

**CITY OF ALBANY  
DEVELOPMENT APPLICATION**

Date of Complete Application (office use only) \_\_\_\_\_

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Application Fee Per Submittal:

*For explanation of what application fee covers, see page 3 in Development Application*

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- |   |  |
|---|--|
| <input type="checkbox"/> Conditional Use Permit (\$300) _____ | <input type="checkbox"/> Ordinance Amendment (\$300) _____ |
| <input type="checkbox"/> Zoning Amendment (\$300) _____       | <input type="checkbox"/> Interim Use Permit (\$300) _____  |
| <input type="checkbox"/> Variance (\$300) _____               |  |

Other:

- Preliminary and Final Plat (Escrow + \$300 + \$10/lot)
  - Planned Unit Development/Amendment (Escrow + \$300)
  - Minor Amendment (Escrow + \$300)
  - Rezoning (Escrow + \$300)
  - Comprehensive Plan Amendment (Escrow + \$300)
- \*If an Ordinance publication is required, the fee will be deducted from your escrow account.

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Form to be typed or printed in ink. If space provided is insufficient, use additional sheets, keeping information to the proper item number.

1. \_\_\_\_\_  
Legal Description
  
2. \_\_\_\_\_  
Street Address of Property Involved
  
3. \_\_\_\_\_  
Fee Owner of Property      (This name will be used on legal documents)      Telephone No.
  
4. \_\_\_\_\_  
Address of Fee Owner      Fax No.
  
5. \_\_\_\_\_  
Applicant Name      Address      Telephone No.
  
6. \_\_\_\_\_  
Name of Architect/Engineer      Telephone No.
  
7. \_\_\_\_\_  
Address of Architect/Engineer      Fax No.

8. \_\_\_\_\_  
Name of Plat – (if applicable) No. of Lots

9. State proposed use and a description of project proposed or variance requested. See handouts for additional information.

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The undersigned applicant hereby acknowledges:

receipt of a copy of the applicable List of Required Submissions.

that all required documents have been submitted with this application except:

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APPLICATIONS ARE NOT COMPLETE UNTIL ALL REQUIRED SUBMITTAL DOCUMENTS HAVE BEEN RECEIVED.

Acknowledgment and Signature:

The undersigned applicant hereby represents upon all of the penalties of the law, for the purpose of inducing the City of Albany take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinance of the City of Albany, and the laws of the State of Minnesota, and that the undersigned applicant will pay all fees and charges incurred by the City for the examination and review of this petition.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**Application Fees and Refunds**

Planning application fees cover the following costs: meeting room time, copies, minutes, public hearing, recording documents, and legal notices. The escrow deposit will be utilized for the cost of staff review time, consultants, meetings with applicants, neighborhood meetings, preparation of staff reports, and preparation of legal documents, review and editing of Planning Commission minutes, staff reports and legal documents.

Refunds of application fee will be one-half of the fee and any remaining escrow if the application is withdrawn prior to publication of the public hearing notice. After publication, no refunds will be given. Escrow accounts will be refunded after the Certificate of Occupancy is issued for the project. This would be for the building shell in the case of a multi-tenant retail or industrial project with separate tenant finish permits, all of the units in a residential subdivision or the entire building in the case of a multi-family or single-tenant commercial/industrial development.

**ADDENDUM TO DEVELOPMENT APPLICATION**

**AGREEMENT TO PAY CITY PROFESSIONAL FEES**

\_\_\_\_\_  
Applicant Name

\_\_\_\_\_  
Address of Property Involved

I/we, the undersigned Applicant, hereby agree that I/we will pay all fees and charges that may be incurred by the City for planning, engineering, legal and any other professional services directly related to and incurred by the City during the examination, review and processing of this Application, and during any necessary enforcement action subsequent to this request. I/we understand that the Applicant fee is only an administrative charge intended to defray costs associated with City Staff services and resources required for the processing of this request. If a determination is made by the City that additional professional services are necessary for the review and processing of this Application, the Zoning Administrator may require the Applicant to enter into a development escrow agreement and deposit funds in escrow with the City. The sum to be deposited will be based upon the anticipated direct costs to the City. The City will also make every reasonable effort possible to keep these charges to a minimum, yet still provide the needed level of professional services. If direct costs for professional services are in excess of funds placed in escrow, then additional escrow funds may be required to be submitted prior to further processing of the request. Otherwise any fees resulting in charges above the escrow funds placed on deposit will be billed and promptly paid by the Applicant prior to the final disposition of the request by the City. If direct costs to the City are less than the sum placed in escrow, then the balance will be refunded to the Applicant upon final disposition of the request by the City.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

