



PLANNED UNIT DEVELOPMENT (PUD) REZONING User's Guide

**NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 7 OF THE
UNIFIED DEVELOPMENT CODE**

**Town of Erie
Planning & Development – Planning Division
645 Holbrook Street
PO Box 750
Erie, Colorado 80516**

Tel - 303.926.2770

This document is available on our web site. Go to www.erieco.gov
Click on Departments>Planning & Development>Planning Division>User's Guides>PUDRezoning

1/14/2020

PLANNED UNIT DEVELOPMENT (PUD) REZONING

Purpose

In order to promote creative design efforts on the part of owners, builders, architects, and developers, and also to produce developments that are in keeping with the overall land use intensity and open space objectives of the Town's Comprehensive Plan, the Municipal Code makes available a procedure to depart from the certain requirements of the Code through a rezoning to a Planned Unit Development (PUD) overlay district.

The PUD Overlay District is generally used when there is special public interest that doesn't coincide with the traditional zoning in a geographic area. The PUD Overlay District may only be used when an application is not able to meet the requirements of a standard zone classification. The PUD is a mapped area with restrictions in addition to, or less than, those in the underlying traditional zone. Rather than attempt to create a new zoning category, an overlay zone is superimposed over the traditional zone and establishes additional regulations, or reduces or extends the existing uses. The underlying zoning identifies permitted land-uses, the overlay zone may provide design restrictions, additional setbacks, or other exceptions to the base district regulations.

General purposes of a PUD are as follows:

1. Establish a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcels.
2. Ensure orderly and thorough planning and review procedures that will result in high-quality urban design.
3. Encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.
4. Provide a mechanism for considering mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.
5. Encourage allocation and improvement of common open space in residential areas, and provide for maintenance of the open space at the expense of those who will directly benefit from it.
6. To convert land so poorly developed as to be a public liability.
7. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
8. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.
9. To simplify processing of development proposals for developers and the Planning Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

District Specific Standards

In any PUD development, although it is permissible to depart from literal conformance with the individual-lot dimension and area regulations, there shall be **no** variation of:

1. The underlying zone districts maximum density requirements;

2. Height requirements, except in the RC district;
3. Parking requirements;
4. Loading and unloading area requirements;
5. Public street and alley standards;
6. Exterior lighting standards;
7. Operational standards;
8. Parks, Open Space and trails dedication requirements;
9. Natural and Scenic Resource Protection requirements;
10. Abandoned mine requirements;
11. Oil and gas wells and production facility requirements;
12. Floodplain protection; and
13. Stormwater requirements.

The Planning Commission shall attach reasonable standards to insure that there shall not be a departure from the intent of the Code. The PUD development shall conform to such standards. Because a PUD development is inherently more complex than individual-lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible.

1. Development along the perimeter of the PUD shall adhere to all required setbacks of the underlying zoning.
2. Access points to all arterial streets shall be located no more frequently than once every eighth to a quarter of a mile. The Planning Commission may approve the location of temporary access points.
3. Wherever there is an abrupt change in uses – i.e., residential to commercial – a buffer area of open space, protective planting, or other approved screening, or combination thereof shall be placed between them which will protect each use from the undesirable effects of the other.

