



SPECIAL REVIEW USE

User's Guide

**NOTE: FOR DETAILED PROCEDURES,
REFER TO CHAPTER 7 OF THE
UNIFIED DEVELOPMENT CODE**

**Town of Erie
Planning & Development – Planning Division
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This document is available on our web site. Go to <https://erieco.gov/111/Planning-Division>
Click on Development User Guide & Fees> Scroll down and click on Special Review Use

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Purpose

This Section provides a discretionary approval process for Special Review Uses, which have unique or widely varying operating characteristics or unusual site development features. The procedure encourages public review and evaluation of a use's operating characteristics and site development features and is intended to ensure that proposed Special Review Uses will not have a significant adverse impact on surrounding uses or on the community at large.

Relationship to Site Plan Requirements

Coordination with Review of Site Plans

If a Site Plan is necessary for the proposed Special Review Use, then the Site Plan and the Special Review Use applications shall be processed concurrently. In such cases, the Board of Trustees shall be the final decision-making entity for both the Site Plan and the Special Review Use.

Process Summary

The following is a summary of the typical Special Review Use process.

Comments/Review-

Development Review Team Meeting (DRT):

The Project Planner will schedule a Development Review Team Meeting (DRT) after the referral agency review period is over. At the DRT meeting the Project Planner discusses the review comments from all review agencies and discusses the neighborhood meeting comments with the DRT attendees. The DRT meeting typically includes Planning & Development, Public Works staff, Parks & Recreation Administrative staff, the Building Official, Town consultants, and the Fire Marshall. The DRT Meeting does not include the Applicant. If the applicant would like to explain the application to the Project Planner before the DRT meeting they should contact the Project Planner to set up a separate meeting before the DRT meeting is held. After the DRT meeting, the Project Planner will compile all of the staff and referral comments for distribution to the applicant.

Applicant Receives DRT/Referral Comments:

The Project Planner will provide the Applicant with a copy of all the staff and referral comments from the review of the application submittal packet. A meeting between staff and the applicant may be held to review the staff and referral comments. The applicant may also meet directly with the agency(ies) that have expressed concerns with the application. The Project Planner should be included in meeting or correspondence with referral agencies.

Applicant Revisions Submitted/Resolution of Issues Complete:

The Applicant shall address, in writing, all issues and deficiencies identified in the staff and referral comments. To continue the process in a timely fashion, the applicant must complete the requested revisions and resubmit the revised application submittal packet for a second review by the Project Manager and any applicable referral agencies as quickly as possible. If an Applicant fails to submit required information for a period of more than six months from the initial request, the applicant shall become void and the resubmittal of a new application and fees will be required.

The revised application submittal packet will be reviewed by Project Planner at a DRT meeting after any further referral agency comments are received on the revised application submittal packet. The Project Planner shall provide the Applicant with a copy of the staff and referral comments from the second review and will indicate whether or not the application has resolved all of the issues raised in the comments. If the issues have not been resolved, then the application goes back to the **Applicant Submits Referral Packets** portion of the process for another round of reviews. Additional fees may be charged for resubmittals that do not address comments. If the issues have been resolved, then the application goes forward to the **Schedule/Notice Public Hearing for PC and BOT** portion of the process.

Schedule/Notice Public Hearing for PC and BOT:

The Project Planner shall notify the Applicant when the application is ready for public hearing with the Planning Commission and Board of Trustees. The Project Planner will schedule the first available Planning Commission hearing date based on public hearing notification requirements and room on the PC agenda. The Board of Trustees public hearing date will be scheduled by the Project Planner for the first available hearing date that is a minimum of 20 days after the PC hearing.

Both the PC and BOT public hearings require public hearing notification in the form of notice published in the newspaper, notice mailed, and notice posted on the property by sign. Full detail of the notice process can be found in Municipal Code Title 10 Unified Development Code Section 7.2.G.

Planning & Development shall have the public notice published in the newspaper at least 15 days before the public hearing. The Applicant is responsible for providing the correct legal description of the property to the Town before the notice is sent to the newspaper for publication.

The Applicant shall provide Planning & Development with a current (prepared within 30 days of the scheduled public hearing) list of property owners within 500 feet of the application property area and any associated homeowners associations. Additionally, the Applicant shall provide a stamped and addressed envelopes for each entity identified on the list for each public hearing. Planning & Development shall mail the public notice at least 15 days prior to the public hearing.

Planning & Development shall provide the Applicant with signs to be posted on the property for public hearing notice. The applicant is responsible for posting the signs at least 15 days before the public hearing, checking on the signs to make sure they remain in place, and to remove the signs within two days after the meeting. Before the public hearing the applicant shall submit to Planning & Development a notarized affidavit, on the Town form, stating that the notice was posted and maintained.

Planning Commission (PC) Public Hearing:

The Planning Commission shall hold a public hearing on the proposed Special Review Use, and shall recommend that the Board of Trustees approve, approve with modifications or conditions, or deny the application, based on the applicable approval criteria.

