

SPECIAL REVIEW USE PROCEDURE

FOR THE

CITY OF LAS ANIMAS

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4.23.010 Purpose

- A. Although each zone is primarily intended for a predominant type of use, such as dwellings in residential zones, there are a number of uses which may or may not be appropriate in a particular zone, depending upon, for example, the location, nature of the proposed use, character of surrounding development, traffic capacities of adjacent streets, and potential environmental effect. These factors may dictate that the circumstance of development should be individually reviewed. It is the purpose of this Chapter to provide review of such uses so that the community is assured that they are compatible with their locations and surrounding land uses and will further the purpose of this title. Such use shall be referred to as a special review use.

4.23.20 Application/Filing Information

- A. An application for approval of a special review use must be filed on a form provided by the City with the City Clerk of Las Animas by a person having an interest in the property for which the special review use is requested and shall be submitted on a form provided by the City.

- B. The application must include:
 - 1. A non-refundable processing fee established by a Fee Setting Resolution by the Las Animas City Council, which shall be submitted with the application;
 - 2. A complete site plan showing major details of the proposed development consisting of the following: location of buildings and structures, off-street parking areas, off-street loading areas, service and refuse areas, means of ingress and egress, amount of traffic generated, major landscaping or screening proposals, signs, pedestrian areas, pertinent dimensions and drainage;
 - 3. A time schedule for development;
 - 4. Such other information as the Planning Commission requires; and
 - 5. Any other information the applicant believes will support his application.

4.23.030 Notice

- A. Written notice that a special review use application has been filed, and that it may be reviewed during regular office hours of the City Hall, will be sent to owners of property within three hundred feet of the property in question

4.23.040 Planning Commission Review/Recommendation

- A. The City Clerk shall forward the application to the Planning Commission.

- B. Within thirty (30) days after receipt of the application, the Commission shall hold a public hearing for consideration of the application. The Commission shall invite the Public Works Director to the hearing at which the application and accompanying documentation shall be reviewed. Owners of property within three (300) hundred feet of the property in question will be sent a

written notice of the date, time and place of the meeting at least fifteen (15) days prior to the hearing date.

- C. The recommendation of the Planning Commission shall be transmitted in writing to the City Council and to the applicant.

4.23.050 Public Hearing

- A. After receiving the written recommendation from the Planning Commission, the Council may hold a public hearing on the matter. The City Council may grant or deny any proposed special review use without a public hearing at a regularly scheduled public meeting.
- B. A notice of the public hearing shall be published in a newspaper of general circulation within the City at least fifteen (15) days prior to the hearing date.
- C. A written notice of the public hearing will be sent by first class mail at least fifteen (15) days prior to the hearing date to the property owners within three hundred feet of the property in question.
- D. The Council shall either approve the application, in whole or in part, with or without modifications and conditions, or disapprove the application. The decision of the Council shall be transmitted to the Planning Commission and to the applicant.

4.23.060 Site Plans

All approved site plans for special review uses, including modifications and conditions, shall be certified by the Council and made a permanent part of the zoning map by reference in official minutes of the Council.

4.23.070 Review of Decision/Right of Appeal

Any person applying to the court for a review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date of the decision and shall be required to pay the cost of preparing a transcript of proceedings.

4.23.080 Application—Approval Criteria

No special review use application shall be approved unless it is found that the application:

- A. Complies with all requirements imposed by this Chapter and with all applicable written rules; and

- B. Is consistent with the objectives and purposes of this Chapter and the meaning of the terms in this Chapter; and
- C. Is designed to be compatible with surrounding land uses and the area of its location.

4.23.090 Application—Imposed Modification and Conditions

In considering an application for a special review use, the Planning Commission and Council shall consider and may impose modifications or conditions concerning, by way of illustration and not limitation, the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria of this Chapter:

- A. Size and location of site;
- B. Internal traffic circulation and access to adjoining public streets;
- C. Designed to be compatible with surrounding land uses and the area and its location.

4.23.100 Modifications after Approval

No approved special review use may be substantially modified, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to initial approval of a special review use.

**CITY OF LAS ANIMAS
SPECIAL REVIEW USE PERMIT APPLICATION**

Applicant: _____ Date: _____

Address: _____ Zoning District: _____

State: _____ Zip Code: _____ Phone: _____

Proposed Use: _____

Application Contents

1. Description of proposed operation: _____

2. Proposed method of sewage disposal: Applicable _____ N/A _____

3. Proposed method of water supply: Applicable _____ N/A _____

4. Plot Plan (Attach if Applicable): Yes _____ No _____

5. Site Plan (Attach if Applicable): Yes _____ No _____

6. Soil Study (Attach if Applicable): Yes _____ No _____

7. A non-refundable review and processing fee of \$50.00.

8. Other comments: _____

FOR CITY USE ONLY

B. Application Review

1. City of Las Animas Planning Commission Recommendation

- a. Approval _____
- b. Conditional Approval _____
- c. Disapproval _____
- d. Comments _____

2. Public Hearing Date _____

3. City of Las Animas Council Decision

- a. Approval _____
- b. Conditional Approval _____
- c. Disapproval _____
- d. Comments _____

