

## APPLICATION FOR CONDITIONAL USE PERMIT

**Pre-Application:** Meeting with Planning Department staff prior to application submittal can help an applicant better understand the process and identify potential issues. An applicant may want to contact the neighboring property owners/tenants regarding the conditional use permit (CUP) request prior to submitting the application to the City for formal consideration.

**Application Deadline & Completeness:** All required application information and payment of the application fee must be received by the deadline identified on the attached schedule.

All applications are evaluated by Planning Department staff, including the application form, fee, site plan and other relevant supporting information. If the materials submitted are deemed to be incomplete, Planning Department staff can reject the application and not place the item on the ZBA agenda.

**Application Information Required:** A site plan, drawn to scale including the following information, must accompany the application form with applicant(s) and owner(s) signature(s):

1. Property lines and dimensions
2. Size, location and use of all buildings
3. Parking stalls and drive areas
4. Points and widths of ingress and egress
5. Recreation and other open space areas
6. Facilities and uses of recreation areas
7. Landscaping features on the property (sod, seeded grass, trees, etc. including species and size at the time of planting), ornamental shrubs and bushes (including species and size at the time of planting), flower gardens, landscape rock, patios, sidewalks and other paved surface(s)
8. Property or use-related information deemed necessary to evaluate the request for a CUP

One full-size site plan and one 11" x 17" site plan are required. Planning Department staff may waive submission of the full-size site plan, when appropriate.

### **Public Notification:**

**Public Notice Sign:** The St. Cloud Land Development Code requires the Planning and Zoning Department to provide the applicant a public notice sign to post on a property that will be subject to a future land use action. The sign must be placed in a visible location on the subject property at least ten (10) days prior to the date of the public hearing to be conducted by the ZBA. The sign must be removed by the applicant within 48 hours after the ZBA public hearing and returned to the Planning Office. Failure to post the sign may result in delay of permit processing and postponement of public hearing.

**Mailed Notification:** The St. Cloud Land Development Code requires written notice of the request be mailed at least ten (10) days prior to the public hearing date. Notice of the public hearing is sent by the Planning and Zoning Department to all property owners located within five hundred (500) lineal feet of or the nearest twenty (20) property owners to the subject property (whichever is greater).

**Published Notification:** The St. Cloud Land Development Code requires that a minimum of ten (10) days prior to the public hearing date, the Planning and Zoning Department have notice of the public hearing before the ZBA published in the legal section of the St. Cloud Times.

**Staff Review:** Staff will review all application materials and prepare a memorandum for the ZBA. The memo will contain City staff's recommendation to approve, approve with conditions, or deny. A copy of all application materials, including the staff memo, will be mailed to the applicant prior to the ZBA meeting. All materials will be available to the public through the City's website.

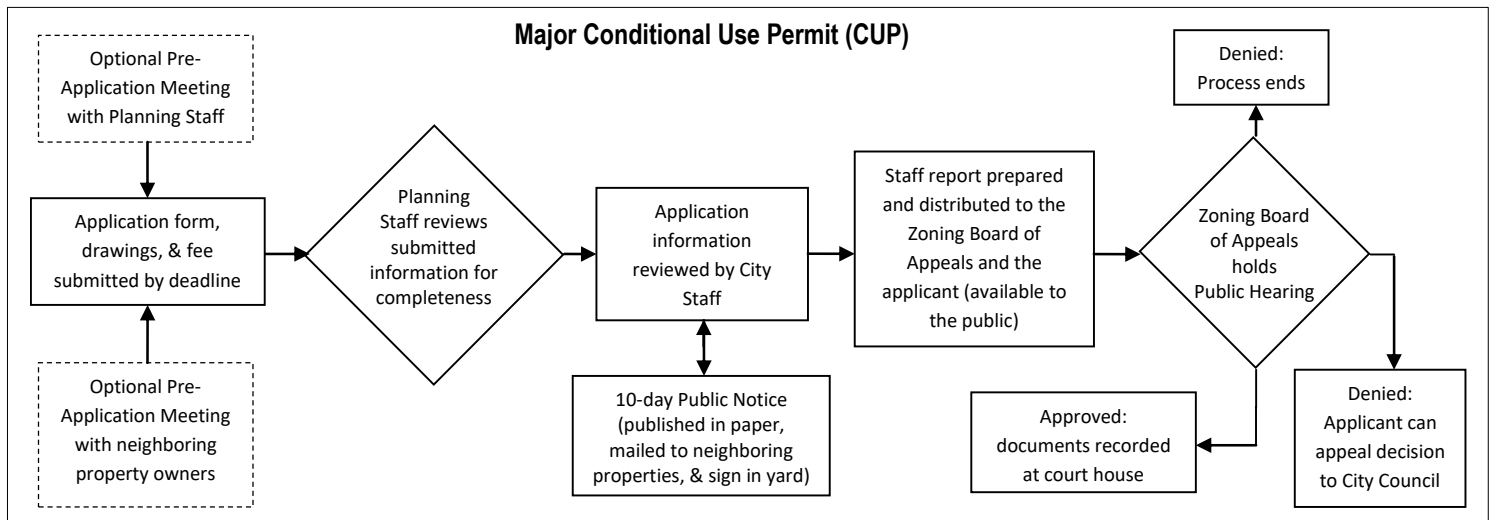
**Zoning Board of Appeals Meetings:** ZBA meetings are held on the third Tuesday of each month, unless there is a conflict with an election or holiday.

