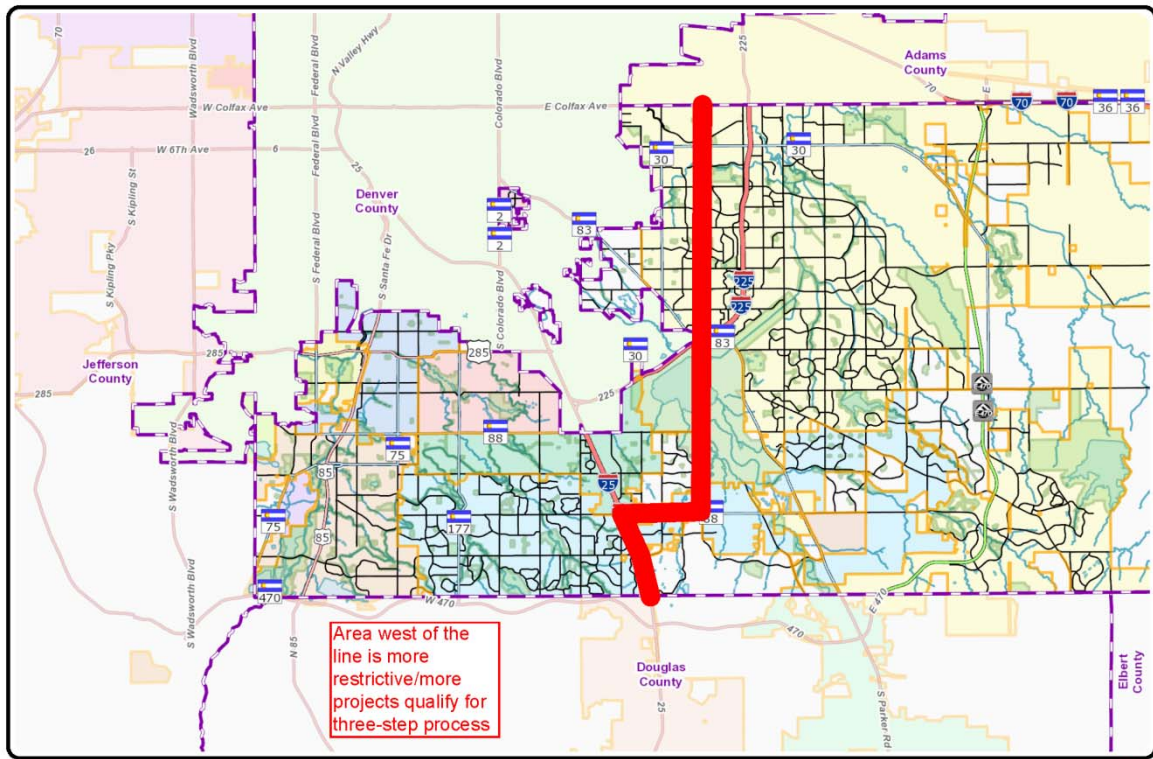
13-105.02 Eligibility for Two-Step or Three-Step Process

- A. For property predominantly located west of the line shown in Figure 13-100.1, a PUD application that meets one of the following three conditions may, at the option of the applicant, 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 six dwelling units per acre.
 2. A project where all of the following apply:
 - 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
 - d. The total size of the project is five acres or less in land area; and
 - e. No building exceeds 40 feet in height.
 3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.

- B. For property predominantly located east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may, at the option of the applicant, be reviewed through the Two-Step PUD review process:
1. A project that includes only single-family detached residential dwelling units up to six dwellings per acre located on less than 40 acres of land.
 2. A project where all of the following apply;
 - 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
 - d. The total size of the project is 20 acres or less in land area; and
 - e. No building exceeds 40 feet in height.
 3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.
- C. All other projects shall be reviewed through the Three-Step PUD review process.
- D. Even if a PUD application is eligible under subsection A or Babove, the Planning Division Manager or designee may determine that the PUD application is of a size, intensity of use, or location that may result in environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step PUD process is required.

