

# Planned Development Overlay District (PDOD)

## Frequently Asked Questions (FAQ's)

### Why do we need the PDOD?

This tool is responding to a variety of issues development review staff, members of the public, and the development community have brought to our attention. They include:

- A growing trend toward more redeveloped and infill development projects throughout the City. These infill situations are very different than “greenfield” projects, often requiring more creativity and flexibility due to constrained sites and existing conditions. The current code is primarily intended for greenfield sites, but infill often can not meet the prescriptive standards of the current system without multiple modifications of standards. PDOD offers the opportunity to focus on site issues, context, and land use to incorporate creative solutions for these complex sites.
- With prescriptive standards, applicants find little incentive to go above code minimums. PDOD will encourage projects to incorporate sustainable building and site features that accomplish broader community goals and provide public benefits.
- The Land Use Code codified the “how-to” in terms of meeting development objectives, and such a prescription never fits every circumstances. All sites are different and present different challenges and opportunities, especially when it comes to infill/redevelopment, necessitating flexibility to produce quality development.

### What is the intent/purpose of PDOD?

The PDOD is optional for sites within the overlay boundary and intended for constrained infill sites and redevelopment. The PDOD is intended to allow stakeholders involved in the planning process, (applicants, staff and neighbors) to focus on the *issues* and discuss meaningful and creative ways to resolve those issues. The PDOD process will require applicants to think about broad community development objectives; objectives that good designers/site planners think about when incorporating a new project into a community. The PDOD does not specify how those objectives should be met, because there is acknowledgement that designers need flexibility to produce quality projects specific to the location.

### Are applicants required to use the PDOD?

No, the PDOD is an optional overlay. Applicants can decide at any point in the development review process (prior to approval by the Planning and Zoning Board) to revert to the standard Land Use Code process without penalty.

### How does PDOD differ from the current development review process?

There are currently three plan types: an overall development plan, project development plan, and final plan. The differences between these lies with the level of project detail. PDOD projects would have a similar, yet separate process with different names for each of the plan types. The three PDOD plan types would be: general development plan, detailed development

plan, and complete development plan. The table below shows how the nomenclature compares:

<b>PDOD</b>	<b>All Other Districts</b>
General Development Plan	Overall Development Plan
Detailed Development Plan	Project Development Plan
Complete Development Plan	Final Plan

There are several steps in the current review process for each plan type. Generally, those steps include:

1. Conceptual Review/Preliminary Design Review
2. Neighborhood Meeting
3. Application Submittal
4. Type 1 Review (decision-maker is a hearing officer) or Type 2 Review (decision-maker is P&Z)

PDOD projects would not be subject to any additional review steps other than what is already required; however, these projects would have the option to participate in a pre-application informational session with the Planning and Zoning Board (P&Z). The optional session with P&Z would provide the applicant the opportunity to present basic concepts of the project and receive feedback from the Board. This is modeled after the existing pre-application hearing that applicants can have with City Council for certain development applications. The intent is to provide the applicant with preliminary feedback about the project in hopes of identifying any major concerns that can be addressed in the formal submittal.

Another difference is that all PDOD projects would be processed as Type 2 reviews, meaning that P&Z would decide whether or not to approve the project. Type 2 reviews are typically reserved for more complex development projects, and staff anticipates that infill development and redevelopment projects using PDOD would need this level of review.

**What are the permitted uses?**

Any use permitted in the underlying zoning district is permitted in the PDOD, and any use permitted in any other zone district will be permitted, provided that criteria are met, e.g. the use is designed compatibly, impacts will be mitigated, etc.

**What standards does a PDOD project need to comply with?**

Applicants will have to meet the “General Standard” of Article 3 Sections, releasing the need to meet the prescriptive requirements contained within each of those Sections. Certain Sections will have to be met in their entirety, including Engineering, Historic and Cultural Resources, and applicable Supplemental Standards in Article 3.

In addition, PDOD projects will have to achieve at least 60 points in 4 categories as established on the PDOD performance matrix.

**Why do PDOD plan types have different names (GDP, DDP and CDP vs. ODP, PDP and FP) than current projects?**

The City wants to ensure that the process for PDOD development is called out separately in order to avoid confusion because, though they are similar, there are distinct differences in terms of how development standards are applied.

