



CONDITIONAL USE PERMIT PROCEDURE¹

The Minnetrista City Code was established to protect both current and future residents from the negative impacts of improper development and to ensure a positive future for the city. A conditional use permit is the mechanism that allows the city to examine proposed uses to ensure the intended application is compatible both on-site and with the surrounding environment. It is important to understand that a proposed use may be acceptable in some circumstances, but unacceptable in others—all applications are viewed on a case-by-case basis.

In order to successfully receive a conditional use permit, there are a number of steps that must be followed:

1. Contact city staff to discuss your proposed conditional use and obtain a land use application from City Hall.
2. Put together an informational packet (described herein) that outlines your request and outlines all reasons as to why the conditional use permit should be granted.
3. Submit your completed packet to staff by the applicable due date for review (see city calendar). Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date shall not be reviewed until the following month².
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, and notifying a public hearing.
5. The Planning Commission will review the request at their monthly meeting (4th Monday of every month³) and forward a recommendation onto City Council (1st Monday of the following month³). Applicants are advised to attend both the Commission meeting and the Council meeting and be open to questions that might be posed regarding the request.
6. The City Council will consider the request and either grant or deny the conditional use permit.

Above all else, it is imperative that you begin your preparations as early as possible to insure your application is complete at least one month prior to the next planning commission meeting (**see the city calendar for due dates**). Because of state mandated notification requirements, there may be NO exceptions to this deadline.

Per the City’s Fee Schedule Ordinance, the City Council has established the following fees⁴ for a conditional use application (*see following page for definitions of permit types*):

Standard (new) CUP ⁵	\$600 + \$1500 Deposit
CUP Amendment	\$300 + \$300 Deposit

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Minnetrista City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Minnesota State Statute 15.99 requires local governments to review an application within review the 15 days of its submission to determine if an application is complete and/or if additional information is needed to adequately review the subject request.

³ Please note that meeting dates are subject to change due to holidays, lack of quorum, etc. Please contact City Hall to confirm all dates and times.

⁴ Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, postage, legal expenses, and et cetera).

⁵ Applications for agricultural feedlots, poultry facilities, agricultural service establishments, and temporary real estate offices will only be charged \$300.



Types of Conditional Use Permits: The various types of conditional use permits are listed below. Please consult with City staff regarding which type of permit you will need for your desired use.

- **Standard (New) CUP**—If you currently do not have a conditional use permit, and/or your application would not fit in one of the categories outlined below, you will likely need to apply for a complex CUP permit. Processing these applications involves a great deal of staff time and resources to administer from beginning to end as they constitute the initial examination of a proposal. Applications for **agricultural feedlots and poultry facilities, agricultural service establishments, kennels, and temporary real estate offices** will be handled as Standard CUP applications, but will only be charged \$300.
- **CUP Amendment**—If you have an existing conditional use permit, but desire to make a change to the provisions outlined by the permit, you will need to apply for a conditional use permit amendment. This application recognizes that much of the work for the initial review is completed, and the review of the proposed change should be far less time intensive for staff.
- **Second Home Agreement**—By code, only one dwelling is allowed on an individual parcel. However, the city recognizes that there are circumstances, which may require that two homes co-exist on a property (generally during the construction of a new home). The second home agreement assures the city that one of the homes will be removed from the property following completion of agreed upon criteria.
- **Temporary Mobile Home**—Similar to the second home agreement (see above), a mobile home may be permissible to co-exist with an existing dwelling on a property under certain circumstances (generally during the construction of a new home). The temporary mobile home permit assures the city that the mobile home will be removed from the property following completion of agreed upon criteria.

Please note that it is the responsibility of the applicant to provide all required information and to illustrate all reasons why the requested conditional use should be granted. City staff is not authorized, nor permitted, to prepare applications since the “burden of proof” rests with the applicant to justify the specific conditional use permit request.

The following pages detail the components that are generally necessary for all conditional use permit applications to be considered complete. It is strongly recommended that an applicant meet with staff prior to putting together an application to identify components which may be exempted, and to identify others that may need to be added.



