

TOWN OF SNOWMASS VILLAGE

SPECIAL REVIEW APPLICATION

There are certain uses which, because of their unusual character and potential impact upon the use and enjoyment of neighboring property, cannot be classified into a particular district or districts without site specific consideration of their impacts upon neighboring lands and upon the public need for the particular use at the particular location. These uses require special review of their location, design, intensity, density, configuration, operating characteristics and impacts on public facilities, and may require the imposition of appropriate conditions to ensure the use will be compatible at a particular location and mitigates its adverse impacts.

Only those uses designated as a special review use in the underlying zone district in Article III of the Snowmass Village Municipal Code (the Code) and/or per a Final PUD Guide, may be approved by special review, after issuance of a permit in accordance with the procedures set forth herein. No approved special review use may be modified, structurally enlarged or expanded in ground area unless such modification, enlargement or expansion receives the prior approval of the Town, which approval shall be obtained by repeating the granting procedures herein provided.

GENERAL DATA REQUIREMENTS

Date:

Name of Owner: _____ Phone: _____ Email: _____

Address:

Name of Applicant (if different than owner): _____ Phone: _____ Email: _____

Address:

Physical Address of Property: _____

Legal Description: _____

EXISTING CONDITION INFORMATION

Present Use: _____

Present Zoning: _____

Lot Area (sq.ft.): _____

Allowable Floor Area Ratio per Zoning or PUD Plan: _____

Square Footage of All Areas Calculated as Floor Area by Code: _____

Existing Building Height (if applicable): _____

of Parking Spaces and Bedrooms (if applicable): _____

PROPOSAL DATA

(Only fill in those that apply)

Proposed Use(s): _____

Proposed Building Setbacks: _____

Proposed Floor Area: _____

Proposed Building Height: _____

Other: _____

DESCRIBE YOUR PROPOSED SPECIAL REVIEW

PROVIDE THE FOLLOWING ADDITIONAL INFORMATION

1. **Owner's Permission.** If the applicant is not the owner of the land, or is a contract purchaser of the land, the applicant shall submit a letter signed by the owner consenting to the submission of the application. If the applicant is not the sole owner of the land, the applicant shall submit a letter signed by the other owners, or an association representing the owners, consenting to or joining in the development application.
2. **Name, Address, Telephone Number and Power of Attorney.** The applicant's name, address and telephone number. If the applicant is to be represented by an agent, a letter signed by the applicant granting power of attorney to the agent shall be submitted, authorizing the agent to represent the applicant and stating the representative's name, address and phone number.
3. **Disclosure of Ownership.** A certificate from a title insurance company or attorney licensed in the State which shall set forth the names of all owners of property included in the application and shall include a list of all mortgages, judgments, liens, contracts, easements or agreements of record that affect the property. At the Town's option, the holders or owners of such mortgages, judgments, liens, contracts, easements or agreements of record may be required to consent to the application before it is acted upon by the Town.
4. **Vicinity Map.** An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map locating the subject parcel within the Town of Snowmass Village.
5. **Site Plan.** A site plan, showing proposed features that are relevant to the special review application.
6. **Improvements and Topographical Survey.** An improvements and topographical survey, showing the location and dimensions of all existing structures, streets, alleys, easements, drainage areas, irrigation ditches, public and private utilities and other significant features within the property, if determined needed at the pre-application conference.
7. **Other Information.** The Planning Director may request the applicant to submit such other information as is necessary to evaluate the impacts of the special review application. Examples of the information that may be requested are elevations of proposed new or remodeled structures, analysis of the traffic impacts of the proposed use, or evaluation of the environmental impacts of the proposed use.
8. **Other Maps.** All other maps required for the application shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or larger, on sheets no larger than thirty inches by forty-two inches (30" x 42"), with an unencumbered margin of one and one-half inches (1.5") on the left hand side of the sheet and one-half inch (0.5") around the other three (3) sides of the sheet. Sheets of twenty-four by thirty-six inches (24" x 36") are preferred. If it is necessary to place information on more than one (1) sheet, an index shall be included on the first sheet. Report-size versions of all maps, reduced to a sheet size of no greater than eleven inches by seventeen inches (11" x 17"), shall also be submitted.

9. **Base Fee.** The application shall be accompanied by the applicable base fee from the Planning Department Application Fee Agreement and fee schedule. The applicant shall reimburse the Town for such amounts in excess of the base fee as determined by the Planning Director. The reimbursement to the Town by the applicant shall be due and payable within fifteen (15) days of the date of billing.

