

Guide to Rezoning

INTRODUCTION

The Douglas County Department of Community Development (DCD) is committed to providing an open, transparent application process to the public. This Guide has been developed to assist anyone with interest in the procedures and expectations of the rezoning process. The information in this packet is a summary of Sections 2505 and 2507 of the Douglas County Zoning Resolution (DCZR).

WHAT IS REZONING?

The rezoning process is frequently the first step in the land development process. Rezoning land legally changes the zone district designation for a property. Land can be rezoned to allow more, less, or different kinds of development than the existing zoning currently allows. A rezoning is approved by the Board of County Commissioners and the Zone District Map is revised to reflect the new zone district designation at the completion of the process.

WHEN IS REZONING NECESSARY AND HOW DOES IT RELATE TO THE DEVELOPMENT PROCESS?

The rezoning process is necessary for anyone wishing to change the zone district designation of property on the Douglas County Zone District Map. A rezoning may be necessary to subdivide or develop land in a manner not permitted within the existing zone district designation. Other planning processes such as subdivision, use by special review, and site improvement plan processes are based on the existing zoning.

HOW DOES REZONING RELATE TO WATER SUPPLY OVERLAY DISTRICT REQUIREMENTS?

Regardless of where a parcel is located in Douglas County, it must comply with the requirements of the Water Supply Overlay District as part of the rezoning process. Compliance with the Water Supply Overlay District demonstrates that the site under consideration has enough water in terms of quantity, quality, and dependability to serve the proposed development.

HOW DOES REZONING RELATE TO CONCURRENT AVAILABILITY OF SERVICES?

The extent to which public services, such as fire protection, schools, roads, and parks and trails, may be impacted by new residences. If the level of service standards for public services will be impacted, coordination with the appropriate public agencies to mitigate impacts is required.

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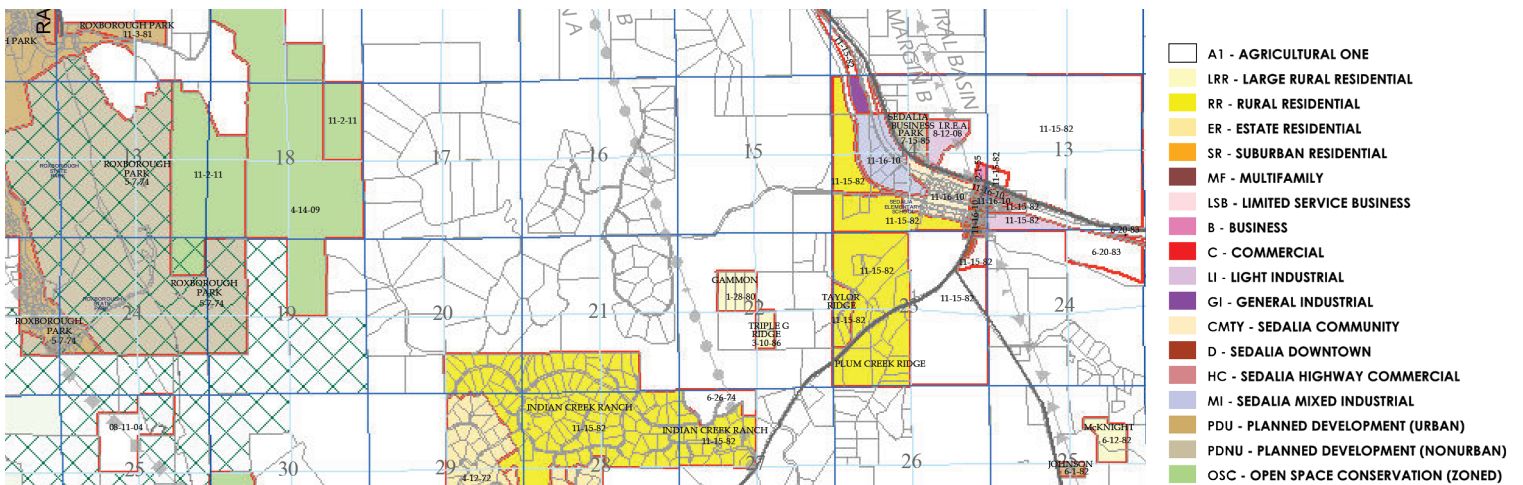
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Public Hearings

A portion of Douglas County's Zone District Map



Steps 1-3 of the Rezoning Process

Presubmittal Review

STEP
1

COUNTY STAFF'S GOAL: 7-10 DAYS

The presubmittal review is the initial review of a proposal to identify potentially significant issues and submittal requirements. While Planning Services staff strives to identify critical issues at presubmittal, additional issues may be identified during the formal application review and referral process.

