



337 E. Bennett Ave., POB 430, Cripple Creek, CO 80813 – Phone (719) 689-3905

APPLICATION FOR:

DATE FILED _____

FEE RECEIVED _____

NOTIFICATION # _____

VARIANCE

CONDITIONAL USE PERMIT

SPECIAL EXCEPTION

APPLICANT NAME: _____

OWNER NAME: _____

ADDRESS: _____

PHONE: HOME: _____ WORK: _____ EMAIL: _____

LEGAL DESCRIPTION OF PROPERTY or ATTACH LEGAL DESCRIPTION: _____

PRESENT ZONING: _____ PHYSICAL STREET ADDRESS: _____

REQUEST: _____

ADDITIONAL INFORMATION MAY BE REQUIRED BY THE CITY, DEPENDING ON THE NATURE OF THE APPLICATION.

I hereby certify that I am the applicant named herein and that I understand the attached instructions with respect to preparing and filing this request and that the foregoing statements are true and accurate to the best of my knowledge.

Applicant _____ Date _____ Applicant _____ Date _____

PLANNING COMMISSION RECOMMENDATIONS:

HEARING DATE: _____ RECOMMENDATIONS: _____

CITY COUNCIL ACTION:

HEARING DATE: _____ APPROVED: _____/DENIED: _____

CITY OF CRIPPLE CREEK
Planning and Historic Preservation Department

REGULATIONS
for
CONDITIONAL USE PERMITS, VARIANCES & SPECIAL EXCEPTIONS

The purpose of these regulations is to provide the opportunity for property owners to obtain relief of some of the regular restrictions regarding use of their property.

The following steps are recommended to pursue issuance of request:

- 1) Meet with the Code Administrator to discuss request.
- 2) Submit Application with application fee.
- 3) Post said property with NOTICE OF PUBLIC HEARING as detailed below.
- 4) Notify adjoining property owners of request by certified letter.
- 5) Applicant or a designated representative should be present at both hearing dates.

APPLICATION

1. Applicants shall submit a written Application to the Code Administrator stating the grounds on which the request is being made and submitting a Development Plan in accordance with Section 4.3 hereof, showing the proposed development. However, the Development Plan shall not be required where no exterior changes are to be made to an existing building, parking area, or any other exterior facilities.
2. Applicants shall submit a written narrative addressing the following criteria (which shall apply to all requests for Conditional Use Permits, Variances, and Special Exceptions):
 - a) The request is composed of a combination of benefits to the community's residents, visitors, and economy and the unique characteristics of the project not anticipated by the regulations;
 - b) The request will not overburden public infrastructure or services in the proposed location;
 - c) The proposed building and site design on the subject property, when compared with the uses or standards permitted by right in the zoning district, will not be detrimental to existing or planned adjacent uses;
 - d) The proposal meets or exceeds the standards of the applicable zoning district except for the specific characteristics requiring relief from the standards of the zone district.
 - e) The proposed or imposed additional design standards, that are otherwise not applicable in the zoning district are adequate to insure compatibility with the surrounding area and to prevent any potential harm to the public health, safety, or general welfare;
 - f) The specific application of the request to the site supports the Intent and Applicability of the zoning district, and does not compromise the Intent and Applicability of any adjacent zoning districts;
 - g) The applicant has established that the requirements of the district present a burden that is not in the best interest of the City.

3. Where a request is granted, the Conditional Use Permit, Variance, or Special Exception shall be issued prior to issuance of a building permit or occupancy, and shall be issued subject to the conditions upon which the City Council has determined to grant the request. Authority to issue a building permit pursuant to the granting of a request shall expire two (2) years after the date of granting of the request, unless the following conditions have been met:

- a) A Building Permit has been issued and is in effect for at least one building permitted by the request, materials have been acquired and are on site, and the foundation has been placed for at least one of the permitted buildings; or
- b) Where no construction is required, the actual operation of the request has been started.

