



CITY OF MAPLE GROVE
12800 ARBOR LAKES PARKWAY
MAPLE GROVE MN 55369-7064
763-494-6040

Office Use Only:

CASE # _____

PLANNER: _____

CONDITIONAL USE PERMIT APPLICATION

Project Name: _____

Application is hereby made for a conditional use permit in a(n) _____ zone district for the purpose of:

OWNER: _____

CONTACT NAME (PRINT): _____ PHONE: _____

ADDRESS: _____ FAX: _____

CITY/ZIP: _____ E-MAIL: _____

APPLICANT: _____

CONTACT NAME (PRINT): _____ PHONE: _____

ADDRESS: _____ FAX: _____

CITY/ZIP: _____ E-MAIL: _____

The following information is submitted in support of the application as described on the attached "Conditional use permit procedures":

- _____ 1) Completed application for conditional use permit
- _____ 2) Application fee of **\$500**
- _____ 3) Legal description of property
- _____ 4) Acknowledgement of responsibility form completed
- _____ 5) Affirmation of sufficient interest form completed
- _____ 6) Dependent on the proposed use of the property, the following is required
 - _____ a) Narrative describing the proposed use, operational information, purpose and justification of the request and any other pertinent information explaining the request to allow a comprehensive city review
 - _____ b) 3 full size FOLDED copies of all scaled drawings and other pertinent documents
 - _____ c) additional information as required by staff
- _____ 7) 1 sets (8½" X 11") paper copies of all documents listed in #6b above (not stapled)
- _____ 8) 2 sets (11" X 17") paper copies of all documents listed in #6b above
- _____ 9) Flash Drive – PDF set of all maps in #6b

I fully understand that all of the above required information must be submitted at least 28 days prior to a Planning Commission meeting to ensure review by the Planning Commission on that date.

 Applicant's Signature

 Printed Name

 Date

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the city and that I am responsible for complying with all city requirements with regard to this request. This application should be processed in my name and I am the party whom the city should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by city staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the city upon demand, expenses, determined by the city, that the city incurs in reviewing this application and shall provide an escrow deposit to the city in an amount to be determined by the city. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by city personnel to the property for purposed of review of my application and to erect a temporary sign indicating the application proposed.

Signature of applicant _____ Date _____

Name of applicant _____ Phone _____
(Please Print)

Name and address of Contact (if other than applicant) _____

Phone Number

Date

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant _____
(Please Print)

Street address/legal description of subject property _____

Signature

Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.



CONDITIONAL USE PERMIT PROCEDURES

By Applicant

- Submit all filing requirements to the Community & Economic Development Department **28 days prior** to the regular Planning Commission meeting at which the public hearing is to be held.

All required information must be received before the application will be placed on a Planning Commission meeting agenda. Conditional Use Permits are valid for one year from date of City Council approval.

General Filing Requirements

1. Completed Conditional Use Permit application
2. Cash fee of \$500.00
3. Legal description of the property
4. Acknowledgement of Responsibility form completed
5. Affirmation of Sufficient Interest form completed
6. Dependent on the proposed use of the property, the following are required:
 - a. Narrative describing the proposed use, operational information, purpose and justification of the request, any other pertinent information explaining the request to allow comprehensive City review
 - b. **3 folded** copies of all scaled drawings and other pertinent documents indicating:
 1. Existing conditions on the site
 2. Any improvements proposed including but not limited to gradings, access, structure dimension, fencing, landscaping
7. 1 sets (8½" X 11") of paper copies of all documents listed in #6b above.
8. 2 sets (11 X 17) of paper copies of all documents listed in #6b above.
9. Flash Drive – pdf set of all listed in #6 above.

By City Staff

- Public hearing notice published at least 10 days before the Planning Commission meeting at which time the item will be heard. Notice sent to area owners within a radius of 500 feet.
- Conditional Use Permit request placed on Planning Commission agenda for a public hearing. Either approval or denial is recommended by the Community & Economic Development Department.
- Review and report by the Community Development Department forwarded to the Planning Commission at least 3 days prior to the hearing; copy sent to applicant.
- Planning Commission holds public hearing and recommends approval **OR** denial to City Council.
- Conditional Use Permit request placed on City Council agenda with staff report and recommendations and Planning Commission recommendations noted.
- Council acts on request, approving, denying **OR** referring back to Planning Commission.