At a minimum, the following materials must be submitted prior to deeming an application complete:

Sub: Req: Item:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | 1. A completed land use application form signed by all property owners along with payment of the proper filing fee. |
| <input type="checkbox"/> | <input type="checkbox"/> | 2. Written statements providing information regarding your proposal. <u>Please provide a separate answer for each of the lettered items listed below</u> (answers must be submitted in both hard copy and electronic form--.txt files or MS Word format): <ul style="list-style-type: none"> a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, engineer, surveyor, and any other relevant associates; b. A listing of the following site data: Address, current zoning, parcel size in acres and square feet, property identification number(s) (PID), and current legal description(s); c. A narrative regarding the history of the property (current and past uses) and any pre-application discussions with staff. d. A specific written description of the proposed use(s). Incorporate information describing <u>how the use will work on the proposed site</u> including proposed site changes, existing open spaces, landscaping, traffic circulation, transition areas to adjacent properties, individual uses for existing and proposed structures, and effects on natural areas (wetlands, forests, etc.) both on-site and in the general vicinity of the project. e. Address how the proposed use would affect the health, safety, and general welfare of the city—including but not limited to the factors listed below. For all potential adverse effects, please address how the conflict(s) and/or disturbance(s) would be avoided or mitigated. <ul style="list-style-type: none"> ▪ Noise, glare, odor, electrical interference, vibration, dust, etc. ▪ Possible fire and safety hazards; ▪ Existing and anticipated traffic conditions; ▪ Parking facilities on adjacent streets and land; ▪ The effect on surrounding properties including valuation, aesthetics, scenic views, current and possible land uses, character, and integrity of the neighborhood; ▪ Impact on governmental facilities and services including roads, parks, schools, sanitary sewer system, water facilities & supply, and police & fire protection; ▪ Effect on sensitive environmental features including lakes, surface and underground water supply, wetlands, slopes, flood plains, and soils; and ▪ Any other factors as found relevant by the city. |



Written statements continued:

- f. Describe how the proposed use meets the objectives outlined within the Minnetrista Comprehensive Plan;
- g. Provide a narrative addressing concerns/issues raised by neighboring properties (staff always suggests discussing your proposal with the neighboring land owners to get a sense of what issues may arise as your application is processed);
- h. Describe how conflicts with nearby land uses (livability, value, potential future development, etc.) and/or disturbances to wetlands or natural areas are being avoided or mitigated;
- i. Provide justification that the proposal will not place an excessive burden on roads (traffic), sewage, water supply, parks, schools, fire, police, or other public facilities/services (including traffic flows) in the area; and
- j. Outline a proposed development/operating schedule (when will the use begin, hours of operation, etc). If new construction is proposed, provide a development schedule indicating the approximate date when construction of the project—or stages of the same—can be expected to begin and be completed.

Sub: Req: Item:

- 3. Verification of ownership** (a copy of a current title report, purchase agreement, etc.)
- 4. Address labels:** Two (2) lists of names and addresses of the owners of all property within five hundred (500) feet of the boundaries of the property in question. One (1) list shall be typed on mailing labels (33 labels per sheet) and the other list shall be a reproducible copy of those labels. Please see **Exhibit A** of this handout which provides basic instructions on how to acquire a Property Owners List online from Hennepin County.
- 5. Area Map:** One (1) copy of an area map showing the parcel(s) in question and the surrounding properties. You will receive this map from Hennepin County when you receive your mailing labels.
- 6. Survey: Three (3) copies of a certified survey⁶** depicting the lots or tracts involved with the requested conditional use. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁷ than 8½ x 11, and be **pre-folded** for distribution. Staff will assist you in determining what is required. The survey will not be considered complete unless all required elements are included.

The following page outlines your requirements:

⁶ In some cases, a site plan may be accepted in lieu of a full survey.

⁷ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that five (5) copies of the plan be in the large format, with the remainder reduced to 11x17.



Survey requirements

- Location, Floor Area, and Building Envelope of Existing & Proposed Structures
- Lot Lines
- Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line
- Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water
- Existing** topographic character of land showing contours at 2' intervals
- Proposed** topographic character at 2' intervals
- Location of Trees 4" diameter and larger, and other significant vegetation that could be effected by the proposed conditional use
- All Easements (Road, Utility, Drainage, etc.)
- Public Right-of-Way Name (street name) as per subdivision plat
- All Adjacent Structures Within 100 Feet of Property
- Wells & Neighboring Wells if New Drainfield is Installed
- Septic System & Drainfield or Sanitary Sewer Connect
- Percolation Test & Soil Boring Holes (if applicable)
- Hardcover Calculations--% and square footage of:
 - Building coverage
 - Public street right-of-way
 - Driveway and parking
 - Open space and/or landscaped area
- Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- Location of adjacent Municipal boundaries
- Shoreline and/or tops of bluffs (if applicable)
- Location, dimensions, and number of off-street parking spaces (including guest, handicapped, bicycle, and motorcycle spaces)
- Location of existing and proposed pedestrian sidewalks. Identify possible vehicular conflicts and indicate the proposed treatment of such
- Administrative Information:
 - Scale & North Point
 - Signature of Surveyor
 - Date of Preparation
 - PID Number
 - Site Address
 - Legal Description
 - Subdivision Name (if applicable)
 - Zoning Classification
 - Parcel Size in Acres & Square Feet
- Other: _____