4. After authority for issuance of a Building Permit has expired by default, no building permit shall be issued except under a new request granted pursuant to a new Application.

5. Any property or building whose use is pursuant to an approved request may not be materially altered or modified from that specified by the approval, including any Application and Development Plan, unless the Application and Development Plan is amended and approved in accordance with the procedure applicable to initial approval of the request as set forth in this Article.

The City Council shall consider the application, the Development Plan, and recommendations of the Planning Commission and shall grant or deny the request based on the applicant's submitted narrative response to the criteria required in the application and any additional testimony or evidence presented at the public hearing. The City Council shall impose such requirements and conditions in addition to those expressly stipulated in the Code for the particular use, as the City Council may deem necessary to meet the criteria and for the protection of adjacent properties, public streets, and community as a whole.

The approval of a request under the terms of this Section shall require a Public Hearing before both the Planning Commission and City Council. The Planning Commission shall make recommendations to City Council. The City Council shall make the final decision.

PUBLIC NOTICE REQUIREMENTS

Within two (2) working days of acceptance of an application, the City will establish a public hearing date based upon the timeframe to satisfy all notification requirements and adequate time to prepare a report on the request. The City will then prepare and submit a written notice for the publication in a newspaper of general circulation in the City, designated for that purpose by the City Clerk, not more than thirty (30) days or less than ten (10) days prior to the date of the hearing.

The City will immediately provide this notice to the applicant for the purpose of notifying adjoining property owners. The notice to adjoining property owners shall state that the adjoining property owner may appear in person at the Public Hearing, and/or, if unable to attend, submit a statement expressing his or her opinions and comments on the request.

The applicant shall contact the Teller County Assessor's Office and request a list of property owners within two hundred fifty (250) feet of the subject property and send out the notice and any other information the applicant desires no later than fourteen (14) days prior to the public hearing date. The notices shall be sent via certified mail, return receipt, with the receipt to be returned to the City. Within two days of sending the letters, the applicant shall submit a copy of the list of owners and the receipts of the certified mailings to the City.

The City will also provide a Notice of Public Hearing to be placed on the subject property not later than fourteen (14) days prior to the public hearing date. The applicant will be responsible for placing the notice on the property in plain sight of pedestrians and vehicular traffic in a secure manner such that it will remain for the duration of the required timeframe. The notice shall be not less than two (2) square feet in size, with lettering at least one (1) inch in height, consisting of the date and place of the hearing of the application, the specific subject matter of the hearing, including the present zone, if any, and the proposed approval requested along with the applicable provisions of this Code. The location and phone number of the public office where additional information may be obtained shall also be included on such notice.

Note: This narrative is taken from the language of the Cripple Creek Development Code, Article 4. A copy of the ordinances can be obtained from the Office of the City Clerk. More information can be obtained at 719-689-3905.

DEVELOPMENT PLAN INFORMATION

PURPOSE: A Development Plan is required to review the specific impacts of proposed structures and land uses. The Development Plan is required to ensure compatibility with the Master Plan, the Zone District and Development Standards in this Code.

DESCRIPTION: A Development Plan is a detailed, graphic representation, drawn to scale, of a proposed development, which shows specific structures and land uses. The Development Plan provides information including, but not limited to, the building locations and exact footprints, parking areas and design, access and utility locations, detailed sign location and design, and proposed grading/drainage control. The approved Development Plan becomes a part of the building permit application and the official plan for the development of the property. It is the final site plan, and the actual physical development of the property must be in strict conformance with the approved Development Plan.

