

# CONDITION COMPLIANCE/RENEWAL



## Facts to Know

### RELATED FACTS TO KNOW:

Annexation, Approved Plant List, Bulk Standards (for the relevant zone district), Conditional Use Permit, Development Plan (PUD Development Permit), Fees, Helpful Contact Information, Landscape Plan, Lot Line Adjustment, Neighborhood Meeting, Pre-Application Meeting, PUDs, Severed Mineral Rights, Subdivision (Plat), Use-by-Permit, Variance, and Zone Change.

### INTRODUCTION:

The city is authorized, through the Land Development Code (LDC), to attached conditions to any land use approval. On occasion, these conditions of approval require a compliance check-in or renewal of approval. This document describes the process by which Condition Compliance/Renewal case is handled.

#### For Example:

“This Conditional Use Permit shall expire on January 1, 2020. If the applicant wishes to operate the facility after that date, the applicant is required to renew this Conditional Use Permit.”

### 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.
- No building permit may be submitted for review until all land use applications have been approved.
- The length of time to process a Condition Compliance/Renewal case can vary depending on the complexity of the request, the size of the development, if there are unique circumstances, and the body having the approval authority. Generally speaking a Condition Compliance/Renewal case can be processed in the following time frames:
  - ➔ Administrative processes:
    - **6 to 16 weeks.**
  - ➔ Board of Adjustment processes:
    - **10 to 16 weeks.**
  - ➔ City Council processes:
    - **6 to 8 months**

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## GENERAL NOTES:

- Prior to submitting a Condition Compliance/Renewal case 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 that an application may have impacts to the surroundings area.
- The city is authorized to impose any condition(s) on the approval of a Condition Compliance/Renewal case that is/are necessary in order to carry out the general purpose and intent of the Land Development Code (LDC) or the Comprehensive Plan, including another compliance/renewal date.
- The city may revoke a previous approval if the applicant fails to obtain approval for their Condition Compliance/Renewal.
- In some instances, staff may be supportive of removing these types of conditions from property. To discuss the appropriateness of removing these types of conditions, contact the Planning Division.

## REVIEW PROCESS:

- A request for a Condition Compliance/Renewal case 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 out to various departments within the city and outside organizations, if necessary, for review and comment.
  - ➔ After a review period of approximately **six (6) weeks**, the request is discussed at the internal Development Review Team (DRT) meeting. After the DRT meeting, the applicant will receive a comment letter identifying necessary revisions and questions to be answered.
  - ➔ The applicant will address these comments and resubmit to the city for an additional review cycle of approximately **five (5) weeks**. An additional **Four (4) week** cycle might be required if supplementary information is required by the city. This process will continue until all comments are resolved (this may involve multiple review cycles).
- Once an administrative Condition Compliance/Renewal case is ready for approval, the city will approve the request and provide written documentation to the applicant.

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- ❑ Once a Board of Adjustment Condition Compliance/Renewal case is ready for public hearing, the property will be posted with a sign for a period of 7 to 10 days, a public hearing notice will be placed in the newspaper, and neighbors will be notified in writing of the request.
  - ➔ Approximately one week before the Board of Adjustment hearing, the applicant will receive a copy of the staff report and a meeting agenda.
  
- ❑ Condition Compliance/Renewal applications that require City Council approval, are required to have 2 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 the Condition Compliance/Renewal is determined by the City Council at a public hearing the month following the Planning Commission hearing. If approved, one additional City Council meeting may be required for a second reading of the ordinance. Similar to the Board of Adjustment process, the property will be posted with a sign for a period of 7 to 10 days, a public hearing notice will be placed in the newspaper and neighbors will be notified in writing of the request. Approximately one week before the Planning Commission hearing, the applicant will receive a copy of the staff report and a meeting agenda.
  - ➔ The Planning Commission meets on the 1st Tuesday of every month in the City Council Chambers located at 7887 East 60th Avenue. Meetings begin at 6 p.m.
  
  - ➔ The City Council considers land use cases on the 1st Monday of every month in the City Council Chambers located at 7887 East 60th Avenue. Meetings begin at 6 p.m.

## SUBMITAL REQUIREMENTS FOR CONDITION COMPLIANCE/RENEWAL APPLICATIONS:

- ❑ One (1) copy of a signed and notarized land use application with the non-refundable review fee.
- ❑ One (1) copy of the general warranty deed with a complete legal description for the subject property.
- ❑ Two (2) folded paper copies of a site plan (18" x 24" or 24" x 36").
- ❑ Two (2) folded paper copies of a landscape plan (18" x 24" or 24" x 36").
- ❑ Two (2) folded paper copies of building elevations for any new buildings being proposed (18" x 24" or 24" x 36").
- ❑ Two (2) paper copies of a narrative for the project that:
  - ➔ Discusses the uses of the property.
  - ➔ Discusses how the operations have complied with all applicable city codes and conditions of approval.
  - ➔ Discusses any violations and how they have been remedied and the processes that have been put in place to avoid future violations.

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- If applicable, discusses how the operations have changed since the last approval.
  - Discusses how the project continues to meet the requirements of the LDC and conditions of approval.
  - Discusses how the use is in harmony with the character of the neighborhood.
  - Discusses the continued need within the community for the use.
  - Discusses the effects on adjacent property owners and how they have been, and will continue to be, mitigated.
  - Identifies the anticipated number of employees.
  - Identifies the hours of operation.
  - Discusses anticipated number of vehicles or deliveries.
  - Discusses any buffering of neighboring land uses.
  - If appropriate, discusses why removing the condition is beneficial to the city.
  - Any other relevant information.
- ☐ One (1) electronic copy of all documents in .pdf format on a CD or thumb drive.

**Please Note:** Additional information may be necessary in order to perform a complete review of the application.