NO APPLICATION WILL BE PROCESSED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

REVIEW STANDARDS

An application for a special review use shall comply with the following standards:

1. **Consistent With Comprehensive Plan.** The proposed use shall be consistent with the intent of the Town of Snowmass Village Comprehensive Plan.
2. **Comply With Standards of Development Code.** The proposed use shall comply with all other applicable standards of this Development Code, including, but not limited to:
 - a. **Zone District Standards.** The purpose of the zone district in which it is located, the dimensional limitations of that zone district, and any standards applicable to the particular use, all as specified in Article 3 of the Code.
 - b. **Development Evaluation Standards.** The applicable standards specified in Article 4 of the Code.
3. **Compatible.** The proposed use shall be appropriate to its proposed location and be compatible with the character of surrounding land uses in the area, and shall not adversely affect the future development of the surrounding area.
4. **Adequacy of Access.** Access to the site shall be adequate for the proposed use, considering the width of adjacent streets, their grades, intersection safety, visibility and entrance into the area to be developed. When appropriate, public transportation, or other public or private transportation services, and appropriate pedestrian facilities, shall be made available to serve the use.
5. **Design Minimizes Adverse Impact.** The design and operation of the proposed use shall minimize adverse impacts and shall not create a nuisance, considering such impacts as traffic congestion or traffic hazards, service delivery, parking and loading, trash removal, odors, noise, glare and vibration.
6. **Design Minimizes Environmental Impact.** The proposed use shall minimize environmental impacts and shall not cause significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
7. **Facilities.** There shall be adequate public facilities available to serve the proposed use, or the applicant shall propose necessary improvements to address service deficiencies that the use would cause. In particular, the applicant shall demonstrate that adequate water supply and sewage disposal service is available for the proposed use, including sufficient water pressure to provide for fire protection needs.
8. **Parking.** Sufficient off-street parking shall be provided for the proposed use.

REASONS FOR REQUESTING THIS SPECIAL REVIEW

1. Consistent with Comprehensive Plan:

2. Consistent with Standards of Development Code

a) Zone District Standards:

b) Development Evaluation Standards:

3. Compatible:

4. Adequacy of Access:

5. Design Minimizes Adverse Impact:

6. Design Minimizes Environmental Impact:

7. Facilities:

8. Parking:

REVIEW PROCEDURE

The following procedures shall apply to a special review application, (see attached figure Special Review Application Procedures).

1. **Pre-Application Conference.** Attendance at a pre-application conference is required prior to submission of an application for a special review permit.
2. **Submission of Application.** The applicant shall submit an application to the Planning Department.
3. **Staff Review.** Staff review of the application.
4. **Administrative Review Public Hearing.** A complete copy of the application shall be forwarded to the Planning Director, together with a copy of the staff review. The Planning Director shall hold a public hearing to consider the application, conducted pursuant to Section 5-160 (B) of the Code.
 - a. **Action by Planning Director.** Within three (3) days after the closure of the public hearing, the Planning Director shall approve, approve with conditions, or deny the application, considering the relevant materials and testimony.
 - b. **Referral to Planning Commission.** If, during the staff review or during the public hearing, any issues arise that cannot be resolved to the satisfaction of the staff or the applicant, then the staff shall refer the application within thirty (30) days to the Planning Commission, which shall approve, approve with conditions, or deny the application, based on the review standards. **Public notice** that an application for a special review use has been referred to the Planning Commission shall be given by publication, mailing and posting of notice.

Or,

5. **Action by decision-making body.** The following procedure shall apply to an application for special review if, due to its scale or potential impacts upon surrounding properties due to the nature and intensity of the proposed activity or use, it is determined by the Planning Director to warrant referral to the Planning Commission and Town Council for final determination.
 - a. **Planning Commission review.** A complete copy of the application shall be forwarded to the Planning Commission together with a copy of the staff review. The Planning Commission shall review the application, considering the relevant materials and testimony and the Review Standards and shall make its recommendations to the Town Council.
 - b. **Action by Town Council.** A complete copy of the application shall be forwarded to the Town Council, together with a copy of the staff review. Public notice that the Town Council will consider the application shall be given by publication, posting and mailing of the notice. The Town Council shall hold a public hearing to consider the application. The Town Council shall consider all relevant materials and testimony, shall consider the Review Standards, and shall approve, approve with conditions or deny the application.
6. **Conditions Authorized.** The Planning Director, the Planning Commission or Town Council may, in approving the special review permit, impose such restrictions and conditions on such approval, the proposed use, and the premises to be developed or used pursuant to such approval, as it determines are required by the Comprehensive Plan and the Code to prevent or minimize adverse effects from the proposed use and development on surrounding land uses and on the general health, safety, and welfare of the Town. The Town shall be authorized to set limits on the length of any special review permit that it issues and to obtain assurances that the ongoing operation of the use will comply with all of the applicant's representations and all conditions of approval, such as by requiring an annual compliance review. All conditions imposed in any special review approval, with the exception of conditions made applicable to such approval by the express terms of the Code, shall be set forth in the special review permit.