DIVISION 4. - CONDITIONAL USE PERMIT, INTERIM USE PERMIT, COMPREHENSIVE PLAN AND ZONING AMENDMENTS

Sec. 36-101. - Procedure for review and approval.

- (a) Requests for comprehensive plan, zoning amendments, conditional use permits, or interim use permits as provided in this chapter, shall be filed with the zoning administrator on an official form prescribed by the city. In addition to the information required by the application form the following shall be provided:
 - (1) Such application shall be accompanied by a nonrefundable fee and any surety, escrow, or deposit as provided for by the city council as set forth in chapter 16, article XI.
 - (2) Such application shall also be accompanied by ten copies of detailed written and graphic materials fully explaining the proposed change, development, or use a site plan as required by section 36-9 and a list obtained from and certified by the county, of property owners located within 500 feet of the boundary of the subject property.
 - (3) The request shall be placed on the agenda of a planning commission meeting occurring after the date of submission. The request shall be considered as being officially submitted when all the information requirements are complied with.
- (b) The zoning administrator, upon receipt of the application, shall set a public hearing with the required notice for the next available meeting of the planning commission.
 - (1) The planning commission shall conduct the hearing, and report its findings and make recommendations to the city council.
 - (2) Notice of the hearing shall consist of the property identification number and street address or common description, a description of the request and a map detailing the property location, and shall be published in the official newspaper at least ten days prior to the hearing, and written notification of the hearing shall be mailed at least ten days prior to all owners of land within 500 feet of the boundary of the property in question.
- (c) Failure of a property owner to receive the notice shall not invalidate any such proceedings as set forth within this chapter.
- (d) After the public hearing has been set, the city administrator shall instruct the appropriate staff persons to prepare technical reports where appropriate, and provide general assistance in preparing a recommendation on the action to the city council.
- (e) The planning commission shall consider possible adverse effects of the proposed amendment, conditional use, or interim use. Its judgment shall be based upon, but not be limited to, the following factors:
 - (1) The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official comprehensive land use plan, including, but not limited to, article VII, division 5, of this chapter.
 - (2) The proposed use is or will be compatible with present and future land uses of the area.
 - (3) The proposed use conforms with all performance standards contained in this chapter.
 - (4) The proposed use will not tend to or actually depreciate the area in which it is proposed.
 - (5) The proposed use can be accommodated with existing public services and will not overburden the city's service capacity.
- (f) The planning commission and city staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, such information to be declared necessary to establish performance conditions in relation to all pertinent sections of this chapter.

- (g) The applicant or a representative thereof shall appear before the planning commission in order to answer questions concerning the proposed variance request.
- (h) The planning commission shall make findings of fact and recommend such actions or conditions relating to the request as it deems necessary to carry out the intent and purpose of this chapter. Such recommendation shall be in writing and be accompanied by the report and recommendation of the city staff.
- (i) The city council shall not grant a conditional use permit, interim use permit or adopt a zoning ordinance amendment until it has received a report and recommendation from the planning commission and the city staff.
- (j) Upon receiving the report and recommendation of the planning commission and the city staff, the city council shall place the report and recommendation on the agenda for the next regular meeting. Such reports and recommendations shall be entered in and made part of the permanent written record of the city council meeting.
- (k) Upon receiving the report and recommendation of the planning commission and the city staff, the city council shall have the option to set and hold a public hearing if deemed necessary and shall make recorded findings of fact and may, in the case of a conditional use permit, impose any condition it considers necessary to protect the public health, safety and welfare.
- (l) If, upon receiving the reports and recommendations of the planning commission and city staff, the city council finds that specific inconsistencies exist in the review process and thus the final action of the city council will differ from the recommendation of the planning commission, the city council may, before taking final action, refer the matter back to the planning commission for further consideration. The city council shall provide the planning commission with a written statement detailing the specific reasons for referral.
- (m) Approval of a request.
 - (1) Zoning ordinance amendments shall require a majority vote of the city council, except that approval of a zoning ordinance map amendment changing land from a residential category to business or industrial shall require a two-thirds vote of all members of the city council.
 - (2) Approval of conditional use permits, interim use permits and comprehensive plan amendments shall require a two-thirds vote of all members of the city council.
- (n) An amendment shall not become effective until such time as the city council approves an ordinance reflecting the amendment and after the ordinance is published in the official newspaper.
- (o) The zoning administrator shall notify the applicant in writing of the council's decision.
- (p) Whenever an application for an amendment, conditional use permit, or interim use permit has been considered and denied by the city council, a similar application for the amendment, conditional use permit, or interim use permit affecting substantially the same property shall not be considered again by the planning commission or city council for at least six months from the date of its denial, and a subsequent application affecting substantially the same property shall likewise not be considered again by the planning commission or city council for an additional six months from the date of the second denial unless a decision to reconsider such matter is made by not less than four-fifths vote of the full city council.