Presubmittal reviews are held weekly and proposals are evaluated by Planning Services, Public Works Engineering and Building staff. The applicant may schedule a meeting to request a presubmittal review by calling 303-660-7460.

Written comments from the presubmittal review team are typically provided to the applicant within a few days of the presubmittal meeting. Presubmittal comments are valid for one year from the date of the presubmittal meeting.

Submittal

STEP
2

APPLICANT'S AVERAGE: 2 DAYS

Following the presubmittal review, the applicant may submit a formal application to Planning Services. A planning technician reviews the application submittal to ensure that all required items have been included. Once all materials are provided, a planner is assigned to the project.

Submittal Checklist (summarized from Section 2505 of the DCZR)

- Presubmittal review
- Completed Land Use Application form
- Application fee
- Copy of a title policy or commitment
- Notarized letter from the landowner authorizing a representative to process the application, if applicable
- Project Summary (summarized from Section 2506 of the DCZR)
 - Evidence of sanitation service
 - Description of type or method of fire protection
 - A geohazard report or other analysis detailing any natural or man-made hazards
 - Phase I Drainage Report or Plan
- Rezoning Plan exhibit (3 copies; see example on page 5)
- Analysis of capacity for public facilities and services, such as traffic, fire, schools, and parks
- Evidence of a sufficient water supply in accordance with Section 18A of the DCZR
- Referral Packets
- Stamped envelopes addressed to abutting landowners for courtesy notices
- Engineering exhibits and reports (unless waived)

Pre-Referral Review

STEP
3

COUNTY STAFF'S GOAL: 15 DAYS

Planning Services and Public Works Engineering staff perform a completeness review to identify any additional exhibits and reports that may be required, as well as Water Supply Overlay District documentation. The planner reviews the submittal to ensure compliance with Douglas County's Comprehensive Master Plan, Douglas County Subdivision Resolution, and DCZR.

When reviewing the rezoning in accordance with the DCZR requirements, planning staff utilize the following criteria:

Rezoning Exhibit Checklist (summarized from Section 2507 of the DCZR)

- Written legal description of the land
- Vicinity map of the project and surrounding areas
- Information block in the lower right-hand corner containing: date of preparation and revisions, if applicable; north arrow; written and graphic scale; and names and addresses of the applicant, developer, engineer or surveyor who prepared the exhibit
- Sheet number and number of sheets, as well as sheet index
- Identify existing zoning along with adjoining land uses and zoning
- Provide the existing easements on the site, to scale, along with their uses, titleholder, or rightholder
- Label and provide dimensions for all existing structures, their uses, and whether they will remain on the site
- Show public access to the site and internal circulation, not limited to vehicular
- Provide right-of-way dimensions, name and surface materials for all points of access on or adjacent to the site
- Show topography at 10' contour intervals and areas of 20% or greater slope (greater/lesser intervals may be requested)

(continued on the next page)

Steps 3-7 of the Rezoning Process

Pre-Referral Review *continued*

- ❑ Accurately locate 100-year floodplain and other water or drainageways
- ❑ Show all adjacent land owned by the applicant, the current or intended use of such land, and note any land that isn't part of the rezoning request
- ❑ Note any unique features on the site: historical landforms, buildings or sites with historical significance, or prominent landscapes and views

Staff sends a pre-referral letter to the applicant outlining any revisions necessary for the application to move forward to the referral period, providing instructions on how to prepare referral packets, and indicating which referral agencies will receive referral packets. If no revisions are necessary, staff will request referral packets addressed to the appropriate agencies.