- In accordance with the ZBA's adopted rules of order and procedure, an individual board member will not accept or participate in any discussion or review/receipt of information related to any pending request outside of an official meeting of the ZBA (ex-parte contacts prohibited). All communications should be sent to Planning Department staff, who will distribute the information to all board members. ZBA members may visit the subject property prior to the meeting.

- The ZBA chairperson will open the public hearing. It is recommended that the applicant, or their designated representative, testify first at the public hearing by outlining what the request is and why it should be approved. The speaker may be asked to respond to questions/concerns expressed by interested parties, ZBA members, or the general public.
- When the public hearing is closed, no additional testimony will be accepted from neither the applicant nor any other interested party. The ZBA members will proceed to discuss and debate the request amongst themselves and with Planning Department staff.
- The ZBA has the option of approving the request, approving the request with conditions, denying the request, or tabling a decision on the matter to their next meeting.
- If the applicant is not satisfied with the decision of the ZBA, the applicant has the opportunity to appeal the decision to the City Council within ten (10) days of the ZBA meeting.

**Findings of Fact:**

- The ZBA is required to make a findings of fact based on information provided by the applicant.
- The ZBA must find that: 1) Granting the requested CUP will be desirable or necessary to the public convenience or welfare and will be harmonious and compatible with other uses adjacent to and in the vicinity of the proposed CUP site; 2) Granting the CUP shall not cause undue congestion in the public street or hazard in the area; 3) In granting the CUP, the ZBA may attach conditions and safeguards upon the premises benefited by a CUP to prevent injurious or detrimental effects on other property in the neighborhood; 4) Violation of a condition(s) of the CUP shall be deemed a violation of the St. Cloud Land Development Code, and the permit shall be thereupon revoked.
- The St. Cloud Land Development Code requires the ZBA to make its determination within fourteen (14) days after closing the public hearing. A copy of the determination will be mailed to the applicant(s).



**Administrative Conditional Use Permits:** Under certain conditions, the Zoning Administrator is authorized to render final decisions on applications for Conditional Use Permits. One or all of the following conditions must be met to consider an administrative CUP:

- Property has an existing major CUP
- The administrative CUP includes small adjustments or deviations from the approved site plan, including but not limited to building setbacks, parking setbacks, parking lot design and landscaping plans
- Building and parking lot additions to an existing CUP that is consistent with the approved major CUP

CUP requests to the Floodplain, Shoreland or Scenic Rivers Overlay Districts are not eligible for Administrative CUPs.

