

2024
CONDITONAL USE PERMIT (CUP) APPLICATION
COMMUNITY DEVELOPMENT, CITY OF WINONA, MINNESOTA 55987
P.O. BOX 378 507/457-8250 FAX: 507/457-8212

SITE ADDRESS: _____

<u>Property Owner:</u>	
Company/Individual _____	
Contact Person _____	E-Mail _____
Mailing Address _____	Office Phone _____
City/State/Zip _____	Mobile Phone _____
<u>Applicant:</u>	
Company/Individual _____	
Contact Person _____	E-Mail _____
Mailing Address _____	Office Phone _____
City/State/Zip _____	Mobile Phone _____

CUP Applications will not be processed without payment of the \$235.00 fee.

Additional information required for the CUP application is on following pages. A letter will be sent within 15 business days if more information is required to declare the CUP application complete.

Note that any project which will generate 200+ semi-truck trips per day is required to complete a Transportation Impact Analysis prior to submitting this application. An analysis is also required if semis from the proposed use will increase the amount of traffic on any non-truck route by more than 20%. If potentially applicable, contact the Community Development Department to set up a pre-application meeting.

Current Zoning of Property: _____

 Signature of Applicant

 Signature of Land Owner
 (If different from applicant)

For Staff Use Only		
Date Received: _____	CUP # _____	Receipt # _____
Parcel #: _____	Zoning _____	
LEGAL DESCRIPTION OF PROPERTY: _____		

CUP Application Requirements

A CUP application requires the following information to be complete. Provide attachments as necessary.

- 1) Project narrative. Briefly describe the proposed use of the property.
- 2) Conceptual site plan. Provide a general layout of proposed use on the subject property. Note that a formal site plan application may be required after CUP approval.
- 3) Respond to the specific criteria for the proposed conditional use. Staff will provide this information.
- 4) Respond to the following general criteria for all conditional uses:
 - (1) The extent, location and intensity of the conditional use will be in substantial compliance with the Winona Comprehensive Plan.
 - (2) The conditional use will conform to all applicable zoning regulations for the district in which the property is located.
 - (3) Considering existing circumstances and potential uses under existing zoning, the conditional use will not substantially impair the use and enjoyment of other property in the neighborhood.
 - (4) The conditional use will not impede the normal and orderly development and improvement of the surrounding property.
 - (5) Considering existing circumstances and potential uses under existing zoning, the conditional use will not be detrimental to the existing character of the development in the immediate neighborhood or be incompatible with or endanger the public health, safety and general welfare.

- (6) The conditional use will not create an excessive burden on existing parks, schools, streets/roads and other public facilities, which serve or are proposed to serve the area.
- (7) The conditional use will not adversely affect neighboring property and dwellings because of excessive traffic generation, glare, noise or other nuisance characteristics.
- (8) A conditional use located on property having significant historical and architectural resources shall preserve such resources, and a conditional use shall not substantially diminish other neighboring property having significant historical and architectural resources.
- (9) The conditional use shall either preserve or not significantly negatively affect natural and environmental resources.
- (10) The conditional use will comply with other applicable city, county, state, and federal regulations, as applicable.

In addition to the above mandatory criteria that must be met to grant a CUP, the Planning Commission will also consider whether the proposed use will substantially diminish property values in the neighborhood. While this criterion is not mandatory, the Planning Commission may impose additional conditions on conditional uses as it deems reasonable and necessary to mitigate negative effects on neighboring property values through screening, fencing, buffer zones, etc.

5) CUP applications for new uses in the **I-2 Heavy Industrial** zoning district are required to provide the following additional information:

- A) Proposed hours of operation:
- B) Days of the week:
- C) Months of the year:
- D) Average number of trucks per day:
- E) Maximum number of trucks per day:
- F) Source of trucks/product:
- G) Destination of outbound trucks:

Dangerous and Objectionable Elements

Describe the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth below. Indicate if an element does not apply to the project:

(1) **Fire and explosion hazard.** All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standards in the industry. Burning of waste materials in open fire shall be prohibited at any point. The relevant provisions of state and local laws and regulations shall also apply.

(2) **Radioactivity or electric disturbance.** No activities shall be permitted which emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point.

(3) **Noise.** Maximum decibel levels in accordance with City Code Chapter 39 and as measured in the MPCA document "A Guide to Noise Control in Minnesota":

Zoning District	Day (7 a.m. - 10 p.m.)		Night (10 p.m. - 7 a.m.)	
	L ₅₀	L ₁₀	L ₅₀	L ₁₀
RMHP, R-S, R-R, R-1.5	60	65	50	55
R-1, R-2, R-3, C-1	60	65	50	55
B-1, B-2, B-3	65	70	65	70
B-2.5, M-1, M-2, A-G	75	80	75	80

(4) Vibration. No vibration shall be permitted which is discernible without instruments at the boundary of the M-2 district or in the nearest R district.

(5) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 of the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction of the standard Ringlemann Chart as issued by the United States Bureau of Mines), except that visible gray smoke of a shade equal to No. 2 on said Chart may be emitted for 4 minutes in any 30 minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of different color but with an apparently equivalent capacity.

(6) Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the boundary of the M-2 district or in the nearest R district. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. There is hereby established as a guide in determining such quantities of offensive odors Table III, "Odor Thresholds," in Chapter 5 "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Assn., Inc., Washington, D.C.

(7) Fly ash, dust, fumes, vapors, gases, and other forms of air pollution. No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling, at any point; and in no event any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 3/10 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air. All activities shall comply with applicable state law, rules and local ordinances for dust and Particulate Matter generation, and any stockpiles (including sand and dirt) which produce windblown dust shall be covered. A fugitive dust control plan may be required detailing dust

control measures both on-site and off-site. Moisture testing of sand or other materials with the potential to produce Particulate Matter emissions may be required to ensure that moisture levels are above 2.5%. A substitute for moisture testing is air quality monitoring completed in correspondence with the MPCA and according to applicable state regulations.

(8) Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion, welding or otherwise, so as to be visible at the boundary of the M-2 district or in the nearest R district. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter.

(9) Liquid or solid wastes. No discharge at any point into any public sewer, private sewage disposal system or stream or into the ground, except in accord with standards approved by the department of health of the state or standards equivalent to those approved by such department for similar uses of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.

(10) Additional Requirements. The City of Winona reserves the right to impose additional conditions to, within and upon the issuance of a Conditional Use Permit as it deems necessary or appropriate to protect the health, safety, morals and general welfare of the public.