SUBMITTAL REQUIREMENTS:

The following are the Site Plan Requirements for all Commercial Developments in Table 4-1 requiring a Development Plan, Conditional Use, or Special Exception (depending on the nature of the request some of the requirements may be waived by the Code Administrator):

1. Scale and North arrow.
2. Address or vicinity map.
3. Project name, contact information for the owner and consultants.
4. Legal description and boundary of the property drawn to scale;
5. Location, exterior horizontal dimensions, building height, and use of each building with the distances from property line and public and private streets.
6. Location and description of all existing buildings or portions of buildings that will remain.
7. Location and type of all utilities, existing and proposed.
8. Location of all existing vegetation to remain, proposed landscaping or slope treatment of any areas to be re-graded.
9. Location, names, and widths of all public or private streets or rights-of-way to remain, to be vacated, to be improved, or in any way modified.
10. Existing and proposed sidewalks, curb and gutter, and streetlights.
11. Location and proposed design of existing and proposed signs and fences.
12. Location and dimensions of all parking areas and driving lanes, calculating for the parking required and provided, and location of handicapped stalls.
13. Land use, zoning, location of buildings and parking areas on adjacent properties within 20 feet of the property or otherwise may need to be considered.

14. Legend and data indicating data such as site area, building uses by square footage, and approximate schedule of development.
15. Delineation of the existing floodplain and drainage ways to remain and those to be modified, including the modification proposed.
16. Identification of development impacts on slopes and mitigation methods to be used on slopes of 3 to 1 or greater.
17. Existing and proposed topographic contours at 2' intervals including any grading that will extend beyond the project boundary.
18. Illustrate percent of cross slopes on drives and walks and landscape slopes.
19. Provide the size and grade of all storm drains noting whether they are to be public or private.
20. Illustrate the location, type and size of retaining walls.
21. Walks that exceed 5% shall be indicated as a ramp and will provided the required railing per Americans with Disabilities Act requirements.
22. No proposed road or drive shall be in excess of 12%. Vertical profiles shall be provided for all roads and drives that exceed 8%. The profiles shall provide all related transitional curve information.
23. Illustrate the proposed erosion control methods for the period of construction and materials and plant schedules for the re-vegetation and reestablishment of the site and all off site areas disturbed by the proposed project.
24. Any other information required by the Code Administrator, Planning Commission, or City Council.

REVIEW CRITERIA:

1. Will the proposed development be harmonious with the surrounding land uses and the neighborhood?
2. Will the proposed development be harmonious with the purposes and intent of the Master Plan?
3. Will the proposed development overburden the capacities of existing streets, utilities, parks, schools, or other public facilities?
4. Will the structures be located to minimize the impact of their use and bulk relative to adjacent properties?
5. Will landscaping, fences or walls be provided to buffer the site from negative factors that may be created with the proposed development?
6. Will vehicular access from the project to the streets and alleys be designed and controlled to move traffic safely and efficiently?
7. Will the parking layout discourage through traffic through the project?
8. Will the parking areas provided for the project be adequately sized and located to serve the development conveniently and safely?
9. Will the handicapped be safely accommodated in the project?

10. Will the amount of asphalt/concrete in the project be minimized?
11. Will pedestrian flow on and to/from the project be safe and convenient?
12. Does the design encourage the preservation of significant natural features, such as healthy vegetation, drainage courses, steep slopes and rock outcroppings?

REVIEW PROCEDURE:

1. The applicant is encouraged to meet with the Code Administrator prior to submittal of the Application.
2. The Code Administrator shall review the submitted Application and documents for completeness and conformance to the submittal requirements and notify the Applicant of any deficiencies, within ten (10) days of submission by the Applicant.
3. Once the submittal requirements have been met, the Development Plan will be reviewed for conformance with the criteria for review listed above. Development Plans shall be referred to the Code Administrator, the Planning Commission or the City Council according to the requirements of Table 2-1.
4. Amendments to an approved Development Plan may be approved upon receipt of written request by the Applicant and submission of a revised Development Plan. The amendments will be reviewed according to the requirements in Table 2-1.

ADDITIONAL REQUIREMENTS

1. The Development Plan must be approved before any building permits can be issued for the property. A copy of the approved Development Plan must accompany the request for a building permit.
2. A Development Plan expires four years after the approval date, if no building permit has been issued, or two years from the date of the most recent building permit issuance. Extensions may be granted upon application by the City Council.