(If Applicable)

Applicant:
Case File No.:

<b>APPLICATION CHECKLIST</b>		
<b>Required Submissions</b>	<b>Submitted</b>	<b>N/A</b>
<b>Preliminary Plat</b> » Provide items listed on Preliminary Plat handout. Development fees will be calculated based on the information shown on the preliminary plat.		
<b>Final Plat</b> » Provide items listed on Final Plat handout when requested by the City Engineer.		
<b>Site Survey</b> » Provide all existing conditions on-site and surrounding the property including delineated wetlands.		
<b>Site Plan – Existing and Proposed</b> » Provide legal boundaries of the property, easements, buildings, parking lot layout, size of parking stalls, driveway widths, parking lot lighting, curbing detail, setback lines, north arrow.		
<b>Area Calculations – Existing and Proposed</b> » Provide SF of property and building, total impervious surface area, total % and SF of greenspace, % and SF of landscaping within the parking lot, number of parking stalls.		
<b>Grading – Existing and Proposed</b> » Provide existing and proposed contours with building footprint and spot elevations, contours, must extend at least 20 feet beyond lot line, location and details.		
<b>Storm Water Pollution Prevention Plan (SWPPP)</b> Provide a plan that describes temporary and permanent erosion and sediment control Best Management Practices (BMP's), permanent storm water management, and other pollution prevention techniques as required by the Minnesota Pollution Control Agency (MPCA).		
<b>Utility Plan – Existing and Proposed</b> » Provide locations of all utilities, fire hydrants and storm sewer calculations, detail of proposed utilities.		
<b>Lighting Plan and Light Fixture Detail</b> » Provide cut sheets of fixtures, location and height of fixtures on grounds and building exterior.		
<b>Signage Plan – Existing and Proposed</b> » Provide SF of all signs including height of freestanding signs, location of freestanding and building signs.		
<b>Landscape Plan – Existing and Proposed</b> » Provide existing vegetation, sodded areas, notation on irrigation, and a planting schedule that includes: size, and type.		
<b>Building Elevations/Floor Plan – Existing and Proposed</b> » Provide front, sides and rear elevations with all building dimensions, materials and colors clearly labeled on all sides.		
<b>Completed Application Form (SF = Square Footage) (% = Percent)</b> » Provide three complete <u>FOLDED</u> sets of all plans, filing fee, property owner's signature, signed Professional Fees Agreement.		
<b>CD »Submit the following with Revised Plans, including Final Plat, if applicable</b> » Provide all plans, drawings, narratives, attachments, etc. 11 x 17 size on a CD (in PDF format).		
OFFICE USE ONLY		
Complete Application: <input type="checkbox"/> Yes <input type="checkbox"/> No		Date: _____

City of Albany- Additional application information

***How to request a Conditional Use Permit***

The Zoning Ordinance lists the uses that are allowed in each zoning district. These uses fall into three categories: permitted uses, permitted accessory uses and conditional uses. Conditional Uses are those uses which requires special approval because if not carefully located or designed it may create special problems such as excessive height or bulk, abnormal traffic congestion, or environmental problems. These uses must obtain a conditional use permit before proceeding with construction of the building and/or operation of the business.

Procedure

1. The property owner shall meet with the City Administrator to discuss their plans for the property and to be advised of the procedures. At this time the applicant will obtain the application form.
2. The applicant shall return the completed application form together with the required exhibits and fees to the City Administrator.
3. City staff will review the proposal and submit a recommendation to the Planning Commission. The Planning Commission will then forward its recommendation to the City Council.
4. The City Council will have the final decision on granting or denying the conditional use permit. The Council may place conditions on the approval, which will be incorporated into the Conditional Use Permit.

Exhibits as stated on the application checklist shall be submitted with the completed application form.

## City of Albany- Additional application information

### ***How to request a Variance***

A variance application is required when the applicant feels that strict enforcement of the Zoning Ordinance would cause undue hardship because of circumstances unique to the property. "Undue hardship" means the property in question cannot be put to reasonable use if used under the conditions allowed by the Albany Zoning Ordinance. The variance, if granted, shall not alter the essential character of the location.

Economic, personal and health considerations **shall not** constitute an undue hardship as variances are granted to the land not to the property owner.

### Procedure

1. The property owner shall meet with the City Administrator to describe the situation and be advised of the procedures and obtain the application form.
2. The applicant shall return the completed application form together with the required exhibits and fees to the City Administrator.
3. City staff will review the proposal and submit a recommendation to the Planning Commission. The Planning Commission will then forward its recommendation to the City Council.
4. The City Council will have the final decision on granting or denying the variance. The City Council may put added restrictions to the variance at its discretion.
5. No re-application by a property owner for a variance shall be submitted to the Council within a 12-month period following a denial of such as request unless the Council feels new evidence or change of circumstances has occurred.