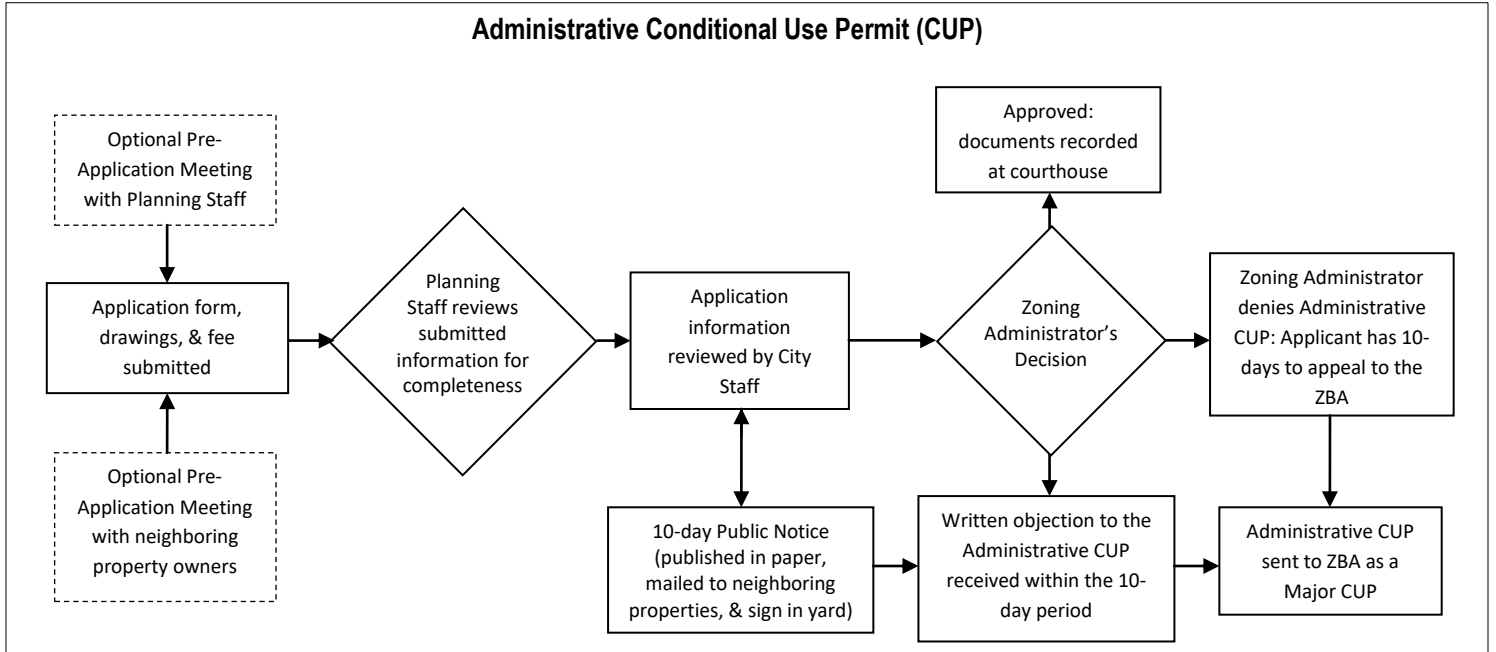
**Administrative Application Completeness:** All applications are evaluated by Planning Department staff to see if they are eligible as a potential Administrative CUP. All of the same information required for a Major CUP is required for an Administrative CUP, which includes: application form, fee, site plan and other relevant supporting information (see Application Information Required section on Page 1 of this application). If the materials submitted are deemed to be incomplete, Planning Department staff can reject the application.

**Public Notification:** The public notification requirements for an Administrative CUP are the same as a Major CUP (see Public Notification section on Page 1 of this application). Staff will allow a ten (10) day comment period for notified property owners to express opposition in writing.

**Staff Review:** Staff will review all application materials and will approve, approve with conditions, or forward it to the ZBA as a Major CUP.

**Opposition:** If staff receives any written objection to the Administrative CUP during the 10-day notification period, the CUP will be placed on the next ZBA agenda as a Major CUP request.

**Zoning Administrator’s Decision:** If the Zoning Administrator denies the Administrative CUP request, the applicant has ten (10) days to appeal the decision, at which time the CUP request will be placed on the next ZBA agenda as a Major CUP request. If the Zoning Administrator approves the Administrative CUP, Planning Department staff will record the CUP documents with the appropriate county.



**Withdrawal and Refund Policy:**

- All withdrawal requests must be submitted by the applicant to the Planning Department in writing.
- Refund of the application may be possible if the withdrawal request occurs prior to the public hearing. The amount of the refund will depend on where the application is in the review process.

