



Planning & Development Services
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CONDITIONAL USE WITH SITE DEVELOPMENT PLAN

Attachment to Development Application



CONDITIONAL USE WITH SITE DEVELOPMENT PLAN

APPLICATION PROCESS AND REQUIREMENTS

Legislative Purpose: The council does hereby declare that certain uses of land may exist only upon the imposition of extraordinary conditions through which compatibility with adjacent neighborhoods, or the community, may be achieved. These certain uses, designated below, may exist within the corporate limits of Littleton only upon application to and approval by the planning commission based on findings by the commission that:

(A) The proposed use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and/or the community.

(B) The use proposed will not be detrimental to the health, safety, general welfare of persons residing or working in the vicinity, or to property, improvements, or potential development in the vicinity. This determination shall be based on:

1. The nature of the proposed site, including its size, shape and topography and size, location and arrangement of structures;
2. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress, and the adequacy of off street parking and loading;
3. The provisions for conformance with the performance requirements contained in both Chapters 4 and 8 of the Zoning Ordinance, as applicable; and
4. The provisions for landscaping, screening, unobstructed open space, service areas, lighting, and signage.

(C) The proposed use will comply with the applicable provisions of the Zoning Ordinance and the City Code, any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan.

Requirements and Conditions for Specific Uses: Except for conditional uses specified in subsection [10-2-24\(B\)](#) 5 of the Zoning Ordinance for the OS zone district, all land uses requiring conditional use approval are in section [10-3-2](#) (Land Use Table) of the Zoning Ordinance. There are certain conditional uses, which must comply with specific requirements other than the minimum performance standards and zone district limitations. These particular conditional uses include: utility installations which occupy more than 1,000 sq.ft.; childcare centers and private schools (including those located with churches); radio transmission towers, wind generators and similar structures; indoor

amusements; commercial outdoor recreational uses; solid waste incinerators and transfer stations; offsite commercial parking lots on residentially zoned property; commercial teen clubs, community correctional facilities; circuses and carnivals; open air markets; used motor vehicle sales; crematorium; animal boarding and care facilities; and studios for teaching fine arts and martial arts in residential zone districts. Attached are the additional requirements for each of these uses.

Requirements and Conditions for all Conditional Uses: All conditional uses specified above shall also be subject to the following requirements and conditions:

- (A) Application And Approval: Except as hereinafter provided, no conditional use shall be constructed, reconstructed, enlarged, relocated or otherwise established within the corporate limits of the city without application to, and approval by the planning commission as provided in section [10-8-4](#) of the Zoning Ordinance.
- (B) Harmful Effects: To the maximum extent possible, conditional uses shall be oriented to minimize any harmful effect the use may have on any adjacent property or use.
- (C) Minimum and Additional Conditions: The conditional use shall comply with all applicable requirements of the city code. The planning commission shall impose such other conditions and limitations as they, in their sole discretion, may determine to be necessary to fulfill the purpose and intent of chapter 8 of the Zoning Ordinance.
- (D) Termination: Any one of the following shall terminate the right to operate a conditional use:
 - 1. Failure to initiate operation of the conditional use within twelve (12) months from the date approved by the planning board unless a time extension is granted. The Director of Community Development may grant an extension of approval for no more than one year, if a written request for extension is filed with the planning division prior to the date of expiration. A decision to grant or deny the requested time extension shall be given not more than ten (10) calendar days from the request. The Planning Commission may grant a second time extension of no more than one year;
 - 2. Changing to a use permitted by right in the governing zone district;
 - 3. Discontinuance of the conditional use for a period of at least twelve (12) months;
 - 4. Violation of, or failure to comply with, the approved conditional use after the city provides reasonable notice to comply. In addition, the penalties and remedies of section [1-4-1](#) of the city code and section [10-1-4](#) of the Zoning Ordinance may be applied.

(E) Specifications Effective: Once any portion of the conditional use commences, all specifications and conditions pertaining to the conditional use become immediately effective unless the application includes phasing.

