

18.20.030 LIMITATIONS ON APPROVAL

Approval of the concept plan does not constitute waiver of any required development or subdivision process, even though some design standards and requirements may be waived.

18.24 MINOR DEVELOPMENT PROCEDURES (see Chapter 18.72)

- A. Before undertaking any activity defined as a Minor Development the property owner or his agent shall seek Minor Development approval from the Planning Commission. The submittal requirements for a Minor Development Plan shall consist of the Major Development Plan requirements identified in **Section 18.26.020** as noted by asterisk (*). If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required.
- B. Planning permission shall be requested in writing well in advance of the Planning Commission meeting and in accordance with the Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing approximately 60 days from the date of submittal. After consideration of staff, professional/technical, agency and public comment, the Planning Commission will take final action on the request by approving, with or without conditions, by partially approving/denying the request or by denying the request. If the Planning Commission is in need of additional information upon which to make a final decision, it may postpone the request and require that the applicant submit additional information. At least one notice of hearing shall be placed on property or structure at least ten (10) days prior to the Planning Commission meeting at which the property or structure is to be considered.
- C. In the event that permission is denied by the Planning Commission, or conditionally given, and the applicant wishes to appeal the ruling, he may seek relief from the City Council at one of its regularly scheduled meetings, with appropriate notice of the hearing in the local newspaper, and payment of any cost of publication.
- D. Once planning permission is approved, the applicant shall be so notified, in writing, within seven (7) days of approval. The approval must be presented prior to the issuance of a grading or building permit.

18.26 MAJOR DEVELOPMENT PROCEDURES (see Chapter 18.72)

- A. Permission to conduct a major development shall be sought from the City Council, who shall consider the recommendation of the Planning Commission before the issuance for a grading or building permit. Planning permission may be sought concurrently with the approval of the preliminary plat as per the subdivision regulations, as appropriate.
- B. Major developments shall be as defined in Chapter 18.60 "Definitions."

C. A Major Development Plan (MDP) shall be required to conduct any of the foregoing major development activities.

18.26.010 PURPOSE AND INTENT OF THE MAJOR DEVELOPMENT PLAN

The purpose of the MDP is to provide for successful development that economically benefits the community and is in harmony with the character of the community and its environment. The intent is to ensure that the development is in conformance with the Comprehensive Plan, the Open Space Plan, the Historic Preservation Ordinance and Design Guidelines (as applicable), and the Zoning, Sign and Subdivision Ordinances. The intent of the MDP is to provide for the enhancement of the City's socioeconomic fabric through sensitive site and building design, and to ensure that landscape and hardscape environments are attractive and in balance with the overall bulk and massing of building architecture. The desire is that successful community design and development will help provide improvements and services to and meet the needs of residents, workers, business owners and visitors alike, and positively influence property values while ensuring compatibility with the community and adjacent uses.

18.26.020 COMPONENTS OF THE MAJOR DEVELOPMENT PLAN

The MDP shall be defined as a set of detailed plans and associated information as described in **Chapter 18.72**, which shall contain the following, less those items waived by staff in writing:

1. A narrative;*
- The following plans and exhibits:
2. Site plan (with a colored site plan for public hearings);*
 3. Building details;*
 4. A phasing plan/schedule for completing the development, if the proposal will be developed over more than one (1) year or more than one (1) phase;*
 5. Landscape plan;*
 6. Lighting plan, if exterior lighting is either proposed or required;*
 7. Drainage plan and report;*
 8. Grading and erosion control plan;*
 9. Parking plan;*
 10. Public improvements plan;*
 11. Visibility impact analysis;*
 12. Traffic study and plan;
 13. Geologic hazards plan and report;
 14. An environmental and fiscal impact report; and
 15. Parks, trails and open space report.

If, in the opinion of the Planning staff, additional, detailed technical studies/data are needed due to the scale, location or impact of the proposed development, the submission of such additional studies/data may be required. The Planning Department may require that an independent, outside consultant may be retained, at the applicant's expense, to perform the required studies and/or review such studies when performed by the applicant.

