

# **PUBLIC HEARING PROCEDURES**

**These procedures follow the Public Hearing Development Review Process flow chart.**

## **PRE-APPLICATION**

### **1. PRE-APPLICATION CONFERENCE:**

A pre-application conference with Land Use Review staff is mandatory for most applications. To be scheduled for a pre-application conference, submit the [pre-application form](#) to the Land Use Review Division. This form can be faxed to 719-385-5767. The form will then be assigned to a planner based on the [geographic area](#) in which the project is located. During the pre-application conference, the planner assigned to review the application will:

- Identify the planning issues which must be addressed within the project design (Note: Additional issues may arise as the application is formally reviewed).
- Identify reports that must be completed prior to and submitted with the formal application submittal. These can include a Traffic Study, Land Suitability Analysis, Drainage Study and a Geological Hazard Study.
- Decide if the applicant will be required to present the development proposal to the LDTTC (Land Development Technical Committee).
- Identify internal and external agencies to review the formal application.
- Decide if a neighborhood meeting is required prior to formal submittal of an application.
- Identify applications to be submitted along with appropriate [project checklists](#) and number of copies required for submittal documents.

### **2. LDTTC**

This meeting is held to identify any internal department issues. The City Departments represented include Traffic Engineering, Subdivision Engineering Review Team (SERT), Fire, Water, Wastewater, Parks, Enumerations, Floodplain, Transit, Police and E-911. These attendees will outline any issues that are identified at the initial stage of the process and any documents or reports that should be included with the formal submittal. This group meets every other Wednesday at 8am. If the Planner identifies that a presentation is required to be made at LDTTC:

- Land Use Review staff will notify the applicant of the date of the meeting along with the amount of time allotted for their presentation.
- Neighborhood representatives are allowed to attend this meeting for informational purposes, but are not allowed to make presentation.
- After the LDTTC meeting the planner will outline the major issues raised by LDTTC agencies. This issues list will be sent to the applicant. The applicant is required to address all issues in their formal development submittal.

### **3. PRE-APPLICATION NEIGHBORHOOD MEETING AND POSTER NOTIFICATION**

The project planner may determine that a pre-application neighborhood meeting or general posting is required prior to formal submittal. If a neighborhood meeting is required at pre-application:

- The applicant is responsible for proposing a day, time and meeting place for the neighborhood meeting. These details will be approved by the reviewing planner so that the planner is available to attend the meeting. It is usually recommended that notification be sent **at least** 10 days prior to the meeting and that the meeting be held at or near the project property.
- The assigned planner will facilitate the meeting with assistance of the applicant. After the meeting, the planner will provide the applicant with an issues list as expressed by neighbors. The applicant is required to address all issues in their formal development submittal.
- Public notification of the required meeting or general notification without a meeting will be sent. The planner will set the notification which is usually neighbors within 150, 500 or 1,000 feet of the subject property. The Land Use Review Division will coordinate with the applicant on the required [postage amount](#). The postage must be paid prior to the City's mailing of the pre-application meeting notices.
- A public notice poster may be provided to the applicant at the time of the pre-application meeting. There are two scenarios for the pre-application poster and posting of the property:
  1. The site is posted in conjunction with the required pre-application neighborhood meeting. This poster outlines the day, time and place of the meeting.
  2. The site can be posted without the requirement of the pre-application neighborhood meeting. In this scenario the poster will outline the project details. Comments on the project will be directed to the planner and forwarded to the applicant.

If a pre-application poster is required, the site must be posted a minimum of ten (10) consecutive days prior to the submittal of the development application. All posters should be posted in a very visible location on the site, which can be viewed by passing motorists and/or pedestrians without trespassing. The applicant is required to submit an [affidavit](#) to the reviewing planner which affirms that the proposed site was appropriately posted. The applicant must check the site occasionally to confirm that the property continues to be posted throughout the posting period. If the poster is no longer in good shape or has disappeared from the site, please contact the Land Use Review Division at 719-385-5905 for a replacement poster.

#### **4. FORMAL APPLICATION SUBMITTAL**

The reviewing planner will give authorization to submit after all pre-application issues have been addressed. A submittal meeting with the planner will be required.

### ***INTERNAL REVIEW***

#### **1. FORMAL SUBMITTAL**

After the pre-application stage has been completed, the project planner will authorize formal submittal for the proposed project. The [application](#) must be

submitted with the project statement addressing any issues raised at pre-application along with the applicable reports and [checklists](#). [Fees](#) are collected at time of submittal. Incomplete applications will not be accepted.

The Land Use Review Division maintains an internet-based project tracking system (**LUIStrack**) that reflects all significant processing benchmarks associated with each development application. Go to <http://www.springsgov.com/luispublic/luispublic.asp> to search for your application in **LUIStrack**.

## **2. FORMAL REVIEW PERIOD**

It is during the formal review period that the proposed development will undergo full review for compliance with the regulations and standards of various City and other governmental agencies. Internal review agencies include Traffic Engineering, Subdivision Engineering Review Team (SERT), Fire, Water, Wastewater, Parks, Enumerations, Floodplain, Transit, Police, E-911 Airport, Forestry, Parks and Recreation and City Planning. External agencies may include Air Force Academy (or other neighboring military installation), Colorado Department of Transportation and applicable school district.

