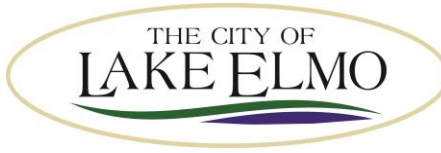


Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

LAND USE APPLICATION

- Comprehensive Plan Zoning District Amend Zoning Text Amend Variance*(see below) Zoning Appeal
- Conditional Use Permit (C.U.P.) Flood Plain C.U.P. Interim Use Permit (I.U.P.) Excavating/Grading
- Lot Line Adjustment Minor Subdivision Residential Subdivision Sketch/Concept Plan
- PUD Concept Plan PUD Preliminary Plan PUD Final Plan

Applicant: _____
Address: _____
Phone # _____
Email Address: _____

Fee Owner: _____
Address: _____
Phone # _____
Email Address: _____

Property Location (Address and Complete (long) Legal Description): _____

Detailed Reason for Request: _____

*Variance Requests: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the applicant must demonstrate practical difficulties before a variance can be granted. The practical difficulties related to this application are as follows:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: _____ Date: _____

Signature of fee owner: _____ Date: _____

INTERIM USE PROCEDURE¹ FOR THE CITY OF LAKE ELMO

The Lake Elmo City Code was established to protect current and future residents from the negative impacts of improper development and to ensure a positive future for the city. An interim use permit is a mechanism that allows a use that is presently acceptable, but that with anticipated development or redevelopment or other significant change, will not be acceptable in the future or will be replaced by a permitted or conditional use allowed within the respective district. It is important to understand that a proposed use may be acceptable in some locations but unacceptable in others. All applications are viewed on a case-by-case basis.

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

1. Contact city staff to discuss your proposed interim 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. 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 materials as early as possible so staff can assist you in meeting all requirements. Applications found to be incomplete as of the due date will likely 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. Staff will always strive to place your application before the planning commission as early as possible, but not until all background work is completed.
5. The Planning Commission will review the request at one of their meetings (held on the 2nd and 4th Monday of every month³) and forward a recommendation onto City Council (1st and 3rd Tuesday of every 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 interim 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 desired date for planning commission review. State mandated requirements for public hearing notifications do not allow the City to accelerate the review process which typically takes 1.5 months from the date of application (longer if the item is complex or is tabled during the review process). The City Council has established a **non-refundable fee** for processing new interim use permit applications, and

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

renewals to existing interim use permits. Please consult the current fee schedule on the City website.

Interim use permits can be requested for many different uses in all areas of the City which makes it very difficult to generate at handout that is applicable in all situations. It is strongly recommended that an applicant meet with staff prior to putting an application together to identify components listed herein that may be exempted, and to identify additional information that may be needed in order to deem your application complete.

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. |
|--------------------------|--------------------------|---|

2. **Written statements** providing information regarding your proposal. Please provide a separate answer for each of the lettered items listed below (answers must be submitted in both hard copy and electronic form-- .txt files or MS Word format):
- 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).
 - i. A letter from the applicant explaining the proposal and stating the date or event that will terminate the use.
 - ii. A signed consent agreement, subject to review and approval by the City Council documenting the following:
 1. That the applicant, owner, operator, tenant and/or user has not entitlement to future approval or reapproval of the interim use permit;
 2. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 3. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.
 - e. Provide justification that the proposed use meets the following findings:
 - i. The use is allowed as an interim use in the respective zoning district and conforms to standard zoning regulations.
 - ii. The use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.
 - iii. The use will not adversely impact implementation of the Comprehensive plan.
 - iv. The user agrees to all conditions that the City Council deems appropriate to establish the interim use. This may include the requirement of appropriate financial surety such as a letter of credit or other security acceptable to the City to cover the cost of removing the interim use and any interim structures not currently existing on the site, upon the expiration of the interim use permit.
 - v. There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel.
 - vi. The date or event terminating the interim use shall be set by the City Council at the time of approval.

- | <u>Sub:</u> | <u>Req:</u> | <u>Item:</u> |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | 3. Verification of ownership (a copy of a current title report, purchase agreement, etc.) |
| <input type="checkbox"/> | <input type="checkbox"/> | 4. Address labels: A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor. |
| <input type="checkbox"/> | <input type="checkbox"/> | <p>5. Ten (10) copies of a certified survey or to-scale site plan depicting the lot upon which a conditional use permit is requested. The large number of copies <u>is necessary</u> given the number of people who receive the planning commission and city council packets. The survey/site plan shall be at a readable and measurable engineering scale, be composed of one or more sheets not smaller⁴ than 11x17, be <u>pre-folded</u> for distribution, and include the following information⁵:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Location, Floor Area, and Building Envelope of <u>Existing</u> & <u>Proposed</u> Structures <input type="checkbox"/> Lot Lines <input type="checkbox"/> Parcel Size in Acres & Square Feet <input type="checkbox"/> Building Setbacks (Front/Rear/Side/Lake): closest point of building to each property line <input type="checkbox"/> Actual elevations for Garage Floor, Basement Floor, Foundation Top, & Building Height <input type="checkbox"/> Lowest Floor Elevation if any part of property is in flood plain <input type="checkbox"/> <u>All Water Features</u>: Floodplain, Floodway Delineations, Ordinary High Water Mark Elevations, Wetlands, Watercourses, Reservoirs, Ponds, & Other Bodies of Water <input type="checkbox"/> Existing topographic character of land showing contours at <u>2' intervals</u> <input type="checkbox"/> Proposed topographic character at <u>2' intervals</u> <input type="checkbox"/> Flow arrows indicating direction of drainage <input type="checkbox"/> General location of wooded or heavily vegetated areas <input type="checkbox"/> All Adjacent Structures Within 100 Feet of Property <p><i>Survey requirements continued:</i></p> <input type="checkbox"/> All Easements (Road, Utility, Drainage, etc.) |

⁴ If your survey must be larger than 11x17 to be fully legible and to scale, we ask that five (5) copies be in the large format, with the remainder reduced to 11x17.

⁵ Please consult with staff on exactly what to include on your survey. Every application is unique and may require more or less information than what is listed in this handout. Staff reserves the right to require additional information.

- Public Right-of-Way Name (street name)
- Proposed driveway location and proposed driveway grades
- Wells & Neighboring Wells if New Drainfield is Installed
- Septic System & Drainfield, or Sanitary Sewer Connection
- 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
- Top and toe 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:

- 6. Landscape Plan:** Ten copies of a Landscape Plan depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller⁶ than 11x17, 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.

⁶ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that ten (10) copies of the plan be in the large format, and an additional twenty (20) be reduced to 11x17.

- 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 Lake Elmo 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.
- Other requirements set forth by the City Engineer

Sub: Req: Item:

- 7. **Architectural Plans:** Ten copies⁶ 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.

Architectural plan requirements continued:

 - 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:

- 8. 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.
- 9. Electronic file(s) of plan sets.** Staff can generally work with most file formats (we would prefer .jpg or .pdf files).
- 10. 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 requested⁷. Staff will list other requirements below:

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 interim 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 (651) 747-3900. Thank You!

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.