

# CONDITIONAL USE PERMIT

## INSTRUCTIONS

### A Board of Zoning Appeals Process

#### Information

The following information outlines the process for filing a conditional use permit application.

#### Applicability

A Conditional Use is a use that is allowed within a zoning district but subject to specific scrutiny and a public hearing process to reduce the potential for incompatibility with other uses within or adjacent to the district, and adverse visual and aesthetic or other impacts, such as traffic congestion or noise. The designation of a conditional use means that it is only allowed in a proposed location if all conditions applicable to the use, as set out in Division 26-2E, Limited and Conditional Use Standards, and all of the other applicable requirements of this Chapter or conditions of the BZA are met.

#### Procedure Type

A conditional use permit is a Type-II review process [[Section 26-8B-2](#)].

#### Instructions

Complete the following steps.

### Step 1: Schedule a Pre-Application Conference

A pre-application conference is intended to familiarize the applicant with the development review and approval process, provide for an exchange of information, advise the applicant as to the key planning, zoning, engineering, and other considerations, and to determine the information required to accompany an application.

A pre-application conference is required to be held at least **15 days** before an application is submitted.

In accordance with Paragraph 26-8B-3C-3, the applicant must submit information concerning the conditional use permit request as required by the Zoning Administrator at least **5 working days** prior to the conference.

#### Pre-Application Conference Information

1. A site drawing showing the property for which a conditional use permit is sought and sufficiently conveys the intended use and improvement of the property. The drawing will need to show:
  - A. General dimensions of the property
  - B. Existing and proposed buildings and structures
  - C. Points of access
  - D. Existing and proposed off-street parking

- E. Location, type, size, and height of existing and proposed signage
  - F. Existing and proposed landscaping
  - G. Existing and proposed screening
  - H. A description of the architectural character of proposed buildings
2. A written description of the nature and type of development that is proposed, including:
- A. Description of the proposed use
  - B. Days and hours of operation
  - C. Number of employees and size of largest shift
  - D. Anticipated traffic generation
  - E. Likely off-site impacts from customary operations

A meeting report will be prepared by staff and provided to the applicant summarizing the meeting outcomes and expectations. The pre-application conference and meeting report will determine whether special studies or reports may be required along with any other specific items.

A pre-application conference is valid for a period of **6 months**. If an application is not filed in this time, a new pre-application conference will be required. [\[Section 26-8B-3C-5\]](#)

## Step 2: Hold a Neighborhood Meeting

After the pre-application conference and prior to filing an application, the applicant will be required to hold a neighborhood meeting to inform nearby residents of a proposed project [\[Section 26-8B-4\]](#), identify issues and concerns, and to answer questions from property owners entitled to notice under [Sec. 26-8B-6, Notice](#).

Contact the Community Development Department to request preparation of a list of property owners required to be notified in conjunction with the request. Property owners should receive the mailed notice a minimum of **7 days** in advance of the neighborhood meeting. The mailed notice will also need to be submitted to the Community Development Department that will be responsible for publishing the notice through the City's *In Touch* notification system.

After the meeting, the applicant will need to prepare a Neighborhood Meeting Report (included).

## Step 3: Review the Conditional Use Permit criteria

### Authority

Pursuant to Sec. 26-9E-1-D of the Manhattan Development Code, the Board of Zoning Appeals will base its decision regarding a conditional use permit on the following review criteria. The Board of Zoning Appeals will not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact, based upon the particular evidence presented to it, that all the review criteria have been met. Your decision to initiate application for a conditional

use permit needs to be based on a determination that your request can satisfactorily address each of the review criteria. To demonstrate satisfactory compliance, you are requested to provide a written response to each of the review criteria. The written response will be included as part of your application for a conditional use permit.

### **Review Criteria**

1. The proposal's compliance with all applicable requirements of this Chapter.
2. The proposal's impact on the value of other property in the neighborhood.
3. 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 the street network 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, the Board of Zoning Appeals will give consideration to:
  - A. The location, nature, and height of buildings, structures, walls, and fences on the site.
  - B. On-site and off-site vehicular, bicycle, and pedestrian traffic circulation.
  - C. The nature and extent of landscaping and screening on the site.
4. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
5. Provision of bicycle parking and of safe and equitable pedestrian and bicycle access.
6. Provision of adequate access roads or entrance and exit drives that are designed to prevent traffic hazards and minimize traffic congestion in public streets and alleys.
7. Any other standards for conditional uses specified in this Chapter.

## Step 4: Prepare additional materials to accompany your application

Submission of information less than necessary to adequately review and process your application may result in a delay of the review process. Community Development staff will determine the completeness, accuracy, and sufficiency of the application within **15 business days** of receipt of the application. [[Sec. 26-8C-3](#)]

### Conditional Use Permit Application Attachments

1. A payment of \$120 made payable to the City of Manhattan.
2. A written project description of the proposed conditional use permit in sufficient detail to understand the nature and type of development proposed.
3. A site plan in pdf format. A checklist of what should be provided on the site plan can be found [here](#) to help with its creation.
4. One (1) copy of the preliminary plat (24" by 36").
5. A Drainage Report if required by the Public Works Department as a result of the pre-application conference.
6. A Traffic Impact Study if required by the Public Works Department as a result of the pre-application conference.

## Step 5: Submit your application

Upon completion of the previous steps, fill-out and submit the application to the Community Development Department.

# NEIGHBORHOOD MEETING

## REPORT

A Community Development Department Form

### Applicant Information

Applicant name: \_\_\_\_\_

Project name: \_\_\_\_\_

### Report

1. Describe the outcome of the meeting including issues raised and other information deemed relevant.

### Attachments

The following attachments must be included with the submitted Neighborhood Meeting Report.

1. Copy of the meeting notice.
2. Copy of the mailing list.
3. Copy of attendee sign-in sheet.

### Attestation

By my signature on this form, I certify that I mailed notice to all owners of property within the regulatory notification area.

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_