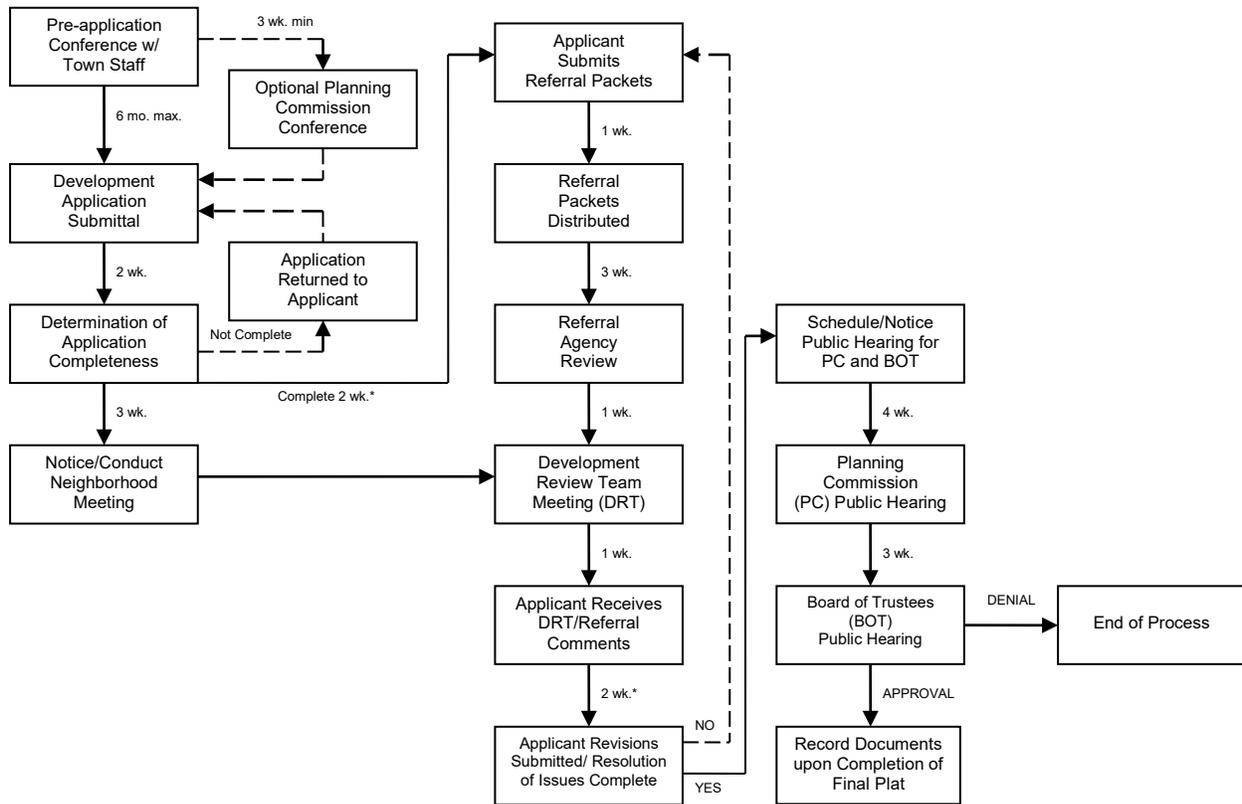
Coordination with Subdivision Review

Approval of a PUD development plan is required prior to development in a PUD overlay district. A PUD plan shall be submitted with the request for rezoning to the PUD overlay district. A PUD plan shall be submitted concurrently with a subdivision application.

It is the intent of Municipal Code, Title 10, Unified Development Code that subdivision review required under Chapter 7, if applicable, be carried out concurrently with the review of the PUD development plan under this Chapter. If subdivision approval is required for the subject property, the required PUD plan shall be submitted in a form that satisfies the requirements of preliminary and final plat approvals. A PUD typically is reviewed with the preliminary plat and subject to approval, approval with conditions or denial. A PUD that is approved by the Board of Trustees concurrently with a preliminary plat approval shall not be recorded and come into effect until a final plat is approved and recorded for the property.

Process Summary

The following is a brief summary of the typical PUD Rezoning process. Detailed step by step instructions may be found in Chapter 7, *Review and Approval Procedures* of Title 10 of the Municipal Code.



*Typical Time Shown, Actual Time Up to Applicant

Pre-Application Conference w/Town Staff:

An Applicant is required to schedule a pre-application conference with Planning & Development before making a formal PUD application submittal. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by Planning & Development Staff to discuss with the Applicant the application process, submittal requirements, and applicable standards in the Municipal Code.

The Applicant is responsible for bringing to the meeting a description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models. The Applicant is also responsible for providing a summary of the meeting when the formal application materials are submitted to the Town.

The informal evaluation by the Town at the conference are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application. After a pre-application conference has been held, a complete formal application must be submitted within six months. If an application is not submitted within six months, a new pre-application conference will be required.

