

Conditional Use Permit



Facts to Know

RELATED FACTS TO KNOW:

Approved Plant List, Bulk Standards (for the relevant zone district), Condition Compliance/Renewal, Fees, Development Plan (PUD Development Permit), Helpful Contact Information, Landscape Plan, Neighborhood Meeting, Outdoor Storage, Park and School Fees, Pre-Application Meeting, Severed Mineral Rights, Subdivision (Plat), Water, and Zone Change.

INTRODUCTION:

An approved Conditional Use Permit (CUP) allows for uses that have the potential to uniquely or intensely impact the environment, surrounding properties, or the general public. The CUP process provides the opportunity to review the location, design, configuration, and potential impacts of the proposed use on the surrounding area.

GENERAL TIMEFRAME:

- In order to maximize the efficient processing of an application, it is in the applicant's best interest to ensure that a complete and thorough application has been submitted and any subsequent submittals adequately address any comments that were provided.
- A CUP will be reviewed concurrently with any other land use applications that are required.
- No building permit may be submitted for review until all land use applications have been approved.
- The length of time to process a CUP varies depending on the complexity of the request and whether or not the CUP is accompanied by another land use application. A stand-alone CUP application generally may be processed in **8 to 12 months**.

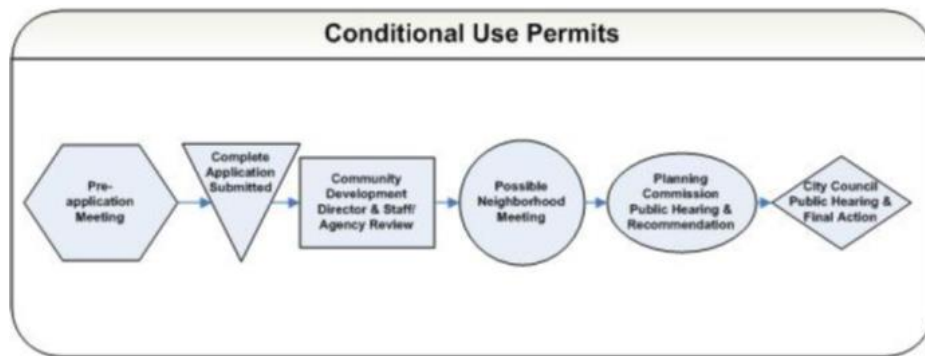
GENERAL NOTES:

- A Conditional Use Permit is granted to a specific applicant for a specific use at a specific location and cannot be transferred to subsequent owners or operators, nor may it be "carried over" to a new property. They do not "run with the land."
- A CUP application is required to have two public hearings. The first public hearing will take place before the Planning Commission, who will make a recommendation to the City Council as to whether to approve, approve with conditions, or deny the application. The ultimate approval or denial of a CUP application is determined by City Council at a public hearing the month following the Planning Commission hearing.
 - ➔ The Planning Commission meets on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.
 - ➔ The City Council hears land use cases on the 3rd Monday of every month in the City Council Chambers located at 7887 East 60th Avenue and the meetings begin at 6 p.m.
- A CUP application is expected to carry operational or compliance conditions. The City Council is authorized to impose any condition(s) on the approval of an application that are necessary to carry out the general purpose and intent of the Land Development Code (LDC) or Comprehensive Plan. Failure to comply with any conditions of approval may result in the revocation of the CUP by the City Council.

FTK: Conditional Use Permit

- ❑ Prior to submitting a CUP for review, a pre-application meeting with staff should be scheduled to discuss the application and any additional requirements.
- ❑ Occasionally, the city may require a neighborhood meeting when it appears an application may impact the surrounding area. Please ask staff if a neighborhood meeting will be required.
- ❑ The applicant, or a qualified representative of the applicant, must be present at the public hearing. If the applicant or a qualified representative is not present, the request may be postponed to a future hearing date.
- ❑ The right to develop in accordance with the approved CUP shall lapse if the development shown on the approved documents is not commenced within 2 years from the date of approval or if development ceases for at least 180 days after work has begun. If no new structure is required, the CUP shall lapse if the approved use is not commenced within 180 days of approval. In addition, the CUP shall lapse if the approved use is discontinued for 180 consecutive days.
- ❑ An approval shall authorize only the development described in the approved application.

