



Special Use Permit Guide and Checklist

City of Glenwood Springs
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*This document is a summary of requirements and is an aid. It does not substitute for the municipal code requirements nor for review and knowledge of those requirements

*The most current version of any municipal code sections cited in this document may be accessed on the City's website at www.cogs.us.

OVERVIEW

All uses that are listed as a special review use within any zone district are discretionary uses that must first be approved by the Planning and Zoning Commission. Special review uses are considered at a public hearing following submission of a formal application by the pre-set deadlines for scheduled public meetings. The decision to approve or deny a special review use is based on the criteria for the use as outlined in Section 070.040.040 of the Glenwood Springs Municipal Code. The generic criterion by which **all** special review uses are evaluated is as follows:

- (1) All special use permits: The proposal is consistent with City goals and policies and plans and will be compatible with existing and allowed uses surrounding or affected by the proposed use. Analysis of compliance with this criterion may include, but is not limited to, the following factors:
 - a. The applicant has demonstrated safe pedestrian access to and across the site.
 - b. The applicant has demonstrated safe and adequate vehicular circulation, parking and access for the proposed use.
 - c. The proposed use is compatible with the character of the neighborhood.
 - d. The proposal mitigates any potential negative impacts to surrounding properties. Mitigation techniques will be specific to the proposed use and the character of the surrounding properties, but may include techniques such as restrictions on hours of operation; screening with walls, fencing and/or landscaping; sound reduction techniques; modifications to light levels and fixtures; and compatible architecture.

Certain special review uses also must demonstrate compliance with additional criteria that are specific to a particular use as listed in Section 070.040.040. These uses are as follows:

Adult Entertainment Uses
Building over 40 ft. in height in the C/2 Core Commercial Zone
Bed and Breakfast
Child Care Center
Hazardous Materials in the C/3 General Commercial or any Industrial Zone
Large Child Care Home
Light Manufacturing Business
Major Home Occupation
Mobile Home Parks (See also Article 070.080)
Personal Care Boarding Home
Recreational Vehicle Parks (See also Article 070.110)
Transmission lines 69 kV or larger

All **non-residential** special review uses must also demonstrate compliance with Article 070.150 Commercial Design Standards.

Certain uses may also require a development permit application which can be processed concurrently with the application for a special use permit. The need for a development permit is established at the pre-application meeting with a Community Development staff member.

APPLICATION PROCESS SUMMARY

Following is a brief overview of the steps involved in the special review process:

Step 1 - You will begin by scheduling a pre-application meeting with one of the planners in the Community Development Department to review the details of the application process.

Step 2 - Next, you will submit an application package four weeks in advance of the monthly Planning and Zoning Commission meeting for distribution and review by staff. If your application also involves the need for a Major Development Permit, your application deadline will be six weeks in advance of the meeting.

Step 3 - Since there is a public hearing involved, you will be responsible to do public noticing between certain dates in accordance with the municipal code requirements. This process will involve mailing, publishing, and posting a notice regarding your special use permit request.

Step 4 - Staff will review your request for compliance with the special review criteria, municipal code requirements, and the City's goals, policies, and plans. Planning staff will make a formal recommendation to the Planning and Zoning Commission to approve, deny, or continue your application until a future meeting.

Step 5 - There will be a public hearing regarding your application at the Planning and Zoning Commission meeting. After presentations by staff, the applicant, and any interested members of the public, the Commission will approve your special use permit request, deny it, or continue the application until a future meeting.

Step 6 - If your application is approved, you will most likely have conditions of approval to satisfy. If it is denied, you have the option to appeal to City Council. If the application is continued, you will need to return to another monthly meeting with additional information for a second public hearing.

APPLICATION PROCESS DETAILS

Step 1 - Schedule a pre-application conference

If you wish to apply for a special use permit, you will need to set up a pre-application conference with the Community Development Director and/or one of the other planners in the Community Development Department prior to submitting an application. In this conference you will discuss review procedures, application requirements, application deadlines, and the City's goals and policies. Please come prepared with the following items:

1. A completed planning application.
2. A sketch plan of the property, including the property boundaries, approximate lot size, location of structures, adjacent streets, parking, sidewalks, and other physical aspects of the property. This sketch does not need to be professionally drawn, but if you have a survey or improvement location certificate (ILC) for the property, you may use that rather than making a sketch plan.
3. Proof of ownership of the property.
4. A floor plan for the building that depicts existing square footage and any new floor area that is to be added with all dimensions noted and rooms labeled on the plans.