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

(Note: This map is a general depiction; the line begins at the northern boundary of Arapahoe County and travels south along the Peoria Street right of way, across I-225 to S Peoria Street, then south to Arapahoe Road, then west to I-25, then south along I-25 to the southern boundary of Arapahoe County)



PUD Thresholds



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Map Generated On: 10/13/2016

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Map Location

v.10

13-105.03 Two-Step Process

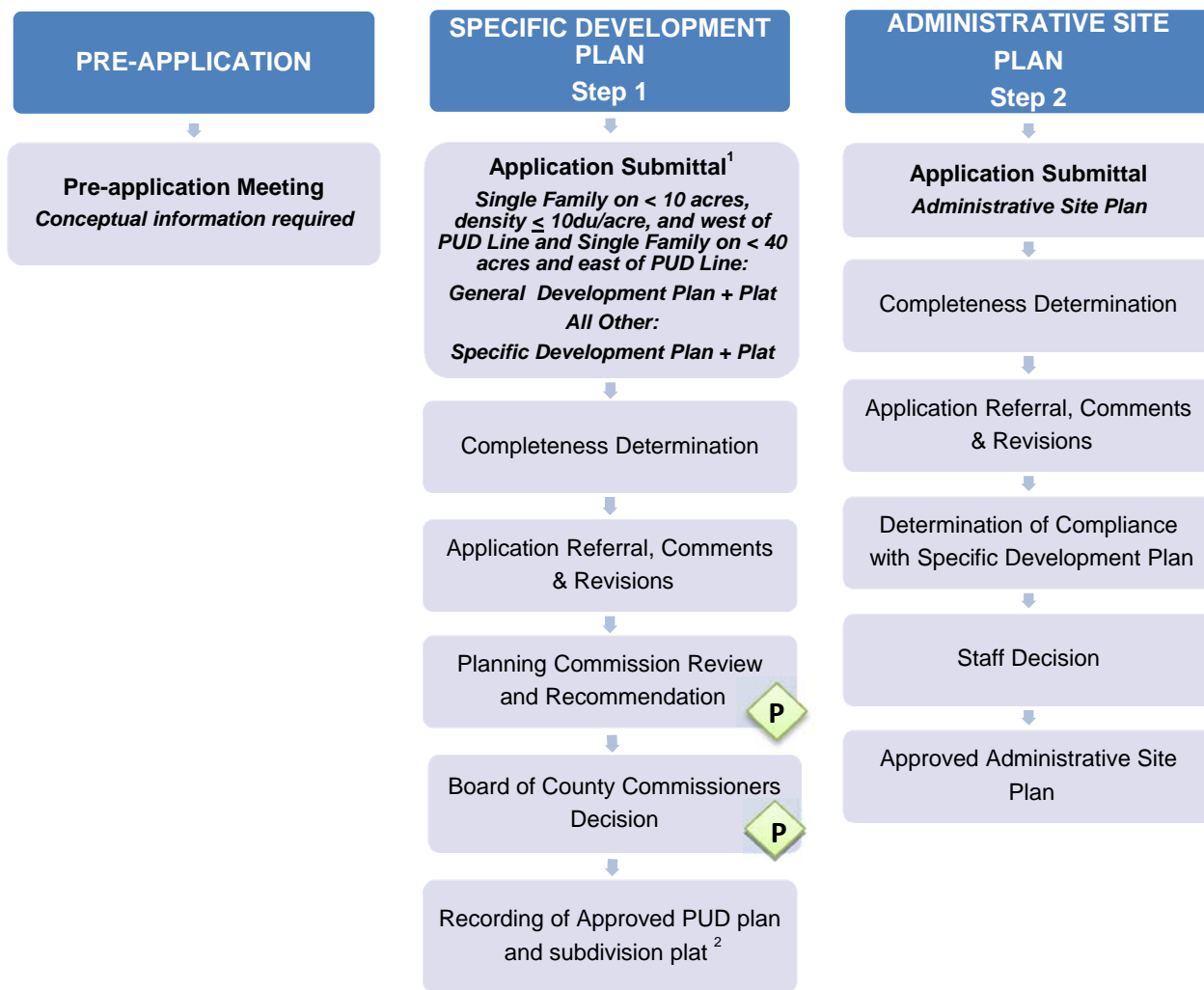
Where an applicant can provide a high level of detail about the proposed PUD and the proposed development qualifies for the Two-Step process as specified in this LDC, a Two-Step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes 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 obtaining a 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.

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)

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), the requirement for a SDP shall be satisfied by the submittal of:

- i. A document 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.
- 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 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 including materials palette, building design 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;
 - 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)

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.
- 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.

