

HOW TO APPLY FOR A CONDITIONAL USE PERMIT

The first step in the process is to contact the City of Waseca Planning Department to arrange a pre-application meeting with the Community Development Director. The purpose of this meeting is to advise you about how the City's policies and plans might affect the project and to help you coordinate your application. The Community Development Director will discuss the potential use of land, issues relating to the development of land and the development process. **The applicant is responsible for understanding all City Ordinances, including Chapter 154, Zoning Regulations.** The Community Development Director will also advise you of other potential governmental jurisdiction involvement.

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

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

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

- **Application Fees:**

1. A Check payable to the "City of Waseca":
 - Homestead Fee: \$700.00
 - Commercial Fee: \$698.00
2. A Check payable to the "Waseca County Recorder"
 - Standard Fee: \$46.00

- **Site Plan (if applicable) with Checklist:** The following information is required to be submitted as a part of the application (per City Code Section 154.172). Please check the box verifying it as being provided to the City with the application. *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.**

- **Contacts:**

Planning Director:
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Acting City Engineer:
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Director of Utilities:
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PLANNING PROCESS:

1. Application Due Date

- To be considered on the next available public hearing date, a complete application, including all required Submittals, must be received no later than the time specified below:

By 4:30 p.m. on the specified date of the Planning Commission Schedule
Friday, the ____ of _____.

2. Public Notification

- Posting, Waseca County News, Thursday, _____, 20____.
- Notification to property owners within 350 feet of property: _____, 20____.

3. Public Hearing by Planning Commission

- At 7:00 p.m., Tuesday, _____, 20____, City Council Chambers, 508 South State Street, Waseca.
- Prior to the Public Hearing, you will receive an **Agenda** and **Staff Report**.
- At the Hearing, the Planning Commission will make a recommendation on your application. This recommendation will be given to the City Council.

4. Final Action by City Council

- At 7:00 p.m., Tuesday, _____, 20____, City Council Chambers, 508 South State Street, Waseca.

5. Confirmation of Council Decision

- You will receive a letter confirming the Council's decision.
- If project is approved by City Council, the City of Waseca will send your Resolution and recording fee to Waseca County to be Recorded.

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

PROPERTY OWNER: _____	ACTION NUMBER:
ADDRESS: _____	DATE SUBMITTED:
	REVIEWED BY:

- 1. Completed Conditional Use Permit application and application Fees.

- 2. Scaled Site Plan (if applicable) containing the following required elements:
 - a. Lot and lot dimensions.
 - b. North arrow.
 - c. Name(s) of abutting streets.
 - d. Existing structures, showing dimensions, exact placement on lot, and setbacks from lot lines.
 - e. Verified lot corners.
 - f. Street boulevard width (distance between the property line and the curb).
 - g. Verified utility locations marked on site plan. For utility locations, please call Gopher State One Call at 1-800-252-1166. Allow two days for locations to be marked on property.
 - h. Include Gopher One State ticket number on site plan.
 - i. Location and dimensions of garaged and other off-street parking areas.
 - j. Landscaped areas.

CONDITIONAL USE PERMITS: As stated in City Code

The following data is required as part of a conditional use permit application according to the City of Waseca Zoning Regulations

Conditional Use Permits (Section 154.172)

1. In granting a conditional use permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use on the comprehensive plan and upon the health, safety and general welfare of occupants of surrounding lands. Among other things, the City Council shall make the following findings where applicable:
 - a. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area;
 - b. The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land;
 - c. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties;
 - d. The use, in the opinion of the City Council, is reasonably related to the overall needs of the city and to the existing land use;
 - e. The use is consistent with the purposes of this chapter and the purposes of the zoning district in which the applicant intends to locate the proposed use;
 - f. The use is not in conflict with the comprehensive plan of the city;
 - g. The use will not cause traffic hazard or congestion;
 - h. Adequate utilities, access roads, drainage and necessary facilities will be provided; and
 - i.
 1. In shoreland areas, the topographic, vegetation and soils conditions on the site will ensure:
 - a. Prevention of soil erosion or other possible pollution of public waters, both during and after construction;
 - b. Limiting visibility of structures and other facilities as viewed from public waters; and
 - c. Adequacy of the site for water supply and on-site sewage treatment.
 2. In the event that a motion to approve a conditional use permit fails, an additional motion shall be made and adopted denying the conditional use permit, otherwise the permit shall be deemed granted.
2. In permitting a new conditional use or in the alternative of an existing conditional use, the City Council may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the City Council considers necessary to protect the best interest of the surrounding area or the community as a whole. These conditions may include, but are not limited to the following:
 - a. Increasing the required lot size or yard dimension;
 - b. Limiting the height, size or location of buildings;

CONDITIONAL USE PERMITS: As stated in City Code

- c. Controlling the location and number of vehicle access points;
- d. Increasing the street width;
- e. Increasing the number of required off-street parking spaces;
- f. Limiting the number, size, location or lighting of signs;
- g. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property;
- h. Designation sites for open space;
- i. Establish a time limit;
- j. In shoreland areas, increasing the setbacks from the ordinary high water level; fixing limitations on the natural vegetation to be removed or requiring that additional vegetation be planted; and, providing for the location, design and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas; and
- k. The Zoning Administrator shall maintain a record of all conditional use permits issued including information on the use, location and conditions imposed by the City Council; time limits, review dates and other information as may be appropriate.