Step 2 - Submit an application package

Required materials. Review the list of submittal requirements contained in this packet for a list of the items that must be submitted.

Submittal timing. A completed application must be submitted at least 4 weeks prior to the monthly Planning and Zoning Commission meeting, or 6 weeks if your application also requires a major development permit. Contact planning staff for these dates and deadlines. Incomplete applications may be delayed until the next monthly submittal deadline. Multiple actions for the same project can be reviewed concurrently, for instance a development permit and special use permit regarding the same property may be submitted and reviewed as a single application. If you are unsure whether your application is complete, you may want to submit your application in advance of the deadline to allow yourself time to pull together any missing information.

Required number of application copies. Please submit one set of all the required materials by the submittal deadline. Staff will then review your application for completeness. Once the application is deemed complete, staff will request additional application sets (usually 15) for referrals and reviews.

Pertinent regulations. Staff will review your application for compliance with the special review use criteria, municipal code, and the City's goals, policies, and plans. You may review the municipal code at www.cogs.us (click on "municipal code" and then "title 070"). You may download the City's Comprehensive Plan at the same website. (click on "City Departments," "Community Development," and then on the appropriate plan). Additional plans, such as the Downtown Plan and Community Housing Attainability Strategy, may be obtained by contacting the Community Development Department. It is very important that you demonstrate in your application package that your project meets the special review criteria. Staff's recommendation to the Planning and Zoning Commission regarding your project will depend on how well it demonstrates compliance with these criteria as well as the other requirements of the municipal code and the City's goals, plans, and policies.

Step 3 - Complete the public noticing

You will be required to complete public noticing for your special review use hearing in front of the Planning and Zoning Commission. The purpose of this noticing is to alert any interested members of the public regarding your application and to notify them as to the date, time, and nature of your public hearing. As this is a time-sensitive process, please make sure that you contact staff within one week of your submittal for a public noticing packet and an explanation of noticing requirements. Errors in your public noticing may result in a one month delay of your hearing.

*If, in the course of staff's review of your application, it is determined that a design variance or a zoning variance is also necessary, you may also be required to include language regarding these variances in your public notice.

Step 4 - Four week application review

Questions from planning staff. During this period of time, the planner reviewing your application may contact you with questions regarding your application, with a request for additional information, or to convey a question from one of the reviewing agencies. To the extent that you can provide this information quickly, it helps to facilitate the review of your application and resolve outstanding issues.

Application changes. If you find that you need to submit changes to your application, please submit the changes as far in advance of the public meeting as possible. The earlier you submit the changes, the more likely it is that staff will have sufficient time to review and respond to the revised materials. Significant application changes submitted in the few days prior to the hearing or at the Commission meeting often result in a continuance until the next month's meeting to allow sufficient time for review.

Ex parte communications. Once you have submitted a planning application, you may not have any discussions with the Planning and Zoning Commissioners or City Council members regarding your project outside of your public hearing. Initiating these discussions in person, writing, email, phone, etc. may jeopardize your application for legal reasons. You are, however, encouraged to provide any information that you would like to have considered by the Commission as part of your application or you may present it at the public hearing. You may also contact planning staff at any time to discuss information pertinent to your application.

Staff report. Toward the end of the 4 week administrative review of your application materials, planning staff will prepare a report for the Planning and Zoning Commission meeting that provides an analysis of how your project meets the special review use criteria, municipal code, the City's goals, policies, and plans, and any other pertinent information. It will contain a recommendation for approval, denial, or continuance of your application based on this analysis. The report will be available the Friday afternoon prior to the meeting at the latest. The report, along with copies of your application materials, will be delivered to the commissioners for review in advance of the public meeting.