CUP FLOWCHART:



REVIEW PROCESS:

- ❑ A request for a CUP is usually initiated by the property owner or a qualified representative through the Pre-Application process.
- ❑ A complete application is submitted for review.
- ❑ At the time of submittal, staff will determine if the application is complete (incomplete applications will not be accepted and will be returned without review).
- ❑ The city will refer the application to various departments within the city and to outside organizations for review and comment.
- ❑ After a review period of approximately 6 weeks, the case is discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter that identifies necessary revisions and staff questions to be answered by the applicant.
 - ➔ The applicant will address the comments and resubmit to the city for an additional review cycle of approximately 5 weeks. This process will continue until all comments are resolved (may involve multiple review cycles) and the application is ready for the public hearing process (generally, an application needs to be ready for public hearing about half-way through the month before it is heard by the Planning Commission).

FTK: Conditional Use Permit

- Once an application is ready for public hearing and prior to the hearing, the property will be posted with a sign for 7 -10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request. This process will occur for both Planning Commission and City Council hearings.

CONDITIONAL USE PERMIT APPROVAL CRITERIA:

In order to approve a request, the City Council must find that all of the following criteria have been met:

1. The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city;
2. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
3. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features;
4. The proposed use will be adequately served by, and will not impose an undue burden on, any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities, or services are not available or are not adequate to service the proposed use in the proposed location, as part of the application and condition of approval, the applicant shall be responsible for establishing an ability, a willingness, and a binding commitment to providing such improvements, facilities, utilities, and services in sufficient time to serve the proposed use;
5. The applicant has provided adequate assurances of continuing maintenance;
6. There is no evidence to suggest that the use violates any federal, state, or local requirements; and

One of the following criteria is met:

1. There is a community need for the proposed use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the city and the immediate area of the proposed use; or
2. The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.

SUBMITTAL REQUIREMENTS:

Please note that incomplete submittals will not be accepted for review. Any inaccurate or incomplete information provided by the applicant may cause the application to be returned to the applicant and/or delay review cycles which may impact the case completion time frame. Please visit c3gov.com/etrakit for complete information for submitting for this application type. The following items will need to be included in your submittal package.

- Property Owner Authorization and the non-refundable review fee.
- General warranty deed, with a complete legal description, for the subject property.

FTK: Conditional Use Permit

- Development Plan (the CUP application fee includes the application fee for the Development Plan).
- Statement of Operations that describes the proposed use (BE SPECIFIC).
 - ➔ A detailed narrative of the operations that will occur on site.
 - ➔ Hours and days of operation.
 - ➔ Number of employees.
 - ➔ Number of parking spaces required and provided.
 - ➔ Average daily peak trips generated.
 - ➔ Type of equipment or processes that are used.
 - ➔ The description and process for storing or handling any hazardous materials.
 - ➔ A list of any regulating agencies with inspection information.
 - ➔ Any other relevant information.
- Truck circulation plan for uses that are truck dependent.
- Description of the Proposed Use that describes how any impacts will be mitigated (BE SPECIFIC).
 - ➔ Compliance with the purpose, goals, and objectives of the Comprehensive Plan.
 - ➔ Harmony with the character of the neighborhood.
 - ➔ General compatibility with the surrounding area.
 - ➔ Community need for the proposed use.
 - ➔ Effects on adjacent property and how they will be mitigated.
 - ➔ Effects on public infrastructure and services and how they will be mitigated.
 - ➔ Site characteristics.
 - ➔ Landscaping and screening strategies to mitigate impacts.
 - ➔ Noise, dust, odor or other nuisances that may impact the surrounding area.
 - ➔ Any other relevant information.
- Facts to Know for Severed Mineral Rights (if applicable).
- City Council, Planning Commission, or staff may require additional information or technical studies on a case-by-case basis.
- Hard Copy Requirements
 - ➔ (18" x 24") of the Development Plan

Staff can provide examples of previously approved CUP applications to explain the quality and types of submittals that are expected.