

TOWN OF WELLINGTON

CONDITIONAL USE

WELLINGTON, COLORADO 2008

Conditional Uses

Sec. 16-7-10. Purpose.

(a) In order to provide flexibility and to help diversify uses within a zoning district, specified uses are permitted in certain districts subject to the granting of a conditional use. Specific conditional uses for each zone district are listed in Article 6.

(b) Because of their unusual or special characteristics, conditional uses require review and evaluation so that they may be located properly with respect to their effects on surrounding properties. The review process prescribed in this Article is intended to assure compatibility and harmonious development between conditional uses, surrounding properties and the Town at large. Conditional uses may be permitted subject to such conditions and restrictions as the Town may prescribe to ensure that the location and operation of the conditional uses will be in accordance with the conditional use criteria. The scope and elements of any conditional use may be limited or qualified by the conditions applicable to the specific property. Where conditions cannot be devised to achieve these objectives, applications for conditional use permits shall be denied. (Ord. 11-2007 §1)

Sec. 16-7-20. Conditional use review process.

(a) Step 1: Optional preapplication conference. The applicant may attend a preapplication conference with the Town Administrator/Clerk. The purpose of the meeting is to discuss the conditional use submittal requirements and review process.

(b) Step 2: Conditional use application submittal. The applicant shall submit one (1) copy (twenty [20] copies of all plans and maps which are larger than 11" x 17") of the complete conditional use application package to the Town Administrator/Clerk and shall request that the application be reviewed by the Planning Commission and Board of Trustees. Conditional use requests shall include:

(1) A land use application form.

(2) A conditional use/technical criteria form.

(3) Title commitment. The title commitment must be current and dated no more than thirty (30) days from the date of conditional use application submittal.

(4) A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.

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

(6) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.

(7) Such additional material as the Town Administrator/Clerk may prescribe or the applicant may submit pertinent to the application.

(8) A surrounding and interested property ownership report. Provide a current list (not more than thirty [30] days old) of the names and addresses of the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, mineral and oil and gas lessees for the property and appropriate ditch companies. The applicant shall certify that the report is complete and accurate.

(9) A public hearing notification envelope. One (1) set of stamped, addressed, certified (return receipt requested) envelopes. The envelopes shall have the Town's address as the return address, and the envelopes shall be addressed to the surrounding property owners (within three hundred [300] feet of the property), mineral interest owners of record, O11 and gas lessees for the property and the appropriate referral agencies.

(c) Step 3: Conditional use application certification of completion and report to Planning Commission. Within a reasonable period of time, The Town staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application (as specified in the conditional use technical criteria form). The original application and all documents requiring a signature shall be signed in blue ink. After a complete application is received, the Town staff shall prepare a report to the Planning Commission explaining how the application is or is not consistent with the conditional use application review criteria.

(d) Step 4: Planning Commission review of the conditional use application. The Planning Commission shall hold a meeting to review the application and determine if the application complies with the conditional use review criteria. The Planning Commission will then recommend to the Board of Trustees approval, approval with conditions or denial.

(e) Step 5: Set conditional use public hearing date and notify public of hearing. The Town Administrator/Clerk shall send notice of public hearing to the applicant, all property owners of record within three hundred (300) feet of the property in question, all mineral interest owners of record, O11 and gas lessees for the property and the appropriate referral agencies no less than thirty (30) days before the hearing. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. The Town Administrator/Clerk shall also publish notice of the hearing in a newspaper of general circulation. The Town Administrator/Clerk shall prepare a public hearing notification sign to be posted on the property by the applicant. The hearing may be held no less than thirty (30) days from the date of property posting and newspaper publication. If the conditional use request is accompanying another application which is scheduled for public hearing before the Board of Trustees, one (1) public hearing may be held on both applications.

(f) Step 6: Board of Trustees public hearing and action on the conditional use. The Board of Trustees shall hold a public hearing on the conditional use application. Following the public hearing, the Board of Trustees may approve, conditionally approve or deny the conditional use application based on the conditional use review criteria. A conditional use permit may be revocable, may be granted for a limited time period or may be granted subject to conditions as the Board of Trustees may prescribe. Conditions may include, but shall not be limited to, requiring special setbacks, open spaces, fences or walls, landscaping or screening, street dedication and improvement, regulation of vehicular access and parking, signs, illumination, hours and methods of operation, control of potential nuisances, prescription of standards for maintenance of buildings and grounds and prescription of development schedules.

(g) Step 7: Record conditional use map. The Town Administrator/Clerk shall record one (1) original Mylar of the conditional use map in the office of the County Clerk and Recorder. The recording fee shall be paid by the applicant. (Ord. 11-2007 § 1)

Sec. 16-7-30. Conditional use review criteria.

The Town shall use the following criteria to evaluate the applicant's request.

(1) The conditional use will satisfy all applicable provisions of this Chapter and Chapter 17 of this Code unless a variance is being requested.

(2) The conditional use will conform with or further the goals, policies and strategies set forth in the Comprehensive Plan.

(3) The conditional use will be adequately served with public utilities, services and facilities (i.e , water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.

(4) The conditional use will not substantially alter the basic character of the district in which it is in or Jeopardize the development or redevelopment potential of the district.

(5) The conditional use will result in efficient on- and off-site traffic circulation which will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles m or adjacent to the site.

(6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall satisfactorily address the following impacts:

- a. Traffic;
 - b. Activity levels;
 - c. Light;
 - d. Noise;
 - e. Odor;
 - f. Building type, style and scale;
 - g. Hours of operation;
 - h. Dust; and
- Erosion control.

