

Conditional Use Permit Applicant Guide



Town of Bennett
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(January 2021)

Conditional Use Permit Process

Purpose

This guide includes the basic process and requirements for all Conditional Use Permits. A conditional use means the use of land that is permitted in a zoning district with possible imposition of special conditions to mitigate possible adverse impacts, as provided for in Section 16-2-330 of the Bennett Municipal Code. In order for a conditional use to be approved, there must also be a specific finding by the Board of Trustees that the proposed use is compatible and beneficial to the surrounding properties and inhabitants and not detrimental. See Section [16-2-330](#) of the Town of Bennett Municipal Code for more information, including approval criteria.

Process

The Administrative process consists of the following basic steps. Once the Conditional Use application is submitted and found to be complete. In order for the Conditional Use to be approved the Planning Commission and Board of Trustees must consider the criteria set forth in Sec. [16-2-330](#) of the Municipal Code. The Planning Commission and Board of Trustees may impose conditions to mitigate impacts as necessary. If the proposed Conditional Use is approved, the applicant must meet all imposed conditions and obtain any required building permits. In the event of noncompliance by the applicant with an approved conditional use, the Conditional Use may be called up for review, at which time the previously approved Conditional Use could be revoked or amended.

Step 1 – Pre-Application

The applicant completes the Pre- Application process, in which the proposed Conditional Use is reviewed by the Town’s Development Review Committee (DRC). The DRC will make recommendations to the applicant on how the formal application might be structured to enhance chances the project will ultimately be approved by the Town Planning Commission and Board of Trustees. The DRC will highlight issues of particular concern and refer the applicant to the applicable Town standards and regulations.

Step 2 – Applicant Submits Formal Application

Applicant submits to the Town the complete application package.

Step 3 – Staff Reviews Application for Completeness (5 Business Days)

Town Staff reviews the application for completeness.

Step 4 – Referral Agencies

Town Staff will initiate Referral Agency review.

Step 5 – Staff and Referral Agencies Review (21 Business Days + 3 Business days)

Staff and the applicable referral agencies will review the application within 21 business days. A letter compiling all referral comments will be sent with 3 days following the review.

Step 6 – Resubmittal (if required)

The applicant will revise and resubmit the application based upon the comments received by staff.

Step 7- Resubmittal Review

Once staff determines that the application is revised correctly, the application will be scheduled for a Planning and Zoning Commission public hearing.

Step 8- Public Hearing/Planning & Zoning Commission/Board of Trustees

The application will be scheduled for a public hearing with the Planning and Zoning Commission, and within 30 days to the Board of Trustees. Assisted by staff, the applicant will be directed to complete public notice for both hearings. See Bennett Municipal Code 16-1-340 and 16-1-520.

Step 9 – Recording (10 Business Days)

At each hearing, the application may be approved, approved with conditions or denied based upon certain criteria. The applicant is responsible for submitting final documents for signature and recordation within 10 business days of the final approval.

Conditional Use Submittal Requirements

(Town of Bennett|Revised January 4, 2021)

The following elements constitute an acceptable application for a Conditional Use Permit. An application is not considered submitted until all items are included in the application. (Note that depending on the size, scale and complexity of a proposal, some of the requirements below may be waived by Town Staff.)

APPLICATION DOCUMENTS		
Required if Checked	Submitted by Applicant	Project Name: _____
		Case No.: _____
		Land Use Application Form (must be signed by Property Owner)
		Application Fees (see below)
		Cost Agreement
		Funds Deposit Agreement
		Title Commitment (current within 30 days of application)
APPLICATION FEES		
		1. Engineering: \$1,800
		2. Attorney: \$1,000.00
		3. Traffic Engineer: \$1,650
		4. Other: e.g. Water Engineer Review, Special Utility Review, Landscape Arch. Review: \$215
		Subtotal
		5. Administrative Fee: 20% of Project Total
		(Additional fees may be required, depending on the number of resubmittals or changes by applicant, or if a Subdivision Agreement, Development Agreement or Construction Document Review is required.)
		Total
		Recording fees will also be required when the final documents are recorded with Adams or Arapahoe County. (See below)
CONDITIONAL USE PERMIT APPLICATION SHALL INCLUDE:		
		<p>1. Letter of Intent. The applicant shall provide a letter of intent addressed to the Zoning Administrator to serve as a cover letter to the formal application, introducing the applicant(s) to the Planning Commission/Board of Trustees, requesting a Conditional Use Permit for the property and describing the proposed Conditional Use to include the following descriptions:</p> <ul style="list-style-type: none"> a) A detailed description of the proposed conditional use, including but not limited to hours of operation; vehicle and pedestrian traffic patterns and demands; employment levels; occupancy levels; management plans with respect to the demands of the use upon public services and facilities; narrative describing the reasons for the proposed change and describing other operational aspects of the use; and such other information as may be requested by the Zoning Administrator, Planning Commission or Board of Trustees. b) A statement describing the benefits of the proposed use; how that use will be compatible with existing and planned surrounding uses; and how the proposed use will satisfy each of the criteria set forth in Section 16-2-330. c) Additional information as may be reasonably required by the Zoning Administrator or additional relevant information as deemed necessary by the Planning Commission or Board of Trustees to properly evaluate the request.
		2. Conditional Use Permit Application. The Town's Land Use Application Form shall be completed, signed and dated.
		3. Agreement for Payment of Development Review Expenses Incurred by the Town. The application shall be accompanied by signed standard Cost Agreement and Funds Deposit Agreement for the payment of development review expenses incurred by the Town.
		4. Written Consent. This must include signatures by all of the owners of all of the properties that would be affected by the proposed Conditional Use or their duly authorized agents.
		<p>5. Site Plan Drawing. Drawn to scale, which includes:</p> <ul style="list-style-type: none"> a) The property boundary; b) The location, size and description of all existing and proposed structures and uses including vehicular access and circulation.

		<p>6. Affected Properties. The legal descriptions of the properties affected by the Conditional Use, and a legal description of the area subject to the Conditional Use</p>
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	<p>8. Technical Studies as Determined by Town Staff:</p> <ul style="list-style-type: none"> a) Traffic Impact Analysis b) The location, size and description of all existing and proposed structures and uses including vehicular access and circulation.
	<p>11. Other Information Requested by the Zoning Administrator. Any other information required by the Zoning Administrator necessary for the review of the proposed Conditional Use Permit.</p>
<p>RECORDING FEES – Please verify with appropriate County Clerk & Recorder’s Office</p>	
	<p><u>Adams County Recording Fees</u> \$13.00 for the first page and \$10.00 for each additional page per document Accept only 18" x 24" Original Mylar http://www.adcogov.org/recording</p> <p><u>Arapahoe County Recording Fees</u> \$13 for first page and \$10.00 for each additional page Accepts only 24 x 36" Original Mylar https://www.arapahoegov.com/313/Recording</p>