**How does the underlying zoning play into PDOD?**

Any use permitted in the underlying zoning is permitted for PDOD projects and uses outside that zoning district may be considered, provided certain criteria are met.

Article 4, District, Land Use Code standards do not apply to PDOD projects; instead, PDOD projects must comply with all applicable “General Standards” from Article 3, and Engineering, Historic and Cultural Resources, and Supplementary Standards in their entirety.

**Will any use be considered?**

Uses not specified in the underlying zoning will be considered in the PDOD review process provided the following criteria are met:

- Such use is designed compatibly with the other listed permitted uses in the underlying zone district to which it is added;
- The negative impacts of such other use will be mitigated to the maximum extent feasible; and
- Such use, whether a use permitted in the underlying zone district, or a use permitted in any other zone district of the City, complies with the PDOD standards.

**How do Article 3 standards apply for PDOD projects?**

PDOD projects must meet the applicable “General Standard” of Sections 3.2, and 3.4 through 3.6 but not the prescriptive standards located within each of those sections. Section 3.4.7 Historic and Cultural Resources, Section 3.4.1 Natural Habitat and Features, 3.6.2 Streets, Streetscapes, Alleys, and Easements, and Division 3.3 and 3.7 through 3.11 must be met in their entirety where they apply.

**Do PDOD projects have flexibility with Stormwater standards?**

No more so than what is already allowed. Stormwater development standards are contained in the Municipal Code, not the Land Use Code, and are therefore not changed by adoption of the PDOD.

**Does this replace the Addition of Permitted Use?**

No, the Addition of a Permitted Use process is still available for non-PDOD projects.

**Why would an applicant choose to do PDOD?**

- Use flexibility: other uses may be considered in addition to those uses permitted by the underlying zoning.

- Design flexibility: projects do not have to meet prescriptive standards and can be designed to accommodate the context of the site and neighborhood.
- Opportunity to be innovative: creative planning and design solutions are encouraged that might otherwise have been stifled by the prescriptive nature of the Article 3 and Article 4 Standards.

### **Where can PDOD be used?**

A map exists which defines the boundaries; sites located within the overlay automatically have the option to use the PDOD.

### **Why not have this available everywhere?**

PDOD is intended to be a tool to encourage infill and redevelopment. This is why the PDOD boundary is drawn to incorporate targeted infill and redevelopment areas.

### **What is wrong with our current development review process?**

Nothing is inherently wrong with the current process; however, the City will continue to see more infill/redevelopment as time goes on and the prescriptive nature of the Land Use Code routinely hinders creative planning solutions. Such projects require multiple modifications of standards which, again, are not inherently bad or wrong; but it is not necessarily the best approach or most efficient way to review these complex projects.

### **What is the City getting in return for allowing the applicant flexibility in design and use?**

The goal is to encourage community goals and benefits in private development by requiring at least 60 points in 4 categories on the performance matrix. The City will get high-performing, sustainable development projects.

### **How will the public be involved in the review process?**

There are multiple ways:

- Development Review Outreach (DRO) meeting between staff and neighborhood.
- A neighborhood meeting is required for PDOD projects.
- Applicants can receive additional points on the matrix if they go above and beyond in terms of involving neighbors in the planning process, e.g. extra meetings, online project information/forum, etc.
- If the applicant chooses to participate in the optional pre-application session with the Planning and Zoning Board, the public will be able to attend and comment on the project.
- Public hearing.

### **How does the decision maker approve/deny a project?**

Projects will be evaluated in two ways:

- Applicants will have to meet the “General Standard” of Article 3 Sections, along with Engineering, Historic and Cultural Resources, Natural Habitat and Resources, and Supplemental Standards in Article 3 in their entirety.

- The development must obtain at least 60 points by choosing and committing to build/implement certain performance standards contained in the performance matrix.

### **How does the Matrix work?**

The matrix is a menu of site and building features and techniques meant to encourage sustainability in the development project. There are seven categories which mirror the seven sections of *City Plan*: economic health; environmental health; community and neighborhood livability; transportation; culture, parks and recreation; safety and wellness; and, high performing community.