Optional Planning Commission Conference:

At the Applicant's request, Planning & Development will schedule at the next available Planning Commission meeting, an application conference with the Planning Commission, which shall be in addition

to the required pre-application conference. The pre-application conference provides an opportunity for an informal evaluation of the Applicant's proposal by the Planning Commission. Noticing of the Planning Commission Conference is not required.

The applicant is required to submit one paper copy and one PDF file of the Applicant's presentation materials to Planning & Development 16 days before the scheduled Planning Commission meeting. The presentation materials should contain at a minimum a written description of the character, location and magnitude of the proposed development that is supported by documents such as maps, drawings or models.

The Planning Commission conference will be conducted by the Town of Erie Planning Commission. The order of the proceedings at the conference shall be as follows:

1. The Planning Commission shall announce the agenda item to be heard.
2. The Project Planner will present a brief summary of the property location and current zoning.
3. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
4. The Planning Commission may ask questions of the Applicant and Staff.
5. The Planning Commission will make comments on the Applicant's proposal for development. No decision or consensus is made at the Planning Commission conference and the comments made are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application.

Development Application Submittal:

The applicant shall submit to Planning & Development one copy of the application submittal packet that includes a completed application form, fees and support documents as specified in the **Submittal Requirements** section below.

Determination of Application Completeness:

The assigned Project Planner will review the application submittal packet for completeness. The Project Planner will determine whether an application submittal packet is complete and can continue forward to **Applicant Submits Referral Packets** or is not complete and moves back in the process to **Application Returned to Applicant**.

Application Returned to Applicant - "Not Complete":

An application submittal packet that is not complete in terms of submitting the documents required or adequacy of the information provided or fees required will not be accepted by the Town for further review. The Project Planner will return the application submittal packet to the Applicant, so the Applicant can address the elements of the application submittal packet that are not complete. Once the Project Planner's review for completeness items are addressed, the Applicant resubmits the application submittal materials as described in **Development Application Submittal**.

Applicant Submits Referral Packets - "Complete":

An application submittal packet that is deemed to be complete by the Project Planner will continue on into the review process. The first step of the application review process is for the Applicant to submit to Planning & Development copies of the application submittal packet for review by Town staff, Town consultants and outside referral agencies. The Project Planner will give the Applicant a list of the referral agencies in which to make referral packets for. Referral packets shall be submitted in unsealed Tyvek envelopes, addressed to the referral agencies identified by the Project Planner, containing all submittal information properly folded and compiled.

Referral Packets Distributed:

Once Planning & Development has received the referral packets from the Applicant, Planning & Development will distribute the referral packets to the appropriate Town staff, Town consultants and outside referral agencies.

Referral Agency Review:

Referral agencies will have approximately three weeks to review the application submittal packets. Referral agency written comments will be due to Planning & Development before the **Development Review Team Meeting (DRT)** is held so that any issues a referral agency may have can be discussed at the DRT meeting. The Project Planner will collect and coordinate all referral comments. The applicant is required to pay fees assessed by referral agencies for their review.

Notice/Conduct Neighborhood Meeting:

The Applicant is required to conduct a neighborhood meeting to provide an informal opportunity to inform residents and landowners surrounding the application area about the details of the proposed application. The applicant should engage the public to comment on the proposal during the meeting. The neighborhood meeting should be held after the Project Planner determines the application is complete and before the Town holds the **Development Review Team Meeting (DRT)**. The Applicant is required to submit a written summary of the neighborhood meeting to the Project Planner before the **Development Review Team Meeting (DRT)**.

The applicant is required to mail notice of the neighborhood meeting to landowners within 500 feet of the application area and to post the property. The letters must be sent and the property must be posted at least 15 days before the meeting is held.

The Applicant is responsible for providing the list of property owners within 500 feet, for mailing the letters and for composing the letter to include all of the required notice content identified in Municipal Code Title 10 Section 7.2 F.1. that includes:

1. Identify the date, time, and place of the meeting.
2. Describe the property involved in the application by street address or by legal description and nearest cross street.
3. Describe the nature, scope, and purpose of the meeting.
4. Indicate that interested parties can come to the meeting and speak on the matter.
5. Indicate where additional information on the matter can be obtained.