7. **Appeal.** A decision by the Planning Director or the Planning Commission on a special review application may be appealed, pursuant to Section 5-170 of the Code. The appeal shall be referred to the Town Council, which shall consider the matter pursuant to Section 5-170 (D) of the Code.
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MANNER AND TIMING OF PUBLIC NOTICE

Public notice shall be given by publication of notice in the newspaper, mailing of notice to property owners surrounding the subject property, and posting of notice on the property, as specified below.

1. **Publication of Notice.** Publication of notice shall be accomplished by the staff, who shall place a legal notice in a newspaper of general circulation in the Town. The legal notice shall state the date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing and shall be published once.
2. **Mailing of Notice.** Mailing of notice shall be accomplished by the applicant. The notice that the applicant shall mail shall be prepared by the Planning Director and provided to the applicant. Notice shall be sent by first class mail to all property owners located within three hundred feet (300') of the subject property fifteen (15) days prior to the public hearing date.
 - a. **Source of List.** The applicant shall compile the list of property owners to whom notice will be mailed by using the most current list of property owners on file with the Pitkin County Tax Assessor.
 - b. **Contents of Mailed Notice.** The notice that is mailed shall contain the following information:
 - i. **Description of Proposal.** A description of the proposed application, including a reference to the Code section under which the application will be processed and the name of the decision-making body that will conduct the hearing. An exhibit depicting the proposed development shall also be included.
 - ii. **Description of Property.** A description of the subject property.
 - iii. **Vicinity Map.** A vicinity map showing the location of the property within the Town.
 - iv. **Date, Time and Place.** The date, time and place of the public hearing for which notice is being given.
 - c. **Additional Hearings.** The written notice shall also state that additional public hearings may be held before the Planning Commission and/or Town Council at later dates, for which only published notice shall be required, and shall indicate that additional information regarding the proposal is available for inspection at the Town offices during normal business hours.
 - d. **Contact Person.** The address and telephone number of the Planning and Building Department, and the name of the person to whom written comments should be directed prior to the public hearing.
3. **Posting of Notice.** Posting of notice shall be accomplished by the applicant fifteen (15) days prior to the public hearing date. The applicant shall obtain a copy of the sign from the staff or shall use a form provided by the Planning and Building Department. The applicant shall enter onto the sign the

date, time, location and purpose of the public hearing, and the name of the decision-making body conducting the hearing. The applicant shall post the sign in a conspicuous location on the subject property. The dimensions of such posting shall be a minimum of twenty-two inches wide by twenty-six inches high (22" 26"). Lettering on the sign shall be a minimum of one-inch (1") in height. The materials to which the notice form is affixed shall be sturdy and waterproof or shall have a waterproof covering. The applicant shall maintain the sign in a legible manner until the closure of the public hearing and shall remove it on the day following closure of the public hearing.

4. **Validity of Notice.** If the applicant follows the procedures indicated above in good faith, the failure of any particular property owner to receive notice shall not affect the validity of the proceedings which require such notice.
5. **Proof of Notice.** At or before the actual public hearing, the applicant shall provide the Town with an affidavit certifying that notice was posted. A copy of the list of property owners to whom notice was mailed shall be attached to the affidavit. A photograph of the posted sign shall also be attached to the affidavit.

LENGTH OF PERMIT VALIDITY

A special review permit shall be valid for three (3) years from the date of its issuance. If, within three (3) years, the applicant shall not have obtained a building permit to develop the special review use, or shall not have placed the special review use into operation, if the use does not require a building permit, then the permit shall expire.

1. **Extension.** An applicant may request an extension of these expiration provisions. The request shall be submitted to the Planning Department and must be submitted prior to the date on which the permit is to expire. Submission of a request for an extension shall stay the expiration of the permit until such time as the extension request is approved or denied by the Town Council.
2. **Town Council Authority.** Authority to grant an extension of up to one (1) year shall be at the sole discretion of the Town Council, which shall consider whether it has been demonstrated that: (a) the applicant has diligently pursued the permit; (b) failure to proceed with the permit was beyond the applicant's control; and (c) there is a reasonable likelihood that the permit will be developed within the next year.