(Code 1984, § 375:120(1); Ord. No. 03-21, § 1, 7-21-2003; Ord. No. 06-15, § 1, 5-15-2006)

Sec. 36-102. - Initiation of amendments.

The city council or planning commission may, upon their own motion, initiate a request to amend the text of this chapter or the district boundaries. Any person owning real estate within the city may initiate a request to amend the district boundaries or text of this chapter so as to affect such real estate.

(Code 1984, § 375:120(2))

Sec. 36-103. - Conditional use permits.

- (a) *Purpose.* The purpose of a conditional use permit is to provide the city with a reasonable degree of discretion in determining the suitability of certain designated uses upon the general welfare, public health and safety. In making this determination, whether or not the conditional use is to be allowed, the city may consider the nature of the adjoining land or buildings, whether or not a similar use is already in existence and located on the same premises or on other lands immediately close by, the effect upon traffic into and from the premises, or on any adjoining roads, and all other or further factors as the city shall deem a prerequisite of consideration in determining the effect of the use on the general welfare, public health and safety.
- (b) *Required information.* The information required for all conditional use permit applications shall generally consist of a site development plan which shall conform with the site plan review standards of article II, division 3 of this chapter.
- (c) *Lapse of permit by nonuse.*
 - (1) Whenever, within one year after granting a conditional use permit, the use as permitted by the permit shall not have been completed or utilized, then such permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the city council.
 - (2) Such extension shall be requested in writing and filed with the zoning administrator at least 30 days before the expiration of the original conditional use permit. There shall be no charge for the filing of such petition.
 - (3) The request for extension shall state facts showing a good faith attempt to complete or utilize the use permitted in the conditional use permit.
 - (4) Such petition shall be presented to the planning commission for a recommendation and to the city council for a decision.
- (d) *Site improvement performance agreement and surety.*
 - (1) Upon city council approval of a conditional use and prior to the issuance of building permits or initiation of work on the proposed improvement or development, the developer shall execute a performance agreement setting out site improvement items and terms of completion of such items. The performance agreement and any surety required therein must be approved by the city attorney.
 - (2) Any surety required by the performance agreement shall be non-cancellable and shall guarantee conformance and compliance with the conditions of the site plan approval, the performance agreement and the ordinances of the city.
 - (3) The city shall hold the surety for such period of time as set forth in the performance agreement.
 - a. The surety may only be released by the city council.
 - b. Periodically, the amount of the surety may be reduced by the city council.
 - c. Reduction and release actions will only be initiated after proper request has been made by the developer.
 - (4) Failure to comply with the conditions of the conditional use permit approval, the performance agreement or the ordinances of the city shall result in forfeiture of the surety to the extent necessary to achieve the project's total compliance with the conditional use permit.
- (e) *Permitted conditional use.* Where a present use lawfully existed on November 18, 1976, has continued uninterrupted since then, and is classified as a permitted conditional use by this chapter in

the district in which the use is located, then a conditional use permit for such use shall be deemed to have been granted therefor.