(7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained. (Ord. 11-2007 §1)

TOWN OF WELLINGTON
2017 SUBMITTLE DEADLINES

Submittle Deadline	Planning Commission Meeting 1st Monday of Each Month 7:00pm	Board of Trustees Meeting 4th Tuesday of each month 7:30pm
November 21, 2016	January 9, 2017	January 24, 2017
December 19, 2016	February 6, 2017	February 28, 2017
January 23, 2017	March 6, 2017	March 28, 2017
February 27, 2017	April 3, 2017	April 25, 2017
March 20, 2017	May 1, 2017	May 23, 2017
April 24, 2017	June 5, 2017	June 27, 2017
May 22, 2017	July 3, 2017	July 25, 2017
June 26, 2017	August 7, 2017	August 22, 2017
July 31, 2017	September 11, 2017	September 26, 2017
August 21, 2017	October 2, 2017	October 24, 2017
September 25, 2017	November 6, 2017	November 28, 2017
October 23, 2017	December 4, 2017	December 12, 2017
November 27, 2017	January 8, 2018	January 27, 2018
December 22, 2017	February 5, 2018	February 27, 2018

Plan must be reviewed and approval recommended by the Planning Commission prior to review
by the Board of Trustees.

TOWN OF WELLINGTON

LAND USE CODE

Land Use Application Form

APPLICATION AND DECISION RECORD

FOR A CONDITIONAL USE

A Conceptual Plan Submission Requirements.

1. Applicant's Name _____
Address _____
Mailing address _____
Email _____ Telephone number: _____

2. Legal description of the property proposed for the land use change.

3. Existing Zoning District _____
Proposed Zoning District _____

4. Give a brief nonlegal description of the existing land use of the site and of the general character of the use of adjacent lands.

5. Give a brief nonlegal description of the proposed land use.

6. Provide a sketch plan of the proposed land use change, including a site analysis consisting of a map, plot plan or diagram showing the total acreage, abutting landowners and land uses, streets, highways, utilities that will service the proposed development: and major physical features, including drainage and the location of natural hazards [attach maps and sketches as necessary]

7. Provide an elevation drawing of the propose structure(s) showing height and describing the exterior materials. [attach drawings as necessary]

8. Describe how this proposed change would fit with the current zoning

9. Provide other information that the applicant believes will assist the Planning Commission and the Board of Trustees in making a fair decision. (attach additional sheets as necessary)

Signature of the Applicant:

_____ Date _____

TOWN OF WELLINGTON

LAND USE CODE

Form D-5

AGREEMENT

FOR PAYMENT OF REVIEW EXPENSES

THIS AGREEMENT, made and entered into this ___ day of _____ A.D. by and between the TOWN OF WELLINGTON, COLORADO, a municipal Corporation, hereinafter referred to as 'the Town,' and _____ hereinafter, referred to as 'the Applicant,'

WITNESSETH:

WHEREAS, the Applicant is the owner of certain property situated in the County of Larimer, State of Colorado, and legally described as follows, to-wit:

WHEREAS, the Applicant desires to develop said property and has made application to the Board of Trustees of the Town of Wellington for approval of

_____ : and

WHEREAS, the Parties hereto recognize that the land use fees as specified by the Municipal Code of the Town of Wellington may not be adequate to fully cover the Town's expenses in considering the referenced application, including, but not limited to, legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

NOW, THEREFORE, in consideration of the premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. FULL AND SEPARATE ACCOUNTING OF REVIEW EXPENSES.

The Town will maintain separate accounts of all monies expended as a result of the review of the above referenced application. Statements of expenses incurred will be made available to the Applicant monthly throughout the time the application is being reviewed by the Town. Expenses charged to the applicant's account shall include, but shall not be limited to legal publications, engineering services, attorney fees, consultant fees, reproduction of material and public hearing expenses.

2. EXPENDITURE OF FEES PAID BY THE APPLICANT.

The Town shall expend the monies collected from the Applicant in the form of land use fees, in the payment of expenses incurred in the review of the Applicants request, including but not limited to, fees charged to the Town for legal publications, engineering services, attorney services, consultant services,

reproduction of material and public hearing expenses Only after all expenses incurred in the review of the Applicant's request have been paid, may these monies be used for other purposes as determined by the Town

3. PAYMENT OF REVIEW COSTS BY THE APPLICANT.

In the event that the Town incurs expenses for the review of the Applicant's request greater than the monies collected from the Applicant in the form of land use fees, the Applicant shall reimburse the Town for the additional expenses. Said reimbursement shall be made within ten (10) days of the Town submitting an invoice for the expenses Failure by the Applicant to pay within the specified time shall be cause for the Town to cease processing the application and/or deny approval of the application.

4. APPLICATION TERMINATION.

Except where the law or an agreement with the Town provides otherwise, the Applicant may terminate his application at any time by giving written notice to the Town. The Town shall immediately take all reasonable steps necessary to terminate the accrual of costs to the applicant. e.g. notify newspapers to cancel publications, etc. The Applicant will continue to be liable for all costs reasonably incurred by the Town prior to, and after, submitting a notice of termination.

5. COLLECTION OF FEES AND COSTS.

If the Applicant fails to pay the fees required herein when due, the Town may take those steps necessary and authorized by law to collect the fees due. The Town shall also be entitled to all court and attorney's fees, other costs incurred in collection and interest on the amount due at the rate of 18% per annum.

IN WITNESS WHEREOF, the Town and the Applicant have caused this Agreement to be duly executed on the day and year first above written.

THE APPLICANT

Signature _____

TOWN OF WELLINGTON

Signature _____

ATTEST:

Town Clerk