(F) Reinstatement: The process for reinstatement of any terminated conditional use shall be the same as for original approval.

Pre-application conference (Concept Meeting): A pre-application conference is required. The pre-application (Concept Meeting) form and information is on the City of Littleton website (www.littletongov.org). The applicant will follow the instructions stated in the pre-application form and information and submit the required materials to the Community Development Administrative Coordinator. The purpose of the meeting is to discuss with the applicant the concepts, feasibility, regulations and application requirements applicable to the proposal. The applicant will also be notified at this meeting of the process requirements, which may include Preliminary and Final Subdivision Plats, Site Development Plan or Sketch Plan.

Neighborhood Outreach Meeting: A neighborhood outreach meeting is required for the following application types: GPDP, GPDP Amendment, Conditional Use, Rezoning, and PDO.

The purpose of the neighborhood outreach meeting is to help educate adjacent property owners regarding a proposed development application in order to identify issues prior to filing the initial application with the city.

REVIEW PROCESS

Site Development Plan (SDP): If the proposed conditional use involves the development of vacant land, redevelopment of a developed parcel of land or the construction of a new principal or accessory structure or an addition to an existing principal or accessory structure, the applicant shall submit an SDP drawn in conformance with section 10-7-2 of this title.

Sketch Plan: If the proposed conditional use will be located in an existing principal or accessory structure on a developed parcel and where no expansion of such structure is required or the conditional use involves the placement of a structure that is not a building on improved property, the applicant shall submit a sketch plan instead of an SDP.

The City of Littleton has a two-step (2) review process divided into a preliminary review and a final review. The following text provides a summary of the review process and submittal requirements for a conditional use.

1. Conditional Use Application (Preliminary Review)

The applicant shall submit to the Planning Division in Community Development a completed application form and all checked submittal items on the application requirement checklist provided at the pre-application conference. The checklist on the following pages contains the requirements for preparing the Conditional Use application.

Once the city receives the application and assigns it to a planning case manager, the application will be referred to various city departments and appropriate outside agencies for review. Attached is a complete list of city and outside reviewing agencies. Please note that not all of the agencies listed receive every application for review.

City staff will schedule a technical review meeting to discuss the proposal with the applicant. This meeting may be set four (4) to six (6) weeks from the date the application is submitted in order to provide adequate time for a complete review of the proposed application. The Planner (case manager) will inform the applicant as to the date of this meeting, so that they and their team of consultants may attend. The applicant will receive comments prior to the meeting. The technical review meeting is an opportunity for the city staff and the applicant to discuss issues pertinent to the site and proposal based on the review of the application materials. At this time, city staff will discuss any required public and private improvements and other issues of concern. The applicant may also be required to hold a neighborhood meeting to discuss their proposal with the residents or business owners in the area.

2. Conditional Use Application (Final Review)

After the technical review meeting, the applicant will then prepare a revised application packet for final review, incorporating the comments received from city staff and the reviewing agencies and the items discussed at the meeting. The applicant should also include a letter addressing each comment. The applicant must make all required revisions to the application materials and resolve all outstanding issues prior to scheduling for the Planning Commission hearing.

The applicant shall submit the final version of the application materials directly to the planner (case manager). Planning staff shall review the proposal for compliance with Zoning Regulations (Title 10, City Code), other applicable regulations, the comprehensive plan, existing and proposed development, comments from affected agencies and shall frame the city staff's formal recommendation on the proposal.

3. Planning Commission

Planning Commission hearings are on the 2nd and 4th Mondays of the month. The applicant shall provide notice of the hearing by erecting a notice sign(s) on the property. See attachment for specifications regarding the posting of notice.

The planning commission shall determine if the request meets the statement of legislative purpose set forth in section 10-8-1 of the Zoning Ordinance based on the evidence and testimony presented at the public hearing. The planning commission may approve the

application, approve with conditions, or deny the request. The planning commission may table the matter to a date certain pending the provision of further information. Approval of a Conditional Use application by the planning commission shall be by resolution.

