

# Special Use Process

## Step 1 Required Pre-Application Meeting

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Prior to the submittal of the Special Use application to the Development Customer Service Center, applicants are required to have a pre-application meeting with members of the Development Review Committee (DRC). This process was developed to improve communication between applicants and Town staff and is intended to provide the applicant with clear direction and understanding of the Special Use process, fees and submittal requirements. This typically results in a more efficient application process.

## Step 2 Optional Community Meeting

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Applicants are encouraged to conduct a meeting with all property owners within 400 feet of the site. The purpose of the meeting is to allow the applicant and the surrounding property owners to work out any issues, opposition and ideas that will provide for a more efficient review process. Upon request, Town staff will provide a list of names and addresses of property owners within 400 feet of the subject site.

## Step 3 Formal Application Submittal

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The applicant shall submit the completed application form, fees and any other supporting documentation deemed necessary by the applicant or staff. After receipt, the application will undergo a review for completeness. An application that is not deemed "complete" will be returned to the applicant. A description of the required materials for a "complete" Special Use application is provided on the Town's Web site ( [www.townofcary.org/Departments/Planning\\_Department/Forms](http://www.townofcary.org/Departments/Planning_Department/Forms)). Please note, all applications are strongly advised to have an attorney represent them. Applicants that are corporations must be represented by an attorney. Engineers, architects, real estate agents, planners and other non-attorneys may only appear as expert witnesses; they may not represent an applicant or those opposed to an application.

## Step 4 Case Manager Assigned

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Once the application is deemed complete, a case manager is assigned who will be the point of contact for the applicant. The case manager will conduct a sufficiency check of the application to ensure all the information provided is sufficient to adequately review and analyze the proposed request. The case manager is responsible for coordinating comments from Town staff and preparing a report to Town Council.

## Step 5 Quasi-Judicial Hearing Notification

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Prior to the hearing, staff mails notification of the proposed Special Use to property owners within 400 feet of the site. The site of the proposed Special Use is posted and notices are published on the Town's website at [www.townofcary.org/Departments/Town\\_Clerk\\_s\\_Office/publicnoticesportal.htm](http://www.townofcary.org/Departments/Town_Clerk_s_Office/publicnoticesportal.htm).

## Step 6 Quasi-Judicial Hearing and Town Council Action

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Quasi-Judicial hearings are usually held on the first Thursday of each month. At the Quasi-Judicial hearing, staff introduces the facts of the proposed Special Use. Town Council then opens the hearing and receives comments from the applicant and anyone in favor of or opposed to the request. Following the hearing, Town Council either approves, approves with conditions or denies the Special Use request.

### Notes

Special Use cases are quasi-judicial hearings. All persons speaking at the hearing are required to be sworn in by the Town Clerk and testimony given at the hearing should be based on factual evidence rather than opinion. Speakers for and against the application are subject to cross examination by others. In addition, the Town Council is prohibited to speak to the applicant or anyone in opposition on the merits of the case prior to the public hearing. Information on the Quasi-Judicial policies can be found by visiting [www.townofcary.org/Departments/Town\\_Clerk\\_s\\_Office/Town\\_Policies/167\\_-\\_Quasi\\_Judicial\\_Hearing\\_Procedural\\_Guidelines.htm](http://www.townofcary.org/Departments/Town_Clerk_s_Office/Town_Policies/167_-_Quasi_Judicial_Hearing_Procedural_Guidelines.htm).

➔ Special Use applications are not subject to Protest Petitions per NC General Statutes.

➔ Site plans are required to accompany a Special Use application for new construction or alterations to the structural exterior of an existing building or parking lot. In addition, staff may deem, during the pre-application meeting, that a Site Plan is needed to accompany the Special Use application. If this occurs, both the Special Use and the Development Plan are approved by Town Council simultaneously.