



MUST BE SUBMITTED IN FULL TO THE
COMMUNITY DEVELOPMENT DEPARTMENT
BY 5:00 P.M. ON _____
HEARING DATE: _____

Conditional Uses *Application Packet*

A Conditional Use is a use that is expressly authorized in a particular zoning district, but must be approved by the Board of Zoning Appeals (“BZA”). A Conditional Use is typically viewed as a favorable use within a specific zoning district, but may require additional development standards to ensure compatibility. Conditional Uses can only be granted for instances specifically authorized by the Zoning Ordinances. The BZA considers a request for a Conditional Use at a public hearing, and approves or denies the request after applying factual evidence to specific standards.

The Application Packet must be submitted with **all required materials listed on the Application Check List on page 2** to be deemed complete. City Administration cannot submit an application to the BZA for consideration until all requirements have been met. All materials will be presented as evidence at the public hearing and must be kept as part of the public record and will not be returned to the applicant.

The following items must be completed after the request has been scheduled for a public hearing. City Administration will provide assistance in completing these tasks. If these tasks are not completed, the Conditional Use request will be delayed until the tasks are completed.

- **Public Hearing Yard Sign:** A public hearing yard sign is required to further provide notice that a request for a Conditional Use has been submitted. The applicant shall obtain a Notice of Public Hearing Yard Sign and Instructions from the Community Development Department and post the sign on the property at least 20 days prior to the public hearing.
- **Public Hearing Yard Sign Affidavit:** On the day of the public hearing, the applicant must sign a Public Hearing Yard Sign Affidavit to verify that the sign has been in place at least 20 days prior to the public hearing. This form **must** be signed before 5 p.m. at the Community Development Department.

Notification Requirements

The City must notify all property owners within 200 feet of the property where a Conditional Use request has been proposed. This notification allows individuals the opportunity to learn about the request and present any comments to the BZA at the public hearing.

The \$20 property owner notification fee paid to the Riley County Clerk’s Office is to compensate the County for ownership research as well as to create an accurate and up-to-date list of names and mailing addresses of the property owners within the notification area, as described above.

**IF YOU HAVE QUESTIONS ABOUT COMPLETING THIS APPLICATION, PLEASE
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 785-587-2412.**

Application Check List

A complete Application Packet for a Conditional Use consists of the following
(Check that each item is submitted):

- Neighborhood Meeting:** Prior to submission of an application to the City of Manhattan for a Conditional Use, the applicant/consultant shall hold a Neighborhood Meeting in accordance with the Instructions for Neighborhood Meetings on page 3-4.
- Basic Information:**
 - Information Form;
 - Adjoining Property Owner Support Statement (This form is optional, see the form for more guidance).

All property owners must be listed in Section II. Property Information and all property owners must sign the application.

- Legal Description:** Provide a complete and correct legal description of the property for which the Conditional Use is requested. The legal description must be **typewritten**, readable and reproducible.
- Fees:**
 - The application fee is \$120. The check should be payable to the City of Manhattan.
 - The property owner notification fee is \$20. The check should be payable to the Riley County Clerks' Office.
- Site Plan and Architectural Elevations:** The applicant shall submit a Site Plan and Architectural Elevations (*where applicable*). These plans shall be accurately drawn to scale that shows details of the Conditional Use being sought. The final Site Plan shall be one set of 8½ by 11 inch, readable and reproducible, reductions of all drawings. A Site Plan checklist can be found on page 7 to assist in creating the required Site Plans.
- Photos and Exhibits (where applicable):** Photographs and other exhibits may be submitted at the time of the application to further support the request.

A copy of any visual materials (power point presentations, photos, etc.) or handouts presented at the public hearing that are not submitted with the application materials shall be given to City Administration at the public hearing to be a part of the meeting record.

- Building permit or sign permit where applicable.**

Neighborhood Meeting Instructions

The neighborhood meeting must be held in accordance with the following, **prior to submission of an application** to the City of Manhattan for a Rezoning (including PUD's and amendments to PUD's), Preliminary Plat, Conditional Use, or State or Municipally Owned and Operated Facility.