The planning commission may require conditions other than the minimum performance standards established in section 10-8-2 of the Zoning Ordinance if deemed reasonably essential for the health, safety, and general welfare of the public.

4. Recording

If the conditional use required approval of a site development plan, the applicant must submit two sets of mylars of the plan, containing the property owners' notarized signature and the recording fees payable to the County Clerk and Recorder of the appropriate county. The city may request an electronic file of the site development plan with the submission of the mylars. ***Note: Recording of the site development plan and building permit issuance must occur within one year from the date of approval; otherwise, the plan will become invalid. Unless a time extension is granted, formal action of the Planning Commission is required to reinstate approval.**

Application Submittal Requirements

Conditional Use and Site Development Plan

**The actual number of copies of the application documents will be determined at the pre-application conference.*

- Official Development Application Form, completed and signed.
- Application Fee.
- Written description of the proposal, which describes the existing use, the proposed use detailing the nature of the proposed operation including type of business, hours of operation and traffic generation. Additional information may be required depending on the type of conditional use (see attached supplemental requirements).
- A current title commitment and, if applicable, a notarized statement signed by the property owner consenting to the proposed application.
- Copy of notice sent to mortgage holder by registered mail (if applicable).
- Name and addresses of all mineral owners and lessees of mineral owners, including signed certification signature block which must be included in the application materials.
- A drainage study prepared in accordance with the City's "Storm Drainage Design and Technical Criteria Manual" as authorized in Title 7, Chapter of the City Code.
- A traffic study shall be prepared for any proposal submitted under the provisions of this Title which, in the opinion of the City's Traffic Engineer, will generate more than two hundred fifty (250) vehicle trip ends (round trips) during an average twenty four (24) hour weekday; and cause an increase in existing A.M. or P.M. peak-hour volumes on adjacent major collectors, or minor or major arterials, in excess of ten percent (10%). The study shall consider proposed and existing internal streets, and affected external streets within one-half (1/2) mile of the proposed development. Analyses shall include, but not necessarily be limited to, sight distances, travel lanes required, volume and movement of traffic at new intersections, and volume increases in adjacent existing developments. Specific issues to be addressed by the traffic study shall be specified by the City's Traffic Engineer.
- Plans and/or agreements for placing utilities underground.

- Right-of-way and easement dedications or conveyance documents.
- Plans for off-site improvements, i.e. curb, gutter and sidewalk construction and/or removal.
- Other materials, as specified by the Planning Division, shall be included with the official application form as necessary to provide written and/or graphic information about the subject property, and impacts on the area in which the property is located, to permit a thorough and accurate analysis of the request. Materials may include renderings of structures, cross-section drawings of the topography, market studies, etc.
- A 24" x 36" drawing to scale at not less than 1" = 50' with 1" = 20' being desirable and containing the following information as applicable:
 - Name and address of the proposed development.
 - Name, address and telephone number of applicant.
 - Name, address, telephone number, seal and license number (if applicable) of the responsible consultant assisting in the preparation of the submittal.
 - North point, date and scale.
 - Legal description showing property lines and dimensions.
 - A written legal description and a certified closed and balanced boundary survey of the proposed area(s) to be rezoned or amended, inclusive of the public right-of-way to the center line of the right-of-way or the city limit, whichever is farthest.
 - Name, address, license number of the registered engineer or land surveyor responsible for preparing the survey and legal description.
 - Area location map showing all streets, schools, parks and other public facilities within ½ mile radius of the boundaries of the subject property.
 - Location and classification of each included and adjacent zone district.
 - Existing land use and ownership both on site and on adjacent properties.
 - Existing land use and zoning on all property lying within 500 feet.
 - Natural features, including, but not limited to, topography at two foot (2') intervals, drainageways and major foliage.
 - Location of included and adjacent drainage ways and flood hazards.