**Sub: Req: Item:**

7. **Landscape Plan:** Three (3) copies⁸ of a Landscape Plan (if changes are to be made) depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁹ than 8½ x 11, and be pre-folded for distribution. Staff will assist you in determining what is required.

The landscape plan will not be considered complete unless all required elements are included.

- Extent and location of all plant materials and landscape features. Please include a plant material schedule with common and botanical names, symbols, sizes, quantities, and total percentage of each species.
- Flower and shrub beds shall be clearly shown and drawn to scaled dimensions. Actual plant quantities must be shown with landscape edge and mulch material identified.
- Existing trees must be accurately identified as to location, species, size, and condition; and labeled with intent to remove, protect, or transplant. Transplanted tree locations shall be identified.
- Tree protection specifications as defined in Section 23 of Minnetrista Code shall be included on all landscape plans in written and graphic form.
- Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, mulch grading, etc). Grass surfaces must be identified as sod or seed with the blend or mix specified.
- Show specific horticultural notes and details insuring the quality, survival, and establishment of plant materials.
- Proposed contours if making changes to existing grading.
- Retaining walls that are used to provide breaks in slopes, protect trees, or accomplish other landscape objectives.
- Any plans to restore, revegetate, or enhance an affected natural area or natural area buffer zone.
- Mitigation plans for any proposed natural area disturbance.
- Any other requirements set forth by the City Engineer.

⁸ Additional copies may be required

⁹ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that five (5) copies of the plan be in the large format, with the remainder reduced to 11x17.



Sub: Req: Item:

- 8. Architectural Plans:** Three (3) copies¹⁰ of architectural plans for all buildings sufficient to convey the basic architectural intent of the proposed improvements. The plans shall be pre-folded for distribution, and include the following information (please consult with staff to determine if any of these informational requirements can be waived):
 - Architectural elevations (to a verifiable scale) as they will appear after construction.
 - Maximum building height/elevation of all structures.
 - Indication of all typical building dimensions (including doors, windows, eaves, rooflines, pitch, et cetera) on all building elevations.
 - Specifications as to type, color, and texture of exterior surfaces of proposed structures (include color chips and exterior building materials list).
 - A detailed lighting plan insuring that all lighting apparatuses are down shielded as to ensure such do not shine or create glare on abutting properties and surrounding areas (include a specification sheet for all wall fixtures and site plan fixtures).
 - Location of utility meters, HVAC equipment, vaults, irrigation boxes, transformers, and other utility service functions (such as conduits, and vents). Show how this equipment will be screened so that the visual and acoustic impacts of these functions are fully contained and out of view of the adjacent properties and public streets.

Sub: Req: Item:

- 9. Utilities & Services Plan:** A plan set detailing the existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas lines, telephone lines, fire hydrants, and trash collection areas.
- 10. Electronic file(s) of plan sets.** Staff can generally work with most file formats (.jpg or .pdf files preferred).
- 11. Any other information** required by city staff, commissioners, or council members necessary to provide a complete review of the conditional use request. Information deemed critical to the review process not listed in this handout may be requested¹¹.

¹⁰ Additional copies may be required.