The internal review may take eight (8) weeks to complete. The first review letter from the applicable planning staff member will be sent to the applicant within approximately six (6) weeks from the time of formal submittal. The amount of time for the internal review depends on the time it takes the applicant to return revised plans to the reviewing planner. The reviewing planner has two weeks to review the re-submittal.

Once the internal review procedure has been completed, the application will be scheduled for the next available City Planning Commission Hearing. The amount of time to [schedule an item for Planning Commission](#) will take approximately four to eight (4-8) weeks depending on the date the internal review procedure is completed.

## **3. POSTING AND MEETING NOTIFICATION**

At the time of formal submittal and internal review several types of public notification will occur:

- The project site will be posted (this may be the second posting) notifying neighbors that a specific development application has been submitted for the site. A public notice poster will be provided to the applicant within five (5) business days of submission of the formal submittal. If an internal review poster is required, the site must be posted a minimum of ten (10) consecutive days. If the property is posted, the applicant is required to submit an [affidavit](#) to the reviewing planner which affirms that the proposed site was appropriately posted.
- Public notification postcards will be sent to the neighboring property owners within 150, 500 or 1000 feet of the proposed project site. Land Use Review will coordinate with the applicant on the required [postage amount](#) with the postage amount required to be paid when the public notice poster is picked up by the applicant.

- A neighborhood meeting may be held, at the discretion of the project planner, to inform neighbors of the project and to discuss issues regarding the submitted project. This may be in addition to any pre-application neighborhood meeting that was required.
- Notification will be sent as notice of the set Planning Commission Hearing date and time. This notification process will include postcards to adjacent neighbors and a poster on site outlining the hearing date and time.

#### **4. REVIEW LETTER AND COMMENTS**

After the review period as been completed, planning staff will send a review letter to the applicant stating any revision that are needed or additional issues which need to be addressed. This letter will be sent approximately six (6) weeks from the time of formal submittal of the application. The applicant will then be required to re-submit revised plans.

#### **5. APPLICANT SUBMITS REVISED PLANS**

Once revised plans are received from the applicant addressing the issues revised in the review letter, planning staff have two weeks for the re-review. After the revised plans have been reviewed staff will either:

- Send a re-review letter requesting additional revisions to the proposed project or,
- Set a Planning Commission Hearing date for the application(s).

### ***FINAL DISPOSITION***

#### **APPROVAL:**

After the Planning Commission has made their decision, the planner will return three (3) copies of the approved site plan to the applicant/owner and one (1) copy to the neighborhood contact (if applicable). Approval of this request may be subject to fulfillment of certain conditions placed on decision by Planning Commission such as public improvements, easements, easement vacation, additional fees, etc. The applicant/owner will have ninety (90) days from the date of request to satisfy these requirements. If the applicant/owner fails to satisfy the requirement in this time period, the application will be considered withdrawn.

#### **DENIAL:**

If the application is denied, the planning staff member will provide written notification to the applicant/owner that will clearly specify all of the reasons for denial.

#### **APPEALS:**

The decision of the City Planning Commission to approve or deny an application may be appealed to the City Council within ten days from the date of the public hearing decision. The appeal must be in writing and should be submitted to the City Clerk at 30 South Nevada Avenue, Suite 101 along with a \$175.00 non-refundable fee. The appeal must include the file number of the item and specify briefly the grounds for the appeal. If a perfected appeal is filed within this ten day period, the decision to approve or deny will be suspended until the appeal process is finalized. Upon receipt of the subsequent appeal, the City Clerk shall schedule a public hearing before the City Council at the next

meeting occurring at least thirteen (13) days thereafter. City Council has the power to refer any matter appealed back to Planning Commission for further consideration or affirm, reverse or modify the action of the Planning Commission. In all matters before the City Council relating to the actions of the Planning Commission, the entire file from City Planning pertaining to such matters shall be made a part of the record of the City Council. The file shall include but not be limited to: Planning Commission minutes, maps, drawings, departmental reports and application. If the appellant wants to submit additional exhibits to Council to include in the record, the original of such exhibit and twelve (12) copies must be submitted to the City Clerk. If the exhibits are electronic, a disk must be given to the City Clerk. All exhibits are kept for a maximum of ten (10) working days after the time of appeal has expired.

At the public hearing, Land Use Review staff will summarize their recommendation and the Planning Commission's recommendation for the record. The appellant may present an argument in support of their position. An individual who has not appealed may present an argument in support of the appellant's position. A short rebuttal by the applicant shall be limited to issues raised during the preceding argument. Final comments from the applicant and all other parties are allowed only by permission of the Mayor. Final comments from City staff and staff's recommendation shall conclude the hearing. All questions will be directed through the Mayor who will then direct the question to the appropriate person. Council may then make a decision on the matter or delay the decision. If final action is not taken at the public hearing, the Mayor will advise the audience when the matter will be considered.