- **When:** The neighborhood meeting must be held prior to submission of the application to the City. Please notify the Community Development Department at least five (5) days prior to the neighborhood meeting date, so that the date, time and location and your contact information can be disseminated through the City's Early Notification *InTouch* email system. (Call Community Development at 587-2412, or email the Planner that is processing your request)
- **Where:** The meeting should be scheduled for a time and location that is convenient to promoting neighborhood attendance and participation.
- **Who Should Receive Notice:** Mail notice to all property owners within at least 200 feet of the subject site if in the City, and 1,000 feet if in the unincorporated County, and to any neighborhood association, homeowners' association, and business association that has registered with the City Manager's Office, whose boundaries the site is located within or immediately adjacent thereto.
- **Meeting Notice:** Include the following information with your meeting notice:
 - The date, time, and location of the neighborhood meeting;
 - A description of the action(s) being applied for (*i.e. rezoning, PUD amendment preliminary plat, conditional use, state or municipally owned/operated facility*);
 - A description of the proposed land use(s);
 - A map showing the site's location; and,
 - The name of the applicant/developer and their contact information; and if utilizing a consultant, the consultant's name and contact information.
- **Meeting Summary:** Submit the signed Neighborhood Meeting Report form, along with a written summary of the neighborhood meeting including the following:
 - The issues raised by the neighborhood
 - How you propose to address the issues
 - Copy of attendee sign-in sheet
 - Copy of your mailing list and your meeting notice

Note: *The City will not advertise or schedule the public hearing until after the neighborhood meeting has been held and the meeting summary has been submitted along with the other required application documents.*

Neighborhood Meeting Report

Meeting Information

Date: _____

Time: _____

Location: _____

By my signature on this form, I certify that I mailed notice to all property owners within at least 200 feet of the subject site, as well as to any neighborhood association, homeowner's association, and business association registered with the City Manager's Office, whose boundaries the site is located within or immediately adjacent thereto.

I have attached the following information:

- Copy of my meeting notice including:
 - The date, time, and location of the neighborhood meeting;
 - A description of the action(s) being applied for (*i.e. rezoning, PUD amendment preliminary plat, conditional use, state or municipally owned/operated facility*);
 - A description of the proposed land use(s);
 - A map showing the site's location; and,
 - The name of the applicant/developer and their contact information; and if utilizing a consultant, the consultant's name and contact information.

- Copy of my mailing list of property owners and associations to which I sent the notice.

- Copy of attendee sign-in sheet

- Meeting Summary. Written summary of the neighborhood meeting including:
 - Any issues or concerns raised by the neighborhood
 - How I have addressed these issues
 - Why any particular issue cannot be addressed

Signature: _____ Date: _____
Applicant, Consultant, or Representative

Print Name: _____



Community Development Department

Information Form

This information form must be completed in its entirety before the application will be accepted.

I. APPLICANT INFORMATION

Applicant _____

Primary Contact (if applicant is an entity) _____

Address: _____

City: _____ State: _____ Zip: _____

Tel: _____ Fax: _____

Email: _____

Relationship to property owner(s) (*check most applicable*)

Property Owner Buyer Consultant Other (describe) _____

II. PROPERTY INFORMATION

List all Property Owners of record _____

-If the Property Owner is an entity, list the individual(s) with authority to execute this application for the entity.

Property Address: _____

Legal Description: Lot: _____ Subdivision: _____ (Or attach description)

Existing Use of Property: _____

Total Property (Lot) Area: _____ (Square feet or acres)

Current Zoning District: _____

III. NATURE OF REQUEST FOR CONDITIONAL USE

If more space is needed, please attach additional pages.

1. Describe the proposed project consists of and why a Conditional Use is requested. Specific information regarding the operational characteristics of the Conditional Use must be provided. For example, and dependent upon the Conditional Use requested, information should include the number of employees, hours of operation, number of tenants or residents, number of bedrooms, and any other operational or occupancy characteristics must be described. The explanation should be in sufficient detail for the Board of Zoning Appeals to completely and clearly understand the project.

2. Explain whether the proposed Conditional Use complies with all applicable provisions of the zoning regulations including lot size requirements, bulk regulations, use limitations, and performance standards, and cite the applicable regulations or use limitations.