The Town will provide the signs to be posted on the property. The applicant is responsible for filling out the signs, posting the signs, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the Planning Commission public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

Development Review Team Meeting (DRT):

The Project Planner will schedule a Development Review Team Meeting (DRT) after the referral agency review period is over. At the DRT meeting the Project Planner discusses the review comments from all review agencies and discusses the neighborhood meeting comments with the DRT attendees. The DRT meeting typically includes Planning & Development staff, Public Works staff, the Building Official, Town consultants, and the Fire Marshall. The DRT Meeting does not include the Applicant. If the applicant would like to explain the application to the Project Planner before the DRT meeting they should contact the Project Planner to set up a separate meeting before the DRT meeting is held. After the DRT meeting, the Project Planner will compile all of the staff and referral comments for distribution to the applicant.

Applicant Receives DRT/Referral Comments:

The Project Planner will provide the Applicant with a copy of all the staff and referral comments from the review of the application submittal packet. A meeting between staff and the applicant may be held to review the staff and referral comments. The applicant may also meet directly with the agency(ies) that

have expressed concerns with the application. The Project Planner should be included in meeting or correspondence with referral agencies.

Applicant Revisions Submitted/Resolution of Issues Complete:

The Applicant shall address, in writing, all issues and deficiencies identified in the staff and referral comments. To continue the process in a timely fashion, the applicant must complete the requested revisions and resubmit the revised application submittal packet for a second review by the Project Manager and any applicable referral agencies as quickly as possible. If an Applicant fails to submit required information for a period of more than six months from the initial request, the applicant shall become void and the resubmittal of a new application and fees will be required.

The revised application submittal packet will be reviewed by Project Planner at a DRT meeting after any further referral agency comments are received on the revised application submittal packet. The Project Planner shall provide the Applicant with a copy of the staff and referral comments from the second review and will indicate whether or not the application has resolved all of the issues raised in the comments. If the issues have not been resolved then the application goes back to the **Applicant Submits Referral Packets** portion of the process for another round of reviews. Additional fees may be charged for resubmittals that do not address comments. If the issues have been resolved then the application goes forward to the **Schedule/Notice Public Hearing for PC and BOT** portion of the process.

Schedule/Notice Public Hearing for PC and BOT:

The Project Planner shall notify the Applicant when the application is ready for public hearing with the Planning Commission and Board of Trustees (BOT). The Project Planner will schedule the first available Planning Commission hearing date based on public hearing notification requirements and room on the PC agenda. The BOT public hearing dates will be scheduled by the Project Planner for the first available hearing date that is a minimum of 20 days after the PC hearing. The BOT hearing is held to review the application and is necessary because the BOT adopts their findings and decision on the application by ordinance.

Both the PC and BOT public hearings require public hearing notification in the form of notice published in the newspaper, notice mailed, and notice posted on the property by sign. Full detail of the notice process can be found in Municipal Code Title 10 Unified Development Code Section 7.2 F.

Planning & Development shall have the public notice published in the newspaper at least 15 days before the public hearing. The Applicant is responsible for providing the correct legal description of the property to the Town before the notice is sent to the newspaper for publication.

The Applicant shall provide Planning & Development with a current (prepared within 30 days of the scheduled public hearing) list of property owners within 500 feet of the application property area and any associated homeowners associations. Additionally, the Applicant shall provide a stamped and addressed envelopes for each entity identified on the list for each public hearing. Planning & Development shall mail the public notice at least 15 days prior to the public hearing.