**Note to Applicant:** Please be aware that any written information you provide with your application or at a public hearing, including pictures, becomes the property of the City. All comments made at all meetings of the Planning Commission, Zoning Board of Appeals and City Council becomes part of the public record. Virtually all Planning Commission, Zoning Board of Appeals and City Council meetings are broadcast live on cable Channel 19 in St. Cloud and rebroadcast at later dates.

**Questions / Submit Completed Application**  
 To:  
 Planning & Zoning Department  
 1201 7<sup>th</sup> Street South  
 St. Cloud, MN 56301  
 Phone: (320) 255-7218 Email: [planner@ci.stcloud.mn.us](mailto:planner@ci.stcloud.mn.us)  
 Website: [www.ci.stcloud.mn.us](http://www.ci.stcloud.mn.us)

The City of St. Cloud's mission is to "provide high quality public services for our residents in a cost effective, responsive, innovative and professional manner given the changing needs and resources available."

## APPLICATION FOR CONDITIONAL USE PERMIT

- Application for Zoning Conditional Use Permit:** proposed use \_\_\_\_\_
- Application for Floodplain Management Conditional Use Permit:** proposed use \_\_\_\_\_
- Application for Scenic Rivers Conditional Use Permit:** proposed use \_\_\_\_\_

According to Article \_\_\_\_\_, Section \_\_\_\_\_ of the Land Development Code, a Conditional Use Permit is required.

### REQUIRED APPLICATION INFORMATION

**APPLICANT INFORMATION:**

Name(s): \_\_\_\_\_

Address, City, State, and Zip Code: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**PROPERTY OWNER INFORMATION:**

Name(s): \_\_\_\_\_

Address, City, State, and Zip Code: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Street Address of Subject Property** \_\_\_\_\_

**Applicant's Interest in Subject Property:**       Contractual (Attach Evidence)       Freehold

**Total Area (Acres or Square Feet) of Subject Property** \_\_\_\_\_

**Complete Legal Description of Subject Property:**

**1. State exactly what is intended to be done on or with the property if the conditional use permit is granted:**

**2. Explain why you are requesting to use the property as described in Question 1:**

3. Only comment on the following matters if you are applying for a Scenic Rivers CUP:

A. The maintenance of safe and helpful conditions:
B. The prevention and control of water pollution including sedimentation:
C. Existing topographic and drainage features and vegetative cover on the site:
D. The location of the site with respect to floodplains and floodways of rivers and streams:
E. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover:
F. The location of the site with respect to existing or future access roads:
G. The need of the proposed use for a shoreland location:
H. Its compatibility with uses on adjacent land:
I. The amount of liquid wastes to be generated and the adequacy of the proposed disposal system:
J. Locational factors under which domestic uses shall be generally preferred:
K. Locational factors under which uses not inherently a source of pollution within an area shall be preferred over use locations tending to increase that possibility:

I HEREBY CERTIFY THAT I HAVE READ, EXAMINED AND UNDERSTAND THIS APPLICATION AND THAT THE INFORMATION SUBMITTED HEREIN AND ATTACHED HERETO IS TRUE, ACCURATE AND CORRECTLY STATES MY INTENTIONS.

Applicant Signature(s) \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

Property Owner Signature(s) \_\_\_\_\_ Print Name \_\_\_\_\_ Date \_\_\_\_\_

STAFF USE ONLY
Application Fee Received by _____ Date Received _____
Request for variance from Article _____, Section _____ for the Land Development Code requires _____
_____

# ZONING BOARD OF APPEALS

## 2023 Schedule of Meetings

<b>Meeting Date</b> (meetings begin at 6:00 p.m.)	<b>Submittal Deadline</b> (all materials must be submitted by 4:30 p.m. unless otherwise denoted)
Tuesday, January 17	Friday, December 30, 2022
Tuesday, February 21	Friday, February 3
Tuesday, March 21	Friday, March 3
Tuesday, April 18	Friday, March 31
Tuesday, May 16	Friday, April 28
Tuesday, June 20	Friday, June 2
Tuesday, July 18	Friday, June 30
Tuesday, August 15	Friday, July 28
Tuesday, September 19	Friday, September 1
Tuesday, October 17	Friday, September 29
Tuesday, November 21	Friday, November 3
Tuesday, December 19	Friday, December 1