3. Explain why granting the proposed Conditional Use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located. The applicant should indicate any actions, if necessary, to reduce the impact of the Conditional Use on adjacent property.

4. Describe the location and size of the Conditional Use, the nature and intensity of the operation involved in or conducted in connection with it, and whether the location of the site with respect to streets giving access to it are such that the Conditional Use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the Conditional Use will so dominate the immediate neighborhood, consideration shall also be given to, and a description shall be provided of:

a. Describe the location, nature and height of existing and proposed buildings, structures, walls and fences on the site,

- b. Describe the nature and extent of existing and proposed landscaping and screening on the site.

5. Describe If, and how, off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of the zoning regulations, and if such areas will be screened from adjoining residential uses and located so as to protect residential uses from any injurious effect.

6. Describe how adequate utility, drainage, and other necessary facilities have been or will be provided.

7. Describe how adequate access roads or entrance and exit drives will be provided and how the access will be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

EACH PERSON SIGNING THIS APPLICATION PACKET ATTESTS TO THE FOLLOWING:

- That the facts and information in this Application Packet and its attachments are true, complete and accurate, to the best of the person's knowledge;
- That the signatory understands that any omission, or incorrect information, may invalidate any required notice or action taken by the Board of Zoning Appeals.
- That each Property Owner grants to the Applicant, and the Applicant accepts, the authority to represent the property owner in all aspects of the processing of this Application Packet, including but not limited to, communication with City Administration, representation at all meetings and public hearings, and modification of this Application Packet.

PROPERTY OWNER(S)

*All property owners must sign. If the property owner is an entity, the signatory must have the authority to sign this application for the entity.

Print Name: _____ Date _____

Print Name: _____ Date _____

APPLICANT

Print Name: _____ Date _____

FOR OFFICE USE ONLY	
Date Received: _____	Received By: _____
Public Hearing Date: _____	
City:	Fee Paid: _____ Receipt # _____ Check ___ Check # _____ Cash ___
County:	Fee Paid: _____ Receipt # _____ Check ___ Check # _____ Cash ___

Conditional Use Site Plan Checklist

A Site Plan and Architectural Elevations (*where applicable*) shall be submitted at the time of the application. These plans shall be accurately drawn to scale that shows the Conditional Use being sought. The final Site Plan shall be one set of 8½ by 11 inch, readable and reproducible, reductions of all drawings.

Check that each item is included on the site plan

- North arrow;
- Engineer or architect scaled drawing (for example, 1/4" = 1');
- Property lines;
- Adjacent streets (names), alleys and sidewalks;
- Public or private easements on the property;
- Existing building setbacks;
- Proposed building setbacks;
- Dimensions of existing and proposed improvements;
- Location of Flood Plain, if necessary;
- Location of existing and proposed drives and parking;
- Location of existing and proposed structures, additions or other improvements;
- Existing and proposed landscaping;
- Name and address of owner of the property;
- Name and address of consultant (engineer, architect, land surveyor, etc.); and,
- Date the Site Plan was prepared.
- Site plan title (i.e. Conditional Use for 1101 Poyntz Avenue)

THE SITE PLAN IS NOT CONCEPTUAL. BUILDINGS, STRUCTURES, PARKING AREAS AND ALL OTHER IMPROVEMENTS, INCLUDING LANDSCAPING, SHALL BE PROVIDED AS APPROVED BY THE BOARD OF ZONING APPEALS.

Architectural elevations

- Elevation and dimensioned drawings of proposed building, signs or other improvements shall be submitted on a separate sheet where applicable.

STANDARDS FOR CONDITIONAL USE PERMITS.

The Board of Zoning Appeals shall not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact directly, based upon the particular evidence presented to it, that all of the following standards have been met:

- (A) The proposed conditional use complies with all applicable regulations of these regulations, including lot size requirements, bulk regulations, use limitations, and performance standards.
- (B) The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- (C) The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 - (1) The location, nature and height of buildings, structures, walls and fences on the site; and
 - (2) The nature and extent of landscaping and screening on the site.
- (D) Off-street parking and loading areas will be provided in accordance with the standards set forth in Article VII of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
- (E) Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- (F) Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.