



MANITOU SPRINGS DEVELOPMENT REVIEW APPLICATION

606 Manitou Avenue, Manitou Springs, CO 80829 (719) 685-4398 Phone (719) 685-5233 Fax

ACTION NUMBER(S) _____

DEPOSIT SUBMITTED \$ _____

FEE(s): _____

+ 50.00 Documents Fee per request

REQUEST(s)

- | | | |
|--|--|---|
| <input type="checkbox"/> Major Conditional Use | <input type="checkbox"/> Minor Subdivision | <input type="checkbox"/> Vacation Plat |
| <input type="checkbox"/> Minor Conditional Use | <input type="checkbox"/> Subdivision Waiver | <input type="checkbox"/> Vacation of R-O-W |
| <input type="checkbox"/> Major Conditional Use (Telecom. Fac.) | <input type="checkbox"/> Annexation _____ (ft ² /acreage) | <input type="checkbox"/> Easement Vacation |
| <input type="checkbox"/> Minor Conditional Use (Telecom. Fac.) | <input type="checkbox"/> Rezoning | <input type="checkbox"/> Concept Plan |
| <input type="checkbox"/> Major Development Plan | <input type="checkbox"/> Flood Management: Development | <input type="checkbox"/> Medical Marijuana |
| <input type="checkbox"/> Minor Development Plan | <input type="checkbox"/> Flood Management: Variance | <input type="checkbox"/> Recreational Marijuana |

Major Subdivision (specify type)

- | | | |
|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Master Plan | <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Final Plat |
|--------------------------------------|---|-------------------------------------|

Variance (specify type and dimension/#)

- Front ___ Side ___ Rear ___ Height ___ Sign ___ Parking ___ Lot Size/Density ___

Material Change of Appearance Certification

- | | | |
|--|---|---|
| <input type="checkbox"/> Exterior Alteration or Remodel | <input type="checkbox"/> New Construction | <input type="checkbox"/> State Tax Credits |
| <input type="checkbox"/> Demolition Recommendation | <input type="checkbox"/> District Designation | <input type="checkbox"/> Property Designation |
| <input type="checkbox"/> Commercial <input type="checkbox"/> Residential | <input type="checkbox"/> Local <input type="checkbox"/> Nat. Register | <input type="checkbox"/> Local <input type="checkbox"/> Nat. Register |

Appeals (Not subject to Documents Fee)

- | | |
|--|---|
| <input type="checkbox"/> Appeal to Planning Commission | <input type="checkbox"/> Historic Sign Designation |
| <input type="checkbox"/> Appeal to City Council | <input type="checkbox"/> Appeal to Historic Preservation Commission |

PROPERTY ADDRESS: _____

CURRENT ZONE DESIGNATION: _____

***** Please read about the process on the back -- initial where indicated *****

APPLICANT NAME AND ADDRESS

 Phone() _____ Fax() _____
 Email _____
 Cell phone () _____

OWNER NAME AND ADDRESS

 Phone () _____ Fax () _____
 Email _____
 Cell Phone () _____

APPLICANT'S STATEMENT: I UNDERSTAND THE PROCEDURES THAT APPLY TO MY REQUEST AND ACKNOWLEDGE AN INCOMPLETE APPLICATION SHALL NOT BE PROCESSED OR SCHEDULED FOR PUBLIC HEARING UNTIL SUCH TIME AS IT IS COMPLETE. CITY ACCEPTANCE OF THE APPLICATION, FEE AND ANY ACCOMPANYING MATERIALS DOES NOT CONSTITUTE COMPLETENESS. I FURTHER AGREE TO REIMBURSE THE CITY FOR TECHNICAL AND PROFESSIONAL CONSULTANT EXPENSES THAT MAY BE INCURRED DURING THE REVIEW OF MY REQUEST. FAILURE TO REIMBURSE THE CITY FOR INVOICED EXPENSES CONSTITUTES AN INCOMPLETE APPLICATION. I UNDERSTAND AND ACKNOWLEDGE THE USE OR ACTION FOR WHICH APPROVAL IS REQUESTED IS NOT ALLOWED UNLESS THE PERMIT IS GRANTED. I UNDERSTAND A PRE-APPLICATION APPOINTMENT IS REQUIRED A MINIMUM OF 10 WORK DAYS PRIOR TO SUBMISSION DEADLINE. ALL APPLICATIONS AND MATERIALS SHALL BE SUBMITTED ELECTRONICALLY TO: planningdept@comsgov.com

APPLICANT'S SIGNATURE _____

DATE _____

OWNER'S STATEMENT: I HAVE READ AND AGREE TO THE ABOVE STATEMENTS. IN ADDITION, IF I AM NOT THE APPLICANT FOR THIS REQUEST, I FURTHER GIVE THE ABOVE DESIGNATED APPLICANT PERMISSION TO MAKE THE REQUEST ON MY BEHALF.

PROPERTY OWNER'S SIGNATURE _____

DATE _____



MANITOU SPRINGS DEVELOPMENT REVIEW PROCEDURES

The following information describes the process development review requests go through after an application is submitted:

The Monday after the submittal deadline each item is written in the Planning Department logbook, issued a request number, files are pulled, and agendas are drafted.

The Tuesday and Wednesday after submittal the information is distributed and assigned to a Planner, who briefly reviews the materials for completeness. Incomplete applications, for which completion within a short period of time is unlikely, are removed from the agendas. Public notice must be submitted to the local paper by Wednesday for publication a minimum of 10 days before the proposed meeting dates. Please note, due to this short timeframe, some requests may be advertised in anticipation of application completion or comment response within a sufficient timeframe to allow the request to move forward to the planned meeting date. Timely response is not always possible; therefore advertisement in the newspaper or appearance on the meeting agenda does not guarantee the Commission will hear the item.

The Friday after submittal the request is sent to both internal and external entities for review and comment. The property will be posted a minimum of 10 days prior to the posted meeting dates.

During the next week to two weeks, Applicants may be contacted either in writing or verbally with questions and requests for additional information. Comments from reviewers may also be forwarded for response. If comment is requested from Colorado Springs Utilities (CSU), then the Applicant must present a Review Submittal Form to CSU and pay the required fees before CSU comments are generated. Depending on the type of request and the issues raised during this internal and external comment period, the Planners may determine at any point whether or not a request is ready for a public hearing.

Outside agencies may charge an applicant directly for review and comments on any application.

Final review and scrutiny of the application is generally accomplished the week before the Commission meeting. Occasionally, an issue will be discovered that causes a postponement, however, most of the time, any remaining application issues are minor and will be noted in the Staff Report – giving the Applicant the opportunity to address these during the meeting.

For those items ready to move forward to the public hearing, the Planners finalize the Staff Reports and the meeting packets are compiled the Friday before the Commission meeting. Staff Reports are emailed or faxed to Applicants that provide this information. Due to the timing of mail delivery, Applicants not able to receive emailed or faxed information will be asked to make arrangements to pick up the Staff Report over the weekend. This helps to ensure adequate time for Applicants to review the report and, if they have questions, to contact the Planner.

The Monday and Tuesday before the Commission meeting the Planners typically review final details and information. Additionally, within this timeframe internal comments or questions may be finalized and information may be submitted by the Applicants in response to the Staff Reports.

Wednesday – Meeting Day! The Planners review the Reports and any supplemental information for presentation to the Commission beginning at 6:00 p.m.

Some items are reviewed and approved by the Commissions. Several kinds of requests require City Council approval. Please make sure you clearly understand which category your application falls into. Applicants, or their representatives, are expected to attend the Commission and the City Council meetings (as applicable). Failure to attend the required meetings will result in a postponement or indefinite postponement of the application.

Application approval does not take the place of processing building plans and permits, or other licenses that are required. Please familiarize yourself with the time period within which approvals are valid. Failure to reimburse the City for invoiced expenses will result in either the postponement of application review and/or the issuance of future permits and licenses.

_____ Applicant Initials

18.44.030 - Appeals.

A. Appeals of Administrative Decisions.

1. Appeals. Any person aggrieved by an administrative decision made by the planning director, or any other administrative official, pursuant to this Title 18, may file a formal appeal application with the planning department within ten days from the date of the decision. Publication and posting shall be required per Section 18.44.010. The planning commission shall hold a public hearing on the appeal upon the date so scheduled or upon the date to which the same may be postponed or continued.
2. Appealable Administrative Decisions. Administrative decisions that are appealable to the city planning commission are contained in Chapter 18.80.
3. Submittal Requirements for an Appeal of an Administrative Decision. In the written notice, the appellant must substantiate the following:
 - a. Identify the explicit code provisions which are in dispute; and
 - b. Explanation of why the administrative decision is incorrect based on the criteria in Section 18.44.030(A)(4).
4. Criteria for Review of an Appeal of an Administrative Decision.
 - a. Code was interpreted or applied erroneously; and
 - b. Granting the appeal is not a detriment to public health, safety or welfare.
5. Stays of Administrative Decisions. A perfected appeal shall operate as a stay of the administrative decision unless determined otherwise by planning commission.
6. Planning Commission's Decision on Appeal. After a public hearing, the planning commission shall have the power to affirm, reverse, modify, or remand for additional review of the administrative decision.
7. Failure to Appeal. The failure to appeal an administrative decision within the ten-day period shall be deemed to be a waiver of the right to appeal to the planning commission and a failure to exhaust administrative remedies.
8. Appeal Filing Fee. Any person pursuing an appeal pursuant to this subsection A shall be responsible for the payment of all fees, per the published fee schedule, and for the completion of all forms which may be prescribed by the planning director, or designee. Failure to pay any required fee or to properly complete any required form shall be deemed a waiver of the right to appeal.
9. Final Decision. Planning commission decisions under this Section 18.44.030(A) shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

B. Appeals of Planning Commission Decisions.

1. Notice of Appeal. Except as limited by Section 18.44.030(A)(9), any person may appeal to the city council any final decision of the planning commission in relation to this Title 18, by filing a written notice of appeal with the city clerk. The notice of appeal shall be filed with the city clerk no later than ten days after the action from which appeal is taken. Upon receipt of the notice of appeal required by this subsection B, the city clerk shall schedule the item for a city council meeting. Publication and posting shall be required per Section 18.44.010. The city Council shall hold a public hearing on appeals from the planning commission upon the date so scheduled or upon the date to which the same may be postponed or continued.
2. Submittal Requirements for Review of an Appeal of a Planning Commission Decision. In the written notice, the appellant must substantiate the following:
 - a. Identify the explicit code provisions which are in dispute; and

- b. Explanation of why that the planning commission decision is incorrect based on the criteria in Section 18.44.030(B)(3).
 3. Criteria for Review of an Appeal of a Planning Commission Decision.
 - a. Code was interpreted or applied erroneously; and
 - b. Granting the appeal is not a detriment to public health, safety or welfare.
 4. Stays of Planning Commission Decisions. A perfected appeal shall operate as a stay of the planning commission unless determined otherwise by city council.
 5. Postponement of Items on Appeal to the City Council. As a matter of course, an appellant may postpone the first scheduled council consideration of an appeal from a decision of the planning commission, made in accord with this subsection, to the next following regular council meeting. Request for any additional postponement shall be only for good cause shown to and found by the city council.
 6. City Council's Decision on Appeal. The city council shall have the power to refer any matter appealed back to the planning commission for further consideration or the city council may affirm, reverse or modify the action of the planning commission. The city council shall limit its consideration to matters raised on appeal, and shall hear no substantial new evidence from that presented to the planning commission. If the city council determines additional evidence is needed, it shall remand the matter back to the planning commission for further hearing and consideration.
 7. Failure to Appeal. The failure to appeal the decision of the planning commission within the ten-day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal to the city council for failure to exhaust administrative remedies.
 8. Appeal Filing Fee. The filing fee shall be per the published fee schedule. Failure to pay the fee according to the published fee schedule shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal.
- C. Appeals of City Council Decisions. On such appeals, the decision of the city council shall be final, and shall be subject to review as provided by law, unless the matter is remanded to the planning commission.

(Ord. No. 1517, § 5, 5-2-2017)