Planning & Development shall provide the Applicant with signs to be posted on the property for public hearing notice. The applicant is responsible for posting the signs at least 15 days before the public hearing, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

Planning Commission (PC) Public Hearing:

The Applicant is required to submit all required public hearing documents at least 3 weeks before the public hearing so that the Project Planner has adequate time to write the staff report and draft resolutions for the Planning Commission. The Project Planner shall identify the items the Applicant is to include in the public hearing documents. The public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Planning Commission

review. The staff report and draft resolution shall be forwarded to the Applicant by the Project Planner when the PC agenda packets are sent to the Planning Commission for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Erie Planning Commission. The order of the proceedings at the public hearing shall be as follows:

6. The Planning Commission shall open the public hearing.
7. The Project Planner will present the staff report and draft resolution.
8. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
9. Public testimony is heard by the Planning Commission.
10. The Planning Commission will ask questions of the Applicant and Staff, and for clarification on any issues raised during public testimony.
11. The Planning Commission will close the public hearing.
12. The Planning Commission will make a recommendation to the Board of Trustees on the application by resolution. The recommendation will recommend either approval, approval with conditions, or denial of the application, based on the approval criteria listed below.

Board of Trustees (BOT) Public Hearing:

If the Planning Commission requires any changes to the application, the Applicant shall submit all revised public hearing documents at least 13 days before the public hearing so that the Project Planner has adequate time to write the staff report and draft ordinance for the Board of Trustees. The revised public hearing documents shall be submitted as one paper copy for public review and a full copy of the public hearing documents in a PDF format for the Board of Trustees review. The staff report and draft ordinance shall be forwarded to the Applicant by the Project Planner when the BOT agenda packets are sent to the Board of Trustees for review. A copy of all public hearing documents are available in Planning & Development for public review at this time as well.

The public hearing will be conducted by the Town of Board of Trustees. The order of the proceedings at the public hearing shall be as follows:

13. The Board of Trustees shall open the public hearing.
14. The Project Planner will present the staff report and draft ordinance.
15. The Applicant will present any relevant information the Applicant deems appropriate for the hearing.
16. Public testimony is heard by the Board of Trustees.
17. The Board of Trustees will ask questions of the Applicant and Staff, and for clarification on any issues raised during public testimony.
18. The Board of Trustees will close the public hearing.
19. The Board of Trustees may ask questions of the Applicant and Staff before making their findings and final decision on the application.
20. The Board of Trustees will make a final decision on the application by ordinance. The decision will be to approve, approve with conditions, or deny the application, based on the criteria listed below. If the application is denied you move to **End of Process**. If the application is approved you move to **Record Documents upon Completion of Final Plat**.

End of Process:

Following denial of a PUD rezoning request, no new application for the same or substantially the same rezoning shall be accepted within one year of the date of denial.

Record Documents upon Completion of Final Plat:

The Applicant shall submit to Planning & Development the approved PUD Mylar. The PUD Mylar will be recorded and become effective once the Final Plat for the property is approved and recorded. The Town shall be responsible for sending the appropriate documents to the County Clerk for recordation. The Applicant shall be billed for the cost to record the documents.

Development in the approved PUD shall commence within 12 months from the approval of the rezoning. If the development has not commenced within 12 months, the Planning & Development Director shall

initiate a public hearing process for the purpose of considering whether to rezone the property back to its prior zoning classification, or in light of other conditions, to another zoning classification, and revocation of all permits issued and action taken.

Approval Criteria

The Board of Trustees may approve a PUD development plan and Rezoning to the PUD overlay district, and the Planning Commission may recommend approval, if the Rezoning to the PUD overlay district and the associated PUD development plan meets all of the following criteria:

1. The PUD Rezoning is consistent with the purpose of the PUD overlay district in Section 2.7.D.2 of Municipal Code, Title 10, Unified Development Code;
2. The PUD Rezoning will promote the public health, safety, and general welfare;
3. The PUD Rezoning is consistent with the Town's Comprehensive Plan and the purposes of the Municipal Code, Title 10, Unified Development Code;
4. Adequate facilities and services (including roads and transportation, water, gas, electric, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;
5. The PUD Rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;
6. The PUD Rezoning is not likely to result in significant adverse impacts to significant scenic and historic features as identified in plans adopted by the Town;
7. The PUD Rezoning is not likely to result in significant adverse impacts upon other property in the vicinity of the subject property;
8. Proposed uses on the subject property will be compatible in scale with uses on other properties in the vicinity of the subject;
9. The proposed phasing of the development is appropriate and the development can be substantially completed within the time period specified in the schedule of development or Development Agreement submitted by the applicant; and
10. The PUD Plan provides public benefit(s).