¹¹ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



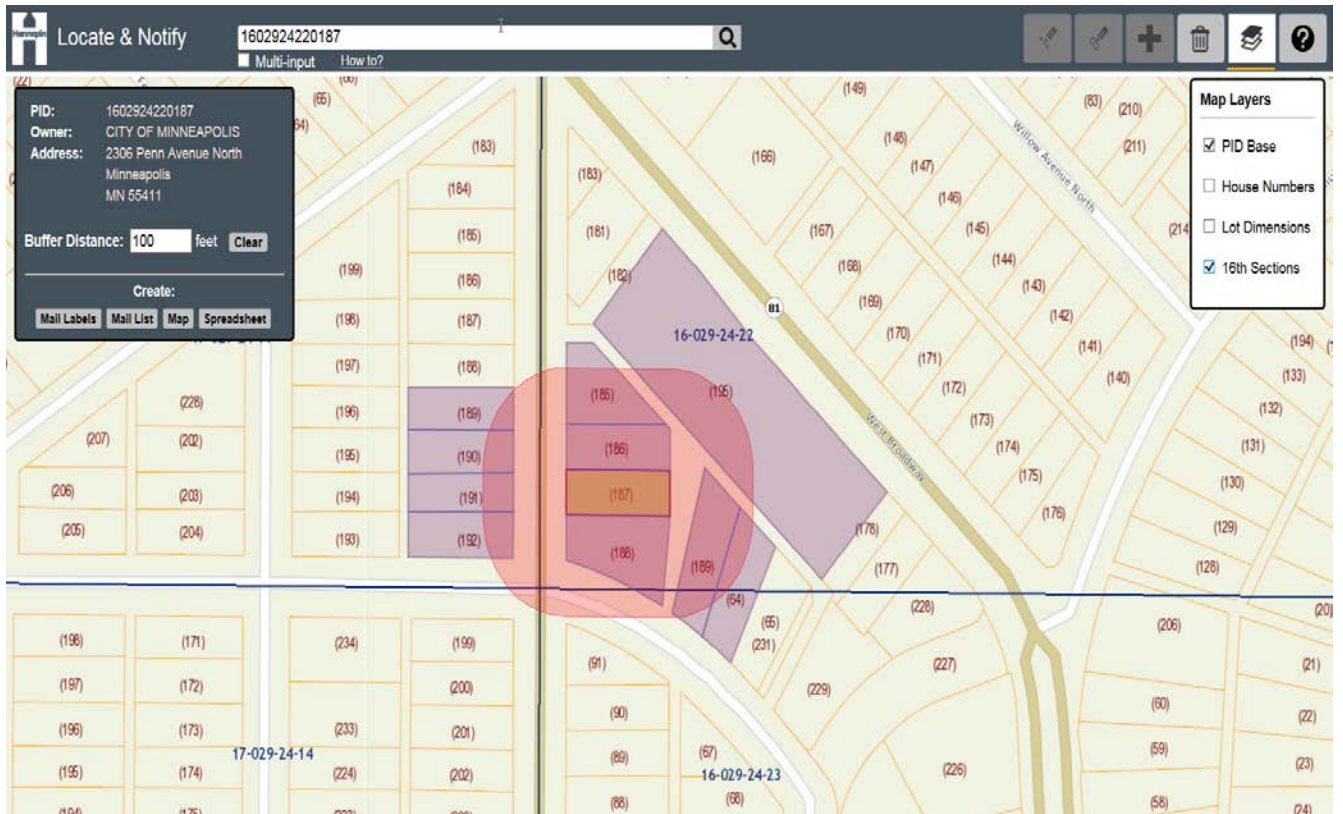
The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an approved conditional use if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

If you have any questions regarding these requirements, please call City Hall at (952) 446-1660.

Thank You!

Exhibit A
CONDITIONAL USE PERMIT LIST
(PROPERTY OWNERS LIST) BASIC INSTRUCTIONS

1. Open the Locate & Notify application: <https://gis.hennepin.us/locatenotify/default.aspx>
2. Enter PID Number or address of the parcel of interest (PID#s are preferred search input).
 - a. If multiple PID#s are needed, simply use the left mouse button and click on the adjacent parcels after the application has zoomed into your area of interest.
3. Hit “Map Layers” and select “16th Sections” to turn on Section/Range/Township lines for your map.
 - a. If the Platted Lots (underlying Legal Description) layer is desired, turn on “Lot Dimensions” layer and turn off “PID Base” layer. Some cities request this on specialized land use applications.
4. Enter the distance required for your application criteria in the “Buffer Distance” section, and buffer.
5. Copy the parcel Address to your clipboard for later use in your “Map Notes” if desired.
6. **Click Mail List Button**, print the list and save a copy if desired.
7. **Click Mail Labels Button**, print labels “actual size”, do not shrink to fit or labels could overrun on later pages (standard 8.5 x 11 – 30 labels per sheet), usually must select a specific printer tray or manual feeder, save a copy if desired.
8. **Click Map Button** and paste the parcel address or add notes to map as desired, print and save copy if desired.
 - a. ****If you have a buffer selected and nothing happens when clicking List, Labels, or Map button, check your internet browser’s pop-up settings. Pop-ups must be allowed for the list, labels, or map, output to display in order to print and save.**



****Below image shows how the map looks with the "Lot Dimension" layer turned on****