Review recommended conditions of approval. If the staff report contains a recommendation of approval, that recommendation most likely will include a list of suggested conditions. Please review those conditions carefully. If the Commission approves your application, you will be subject to whatever conditions they include in their motion. Requesting a modification to the conditions after approval at the hearing would require repeating this review process, so please make sure that you contact planning staff and/or speak up at the hearing if you have questions or concerns regarding any proposed conditions.

Agenda. Applications are scheduled for the meeting based on the order they are received. An agenda will be available from planning staff a few days prior to the meeting.

Site visit. Members of the Planning and Zoning Commission will typically visit the property as a group with planning staff prior to the meeting to better understand how it is configured and what is proposed. Discussion between the applicant and commissioners is not allowed during the site visit as it would be considered an ex parte communication (see above).

Step 5 – Planning and Zoning Commission meeting procedures

Either the applicant or a representative for the applicant will need to be present for the hearing in front of the Planning and Zoning Commission. The hearing will follow this procedure:

1. Presentation of the application by planning staff
2. Questions of staff by the Planning and Zoning Commission
3. Presentation of information by the applicant
4. Questions of the applicant by the Commission
5. Public Comment
6. Questions of the public by the Commission
7. Applicant has the opportunity to respond to public comment.
8. Motion for action on the application, discussion amongst the Commissioners, and a decision.

The commissioners will have received a copy of your application materials and the staff report in advance of the meeting and planning staff will present an overview of the information in the staff report at the meeting. In presenting additional information to the Commission, you may mention points where you disagree with staff, present anything important that you felt that planning staff left out, present any new information that you have obtained, or present any other information directly pertinent to the application. Out of respect for the Commission and other applicants, please keep presentations brief. If you have no additional information that you would like the Commission to consider after hearing staff's presentation, you may state this.

Display of documents at the meeting. If you have photos or plans to show during your presentation, these can be projected up on a screen. Photos show up best if they are at least 8 ½" by 11" in size. Plans show up best if they are 24" by 36." If you would like to project information from a computer, such as in a PowerPoint presentation, please contact staff a couple days in advance for information regarding format.

Step 6 - Post-meeting procedures

Continuances. If the Commission continues your application at the meeting, contact planning staff to discuss your next meeting date, your deadline to submit additional information, the Commission's direction to you, and whether any further public noticing will be required for the next meeting.

Action letter and appeals. If the Commission approves or denies your application, you will receive a letter summarizing the decision as a follow up to the meeting. If the application was approved, the letter will list the conditions that you have left to satisfy. If the application was denied, you have the option to appeal for a brief window of time. If you are interested in submitting an appeal, review section 070.010.050 of the municipal code at www.cogs.us for requirements and contact planning staff.

Satisfying conditions of approval. If your special use permit application is approved, you will likely have conditions that need to be satisfied before you may begin any construction and/or prior to completion of the project. Review any questions regarding conditions of approval with staff.

Post-approval plan modifications. Please make sure that your plans are worked out to your satisfaction before you submit them. If the plans are approved and you want to change them in any significant way post-approval, you may need to go through the planning process, public hearings, and public noticing again to have those modifications approved, which is a time-consuming process. If you do find that post-approval modifications are necessary, contact planning staff to determine if these can be accommodated prior to beginning any construction.

SUBMITTAL REQUIREMENTS

General requirements:

____ Please submit one set of application materials, including one full-sized set of plans, for the initial completeness review. Additional sets will be requested once it has been determined that the application is complete.

____ Site plans must be to a standard engineering scale and all other plans may be to a standard engineering or architectural scale.

____ Please submit all documents in a notebook or report cover with tabs or dividers that label and separate sections. Community Development may have leftover notebooks, report covers, and/or dividers that you may reuse for your application to reduce waste. Large plan sets that do not fit inside the notebook should be attached to the outside with a clip or rubber band.