Board of Trustees (BOT) Public Hearing:

The Board of Trustees shall review the Special Review Use application at a scheduled and noticed public hearing. The Board shall consider the Planning Commission's recommendations and approve, conditionally approve, or deny the application, request that the application be further reviewed by the Planning Commission, or table the application for further review, based on the applicable approval criteria.

Approval Criteria

See Unified Development Code, Section 10.7.11.C.2 of the Erie Municipal Code

Step 1: Submittal Requirements

All submittals shall be sent to the Planning Division electronically. To request an upload link, please submit your request to planningapplication@erieco.gov. Please contact the Planning Technician at 303-926-2770 if you have any questions. **Applications will not be accepted for review unless all information is submitted.**

1. **Completed Land Use Application (signed and notarized).** [Land Use Application](#)
2. **Application fee.** See Application for fees.
3. **Proof of ownership** that includes an updated or current title insurance policy or title commitment issued no more than thirty days prior to the date of application.
4. **A notarized letter of authorization** from the landowner(s) permitting a representative to process the application, when the landowner is not the applicant.
5. **Copies of any special agreements**, oil/gas surface use agreements, conveyances, restrictions, or covenants that will govern the use and/or maintenance of the proposed development, or a statement that no such agreements exist.
6. **Copy of an ALTA/ACSM Land Title Survey**, for the entire property of the proposal. The survey shall include all above ground and below ground improvements, (i.e. utility lines, existing structure footprints, oil and gas facility equipment, oil and gas flow lines, distribution lines, etc.). Each survey shall be updated to reflect the current title work for the property, referenced in submittal item 3.
7. **Written narrative**, describing the proposed development which at a minimum provides the following information:
 - a. General project concept and purpose of the request;
 - b. Proposed development time-line;
 - c. How the proposal relates to the existing land-use of the subject property and the zoning and land-use of adjacent properties, including statements describing areas of compatibility and conflict and the mitigation measures utilized;
 - d. How the proposal complies with the Town's Comprehensive Master Plan and approval criteria of the Municipal Code Title 10 -UDC; and
 - e. A description regarding the status of mineral rights and the substance of any existing or proposed covenants, special conditions, grants of easements, or other restrictions applying to the proposed subdivision.
8. **A Management/Operational Plan** shall be provided that addresses all aspects of the day-to-day operation of the Special Review Use. The degree of detail will depend upon the specific use. At a minimum the plan shall include:
 - a. The number of clients, boarders, parishioners, animals etc.;
 - b. The hours of operation, whether the use is seasonal and the number of days per week;
 - c. Number of employees;
 - d. The required outside storage, parking and loading area; and
 - e. The permit requirements from County, State or Federal agencies.
9. If applicable, **Site Plan exhibits** and other Site Plan submittal requirements shall be prepared in accordance with the Site Plan User's Guide.
10. **Development Reports/Studies:** The following development reports, studies and plans shall be prepared to adequately portray the physical characteristics of the property unless waived by the Planning & Development Director:

- a. An Assessment of Impact Report, detailing the impact the proposed development may have on Town, County, Special District, and utility facilities and services, including but not limited too: water and wastewater; open space and recreation; law enforcement and fire protection; schools; and general utilities (electric, gas, telephone).
- b. A Phase III Drainage Report and Plan prepared by a registered professional engineer showing the final proposed drainage system, design details and calculations.
- c. A Traffic Impact Study or narrative detailing the transportation network and establishing the availability and adequacy of the system consistent with the Town of Erie's Comprehensive Master Plan and Transportation Plan.

Any additional information or referral documents as required by the Planning & Development Director, in order to thoroughly review the impacts of the proposed development.

File Naming Conventions

Submittal materials shall be submitted electronically with file names consistent with the Town's User Guides. Each PDF should be submitted as an individual document and not as one combined PDF.

See naming convention example:

- 1 - Completed Land Use Application (Signed/Notarized)
- 2 - Application Fee
- 3 - Written Narrative
- 4 - Proof of Ownership
- 5 - Notarized Letter of Authorization
- 6 - Special Agreements
- 7 - ALTA
- 8 - Minor Plat Amendment
- 9 - Phase III Drainage Report
- 10 - Development Agreement

Links to Online Resources

1. Unified Development Code
[Unified Development Code](#)
2. Land Use Application
[Land Use Application](#)
3. Development Agreement Templates, Exhibit B Templates, Letter of Credit Template, Street Naming and Addressing Policy
[Standard Forms & Templates](#)
4. Town of Erie Standards of Specifications
[Town of Erie Standards and Specifications](#)
5. Town of Erie Parks and Trails Master Plan
[Parks, Recreation, Open Space, and Trails Master Plan](#)
6. Public Improvement Permit Application
[Public Improvement Permit Application](#)