

Conditional Use Application

City of Deephaven

20225 Cottagewood Road

Deephaven, MN 55331

952-474-4755

www.cityofdeephaven.org

Nonrefundable Filing Fee of **\$300.00**

Owner's Information (must be completed by property owner)

Property Owner Name: _____

Property address: _____

Wk Phone: _____ Hm Phone: _____

Email address: _____

Owner's Representative Information:

Representative is (circle one): Developer Contractor Architect Other _____

Applicant (individual or company name): _____

Contact for Business: _____ Title: _____

Address: _____ City: _____ State: _____ Zip: _____

Present use of property: _____

What is the Conditional Use being requested?: _____

Applicant(s) have determined that the following approvals may be necessary from other regulatory bodies:

_____ LMCD # 952-745-0789

_____ Watershed District # 952-471-0590

Owner's Acknowledgement & Signature(s)

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 about this application. I certify that the information supplied is true and correct to the best of my knowledge.

I also acknowledge that I understand that before this request can be considered and/or approved, all required information and fees, including any deposits, must be paid to the City, and if additional fees are required to cover costs incurred by the City, the City has the right to require additional payment from one or more of the undersigned, who shall be jointly liable for such fees.

An incomplete application will delay processing and may necessitate a re-scheduling of the review time frame. The application time line commences once an application is considered complete when all required information and fees are submitted to the City. I recognize that I am solely responsible for submitting a complete application being aware that upon failure to do so, the staff has no alternative but to reject it until it is complete or to recommend the request for denial regardless of its potential merit.

A determination of completeness of the application shall be made within 15 business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant within 15 business days of application.

I am / we are the fee title owner of the above described property. I / we further acknowledge and agree to this application and further authorize reasonable entry onto the property by City Staff, Consultants, agents, Planning Commission Members, and City Council Members for purposes of investigation and verification of this request.

Owner's Signature: _____ **Date:** _____

Printed Name: _____

Owner's Signature: _____ **Date:** _____

Printed Name: _____

SECTION 1320 CONDITIONAL USE PERMITS

1320.01 Scope. This Section applies to all Conditional Use permits including additional uses not specifically designated in Section 1305.

1320.02 Conditional Use Permits for Additional or Permitted Uses. Under the procedure provided in this Section, additional and permitted uses allowed by Conditional Use permit may be allowed in a district by special permit and under limitation imposed by the Council when appropriate because of unusual characteristics of the use or the service provided to the public by the use. Such uses require special consideration regarding proper location in relation to adjacent or nearby existing or planned uses or in relation to the development of the community. The Council may grant Conditional Use permits for such uses, imposing limitations and safeguards in the permits.

1320.03 Evidence. In considering a request for a Conditional Use permit, the Council must be supplied with and consider evidence of the effect of the proposed use on the plan for development of the community; the character and development of the neighborhood; the health, safety, and welfare of occupants of surrounding lands; existing and anticipated traffic conditions, including parking facilities, on adjacent streets; and the effect on property values of the subject premises and in the surrounding area.

1320.04 Procedure.

Subd. 1. Application. Application for a Conditional Use permit will be made in writing on forms provided by the Clerk, and will be filed with the Clerk together with a filing fee in the amount required under Section 405.05.

Subd. 2. Planning Commission Consideration and Recommendation. The Planning Commission will consider the application and hold a public hearing at their next regularly monthly meeting. The Planning Commission will make a recommendation to the Council, sitting as the Board of Appeals, that the application be granted or denied. The recommendation must include findings conforming to the evidentiary requirements in Section 1320.03.

Subd. 3. Notice. The Clerk will mail notice of the Conditional Use application to all persons who own property within 350 feet of the perimeter of the parcel in question, at least ten days prior to the Planning Commission hearing.

Subd. 4. Council Consideration. After the minutes of the Planning Commission meeting have been forwarded to the Council, the Council will consider the application at its next regular monthly meeting and at following regular or special meetings if further consideration is necessary. Within 60 days of the date of application, the Council will by motion grant or deny the application according to the provisions of Section 1320.03 and will make a record in the minutes stating its conclusions with respect to each of the findings required under Section 1320.03

Subd. 5. Council Decision. After the hearing, the Council will grant or deny the application by resolution which will include express and specific findings of fact and the specific conditions imposed in connection with the Conditional Use permit.

Subd. 6. Reconsideration. Whenever an application for a Conditional Use permit has been considered and denied, a similar application for a Conditional Use permit affecting the same property by the applicant, their successors or assigns, shall not be considered a second time by the Planning Commission or the City Council, acting as the Board of Adjustments and Appeals, for at least six (6) months from the date of its denial; unless the Board of Adjustment and Appeals vote for reconsideration of the matter upon a vote of not less than four-fifths of the entire Board of Adjustments and Appeals.

1320.05 Assignment. Applicants may not assign any application, evidentiary material or Conditional Use permit without consent of the Council.