____ Please double-side documents to conserve paper wherever possible.

Items which must be submitted with your application package:

_____ 1. **Planning application**

- Fill out in complete detail, including all contact info.
- All owners of the subject property must sign the application.
- A copy of the application can be obtained online at: www.cogs.us (click on "City Departments," "Community Development," "Most Common Forms," and then "Planning Application")

_____ 2. **Proof of ownership of the subject property**

- Any one of the following will suffice:
 - Warranty deed
 - Title policy
 - Deed of trust
- Please note that a title commitment *will not* suffice

_____ 3. **Project description (a.k.a. “narrative” or “application letter”)**

_____ **Include a written request for the special use permit** in your project description. Include the type of use that you are proposing along with a brief description. As an example, an individual proposing an office use in a residential zone might indicate that “the use is for a 2,500 sq. ft. dental office that will be open Monday through Friday from 8:00 a.m. until 6:00 p.m. and that there will be 2 dentists and three employees and that an 12 ft. by 12 ft. addition is planned to the existing building.” Include information regarding any changes to an existing building or the site in general that may be made to accommodate the use.

_____ **Address each of the special review criteria** in your project description or attach a completed Special use permit questionnaire. In your defense of the requested special use permit, you will need to explain how your property uniquely and specifically meets each of the criteria.

-**Zoning variances** must be defended by addressing each of the variance criteria listed in section 070.040.050 of the municipal code. You may either complete the attached zoning variance questionnaire or address each of the criteria in your project description.

-**Design variances** must be defended by addressing the variance criteria in section 070.030.160 of the municipal code. You may either complete the attached design variance questionnaire or address the criteria in your project description.

-Contact staff if additional explanation is required or if you are unclear whether your request includes a zoning or design variance.

_____ **Additional information.** This is your opportunity to present your application to staff, reviewing agencies, and the Commission. As such, any descriptive information you can provide regarding your project will help convey greater understanding. Examples of items you will may to include in this narrative are:

- a. An explanation of any unusual pre-existing situations or design issues that affect the request.
- b. Lot size
- c. Proposed type and size of uses on each lot (if any)
- d. Explain how your project meets the City’s plans (for instance, Comprehensive Plan, Downtown Plan, or Community Housing Attainability Strategy)
- e. Any other information that you believe should be considered with your variance request.

_____ 5. **A scaled 24” by 36” site plan depicting the following:**

- _____ a. **North arrow**
- _____ b. **Graphic scale** – use a standard engineering scale
- _____ c. **Date**
- _____ d. **Title**
- _____ e. **Property boundaries** – depict and label all existing and proposed property boundaries
- _____ f. **Existing and proposed structures and uses** – show locations and label sizes in square feet. Also depict any existing or proposed porches, garages, sheds, eave overhangs, stairs, etc.
- _____ g. **Required setbacks** – Depict all required setbacks on plans. Contact planning staff for your setback requirements. If structures are close to setbacks, label the dimensions of all proposed eave overhangs, porches, and other structures that may encroach into the setbacks.
- _____ h. **Dimensions** – label the dimensions of any proposed or existing construction associated with the new use. .
- _____ i. **Easements** - width, location, and type of any existing or proposed easements . Clearly depict on plans and label widths.

_____ 6. **Scaled floor plans with dimensions, square footage and rooms labeled.** – Plans should be to scale using either an architect’s or engineer’s scale.

_____ 7. **Application fee**

- Contact City staff for a calculation of the required application fee.
- You may provide the fee in the form of a check made payable to the “City of Glenwood Springs.”
- You also have the option of paying with a credit card.

_____ 8. **Other information.** You will need to submit any other information that the Community Development Director finds necessary to determine whether the proposal complies with the municipal code and the City’s goals and policies. The type of information that is required will depend on your project and the applicable municipal code requirements. Submit any of the following items that are identified as requirements by planning staff:

- _____ **a. Survey or improvement location certificate (ILC)** – prepared by a qualified professional surveyor or engineer
- _____ **b. Scaled elevations** of the front, sides, and/or rear of the existing or proposed structure. Indicate the scale on the drawing and label each elevation as north, south, east, or west.
- _____ **c. Scaled elevations including the massing of neighboring buildings** – On the front and side scaled elevations of your proposed building, depict sketches of the height and general massing of neighboring homes. Alternatively, you may incorporate photos of the neighboring homes next to the scaled elevation of your project. Make sure you account for differences in topography between the properties.
- _____ **d. Photographs** of the front, sides, and/or rear of the structure
- _____ **e. Photographs of neighboring homes**
- _____ **f. A scaled diagram of all lots and building footprints along the block face** that illustrates existing setbacks from the property line for all buildings along the block. Alternatively, you may use aerial photography through a public source such as GoogleEarth to satisfy this requirement. The aerial photo must be to scale and you must demonstrate that it is consistent with current on-the-ground conditions.
- _____ **g. Existing and proposed lot coverage calculations for the property** – Take the size of the footprint of existing buildings in square feet and divide by the lot size in square feet to obtain the existing lot coverage. For proposed lot coverage, do the same calculation with the proposed building footprints.
- _____ **h. Floodplain boundaries** – if the property is adjacent to a river or stream, you may be required to have a qualified professional engineer or surveyor depict and label the 100 yr. floodplain boundary on the site plan or survey.
- _____ **i. 30 foot setback from high water mark** – if the property is adjacent to a river or stream, you may be required to have a professional engineer or surveyor depict and label the 30 foot horizontal setback from the high water mark on the site plan or survey.
- _____ **j. Geotechnical report** prepared by a qualified professional geotechnical engineer
- _____ **k. Drainage plan and report** – prepared by a qualified professional engineer
- _____ **l. Parking spaces** – depict existing and proposed on-site parking on the site plan
- _____ **m. Existing and proposed topography** – Provide a grading plan prepared by a qualified professional using two foot contours
- _____ **n. Utility plan** – prepared by a qualified professional and depicting existing utility mains and services affected by the variance request
- _____ **o. Landscaping/vegetation** – depict and label the existing or proposed landscaping on the site plan or on a separate landscape plan
- _____ **p. Stake property corners and building envelopes** one week prior to the public hearing
- _____ **q. Material and color samples** – for exterior finishes of buildings, retaining walls, or fences.
- _____ **r. Neighboring physical features** - Depict adjacent roads, alleys, curbs, sidewalks, buildings, street right-of-way widths, on-street parking, and other physical features on the property adjacent to the variance request.
- _____ **s. Exterior lighting fixtures** – provide cut sheets or photos of any proposed exterior lighting fixtures
- _____ **t. Photometric plan** – depicting proposed light levels in foot-candles on the property and up to 10 ft. beyond the property line
- _____ **u. Completed ADU permit application** – and all required attachments listed on that application
- _____ **v. Other**

City of Glenwood Springs
SPECIAL REVIEW USE CRITERIA QUESTIONNAIRE

Instructions

1. This questionnaire should be completed in conjunction with an application for a special use permit. The basis of the special review use is to demonstrate compatibility with the surrounding neighborhood.
2. Before you complete this questionnaire you should have already had a pre-application conference with a planner in the Community Development Department to determine what process is required and what other materials must be submitted. Once completed, submit this questionnaire along with the other items on the checklist you were provided.
3. A special review use is a discretionary action and should only be granted where the applicant has demonstrated that all the special use criteria for a specific use are met. If you are unable to provide justification of how your proposed use meets each of the criteria, you may want to consider whether the use is appropriate at the specified location.

Proposed Use

Provide details on the type of use you are proposing and the specific zone district in which the property is located.

Below is a list of the generic special review criteria that are applicable to all special review uses. **Remember that certain uses also have other criteria by which they are evaluated in the special review use process. These uses are listed on page one of this checklist.**

Special Review Use Criteria

What sidewalks, or pedestrian paths exist or will exist with the new use to ensure that there is safe pedestrian access to and across the site?

Where are accesses and parking on the site to be located?

Explain why you believe the access, parking and circulation is safe and adequate:

Explain in detail why you believe the use that is proposed is compatible with the surrounding allowed and proposed uses as well as the character of the neighborhood? It may be helpful to cite specific uses in the area that you believe are compatible.

Are there methods that you will utilize to further mitigate any potential negative impacts of the use to the surrounding properties such as restrictions on hours of operation; screening with walls, fencing and/or landscaping; sound reduction techniques; modifications to light levels and fixtures; and compatible architecture?

What else do you wish the staff and Planning Commission to know about the proposed use?