

THE CONDITIONAL USE PROCEDURE¹ FOR THE CITY OF INDEPENDENCE

The Independence 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 (*Ref: Independence City Code Subsection 520.09, 11, 13*).

The applicant for a conditional use permit must complete and submit to the city administrator-clerk an application for a conditional use permit and required documentation, together with a fee established by city council ordinance. In addition to said fee, the applicant shall sign an agreement, on forms provided by the city, to pay the cost of all engineering, planning, legal and inspection expenses incurred by the city in processing the application.

STEPS TO FOLLOW

In order to have your application be complete and reviewed in the timeliest fashion, 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 application and the completed packet to the staff by the applicable due date for review. Staff will examine your submittal to determine if the application is complete, and contact you if additional information is required or was omitted. When all the information requirements are complied with, the request shall be considered as being officially submitted. 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 month.²
4. Staff will address completed applications by requesting comments from partnering agencies, scheduling meetings, writing reports, notifying and holding a public hearing.
5. The Planning Commission will review the request at their monthly meeting (2nd

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Independence 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 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.

Monday of every month³) and forward a finding of fact and recommendations to the City Council (meets the 4th Tuesday of the month⁴). 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 by the applicable due date (page 9). Because of state mandated notification requirements, there may be NO exceptions to this deadline.

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 permit 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 request.

CHECKLIST

The following items must be completed for the conditional use permit application:

Item:

1. **Schedule a pre-application meeting** with the Planning Department to discuss the purpose of the request and what will be needed in order to complete the application.
2. **A land use application form** signed by **all** property owners and applicant along with payment of the proper filing fee.
3. **Written statements providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below:**
 - 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), current legal description(s), and existing use of land;

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.

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- c. A specific written description of the proposed use(s). Incorporate information describing how the use will work on the proposed site 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.
 - d. 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.
 - The proposed use will not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or on the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
 - Existing roads and proposed access roads will be adequate to accommodate anticipated traffic.
 - Sufficient off-street parking and loading space will be provided to serve the proposed use.
 - The proposed conditional use can be adequately serviced by public utilities or on-site sewage treatment, and a sufficient area of suitable soils for on-site sewage treatment is available to protect the city from pollution hazards.
 - The proposal includes adequate provision for protection of natural drainage systems, natural topography, tree growth, water courses, wetlands, historic sites and similar ecological and environmental features.
 - The proposal includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance.
 - The proposed conditional use is consistent with the comprehensive plan of the city of Independence.
 - The proposed use will not stimulate growth incompatible with prevailing density standards.
4. **Survey:** Six (6)⁵ copies of a certified survey 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 smaller than 11”x 17” 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.

⁵ Six copies are needed due to the number of people who receive Park, Planning, and Council Packets. Depending upon how the project progresses (i.e. if the item is tabled), additional copies may be required.

The survey must include:

- Location and Dimension of Lot
- 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 6" 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
- Distance between principal buildings and accessory buildings
- Distance between principal building and buildings on adjacent properties
- Wells & Neighboring Wells if New Drainfield is Installed
- Septic System & Drainfield, Sanitary Sewer Connect
- Percolation Test & Soil Boring Holes with classification and boundaries of all soils
- Location, Hardcover Calculations--% and square footage of:
 - Building coverage
 - Driveway, curb cuts and parking
 - Storage area
 - Public street right-of-way
 - Open space and/or landscaped area
- Proposed Treatment of the Perimeter, including Screens, Fences, Walls, & Landscaping
- Location of signs if proposed
- 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:

- 5. Landscape Plan:** Six copies⁶ 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 smaller⁷ than 11” x 17” and be pre-folded for distribution. Staff will assist you in determining what is required.

The landscape plan must include:

- 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.
- 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 shall be included on all landscape plans in written and graphic form.
- Show specific horticultural notes and details insuring the quality, survival, and establishment of plant materials.
- 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 such as protecting against erosion control, silt accumulation, destruction of wildlife habitat and similar considerations
- Mitigation plans for any proposed natural area disturbance.
- Plans and specifications for fences, walls, and other buffers

⁶ Additional copies may be required

⁷ We ask that three (3) copies of the plan be in the large format (30x40), with the remainder (3) reduced to 11x17.

- 6. Architectural Plans:** Six copies⁸ of architectural plans for all buildings sufficient to convey the basic architectural intent of the proposed improvements. . Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁹ than 11” x 17” and be pre-folded for distribution. Staff will assist you in determining what is required.

The Architectural Plan must include:

- 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 showing the lighting of parking areas, walks, security lighting and driveway entrance lights. All lighting apparatuses should be 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, vents, waste, and garbage). 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.
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- 7. 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. Sanitary sewer and water plan should include estimated use per day.

Any other information required by city staff, commissioners, or council members necessary to provide a complete review of the proposal.¹⁰ Staff will list other requirements below:

⁸ Additional copies may be required

⁹ We ask that three (3) copies of the plan be in the large format (30x40), with the remainder (3) reduced to 11x17.

¹⁰ Information deemed critical to the review process not listed in this handout may be requested. Number of copies, size, and other such administrative details may also be imposed when requiring additional information.

Process following application submittal (Ref: Independence City Code Section 520.09):

After you submit your application, the city administrator-clerk refers the application to the zoning administrator. The application will be reviewed before being presented to the planning commission. The request shall be considered as being officially submitted when all the information requirements are completed. If the request is deemed incomplete, the city will contact you with an explanation on how to rectify the problem.

The planning commission will hold a hearing on the proposed variance. Notice of the hearing will be mailed by first class mail to owners of the property within **500 feet** of the outer boundaries of the land to which the variance will be applicable. The notices will be posted ten days before the hearing (failure to give the required notice does not invalidate the proceedings). Notice of the time, place, and subject matter of the proposed variance must be posted at the city hall.

After review, where the planning commission is encouraged to make written findings and recommendation of the proposed conditional use to the city council, the city council will approve or deny the proposed conditional use within 60 days of the filing of a completed application. The city council may extend the review period up to an additional 60 days upon written notification to the landowner of the reason for the extension and the anticipated length of the extension.

In granting a conditional use the planning commission may recommend and the city council may impose additional conditions and restrictions that are reasonably necessary to insure compliance with all provisions of this zoning code, and with the language and intent of the comprehensive plan, and to protect adjacent properties.

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.

Please contact Rose Lorsung, City Planner at (763)746-1632 if you have any questions.

Thank You!

APPLICATION DUE DATE¹¹ (2007 to 2008)

<u>Year</u>	<u>Meeting Month</u>	<u>Application Due Date</u>	<u>Parks¹²</u>	<u>Planning¹³</u>	<u>Council¹⁴</u>
2007	January	December 8	January 4	January 8	January 23
	February	January 12	February 1	February 12	February 27
	March	February 9	March 1	March 12	March 27
	April	March 9	April 5	April 9	April 24
	May	April 13	May 3	May 14	May 22
	June	May 11	June 7	June 11	June 26
	July	June 8	July 5	July 9	July 24
	August	July 13	August 2	August 13	August 28
	September	August 10	September 6	September 10	September 25
	October	September 7	October 4	October 8	October 23
	November	October 12	November 1	November 12	November 27
	December	November 9	December 6	December 10	December 11 or 18
2008	January	December 14	January 3	January 14	January 22

¹¹ This table does not reflect holidays. Generally, meetings which fall on holidays are rescheduled for the following day. Please check with City Hall to confirm actual dates.

¹² Park Commission meetings start at 7:00 p.m.

¹³ Planning Commission meetings start at 7:30 p.m.

¹⁴ City Council meetings start at 7:30 p.m.