Step 1: Submittal Requirements

One copy of the following information shall be submitted to Planning & Development – Planning Division, unless waived by the Planning & Development Director in order to perform a completeness review. All information shall be submitted in a three ring binder with dividers and all 24" x 36" exhibits shall be folded to fit into pockets within the binder. All 24" x 36" exhibits shall be reduced to 11" x 17" in size and included with the submission. **Applications will not be accepted for review unless all information is present.**

1. **Completed application.**
2. **Application fee**, see application for fees.

3. **Proof of ownership** that includes a warranty deed or current title insurance policy or title commitment issued no more than thirty days prior to the date of application, for all of the property within the request.
4. **A notarized letter of authorization** from the landowner(s) permitting a representative to process the application, when the landowner is not the applicant.
5. **Copies of any special agreements**, oil/gas surface use agreements, conveyances, restrictions, or covenants that will govern the use and/or maintenance of the site.
6. **Copy of an ALTA/ACSM Land Title Survey**, for the entire property of the proposal.
7. **Written narrative**, describing the proposed development which at a minimum provides the following information:
 - a. General project concept and purpose of the request;
 - b. A detailed description of proposed variation(s) of the underlying zone district standards and requirements and the District Specific Standards noted above and the justification for such variations;
 - c. Statement specifying the public benefit(s) to be contained in or associated with the PUD.
 - d. Intensity and density of uses proposed;
 - e. Proposed development time-line;
 - f. Existing and proposed utilities and public services;
 - g. How the proposal relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized;
 - h. How the proposal complies with the Town's Comprehensive Plan and approval criteria of the Municipal Code, Title 10, Unified Development Code;
 - i. A description regarding the location, function and ownership/maintenance of public and private open space, parks, trails, common areas, common buildings;
 - j. A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision;
8. **PUD Development Plan - Zoning Map** shall be prepared on 24" x 36" paper at a scale no greater than 1" = 200'. At a minimum the development plan – zoning map shall contain the following information:
 - a. A title block shall be placed at the top/center of the exhibits along the long dimension of each sheet, containing the name of the property and a general aliquot legal description with county, total acreage, and project file number;

EXAMPLE: (Insert Subdivision Name, Aliquot Description, Proposed Acres/Lots/Tracts and Project Number. See example below)

ERIE PROPERTY PUD ZONING MAP
A PORTION OF THE N ½ OF SECTION 18, TOWNSHIP 1 NORTH, RANGE 68 WEST OF THE 6TH
PRINCIPLE MERIDIAN, TOWN OF ERIE, COUNTY OF WELD, COLORADO
4 ACRES
ZA ___-___

- b. A block in the lower right hand corner shall include the following: the preparation date and revision date chronology; a north arrow designated as true north; a written and graphic scale; and if applicable, the number of the sheet and total number of sheets;
- c. For subdivided land, label all boundary lines with bearings, distance, curve data and lot/block numbers as shown on the final plat;
- d. For unsubdivided land, label all boundary lines with bearings, distance and curve data as shown on a certified boundary;
- e. For proposals requesting multiple zone districts, label all zone district boundary lines with bearing, distance and curve data;
- f. Provide a Dimensional Standards Summary Chart indicating the proposed variations from the underlying zone district standards;
- g. A scaled vicinity map that depicts the area around the proposal within a 1-mile radius;
- h. A written legal description for subdivided property or a written metes and bounds description of the site's boundary for unsubdivided property;
- i. Depict existing subdivision lot lines or metes and bounds property lines and rights-of-way within 100' of the proposal. Said information for adjacent properties shall be screened back;
- j. Identify the land use and zone district information of all adjacent property. When an adjacent property is not within the Town's boundary, the respective jurisdictions' land use and zone district information shall be identified;
- k. Locate and dimension all existing easements on and adjacent to the site, their use, and the titleholder or right holder of each easement;
- l. Locate and dimension right-of-ways on and adjacent to the site;
- m. Location of public and private open space, parks, trails, buffer areas and detention facilities;
- n. Road, street and pedestrian networks proposed; and
- o. The following certificates:

