



SPECIAL USE PERMITS

WHAT IS A SPECIAL USE PERMIT?

All properties within the City of Wheat Ridge are zoned. Zoning regulates what land uses are allowed and establishes rules for how property can be developed. There are many different zone districts within the City including residential, commercial and industrial. Each zone district lists both permitted uses and special uses. Permitted uses are allowed uses “by right”. Special uses are land uses that may or may not be compatible with the surrounding neighborhood and require a special review to ensure there will be minimal impact.

The special use permit (SUP) process is the process by which a proposed special use is reviewed and approved. Factors under consideration for review of a special use can include design of the property, operation of the special use and whether there is a void in services in the neighborhood that the special use will fill.

Special Use Permits have the ability to be approved to:

- Run with the land in perpetuity.
 - Allows the use to be permanently permitted on the property.
- Be granted to the owner or specific user of the property.
 - The Special Use Permit expires at the change of ownership or tenants
 - If granted to a property owner, ability of the special use has the ability to be inherited by the tenants.
- A specific amount of time after which the use would expire.

THE SUP REVIEW PROCESS

All Special Use Permit applications BEGIN as an administrative process. This means that every Special Use starts without the requirement of having any public hearings before City Council or other board. However, a City Council hearing may be required. Read the process guide below for further information.

Prior to application for an SUP, the applicant will need to schedule a pre-application meeting. Staff has initiated this meeting as a means of reviewing the proposal and to provide input on the amendment process and requirements. There is a \$200 fee for the pre-application meeting.

After the pre-application meeting, but prior to application, the applicant will need to hold an informal neighborhood meeting. The purpose of the meeting is to provide the opportunity for citizens to become aware of the proposed use in their neighborhood, and to allow the applicant to respond to citizen concerns regarding the proposed project. All residents and property owners within 600 feet will need to be notified of the meeting. Staff will provide the applicant with the notification list of all properties and property owners within the 600 foot radius. It will be the responsibility of the applicant to coordinate with staff to notify area residents of the date, time, and location of the meeting. There is a \$100 fee for the neighborhood meeting.

A staff planner will attend the meeting to discuss City policy and regulations, and the process involved; however, the planner will remain impartial regarding viability of the project.

SUBMITTAL REQUIREMENTS

Once the neighborhood meeting is held, a formal application may be submitted. Please refer to the Site Plan Checklist for all submittal requirements; staff is unable to accept incomplete applications.

Applications must be submitted BY APPOINTMENT with a planner.

SUBMITTAL REVIEW

When the application is submitted, a staff planner will be assigned to handle the case. This person is the project manager for the case and will be the contact at the City throughout the entire SUP process.

The case manager will review the submittal application for content. If all submittal requirements have been met, the proposal will be referred to outside service agencies (Xcel Energy, water district, fire district, etc.) and other City agencies (Public Works, Economic Development, etc.) for their review and comment, generally for a period of 15 days. After all comments have been received, the case manager will forward those to the applicant.

Modifications to the Special Use Permit application may be required as a result of these comments.

ADMINISTRATIVE APPROVAL

If the application does not require a referral to other departments or after comments by the referral agencies have sufficiently been addressed, a neighborhood notification and 10-day property posting period is required. The posting and notification inform the surrounding neighborhood of the request.

The Community Development Department will prepare a sign that must be placed on the property by the applicant. In addition to the sign being posted, the Community Development Department will simultaneously notify adjacent property owners of the request. During the 10-day posting and notification any person may submit objections, concerns or comments in writing to the Community Development Department.

If no written objections to the SUP request are received during this 10 day period, the Community Development Director can take action on the SUP application without requiring a Public Hearing before City Council. The Community Development Director can approve, approve with conditions, or deny the SUP. Conditions of approval may be placed upon the SUP to ensure that the special use will have a minimal impact on the surrounding area.

If the SUP is denied by the Community Development Director, the applicant may appeal the decision to the City Council.

Upon receipt of a written objection, the SUP request will be heard by the City Council through a public hearing process. Any written objections received during the 10-day posting must be directly related to the Special Use request. Objections regarding existing land use conditions or issues not related to the request will not be considered a valid reason for objection. A public hearing would also be required upon the appeal by an applicant of a decision by the Community Development Director

CITY COUNCIL HEARING

Fifteen days prior to the hearing the Community Development Department will prepare the sign that must be placed on the property by the applicant informing citizens of the public hearing. The sign must remain in place until 5:00p.m. the day of the hearing. In addition to the sign being posted, the Community Development Department will simultaneously notify property owners within a 600 foot radius of the hearing by certified letter.

At the hearing, a staff report will be presented to the City Council by the case manager. After the staff report is presented, the applicant and members of the audience will be given a chance to give testimony regarding the application. The City Council can approve, approve with conditions, or deny the SUP.

NEXT STEPS

Depending on the nature of your special use approval, you may need to proceed with building permit applications. A decision of approval by the Community Development Director or City Council relates only to the use of the property. There may be other city departments or outside agencies which may need to be addressed once the special use is granted.

Please be aware that this information is only a general overview of the process and submittal requirements for the Special Use Permit Process. There may be additional requirements specific to each case and the overall length of the process can vary greatly depending on the circumstances of the case. As each SUP request is different, the purpose of the aforementioned pre-application meeting is for staff to review conceptual plans and give the applicant more information specific to his or her proposal.

QUESTIONS?

Contact the Community Development Department at 303-235-2846.