Required exhibits- the following exhibits shall be submitted with the application:

1. A certificate of survey/site plan accurately depicting the proposed variance request which include buildings on adjacent lots if nearby.
2. A written statement that answers all four of the following findings. A variance may only be granted if all of the following circumstances exist:
  - a. The landowners have shown that their property cannot be put to a reasonable use under the conditions allowed by the ordinance.
  - b. There are circumstances unique to the subject property.
  - c. The variance, if granted, will not alter the character of the neighborhood or location of the subject property.
  - d. The landowner has demonstrated that a variance is in keeping with the spirit and intent of the ordinance.

Please note that any construction activity approved with the variance shall be conducted within one year of approval.

### ***How to Request an Ordinance Amendment/Rezoning***

The City Council may amend the Zoning Ordinance or the zoning map (rezoning) in order to reflect changes in the goals and policies of the city as reflected in the comprehensive plan. Amendments to the zoning ordinance or the zoning map must be adopted by a two-thirds vote of the City Council.

Ordinance amendments or rezoning can be initiated by the Planning Commission, by the City Council, or by a property owner, who would like his/her property to be rezoned or would like changes in the district regulations that affect his/her property.

Minnesota law requires that the zoning ordinance and zoning map be consistent with the comprehensive plan. A comprehensive plan amendment may be required prior to formal adoption of an ordinance amendment or rezoning request.

In order for a property owner to initiate an ordinance amendment or rezoning, an application and fee to the City Administrator are required along with several exhibits.

### **Procedure**

1. The property owner or his/her agent shall meet with the City Administrator to describe the situation and be advised of the procedures. At this time the applicant will obtain the application form.
2. The applicant shall return the completed application form together with the required exhibits and fees to the City Administrator.
3. City staff will review the proposal and submit a formal, written recommendation to the Planning Commission. The Planning Commission will then forward its recommendation to the City Council.
4. The City Council will hold a public hearing on the matter and shall have the final decision on approving or denying the ordinance amendment or rezoning. A two-thirds vote of the City Council is required in order to adopt a zoning ordinance amendment or rezoning.

\* No re-application by a property owner for an ordinance amendment or rezoning shall be submitted to the Council within a 12-month period following a denial of such a request unless the Council feels new evidence or change of circumstances has occurred.

### **Required Exhibits for a Zoning Ordinance Amendment/Rezoning**

1. A written statement that explains the request, including the section of the zoning ordinance for which an amendment is requested as well as suggested language for the amendment. If applying for a rezoning, the request should describe the current and proposed zoning classification along with reasons supporting the proposed change.
2. In order for the City Council to adopt a zoning ordinance amendment or rezoning, it needs to be consistent with the city's comprehensive plan. The applicant should describe how the request is consistent with the comprehensive plan, or a proposed amendment to the comprehensive plan.
3. In addition to the above requirements, the following shall be required with a rezoning application:
  - a. For a rezoning, the applicant shall describe how the request meets one of the following findings:
    - A mistake was made in the original zoning of the property.
    - Times and conditions have changed to warrant a change in zoning.

***How to request a Interim Use Permit***

The Zoning Ordinance lists the uses that are allowed in each zoning district. These uses fall into four categories: permitted uses, permitted accessory uses, conditional uses and interim uses. Interim Uses are similar to conditional uses in that they require special approval and reasonable conditions may be given at time of approval. Interim uses are also different as they are temporary and are considered presently acceptable by the City Council but with the knowledge that with anticipated development or redevelopment will not be acceptable in the future or will be replaced in the future by permitted or conditional use allowed within the respective district.

These uses must obtain an Interim Use Permit before proceeding with construction of the building and/or operation of the business.

Procedure

1. The property owner shall meet with the City Administrator to discuss their plans for the property and to be advised of the procedures. At this time the applicant will obtain the application form.
2. The applicant shall return the completed application form together with the required exhibits and fees to the City Administrator.
3. City staff will review the proposal and submit a recommendation to the Planning Commission. The Planning Commission will then forward its recommendation to the City Council.
4. The City Council will have the final decision on granting or denying the Interim Use Permit. The Council may place conditions on the approval, which will be incorporated into the Interim Use Permit. Such conditions must be agreed to by the property owner or the Interim Use Permit will not be issued. The Council will also place expiration date by which the Interim Use Permit shall expire and cease operation.

Exhibits as stated on the application checklist shall be submitted with the completed application form.