STEP
3
continued

Applicant Revision, if necessary

APPLICANT'S AVERAGE: 31 DAYS

The applicant reviews the pre-referral letter provided by staff, revises any relevant submittal materials, and provides the revised materials to the planner. Clear and complete exhibits and reports increase the likelihood that referral agencies will provide insightful, well-informed comments and suggestions. A prompt resubmittal addressing all staff comments will help achieve a speedy process.

If no further revisions are necessary, staff will request referral packets addressed to the appropriate agencies.

STEP
4

Referral Period and Courtesy Notification

REGULATORY REFERRAL PERIOD: 21 DAYS

The planner verifies the contents of the applicant's referral packets, inserts a Referral Response Request form to solicit comments, and distributes the packets to necessary referral agencies. The referral period provides an opportunity for various agencies and stakeholders to comment on the application. Referral agencies have 21 days to comment unless the applicant grants, in writing, an extension of up to 30 days. The applicant must pay any referral fees, if charged.

The planner forwards referral comments to the applicant as they are received so the applicant can immediately begin addressing comments directly with the referral agencies. The planner assists in facilitating meetings or discussions between the applicant and referral agencies, if necessary. Additional referral periods may be required depending on the extent of design changes resulting from comments produced through the initial referral period.

Concurrent with the distribution of referral packets, the planner prepares and mails courtesy notices to abutting landowner(s) that state the application is in process.

STEP
5

Post Referral Review

COUNTY STAFF'S GOAL: 5 DAYS

The planner ensures all referral responses have been forwarded to the applicant. Following the referral period, the planner provides a post-referral letter to the applicant summarizing any outstanding comments from Planning Services and referral agencies that the applicant must address. The applicant is encouraged to meet with the planner and referral agencies to discuss any comments or questions.

STEP
6

Applicant Revision

APPLICANT'S AVERAGE: AN AVERAGE FOR PROCESSING IS 224 DAYS, BUT IT CAN BE COMPLETED AS QUICKLY AS 58 DAYS

The applicant reviews the post-referral letter provided by staff and revises all necessary exhibits, plans, and studies accordingly. The applicant addresses the comments of all regulatory referral agencies by identifying, in writing, the extent to which the project has been revised in response to the comments. If necessary, the applicant includes a revised zoning exhibit with the post-referral letter. The applicant is strongly encouraged to provide a written response to comments from all advisory referral agencies. It may be necessary for the applicant to meet with the planner and referral agencies in order to address all comments. A prompt resubmittal addressing all comments may reduce the process by several weeks.

STEP
7

Steps 8-9 of the Rezoning Process

Staff Review

STEP 8

COUNTY STAFF'S GOAL: 10 DAYS

The planner ensures all outstanding comments have been adequately addressed in the applicant's resubmittal. If any comments have not been addressed, the planner provides the applicant with a letter stating the deficiencies. It may be necessary for the applicant to resubmit in order to satisfactorily address the review comments. If necessary, the planner will facilitate a meeting between the applicant and referral agencies to resolve outstanding comments.

Once the application is finalized, the planner schedules the project for Planning Commission and Board of County Commissioners' Hearings. The applicant must meet all public notice requirements listed in Section 2508 of the DCZR. At each hearing the following approval standards are used to evaluate the project:

Approval Standards (summarized from Section 2502 of the DCZR)

- Conforms with the goals, objectives, and policies of the Douglas County Comprehensive Master Plan
- Conforms with all applicable statutory provisions
- Demonstrates a substantial change in the character of the neighborhood, since the land was last rezoned
- Rezoning would not adversely impact the provision of public facilities and services
- Demonstrates a sufficient water supply in terms of quantity, quality and dependability for the type of subdivision proposed, as determined in accordance with the standards in the Water Supply - Overlay District of the DCZR (Section 18A)
- Rezoning is compatible with surrounding land uses
- Land is suitable for the intended use

Public Hearings

STEP 9

APPLICANT'S AVERAGE: 30 DAYS

Once the application is finalized, the planner schedules the project for Planning Commission (PC) and Board of County Commissioners' (BCC) Hearings. Planning Commission Hearings are generally held the first and third Monday of every month at 7 p.m. in the Commissioners' Hearing Room. The Board of County Commissioners generally hears land use proposals on the 2nd and 4th Tuesdays of every month at 2:30 p.m. Check the Douglas County website for any date or time changes. Staff will identify upcoming hearing dates and relay them to the applicant. The planner creates a staff report in preparation for the hearings, a copy of which is mailed to the applicant.

