

CONDITIONAL USE PERMIT APPLICATION
For properties in the Floodplain

Return to:

Department of Community Development
City of Shoreview
4600 Victoria Street North
Shoreview, MN 55126
(651) 490-4680

Description of Request:

Site Identification:

Address: _____

Property Identification: _____

Legal Description: _____

Applicant:

Name: _____

Address: _____
City State Zip Code

Telephone Number: _____ (daytime) _____ (home)

Fax Number: _____ E-Mail: _____

Property Owner (if different from applicant):

Name: _____

Address: _____
City State Zip Code

Interest in property: _____
(see filing requirement #2)

Signatures:

Applicant: _____ Date: _____

Property Owner: _____ Date: _____

Date Received by City: _____ By Whom: _____

FILING REQUIREMENTS

THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. Completed application form.
2. A currently certified Abstract of Title or an Owner's Duplicate Certificate of Title and copies of all unrecorded documents necessary to establish a legal or equitable interest by the applicant in the property to be rezoned.
3. A written statement describing the intended use of the property. This statement must explain how the proposed use is consistent with each of the required findings for approval (refer to review criteria).
4. A complete application(s) for *all other* approvals necessary for the proposed development (e.g. comprehensive plan amendment, rezoning subdivision, and site and building elevation plan approvals).
5. Include *all* necessary drawings and structure dimensions deemed necessary by the City. Such things would include; scaled building elevation and floor plans, a property line map and site plan showing site dimensions, the location and use of any existing structures on and adjacent to the site, the proposed use, landscaping, screening, signs, parking spaces and drives.
6. **One** 8 1/2"x11" and one 11" by 17" half-scale reproducible print shall be submitted for each required sketch, drawing, or plan. **Two** 24"x36" copies of each plan sheet for staff review. (IF REQUIRED BY STAFF)
Digital Copies of plans can be submitted at: <http://www.shoreviewmn.gov/pc/application>
7. Filing fee of \$400.00 (make checks payable to City of Shoreview). **The filing fee is non-refundable.**
8. A check for \$46.00 (made out to Ramsey County) for each affected property to cover Ramsey County's recording fee. Please provide separate checks for the recording and the filing fees. If the application request is denied, the check for the recording fees will be returned.

CRITERIA FOR REVIEW

The City Council shall consider all relevant factors specified in the Development Ordinance, and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and the planned use of the property.
9. The relationship of the proposed use to the comprehensive plan and the flood plain management program for the area.
10. The safety of access to the property in time of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of raise, and sediment transport of the flood waters expected at the site.
12. Such other factors which are relevant to the purposes of this ordinance.

REVIEW PROCESS

Conditional use permit applications in floodplains shall be require a public hearing and shall be processed in accordance with Sections 203.033 and 203.020 (A) of the City's Development Code.

1. Public Hearing. Applications that require review via a public hearing shall be processed after receipt of a complete application that contains all the required submittal information. The City Manager shall refer the application to the Planning Commission and establish a date for hearing of the application. The application shall be heard and acted on by the Planning Commission and City Council in accordance with Minnesota Statute 15.99.
 - a. Planning Commission. The Planning Commission shall hold a public hearing, preceded by published and/or mailed notice as required by the terms of Section 203. Upon review of the application in accordance with the requirements of the Development Ordinance, the Planning Commission will forward the application to the City Council with a recommendation of approval or denial and the reasons thereof, or shall table the application for further consideration.
 - b. City Council. The City Council may hold a public hearing in lieu of a public hearing by the Planning Commission. Upon receipt of the Planning Commission report, the City Council shall consider the application. The City Council shall, taking into consideration the advice and recommendations of the Planning Commission, table, grant or deny the application in accordance with the requirements of the Development Ordinance.
2. Notice and Hearing Procedure. Public hearings shall be preceded by either published notice and/or mailed notice as required by the terms of Section 203.
 - a. Publication. Notice of the purpose, time and place of a public hearing shall be published at least 10 days before the date of the hearing in the official newspaper of the City of Shoreview as designated by the City Council. Affidavits of publication shall be made a part of the record of the proceedings.
 - b. Mailed Notice. Notice of the purpose, time and place of a public hearing shall be mailed at least 10 days before the date of the hearing to each recorded owner of property within 350 feet of the perimeter of the property, which will be the subject matter of the public hearing. An affidavit containing the names of the property owners and the addresses to which the notices were mailed shall be made a part of the record of the proceedings.
 - c. Failure to Give Notice. Failure to give mailed notice, or defects in the notice shall not invalidate the proceedings provided a bona fide attempt has been made to comply with the mailed notice requirement.

REVIEW PROCESS continued

3. Issuance and Conditions. The City Council may prescribe such conditions and safeguards, in addition to those specified below, when granting a Conditional Use Permit as it deems necessary to satisfy the intent and requirements of the Floodplain Ordinance. Such conditions may include, but are not limited to, the following:
 - a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Flood-proofing measures, in accordance with the State Building Code and this ordinance. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the Regulatory Flood Protection Elevation and associated flood factors for the particular area

4. Decision. The City Council has the authority to grant or deny the request in accordance with the requirements of the Development Ordinance upon majority vote of its membership, unless otherwise stated in this ordinance.

NOTES

1. An application cannot be accepted until each of the filing requirements listed above has been satisfied.
2. The purpose of requiring the data referenced in the filing requirements is to permit the City to thoroughly evaluate your proposal relative to City ordinances and policies. Refusal or inability to provide the requested information may jeopardize scheduling of your request.
3. The City of Shoreview recommends that you discuss your proposal with the adjoining property owners before you submit this application. In so doing, you may reduce the time required by the City to act on your proposal.
4. The applicant and property owner shall be responsible for paying any out-of-pocket administrative, engineering, or legal expense incurred by the City to process this application or to enforce any condition(s) of any resulting approval or permit.
5. If the application is approved, the applicant will be required to enter into a Development Agreement per section 203.080 of the Development Ordinance.