- A summary table describing the site area, site area coverage, gross floor area, building height, parking area, off-street parking and loading spaces, unobstructed open space and use(s), and paved area including calculations of impervious surface area.
- Adjacent and included public rights of way; easement location and dimensions; and existing and proposed utility locations.
- Location and building outline of each existing structure to be retained, and all new structures proposed for the site.
- Location, dimensions and site area of existing and proposed curb cuts, driving lanes, off-street parking and loading areas, public transportation points, outdoor storage and trash disposal facilities, as applicable.
- Designation of paved areas, fences, lighting and signs.
- The location, area and proposed uses must be specified for all common open space
- Grading, drainage and utilities specifications including:
 - Existing topography at a contour interval of not greater than two feet (2') shall be delineated in dashed lines.
 - Proposed topography at a contour interval of not greater than two feet (2') shall be delineated in solid lines.
 - Location, size, elevation and grade of existing and proposed utility lines, both adjacent and included within the property, including the nearest fire hydrants.
- Designation of landscaped areas and a plan drawn in conformance with the requirements contained in Chapter 5, Title 10 of the City Code (see attached checklist for Landscape Plan Requirements).
- Notation of any requested variances or amendments (see subsection 10-2-23(H) and Section 10-5-13 of the City Code).
- Sign details including location, type of materials, height and orientation, as applicable.
- Typical elevation drawings of each type of structure to be included within the plan showing the architectural style of the proposed development.
- Typical floor plans of each type of structure to be included within the plan

showing the general dimensions and gross floor area of each.

- Specifications of all exterior building materials to be used on each type of structure to be included within the area of the plan including textures and color as well as the types of siding and roofing materials.
- The location of all mechanical equipment and an indication as to how such equipment will be screened from adjacent properties.
- Any other information pertinent to the application which addresses issues raised during the review process, or which is deemed necessary by the applicant.
- Zoning comparison chart depicting the current zoning requirements for the existing district and how the proposed Conditional Use/SDP meets the requirements (i.e. parking, open space, use, height, and setbacks).
- Lighting plan, if required by Chapter 15, Title 10 of the City Code.
- The following official certifications and signature blocks are required to be placed on the final plat:
 - Certification of Ownership (notarized)
 - Mineral Estate Owners
 - Surveyor's Certificate
 - Applicable City Approval Certificates
 - Clerk and Recorder's Certificate

LANDSCAPE PLAN REQUIREMENTS

- Proposed landscape plans shall be submitted on one or more twenty four inch by thirty six inch (24" x 36") sheets of paper and shall generally include the following information:
 - Graphic and written scale not smaller than one inch equals fifty feet (1" = 50'), (with 1" = 20' preferred).
 - Topographic contours and necessary spot elevations, to adequately identify areas needing erosion protection, and berms, slopes and walls which provide screening.
 - The location, size, material and color of all existing and proposed structures on the site, including buildings, fences and walls.

- The location of all sight distance triangles, as defined in subsection 10-4-1(A)4 of the city code.
- Location and description of all landscaping and structures on adjacent properties located within twenty five feet (25') of the subject property.
- List and show the location, quantity, type and size of all existing and proposed plants. The size shown for plants shall reflect their estimated size upon maturity. The list shall indicate both common and botanical names by use of a key and legend. Existing plants or other landscaping which are proposed for removal or relocation shall also be indicated.
- Location, size and treatment of all nonliving landscaping (i.e., mulch, rock, paving, ornamental concrete, etc.).
- A table of land area calculations in square feet which shall include the total site area, the unobstructed open space, parking and landscaped areas, and nonliving landscaped areas.
- A description of seed mixture, schedule, application method and erosion control program for areas to be seeded, including any off site disturbed areas.
- A description of soil preparation in turf areas.
- The location of all existing and proposed easements.
- The name, address, and telephone number, license number and seal of the registered landscape architect who prepared the landscape design.
- The following signature block shall be placed on the plan and signed by the owner or designated agent:

I, _____, owner, or designated agent thereof, shall complete the landscape improvements shown on this plan. Maintenance of the landscape improvements shall comply with Title 10, Chapter 5 of the Littleton City Code. It is hereby acknowledged that maintenance of the landscape improvements is not personal to the developer, but runs with the land and shall be the responsibility of all current and future owners/occupants.

Signature of Owner or Agent