The applicant is responsible for providing the planner with paper copies of the final rezoning exhibit for attachment to the staff report. In preparation for the public hearing, the applicant must provide proper public notice, published, posted and mailed, of the item in accordance with Section 2508 of the DCZR 14 days prior to the hearing date.

At the hearing, the planner will present general project information. The applicant should be prepared to present pertinent information and address questions about the proposed rezoning. Common question topics include water supply, referral agency comments, traffic, and how the application meets the approval standards.

If approved, a resolution acknowledging the zoning change will be adopted by the Board of County Commissioners and signed by the Chair. The Clerk to the Board will record the resolution with the Douglas County Clerk and Recorder. The County Zone District Map will be revised to reflect the change to the land's zone district designation.

REZONING APPLICATION FEES

• 0-10 acres	\$1,000
• 11-40 acres	\$100/acre
• 41-160 acres	\$4,000 + \$25/acre
• 161+ acres	\$8,000 + \$10/acre

Make checks payable to Douglas County

Sample Rezoning Exhibit

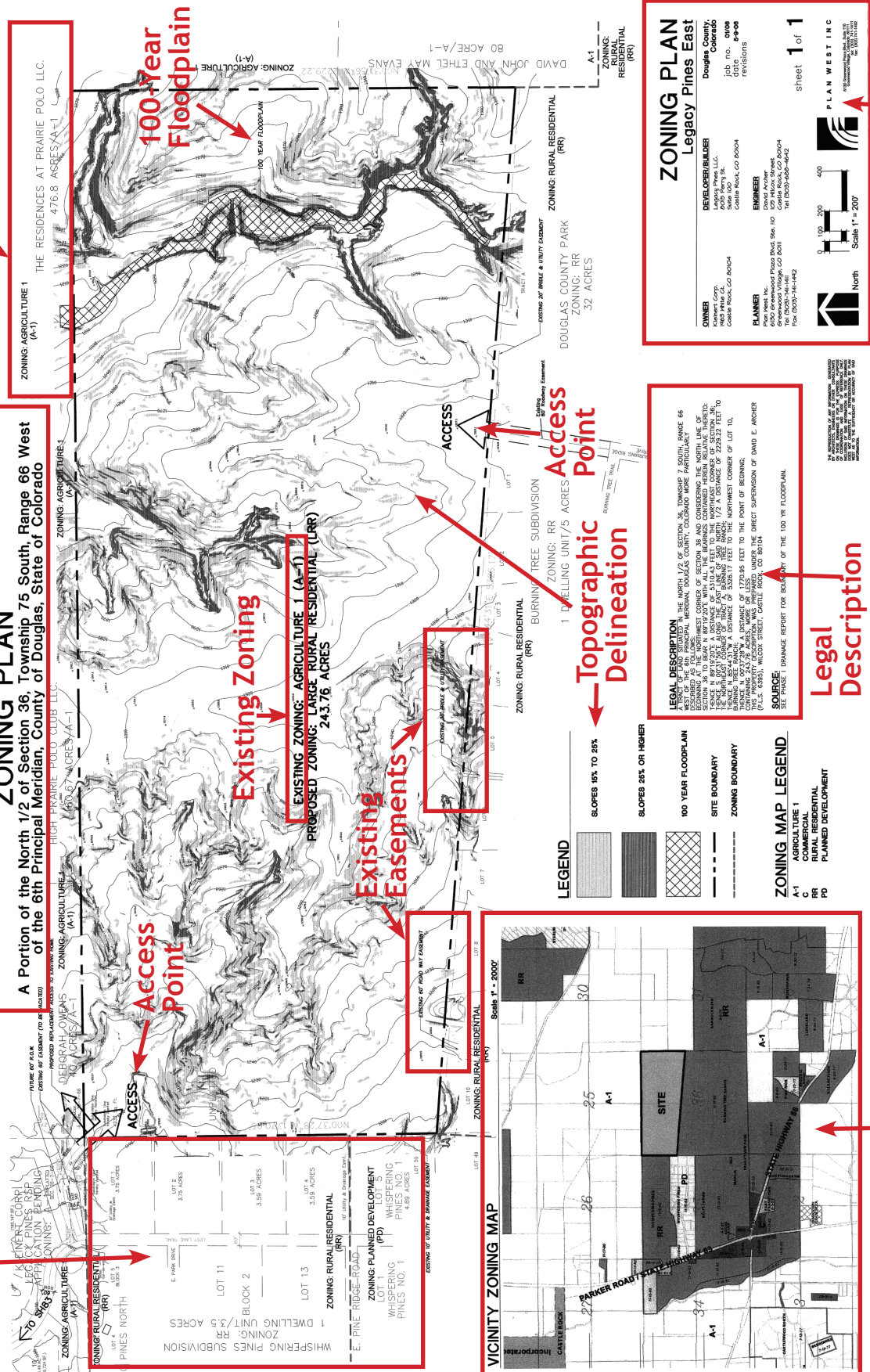
Title Block

Adjacent Land Uses and Zoning

Adjacent Land Uses and Zoning

LEGACY PINES EAST ZONING PLAN

A Portion of the North 1/2 of Section 36, Township 75 South, Range 66 West of the 6th Principal Meridian, County of Douglas, State of Colorado



ZONING PLAN
Legacy Pines East

OWNER: Kismet Corp., 10000 E. South Platte Blvd., Suite 100, Greenwood Village, CO 80111, Tel: (303) 460-4422, Fax: (303) 744-1422