18.26.030 PRE-SUBMITTAL MEETING

Prior to submittal of the MDP, the applicant shall attend a pre-submittal meeting with Planning Staff to review the submittal requirements and procedures, unless the Planning Director or designate waives the pre-submittal meeting in writing. The applicant at the pre-submittal meeting shall provide the following:

- A. Existing zoning and use of the site and adjacent zoning and land uses
- B. Conceptual site layout
- C. Existing and proposed access locations
- D. Existing contours and proposed grades (FIMS data may be used)
- E. Vicinity map
- F. Conceptual building exterior elevations

If any of the MDP submittal or pre-submittal material has been previously submitted as part of the subdivision procedure under the City Subdivision Regulation Regulations, the items so submitted may be deleted from the list by Planning Staff, who shall determine the final MDP submittal requirements and so notify the applicant in writing.

18.26.040 SUBMITTAL REQUIREMENTS

Planning permission shall be requested in writing well in advance of the Planning Commission meeting and in accordance with the Planning Commission Submittal and Meeting schedule published annually by the Planning Department. Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing approximately 60 days from the date of submittal. The Major Development Plan shall conform to the submittal requirements of this section and in **Chapter 18.72** unless otherwise waived by the Planning staff. The MDP shall be submitted in one (1) 11" X 17" reproducible copy and five (5) 24"x 36" copies unless more copies are required and requested by staff. Upon submittal of the MDP, staff shall determine the adequacy of the submittal and set the MDP for Planning Commission review. The application shall be accompanied by a fee as set by the Fee Schedule, as amended, to cover the costs of staff review, investigation and advertising.

18.26.050 NOTICE

Notice shall be given, by the City, in the local newspaper of the request for approval of a MDP, at least 10 days prior to the hearing on the request. Notice shall include a location map indicating the location of the proposal and a brief summary of the proposed use. Notice of public hearing will also be provided on-site in conformance with the above standards.

18.26.060 STAFF REVIEW AND RECOMMENDATION

After receipt of the MDP application, staff shall review the application using the criteria contained in this section and **Chapter 18.72** and make a recommendation to the Planning Commission to:

- A. Recommend approval;
- B. Recommend approval with conditions;
- C. Recommend postponement to a future Planning Commission meeting to receive and review additional information from the applicant or from referral agencies; or

D. Recommend denial and identify revisions necessary to enable staff to recommend approval.

18.26.070 MDP APPROVAL CRITERIA

The Major Development Plan may be recommended for approval by the Planning Commission and approved by the City Council subject to the following conditions:

The MDP shall be:

- A. In compliance with the Manitou Springs Rainbow Visions Plan.
- B. In compliance with the water, sewer and fire protection requirements detailed in the Manitou Springs Municipal Code.
- C. In compliance with City roadway design and construction standards, as revised.
- D. In compliance with the criteria in this section, **Chapter 18.72** and these regulations.
- E. In compliance with all requirements of the Subdivision Regulations (Title 16, Subdivisions).
- F. Prepared in accordance with generally accepted professional standards.
- G. Any development-related fees due on the affected property shall be paid unless the requirement is waived by City Council for good cause shown.

18.26.080 FAILURE TO START MAJOR OR MINOR DEVELOPMENT

- A. If no building permit is issued on a Major Development within twelve (12) months after planning permission has been granted by the City Council then that permission will lapse, unless good cause can be shown to the Council, after review and recommendation by the Planning Commission that the permission should not lapse. In the event that good cause is shown, the permission may be extended for one, six (6) month period.
- B. If no building permit is issued on a Minor Development within twelve (12) months after planning permission has been granted by the Planning Commission then that permission will lapse, unless good cause can be shown to the Commission, after review and recommendation by the Planning Staff that the permission should not lapse. In the event that good cause is shown, the permission may be extended for up to one, six (6) month period.

18.30 CONDITIONAL USE REQUIREMENTS AND PROCEDURES

18.30.010 PURPOSE

Conditional Uses are uses, which because of their character, size and potential impacts, may or may not be appropriate in particular zoning districts. The conditional use requirement is intended to allow for the integration of certain land uses and structures within the City of Manitou Springs on recommendations imposed by the City Council and Planning Commission. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses and