Town of Minturn
Development Review Process:
Guide To

Conditional Uses

This guide describes the ***Conditional Use Process****. This guide should be utilized in conjunction with the Town of Minturn Zoning Regulations, Town of Minturn Comprehensive Plan and the guide to Pre-Application Review.*

PLANNING AND ZONING DEPARTMENT

302 PINE STREET / PO BOX 309 MINTURN, COLORADO 81645

PHONE: 970-827-5645 FAX: 970-827-5545

http://www.minturn.org/government/zoning.html

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LAND DEVELOPMENT APPLICATION

TOWN OF MINTURN PLANNING AND ZONING DEPARTMENT
P.O. Box 309 302 Pine Street
Minturn, Colorado 81645-0309
Phone: 970-827-5645 Fax: 970-827-4262 Email: planner@minturn.org

APPLICANT:	ADDRESS:		SIGNATURE:
			NAME:
	PHONE:	FAX:	
	EMAIL:		TITLE:
OWNER(S) OF RECORD:	ADDRESS:		SIGNATURE:
			NAME:
	PHONE:	FAX:	
	EMAIL:		TITLE:
DEVELOPER:	ADDRESS:		CONTACT PERSON:
	PHONE:	FAX:	
	EMAIL:		
ENGINEERING FIRM:	ADDRESS:		CONTACT PERSON:
	PHONE:	FAX:	
	EMAIL:		

Presubmittal Date		**Presubmittal Planner:**	
Parcel ID Number		*(Example: 210326325001) from your full card printout*	
Address or Intersection			
Brief Legal Description			
Subdivision Name & Filing #			
Project Description			

	Existing	Proposed:
Zoning:		
Land Use:		
Total Acres:		
F.A.R./Density:		
Project Name:		
Related Case #'s:		

CASE TYPE

	PUD CDP: Concept Dev. Plan		PP: Prelim. Subdivision Plat		DRB – P: Des. Rev. Bd. Prelim		A-FP: Fence Permit
	PUD PDP: Prelim. Dev. Plan		FP: Final Subdivision Plat		DRB – F: Des. Rev. Bd. Final		A-MOD: Modification/Add
	PUD FDP: Final Dev. Plan		MS: Minor Subdivision		ADM: Admin. Des. Review		A-MIN: Minor Ext. Mod.
	PUD ASP: Admin. Site Plan		ASR: Admin. Subdivision Replat		A-SIGN: Admin. Sign Review		ANNEX: Annexation
	PUD FDP A: Amendment		V: Vacation of Easement		A-DIG: Admin. Dig Permit		TU: Temporary Use
	LU-V: Land Use – Variance		R.O.W. Vacation		A-DEMO: Admin. Demo Per.		CU: Conditional Use
	NU –V: Non Use – Variance		REZ -Rezoning –Straight Zoned		A-LTD: Admin. Limited Use		APPLS: Appeals

This section for OFFICE USE ONLY

Case No:		Case Mgr.		Case Eng.			
Fees Paid	Y	N	$	Dates Referred Out			
Dates to be Returned				Planning Comm Date:			

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SUBMITTAL REQUIREMENTS / CHECKLIST

App.	Staff	
☐	☐	**Name and Address of the Owner and/or Applicant** -- Statement proving the applicant has permission of the owner to make application and act as agent for the owner.
☐	☐	**Letter of Intent** (As Detailed as Possible) -- What is the Purpose of the Project including; Relevant Background, Current Status of the Site, All Proposed Uses and Structures, How the Proposal Differs from what Already Exists, Any Relevant Information Regarding Easements or Dedicated Tracts, etc.
☐	☐	**Application Form** (Please fill out the Form and Return with the Packet)
☐	☐	**Vicinity Map** -- Directional Map indicating how to get to the Property involved in the Request.
☐	☐	**Copy of Town Zoning Map with the Subject Parcel Indicated** -- Legal Description, Street Address, and other data identifying the site
☐	☐	**Map and/or Sketch Plan** (Please show as many of the following as possible) -- Current and Proposed Zoning, Maximum Densities/Units/Acreage, Building Heights and Setbacks, Natural Features, Amount and Location of Open Space, Street Lay-Out and Access, Internal Traffic Circulation, Type and Location of Proposed Uses (Retail, Single or Multi-Family Residential, Commercial, Industrial)
☐	☐	**Site Plan showing the Precise Nature of the Proposed Use** -- Includes Topography, Building Locations, Parking, Traffic, Circulation, Usable Open Space, Landscaped Area, Utilities, and Drainage Features.
☐	☐	**Site Plan Elements** -- Scale, North Arrow, Date Prepared, Proposed and Existing Street Pavement, Location and Width of Existing and Proposed Access Points, Location of Existing Driveways and Intersections, Approximate Location of Existing Wooded Areas and Rock Outcrops, Location and Type of Existing and Proposed Easements, Lot Dimensions and Area and Entire Site Acreage, Landscape Plan.
☐	☐	**Preliminary Building Plans and Elevations** -- Indicates Dimensions, General Appearance, Scale, and Interior Plan for the Buildings.
☐	☐	**Application Fee** (Non Refundable Application shall be Collected) -- Variance, Conditional Use, Temporary Use, Design Review Board, Concept Plan, Preliminary Plan, Final Plan, Preliminary Plat, Final Plat, Amended Final Plat, Minor Subdivision (6 lots or less), Vacation of Public Easements or Rights-of-Way.

PLANNING COMMISSION AND TOWN COUNCIL DEVELOPMENT REVIEW PROCESS

Applicants requesting a Design Review Board, Planning and Zoning Commission, and/or Town Council Review must submit to a pre-submittal conference and complete a formal application. The pre-submittal review process is completed within a period of 14 working days depending on the day of pre-submittal. The pre-submittal review provides valuable information regarding Town requirements for the formal application.

The public hearing process requires the Planning and Zoning Commission to review, consider, and render interpretations of Section 16 of the Minturn Municipal Code and the Official Zone District Map based upon an understanding of the purposes intended by the Town Council in its adoption.

The Town Planner shall have the following powers and duties:

- **Zoning Compliance** – To review, consider, and approve, approve with conditions, or deny applications for building permits, limited use permits, conditional use permits, and temporary use permits based on compliance with this Section.
- **Process Applications** – To receive applications for development permits for processing pursuant to the terms of Section 16 of the Minturn Municipal Code.

The public hearing process consists of five basic steps:

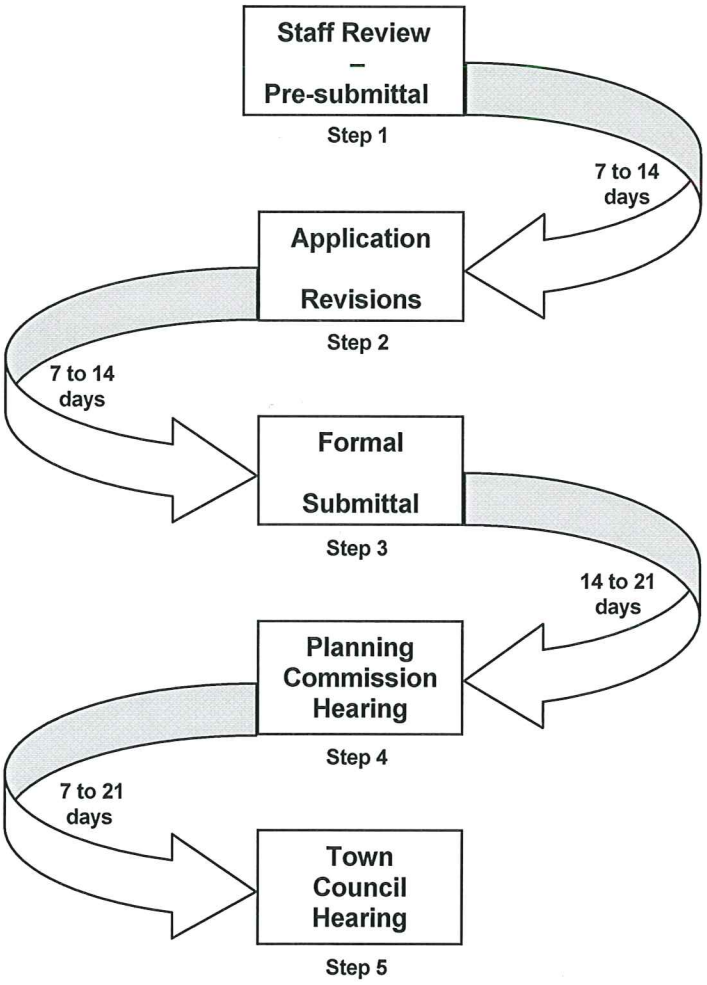
- **Pre-submittal Review by the Town Planner**
- **Application Revisions**
- **Formal Submittal**
- **Planning and Zoning Commission public hearing**
- **Town Council public hearing**

Once the formal application is submitted to the Town Planner, the process can proceed to the Planning and Zoning Commission then forwarded with a recommendation to the Town Council.

The flow chart to the right describes the ideal application process. The application can be stalled by a few factors:

- **Incomplete application materials**
- **Changes in application requested by the Planning Commission or Town Council**
- **Application being tabled for further discussion by the Planning Commission or Town Council**

There may be other factors that influence the timing of an application through the public hearing process, but the flow chart gives the applicant a basic understanding of the public hearing process.



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PURPOSE OF THE CONDITIONAL USE PERMIT

The purpose of Conditional Use Review is to recognize that some uses may or may not be appropriate in a particular zone depending upon the circumstances of the individual case and to allow review of such cases so that the Town is assured that these uses are compatible with their locations and surrounding land uses and will further the purposes of the Community Plan and The Minturn Zoning and Subdivision Regulations.

GENERAL REQUIREMENTS

As listed under the individual zone district regulations in the Minturn Zoning and Subdivision Regulations, Conditional Uses shall conform to all requirements listed in its respective Article in the Minturn Zoning and Subdivision Regulations.

APPLICATION PROCESS FOR A CONDITIONAL USE

Each application for a Conditional Use Permit shall be in writing on such forms and in accordance with such procedures as prescribed by the Town and shall be supported by documents, maps, plans and other material containing, at a minimum, the following information:

1. The name and address of the owner and/or applicant and a statement that the applicant, if not the owner, has the permission of the owner to make application and act as agent for the owner.

2. A copy of the Town zoning map or portion thereof, with the subject parcel indicated. A legal description, street address, and other data identifying the site will be required.

3. A description of the precise nature of the proposed use and its operating characteristics and measures proposed to make the use compatible with other properties in the vicinity.

4. A site plan showing proposed development of the site, including topography, building locations, parking, traffic, circulation, usable open space, landscaped area, utilities and drainage features.

5. Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance, scale, and interior plan of the buildings.

6. Such additional material as the Zoning Administrator may prescribe or the applicant may submit pertinent to the application. For example, the applicant may be required to submit an Improvements Location Certificate if there appear to be setback or property line encroachments.

ADMINISTRATIVE PROCEDURES FOR A CONDITIONAL USE PERMIT

1. Upon receipt of a completed and proper application, the Zoning Administrator shall set a public hearing for the Planning Commission and Zoning Board of Appeals and give public notice as required by this Chapter.

2. Criteria; Findings: Before acting on a Conditional Use Permit application, the Planning Commission and Town Council shall consider the following factors with respect to the proposed use:

   (a.) The relationship and impact of the use on the community development objectives of the Town;

   (b.) The effect of the use on distribution of population, transportation, utilities, schools, parks and recreational facilities, and other public facilities and public facility needs;

   (c.) The effect upon traffic, with particular reference to congestion, automotive and pedestrian safety, traffic flow and control, access, maneuverability and snow removal.

(d.) The effect upon the character of the area in which the proposed use is to be located, including the scale and bulk of the proposed use in relation to surrounding uses, the amount of noise, lighting & glare, dust and compatibility of the use with the character area it is in and surrounding areas.

(e.) **Necessary Findings**. The Planning Commission and Town Council shall make the following findings before making a recommendation or decision that a Conditional Use Permit be granted:.

1. That the proposed location of the use is in accordance with the purposes of this Chapter, the Community Plan and the purposes of the zone in which the site is located.

2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the proposed use will comply with each of the applicable provision of this Chapter.

CONDITIONAL USE PERMIT CONDITIONS AND PROCEDURE OF ISSUANCE

1. The Town Council may approve the application as submitted or may approve the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Article, or the Town Council may deny the application. A conditional use permit nay be revocable, may be granted for a limited time period, or may be granted subject to such other conditions as the Council may prescribe. Conditions may include, but shall not be limited to requiring special setbacks, open spaces, fences or walls, landscaping or screening and street dedication and improvements; regulation of vehicular access and parking, signs, illumination and hours and methods of operation; control of potential nuisance; prescription of standards for maintenance of buildings and grounds; and prescription of development schedules.

2. The conditional use granted shall be reduced to writing and signed by the applicant and the Town Administrator.