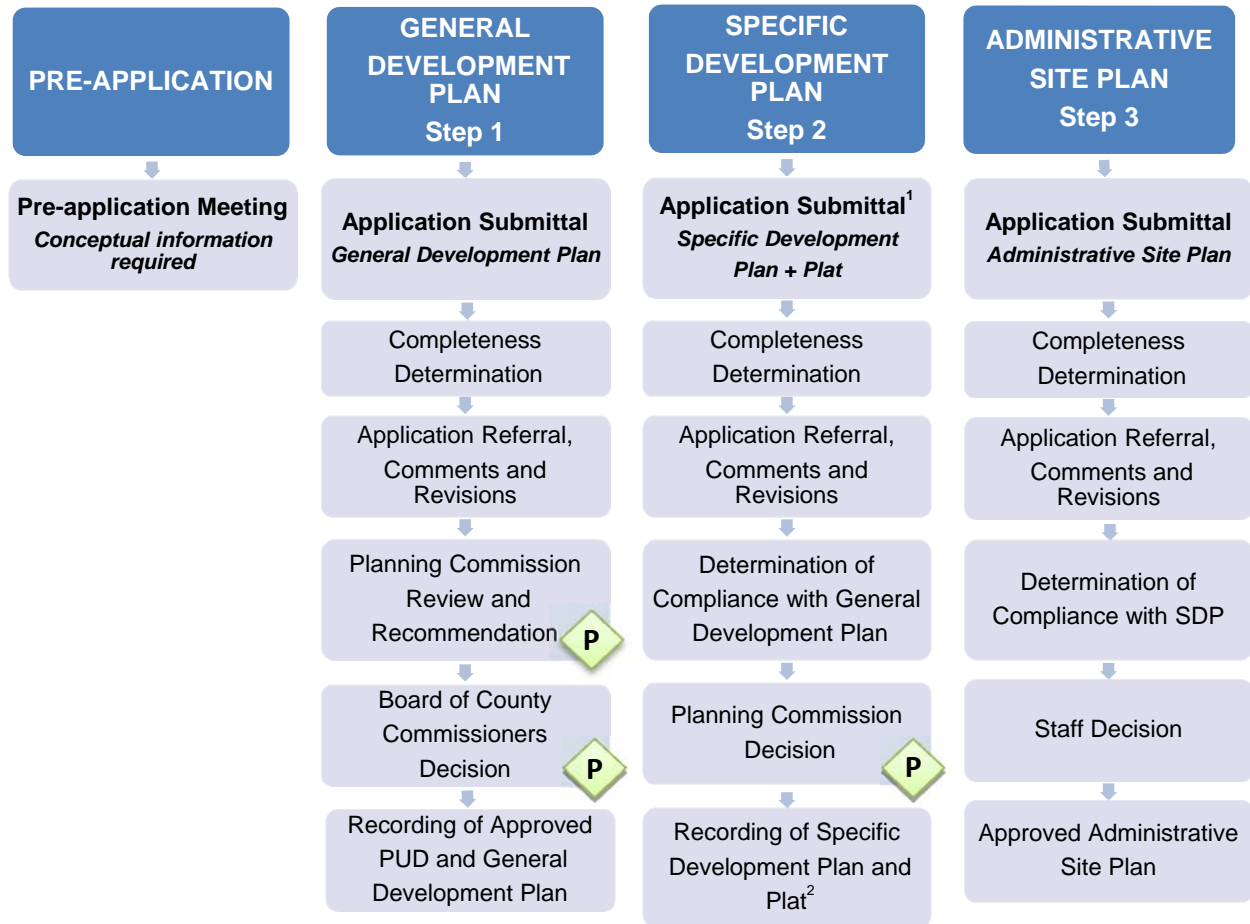
13-105.04 Three-Step Process

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 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.

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)

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:

- 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 will be provided 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), 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.

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:

- 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 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

13-106.01 Approval Criteria for all PUD Applications

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:

- A. It 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)

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)

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted 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)

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

13-107 Amendments

13-107.01 Application for Amendments

- A. Amendments to an existing PUD Development Plan require either the signature of all current owners within the PUD, or in cases where the obtaining the signature of all such owners is not reasonably feasible, 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 owners within the PUD, the Planning Division Manager shall send a notice letter to all current owners in the PUD notifying them of the proposed amendment and stating there may be impacts to their property.
 - 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. 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**

A. Eligibility for Administrative Amendments

Amendments to an SDP are eligible for administrative approval (meaning approval by the Planning Division Manager), provided that all of the following conditions are met:

1. Land Uses

- a. No 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).
- 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:
 - 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).

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.
- 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 25 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

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

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.

13-108 Appeals

13-108.01 Administrative Decisions

- A. Appeals of any administrative decision authorized 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.
 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.

13-108.02 Review of Planning Commission Decisions in Three-Step PUD

- 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.

- 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.
- 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

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 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.

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.

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

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:
 - 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.

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.