DEVELOPER/BUILDER: Legacy Pines LLC, 10000 E. South Platte Blvd., Suite 100, Greenwood Village, CO 80111, Tel: (303) 460-4422, Fax: (303) 744-1422

PLANNER: Plan West Inc., 10000 E. South Platte Blvd., Suite 100, Greenwood Village, CO 80111, Tel: (303) 460-4422, Fax: (303) 744-1422

ENGINEER: Doney Anderson Engineering, 10000 E. South Platte Blvd., Suite 100, Greenwood Village, CO 80111, Tel: (303) 460-4422, Fax: (303) 744-1422

job no.: 0106
date: 01/06
revisions:

sheet 1 of 1

PLAN WEST INC.

Scale 1" = 200'

North

Lower Right Hand Corner Title Block

Legal Description

LEGAL DESCRIPTION
A PORTION OF THE NORTH 1/2 OF SECTION 36, TOWNSHIP 75 SOUTH, RANGE 66 WEST OF THE 6TH PRINCIPAL MERIDIAN, DOUGLAS COUNTY, COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS: WITH ALL THE REARNS CONTAINED THEREIN RELATIVE TO SECTION 36 TO BEAK N 87.9125' WITH ALL THE REARNS CONTAINED THEREIN RELATIVE TO SECTION 36 TO BEAK N 87.9125' AND THE EAST LINE OF SAID NORTH 1/2 SECTION 36 TO BEAK N 87.9125' IN A DISTANCE OF 22.9222 FEET TO THE NORTHEAST CORNER OF LOT 10, THEREIN BEING 43.17' IN A DISTANCE OF 1770.95 FEET TO THE POINT OF BEGINNING. THE PROPERTY DESCRIPTION WAS PREPARED UNDER THE DIRECT SUPERVISION OF DAVID E. ARCHER (P.L.S.), NATURE STREET, CASTLE ROCK, CO 80104

SOURCE
SEE PARCEL 1 DRAINAGE REPORT FOR BOUNDARY OF THE 100 YR FLOODPLAIN.

DATE
01/06

LEGEND

- SLOPES 9% TO 25%
- SLOPES 25% OR HIGHER
- 100 YEAR FLOODPLAIN
- SITE BOUNDARY
- ZONING BOUNDARY

ZONING MAP LEGEND

- A-1 AGRICULTURE 1
- RR RURAL RESIDENTIAL
- C COMMERCIAL
- PD PLANNED DEVELOPMENT