Within each of those sections is a variety of elements encouraged in a project. Each item is weighted depending on the value to the community. Lower value items can receive either 1 or 2 points; higher value items can receive 2 or 4 points. Within each category is a blank item that is intended to encourage applicant innovation. The applicant can suggest something that is not already listed on the matrix and receive points if it provides value and meets the intent of whichever category it falls within. Additionally, applicants may receive extra points for “outstanding performance” if they go above and beyond in a particular category, e.g. providing 100% of the residential units to low-income households and thus achieving an affordable housing priority.

### **What type of sites would use this process?**

Infill sites with existing infrastructure or unique geographic issues that create unique design and/or land use challenges. Redevelopment projects would also benefit from the PDOD.

### **Is it anticipated that this process will be used often?**

No, this process is not for every site and/or applicant. The process lends itself toward troublesome sites or applicants that wish to think outside the box.

### **What were the concerns of developers and/or consultants about the PDOD?**

- Too process heavy/time intensive. Staff has mitigated this concern by making the PDOD review as process-neutral as possible by not requiring any additional review/meetings than would ordinarily be expected of development. It must be recognized, however, that infill development and redevelopment is inherently more complex and therefore will likely be more time intensive to develop regardless of whether it is going through the existing process or PDOD.
- Uncertainty of approval/risky. This is a concern because PDOD projects will be required to have a Type 2 review, which means that the Planning and Zoning Board is the decision-maker. Some consultants have expressed that clients might rather have a Hearing Officer be the decision-maker (Type 1 review) to eliminate the risk of having to receive a majority vote of approval.

### **How do the Transit Oriented Development (TOD) Overlay and the PDOD work together?**

The PDOD boundary is very similar to the TOD Overlay boundary; both are tools to encourage higher density, urban infill development in targeted areas within the City. PDOD development

will have to comply with TOD standards. TOD standards were designed to encourage the exact type of development that PDOD is also trying to encourage. TOD standards are also fairly broad; they mostly speak to having high quality buildings materials, encouraging pedestrian orientation, and set a minimum building height to achieve desired density. PDOD will provide development in the TOD with flexibility on prescriptive standards in the Land Use Code, and PDOD will also ensure that the development is meeting broader community sustainability goals.

### **Why an Overlay?**

Several different options were considered including hybrid zoning, form based code, traditional planned unit development, and performance-based zoning. Other communities generally restrict where they allow flexibility in their zoning and traditionally, it is for complex infill/redevelopment areas. In order to accomplish the fact that this is an *option* tool, presenting it as an overlay makes the most sense, because an applicant can choose whether to comply with standard zoning and development standards, or he/she can opt to use PDOD standards and process. An overlay allows for the existing zoning to coexist with the flexible zoning option.

### **How will Engineering Standards be affected?**

The Land Use Code contains engineering standards in Article 3, Division 3.3, which govern plat standards, development improvements, water hazards, hazards, and engineering design standards. These types of standards are standard for all development and should not be flexed. Therefore, this Section of the LUC will apply to PDOD development in its entirety.

### **How will Larimer County Urban Area Street Standards (LCUASS) be affected?**

PDOD development will have to comply with LCUASS standards. The process to receive a variance from LCUASS standards is administrative as opposed to the Land Use Code modification of standard process which is taken to the ultimate decision maker for final decision.

### **How will the City ensure Matrix items are implemented/monitored?**

PDOD applicants will be approved based on the score they receive on the matrix. Therefore, the project's matrix commitments will get recorded on the site plan. This will ensure Matrix items are not forgotten. Building and zoning inspectors who review compliance with the site plan will assure items are implemented.

### **Will PDOD projects have to comply with the Green Building Code amendments?**

Yes, the Green Building Code will apply to all PDOD projects. In essence, this code is the "base", and PDOD projects will be encouraged to incorporate additional green building and site features into their projects using the performance matrix.

### **Will there be additional fees to use the PDOD?**

No. The fee structure for general development plans, detailed development plans, and complete development plans will mirror those currently established for overall development plans, project development plans, and final plans, respectively.