3. The following are required exhibits for conditional use permits:

- a. A preliminary building and site development plan;
- b. A legal description of the property; and (The City Council may also require a boundary survey of the property.)
- c. Evidence of ownership or enforceable option on the property.

4. The procedure for obtaining a conditional use permit is as follows:

- a. The property owner or his or her agent shall meet with the Zoning Administrator to explain his or her situation, learn the procedures and obtain an application form. At this meeting, the Zoning Administrator shall classify the request under one of the following four levels:
 - 1. *Level 1.* Level 1 requests include the following:
 - a. Use only (no building);
 - b. Driveways; and
 - c. Fences.
 - 2. *Level 2.* Level 2 requests include the following:
 - a. Single-family residential additions; and
 - b. Single-family residential garages and sheds.

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3. *Level 3.* Level 3 requests include the following:
 - a. Single-family to four-family (4-plex) residential construction;
 - b. Additions to residential structures having two or more units;
 - c. Building-moving;
 - d. Commercial/industrial additions of 2,000 square feet or less; and
 - e. Parking lots up to six spaces.
4. *Level 4.* Level 4 requests include the following:
 - a. Residential construction of structures greater than four units;
 - b. Commercial/industrial additions of more than 2,000 square feet;
 - c. Commercial/industrial buildings; and
 - d. Parking lots more than six spaces.
- b.
 1. The property owner or his or her agent shall file with the Zoning Administrator a concept plan, to include lot area dimensions, existing and proposed structures and their dimensions, setbacks of all existing and proposed structures from all lot lines, utility locations, relationship to abutting streets, rights-of-way and road easements and drainage arrows.
 2. The property owner or agent shall pay, at the time of this information submittal, a review fee as established by City Council Resolution.
- c.
 1. Upon receipt of a concept plan, the Zoning Administrator shall, within ten days of receipt of the information, forward the information to city departments required for review and schedule the Department review meeting. This meeting shall be scheduled at a time when the property owner or his or her agent is available to attend.
 2. The property owner or agent shall meet with the Department review team to review the comprehensive aspects of the proposal, including, but not limited to traffic patterns and impacts, area grading and drainage, utility needs, density and public health and safety. This meeting shall be conducted within 20 days of receipt of the Zoning Administrator's receipt of the pre-application information required hereunder.
- d.
 1. The applicant shall file the completed application form together with the required exhibits with the Zoning Administrator and shall pay a filing fee, at the time of application, according to the following schedule:
 - a. Homestead application, as established by City Council Resolution; and
 - b. Commercial application, as established by City Council Resolution.
 2. The applicant shall also pay, at the time of application, the County Recorder's filing fee as set by the

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County Recorder, payable to the County Recorder. In the event the conditional use is not granted, the fee made payable to the County Recorder shall be returned.

3. Levels 3 and 4 requesters may make formal application following the application Department review meeting and pre-application information meeting. The required exhibits shall be as specified in the currently effective site plan review matrix and the planning and zoning application applicant checklist, as adopted by the City Council.
 - e. Upon receipt of the application, the Zoning Administrator shall determine if the application, including required exhibits, is complete. If the application submittal is found to be incomplete, the Zoning Administrator shall, within ten business days of receipt of the application, notify the applicant in writing what information is missing.
 - f. Upon receipt of a complete application, the Zoning Administrator shall set the date for a public hearing and shall have notice of the hearing published at least once in the legal newspaper, not less than ten days and not more than 20 days prior to the hearing. The Zoning Administrator shall also notify by mail all property owners within 350 feet of the outer boundaries of the property in question; however, failure of any property owner to receive the notification shall not invalidate the proceedings.
 - g. The Zoning Administrator shall transmit the complete application to the Planning Commission.
 - h. The Planning Commission shall hold the public hearing and, within 30 days of the city's receipt of a complete application, shall recommend to the City Council one of three actions: approval, denial or conditional approval. In the event that more time is needed for the Planning Commission to make a recommendation on the application, the Zoning Administrator shall notify the applicant in writing that an extension of time is needed for the Planning Commission to make a recommendation. This written notice must state the reasons for the extension and its anticipated length. The total length of the extended time needed for both the Planning Commission recommendation and City Council decision may not exceed 60 days unless approved by the applicant.
 - i. The City Council shall act upon the application within 60 days of the city's receipt of a complete application: in the event that the time for Planning Commission recommendation has been extended in accordance with division (D)(8) above or, in the event that more time is needed for the City Council to make a final decision on the application, the Zoning Administrator shall notify the applicant in writing that an extension of time is needed for the City Council to take final action. This written notice must state the reasons for the extension and its anticipated length. The total length of the extended time needed for both the Planning Commission recommendation and City Council decision may not exceed 60 days unless approved by the applicant.
 - j. Where a conditional use permit has been issued pursuant to the provisions of this chapter, the permit shall become null and void without further action by the Planning Commission or the City Council unless work thereon commences within six months, of the date granting the conditional use. The conditional use permit shall not be assignable. A conditional use permit shall be deemed to authorize only one particular use and shall expire if that use shall cease for more than six consecutive months.
 - k. In the event that the applicant violates any of the conditions set forth in this permit, the City Council shall have the authority to revoke the conditional use permit.
 - l. No application of a property owner for a conditional use shall be considered by the Planning Commission within a one-year period following a denial for a request, except the Planning Commission may permit a new application if in its opinion new evidence or a change in circumstances warrant it.