

PROCEDURE FOR AN APPLICATION FOR A CONDITIONAL USE PERMIT

Overview: Certain uses, because of their nature, operation and location in relation to other uses, require a Conditional Use Permit. The Conditional Use Permit process regulates the location, magnitude and design of conditional uses consistent with the Comprehensive Plan, and the regulations, purposes and procedures of the Zoning Ordinance.

Pre-Application Procedure: Prior to submitting an application for a Conditional Use Permit, applicants are encouraged to meet with the Community Development Staff to discuss the following:

- City Plans and policies that might relate to or affect the property.
- Preliminary development or building plans for the property.

The applicant is responsible for understanding the requirements of the City Zoning Ordinance, including setbacks, landscaping, parking, required improvements, submittal requirements, signs, and so on. The Community Development Staff will also advise you of other potential governmental jurisdiction involvement.

The following must be brought to the pre-application meeting:

- The location of the property; and
- Any preliminary plans developed for the property.

If a decision is made to proceed after the advisory meeting or meetings, a formal application is made. *The Community Development staff also suggests the applicant hold a neighborhood meeting prior to the public hearing to discuss plans for the property.*

Process: Within ten (10) business days of submission of the application, the applicant will receive formal, written notice from the City about whether the application is complete. Within 30 days of receipt of a complete application, the Community Development Department will schedule a public hearing for review by the Planning Commission.

Timing: Public hearings are scheduled for the Planning Commission on the 1st and 3rd Mondays of each month. Complete applications must be submitted to the Community Development Department at least thirty (30) days prior to the scheduled meeting to allow publication of hearing notice. The Community Development Department will publish notices in the *Prior Lake American* and notify the applicant and other affected property owners of the date and time the proposal will be heard by the Planning Commission. The City will also post a sign on the subject site identifying the proposed application.

Staff Report: The Community Development Department will prepare a staff report which: 1) explains the request; 2) reviews how the proposal relates to the Zoning Ordinance requirements and the standards for approving a conditional use permit; and 3) provides a recommendation.

Hearing: A public hearing will be held by the Planning Commission. The Commission will review the staff report and hear from the applicant. Public testimony on the request will also be taken. The Planning Commission, after reviewing all of the information, will make a determination on the application based on findings addressing the relationship of the proposed amendment to the following standards:

- (1) The use is consistent with and supportive of the goals and policies of the Comprehensive Plan.
- (2) The use will not be detrimental to the health, safety, morals and general welfare of the community as a whole.
- (3) The use is consistent with the intent and purpose of the Zoning Ordinance and the Use District in which the Conditional Use is located.
- (4) The use will not have undue adverse impacts on governmental facilities, services, or improvements, which are either existing or proposed.
- (5) The use will not have undue adverse impacts on the use and enjoyment of properties in close proximity to the conditional use.
- (6) The use is subject to the design and other requirements of site and landscape plans prepared by or under the direction of a professional landscape architect, or civil engineer registered in the State of Minnesota, approved by the Planning Commission and incorporated as part of the conditions imposed on the use by the Planning Commission.
- (7) The use is subject to drainage and utility plans prepared by a professional civil engineer registered in the State of Minnesota which illustrate locations of city water, city sewer, fire hydrants, manholes, power, telephone and cable lines, natural gas mains, and other service facilities. The plans shall be included as part of the conditions set forth in the Conditional Use Permit approved by the Planning Commission.
- (8) The use is subject to such other additional conditions which the Planning Commission may find necessary to protect the general welfare, public safety and neighborhood character. Such additional conditions may be imposed in those situations where the other dimensional standards, performance standards, conditions or requirements in this Ordinance are insufficient to achieve the objectives contained in subsection 1108.202. In these circumstances, the Planning Commission may impose restrictions and conditions on the Conditional Use Permit which are more stringent than those set forth in the Ordinance and which are consistent with the general conditions above. The additional conditions shall be set forth in the Conditional Use Permit approved by the Planning Commission.

If the property is located within the Flood Plain or Shoreland Districts, additional evaluation criteria, listed in Section 1108.203 and 1108.204 of the Zoning Code, will also be applied.

Applicants are invited to use the overhead projector provided, and the exhibits prepared by Staff. Any additional exhibits submitted by the applicant (at the hearing or prior to the hearing) such as photographs, petitions, etc. must be entered into the public record and submitted to the Community Development Department for the file.

APPLICATION INSTRUCTIONS

No application will be considered until all required information is submitted. The following information, along with the attached checklist, is required for a complete application. The City also reserves the right to request additional information when needed to review an application.

- **Application Fee:** Check payable to the “City of Prior Lake”. The filing fee is \$500.00.
- **Signed Application:** A completed application form signed by the owner or owners of the property. Include authorization from the property owner on the application form or by attached letter of authorization if an agent signs the application.
- **Application Checklist:** The attached checklist identifies the necessary information. *Failure to provide any of the required information will result in an incomplete application.* The Application Checklist will expedite the review of your application. **Attach the checklist with the application materials.**

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

PROJECT NAME: _____

DEVELOPER: _____

FILE NUMBER
DATE SUBMITTED
REVIEWED BY

For City Use Only

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
The following data is required as part of a conditional use permit application according to the City of Prior Lake Zoning Ordinance.	Indicate where this information is provided in the application materials such as sheet #, narrative, or other attached report.	Reviewed by city staff to ensure required materials were submitted.
Application		
1. A complete Application Form, signed by the applicant and the fee owner of the property.		
2. The name, address and telephone number of the owner, the owner's agent, the applicant, surveyor and designer of the project.		
3. A radius map and a list and 2 sets of labels of the names and addresses of the owners of property located within 350' of the subject site. These shall be obtained from and certified by an abstract company.		
4. The required filing fee of \$500.00.		
5. Any necessary applications for zone changes and/or variances from the provisions of the Zoning Ordinance, along with the required fees and submittal information for those applications.		
6. A complete legal description of the property, and a location map showing the location of the proposed development in the City.		
7. Five (5) full-scale copies of the CUP plan and supporting data and one 11"X 17" reduction of each sheet.		
8. One (1) digital copy submitted by email (if under 10MB); otherwise submitted through Dropbox, Weblink to FTP site, or disk drive of the CUP plan and supporting data.		
General Development Plan (Section 1108.205):		
1. Site conditions and existing development on the subject property and		

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immediately adjacent properties.		
2. The proposed use of all areas of the site.		
3. The proposed density, type, size and location of all dwelling units, if dwelling units are proposed.		
4. The general size, location and use of any proposed nonresidential buildings on the site.		
5. All public streets, entrance and exist drives, and walkway locations.		
6. Parking areas		
7. Landscaped areas		
8. Parks and open spaces, public plazas, and common areas.		
9. Site dimensions		
10. Generalized drainage and utility plans.		
11. Any other information the City may request to determine whether the proposed project meets the requirements of this subsection.		
Summary Sheets which include the following:		
1. Proposed densities, and ground floor areas.		
2. Acreage or square footage of individual land uses on the site.		
3. All proposed modifications of the district regulations being requested.		
4. Generalized phasing plan for the project, including the geographical sequence of construction and the number of dwelling units or square footage of nonresidential property to be contracted in each phase.		
Other information which may be required includes:		
1. A tree preservation and replacement plan, as required by Section 1107.2100 of the Zoning Code.		
2. A lighting plan as required by Section 1107.1800 of the Zoning Code.		
3. A signage plan as required by Section 1107.400 of the Zoning Code.		
4. If applicable, a preliminary plat or other subdivision applications.		