(Code 1984, § 375:120(3))

Sec. 36-104. - Interim use permits.

(a) *Permit procedure.*

- (1) *Intent and purpose.* Interim use permits may be issued, at the sole discretion of the city council, in instances where a conditional use permit may be issued and such permits are similar to a conditional use permit except they, as determined by the city council, represent a temporary use of the property and have a known termination date. All procedures established under this division for conditional use permits shall apply to interim use permits, except as follows in this section.
- (2) *General requirements/findings.* In addition to the requirements of a conditional use permit, the city council shall not issue an interim use permit until it finds that the following additional requirements have been met:
 - a. The use conforms to the zoning regulations;
 - b. That the date or event that will terminate the use can be identified with certainty;
 - c. Permission of the use will not impose additional costs on the public if it is necessary for the public to take the property in the future; and
 - d. The user agrees to any conditions that the city council deems appropriate for permission of the use.
- (3) *Duration.* An interim use permit shall remain in effect only until the agreed upon termination date.
- (4) *Agreement/effect.* The applicant/property owner shall enter into an agreement, drafted by the city, regarding the terms and conditions of the approved interim use permit. The interim use permit will not be in effect until such time that the agreement is executed and recorded with the county, and the city is provided with recording information.

(Ord. No. 06-15, § 1, 5-15-2006)

Secs. 36-105—36-120. - Reserved.

11/04/2020

CITY OF MAPLE GROVE 2022 PLANNING COMMISSION SUBMISSION DATES

Submission Deadline (DATE is FIRM)	Planning Commission Meeting Dates	City Council Meeting Dates	Osseo-MG Press PH Notice Deadline	Residential Mailing Deadline
December 6, 2021 December 27, 2021	January 10, 2022 January 31, 2022	*Tues., January 18, 2022 February 7, 2022	December 23, 2021 January 13, 2022	December 30, 2021 January 21, 2022
January 10, 2022 January 24, 2022	February 14, 2022 February 28, 2022	*Tues., February 22, 2022 March 7, 2022	January 27, 2022 February 10, 2022	February 4, 2022 February 18, 2022
February 7, 2022 *Tues., February 22, 2022	March 14, 2022 March 28, 2022	March 21, 2022 April 4, 2022	February 24, 2022 March 10, 2022	March 4, 2022 March 18, 2022
March 7, 2022 March 28, 2022	April 11, 2022 April 25, 2022	April 18, 2022 May 2, 2022	March 24, 2022 April 7, 2022	April 1, 2022 April 15, 2022
April 11, 2022 April 25, 2022	May 9, 2022 *Tues., May 31, 2022	May 16, 2022 June 6, 2022	April 21, 2022 May 12, 2022	April 29, 2022 May 20, 2022
May 9, 2022 June 27, 2022	June 13, 2022 July 25, 2022	June 20, 2022 August 1, 2022	May 26, 2022 July 7, 2022	June 3, 2022 July 15, 2022
July 11, 2022 July 25, 2022	August 8, 2022 August 29, 2022	August 15, 2022 *Tues., Sept. 6, 2022	July 21, 2022 August 11, 2022	July 29, 2022 August 19, 2022
August 8, 2022 *Tues., September 6, 2022	September 12, 2022 October 10, 2022	September 19, 2022 October 17, 2022	August 25, 2022 September 22, 2022	September 2, 2022 September 30, 2022
September 26, 2022 October 10, 2022	October 31, 2022 November 14, 2022	November 7, 2022 November 21, 2022	October 13, 2022 October 27, 2022	October 21, 2022 November 4, 2022
October 24, 2022 November 7, 2022	November 28, 2022 December 12, 2022	December 5, 2022 December 19, 2022	November 10, 2022 November 22, 2022	November 18, 2022 December 2, 2022

After the Planning Commission makes its recommendation, (unless it is tabled) the item will be scheduled on the next available City Council meeting for their action.