

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

on the basis of all zoning, subdivision and other Ordinances applicable to the proposed location and zoning district.

Conditional uses shall not be allowed where with condition would create a nuisance, traffic congestion, a threat to the public health, safety, or welfare of the community or a violation of any provision of the Design Guidelines of the City of Manitou Springs, City Code, State Law, rule or regulation promulgated pursuant thereto.

#### 18.30.020 APPROVAL REQUIRED

Conditional use approval shall be required for those uses not specifically permitted in the particular zone district. Conditional uses may be revoked upon failure to comply with conditions of approval for the conditional use.

#### 18.30.030 DETERMINATION

In considering any conditional use, the Planning Commission and City Council shall consider all public comments, testimony and evidence pertinent to the proposed use, and shall impose such requirements and conditions necessary for the public welfare and achievement of the Rainbow Vision Plan and community goals and objectives, which may include a specific time limit on the use.

#### 18.30.040 PROCESSING OF CONDITIONAL USES

A. APPLICATION - letter stating the existing use and proposed use.

A person having an interest in the property to be developed shall file an application for approval of a conditional use. The application shall be made on a form provided by the City of Manitou Springs.

#### B. PRE-APPLICATION CONFERENCE

A pre-application conference shall be held with the City Planner in order for the applicant to:

1. Become acquainted with the conditional use requirements and other related City requirements; and
2. Obtain a checklist of what the application shall include plus additional documentation that may be required as set forth in **Chapter 18.08** "Specific Zone Designations, **Chapter 18.14** "Planning Permission", and **Chapter 18.72** "Major Development Plan."

#### C. DOCUMENTATION REQUIRED

The application for conditional use shall include all documentation specified as follows:

1. Site map indicating existing structures and their current uses; and existing surrounding structures and land uses.
2. A written statement of intent explaining the objective to be achieved by the development and a description of the possible impacts, both positive and negative, of the development;
3. Traffic analysis indicating anticipated average daily traffic volumes, if required by the City;
4. Any other information that may be required in order for Planning Commission to make an informed recommendation as determined by the City Planner

5. Applicant must submit evidence that surrounding property owners within 100' of subject property, excluding adjacent rights-of-way, have been notified by first class mail with proof of mailing.
6. Fiscal and operational impacts of new development and use conversions, such as residential conversions to reduced or non-contributing tax base uses, shall be evaluated for the City's ability to provide and maintain services and infrastructure necessary to support such development.

#### D. REVIEW PROCEDURE AND APPROVAL

##### 1. PUBLIC HEARING

Submitted materials are reviewed by the Planning Department for completeness and, if found substantially so, placed on the Planning Commission agenda for public hearing. After consideration of staff, professional/technical, agency and public comment, the Planning Commission will make recommendations and refer the request(s) to the City Council at its next regular meeting following the completion of the summary of action and the submittal of any additional information or plans by the applicant.

##### 2. BASIS FOR ISSUANCE OF A CONDITIONAL USE PERMIT

The Planning Commission shall not recommend a conditional use unless evidence is presented to establish that:

- a. The proposed use in its particular location is necessary or desirable to provide a service or facility that will contribute to the general welfare of the community.
- b. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor injurious to property or improvements in the community.
- c. The proposed use will comply with the regulations and conditions specified in the City Code for such use.
- d. The proposed use conforms to the goals and objectives of the City's Rainbow Vision Plan.
- e. The proposed use furthers the architectural and historical qualities and character of the community as set forth in the Manitou Springs Design Guidelines.
- f. The proposed use is compatible in function and design with surrounding land uses.

#### 18.30.050 FINAL APPROVAL

Final approval or disapproval of a Conditional Use Permit rests with the City Council. The City Council shall make their decision on the basis of recommendations by the Planning Commission. Unless construction is begun, a building permit issued or use commences within a period of one year from the date of conditional use approval, the conditional use approval shall expire.

#### 18.32 VARIANCES

##### 18.32.010 POWER TO GRANT VARIANCES