City of Minneapolis
Community Planning & Economic Development
Development Services Division
250 South 4th Street, Room 300
Minneapolis MN 55415-1316
612-673-3000

LAND USE APPLICATION PROCESS GUIDE

The Department of Community Planning and Economic Development – Development Services Division administers, interprets and enforces the city's zoning code and land subdivision regulations. The department's staff of planners reviews development proposals and prepare findings and recommendations for land use applications as required by the zoning code, land subdivision regulations and state law. The planners also prepare amendments to the City's land use regulations.

Although many types of development may proceed without formal land use approval, this document outlines the land use application process where one or more land use applications may be required. In some cases, such as a variance or conditional use permit, the land use application must be reviewed by either the Board of Adjustment or the City Planning Commission following formal notice and public hearing. Other cases, such as an increase in garage height, may only require administrative review by a planner.

1. Pre-application meeting with a planner

All applicants must meet with a planner to determine if one or more land use applications are required for the proposed development and if so, whether the application(s) must be reviewed by the Board of Adjustment or the City Planning Commission. A planner needs to be assigned to the proposed development as indicated below. A brief overview of the process will be given in response to calls made to Minneapolis 311 (612-673-3000) or to walk-in customers at Room 300 of the Public Service Center (250 S. 4th St.), but a separate meeting is required to complete the pre-application meeting.

For applications going to the Board of Adjustment, schedule the meeting with the planner initially contacted.

For applications going to the City Planning Commission, contact the Land Use, Design and Preservation office to schedule the pre-application meeting.

The meeting with the assigned planner is most effective when the applicant prepares beforehand by drafting a site plan for the property. The site plan should show the location of the proposed development on the property and be drawn to an architectural or engineering scale. A sample site plan to use as a model may be requested when scheduling the appointment or during the appointment with the planner.

At the meeting, the applicant and the planner discuss the zoning issues presented by the project. If a land use application is required, the planner will provide the land use application form(s) that outlines the materials that must be submitted as part of a complete application. The planner also explains the application process and the associated fees and costs which may include the following:

- application fee(s); including postage and publication fees
- drawings: preliminary and final site plans, landscaping plans, elevations
- mailing labels

Attention: If you need other disability related accommodations, such as a sign language interpreter, accessible meeting site, or materials in alternative format, please contact 612-673-2162 (673-2157 TTY/VOICE) at least five days prior to the meeting. If you want help translating this information, call – **Hmong** – Ceeb toom. Yog koj xav tau kev pab txhais cov xov no rau koj dawb, hu 612-673-2800; **Spanish** – Atención. Si desea recibir asistencia gratuita para traducir esta información, llama 612-673-2700; **Somali** - Ogow. Haddii aad dooneyso in lagaa kaalmeeyo tarjamadda macluumaadkani oo lacag la' aan wac 612-673-3500.

- presentation materials for meetings such as photographs and renderings
- professional assistance, such as provided by a surveyor, engineer, architect, lawyer, etc.

Please note that the above costs do not include actual project costs such as site improvements or other potential costs that may be required by other City departments, including Licensing, Public Works, or Regulatory Services.

2. Submit Land Use Application(s)

Land use applications that require administrative review may be submitted by appointment directly to the assigned planner. Once a meeting is scheduled, the applicant returns to the Public Service Center at the scheduled time to submit the application(s). When a development requires more than one land use application, all applications must be processed concurrently. The planner conducts a preliminary review of the application. The planner will only accept applications that include all of the items identified in the land use application form. If any items are missing at the time of submittal, the application is considered incomplete and is not accepted.

3. Review Application(s) for Completeness

Acceptance of an application by a planner does not deem the application complete. The planner determines whether the land use application is complete by conducting a thorough review of the application materials. The staff review may determine that additional information is required. In the case of an incomplete application, the planner will send a letter to the applicant within 15 business days specifying what information is missing. Applications that remain incomplete for 30 days or more will be returned to the applicant (except for the first one hundred dollars of the total fees paid). In such case, an applicant who still wishes to proceed with the proposed development must resubmit the application(s).

Once an application is determined to be complete, the assigned planner schedules the application for a public hearing or makes an administrative decision. For applications requiring administrative review, the assigned planner makes a decision as soon as possible following determination of completeness. The decision can be either to approve the application, to approve it with conditions, or to deny the application. For applications requiring approval by a public hearing body, the assigned planner schedules the item for a public hearing before the appropriate body. Public hearing dates are pre-scheduled meetings and typically occur twice a month.

A public hearing requires that notice of the land use application be given to affected property owners within 350 feet of the subject property, the registered neighborhood group(s), and a newspaper of general circulation. The minimum notification period is 21 calendar days. Planning staff prepares and mails the public hearing notices, not the applicant. However, the applicant is responsible for posting the required notice of the time, place and purpose of the public hearing on the property.

Most applications can be processed within the 60-day time limit in which the City is required by state law to approve or deny the application. The 60-day period begins on the day an application is determined to be complete. The City may extend the time limit up to an additional 60 days by providing written notice of the extension to the applicant.

4. Receive Preliminary Development Review

Preliminary Development Review (PDR) is an informal staff meeting that allows representatives of City departments including Public Works, Licensing, Park Board, and Public Safety to determine compliance with requirements and/or discuss the issues presented by the project. **Not all projects require PDR.** However, most projects involving new construction for commercial or industrial uses, or residential uses with three or more dwelling units require PDR. Depending upon their complexity, other projects that involve existing uses and buildings may also require PDR. Applicants can choose to have a PDR before submitting a land use application; however, a development project should be reviewed at a PDR meeting before attending either the Board of Adjustment or City Planning Commission meeting. Changes to a development proposal after a hearing body takes action may require that an applicant repeat the PDR.

For PDR to occur, the applicant submits copies of the site plan, applicant contact information and a description of the project to the Minneapolis Development Review (MDR) office. A checklist outlines the specific information that must be included. The checklist can be obtained from the MDR office. Upon receipt of **all** of the required materials, the project can be reviewed. Within 3 to 5 business days, a written document is presented to the applicant that covers the issues identified by the representatives at the meeting.

Once the applicant receives the PDR document, the applicant can contact the representative identifying the issue to ask questions to gain a better understanding of the requirements of City departments for the development proposal. These issues must be resolved before submittal of the final development plan.

Note: The PDR meeting is **not** an approval of the project and does **not** guarantee project approval.

5. Evaluate Application

For applications requiring approval by a public hearing body, the planner writes a staff report to the Board of Adjustment or the City Planning Commission. The report evaluates the application(s) based on the applicable standards of the ordinances and policies of the Comprehensive Plan. The report includes a staff recommendation. Prior to completing the report and recommendation, the planner may request additional information from the applicant or may suggest modifications to the development to better conform to the applicable standards and policies.

A copy of the report, recommendation(s) and meeting agenda are sent to the applicant prior to the public hearing.

6. Attend Public Hearing

The planner presents the analysis and recommendation at the Board of Adjustment or City Planning Commission public hearing, and the applicant and general public have an opportunity to speak. Following the close of the public hearing, the Board of Adjustment or City Planning Commission takes action on the application(s).

The action can be either to approve the application, to approve it with conditions, to deny the application, or to continue the application to a later meeting. All decisions of the Board of Adjustment and City Planning Commission, except zoning amendments and vacations of streets and alleys, are final unless the decision is appealed to the City Council. No action may be taken by the applicant to develop, grade or otherwise alter the property until expiration of the 10-day appeal period and, if an appeal is filed, until after a final decision has been made by the City Council.

7. Appeal of Decision

Appeals must be submitted to Planning staff on a form approved by the Zoning Administrator.

Any affected person may appeal a decision of the Board of Adjustment or City Planning Commission. To be effective, the appeal must be filed within 10 calendar days or the decision is final.[1] The Minneapolis City Council hears appeals of a Board of Adjustment or City Planning Commission decision.

Any affected person may appeal the findings and decisions made by the Zoning Administrator. The appeal must be filed within 10 calendar days of the decision or the decision is final. The Board of Adjustment hears appeals of decisions of the Zoning Administrator.

[1] City Planning Commission actions on applications for rezoning or vacations of streets/alleys are an exception. These actions are recommendations to the City Council, and are automatically forwarded to its Zoning and Planning Committee.

8. Final Plan Approval

Once an application is approved and the appeal period has expired or any appeal has been decided, the applicant must submit a final version of the plan(s) to the assigned planner. The final version of the plan must reflect any conditions required by the Zoning Administrator, the Board of Adjustment or City Planning Commission. Final plans include, but are not limited to, a site plan, landscaping plan, and building elevations.

All final plans must be full-sized, scaled, dimensioned, and signed by an authorized professional unless the assigned planner indicates otherwise. Final plans may **not** say "Not for Construction," "For Bid Only," "Preliminary," etc. Three copies of the final plan(s) are generally sufficient for plan approval. One copy is kept for the Development Services office record, and two copies with a stamp of approval are returned to the applicant.

If the project required a PDR, two copies of the plans must be submitted to the MDR office to route the plans through the Department of Community Planning and Economic Development – Development Services Division, Public Works Department, and Fire Department for review. Upon receipt of the plans, they will be reviewed to ensure that all Board of Adjustment or City Planning Commission actions and Public Works comments from the PDR meeting have been incorporated. Once both departments have verified that all required changes have been made, the applicant will be asked to submit ten full-size and one 11-inch by 17-inch copy of the final plans to the MDR for Formal Routing. This review process generally takes one to three weeks from the time final plans are submitted. The applicant receives two copies of the plan(s) with all of the necessary department approvals for their records.[2]

Once a plan has received all of the required department approvals, it will be reviewed by Building Plan Review staff for compliance with the building code prior to issuance of any required building permit. Contact the Building Plan Review Office by calling 311 from within Minneapolis or 612-673-3000 from outside the city to determine the length of the review process. Applicants who may wish to obtain building permits more quickly should contact the Building Plan Review office during the land use application process in order to start the building code review of their plans.

9. Implementing the Approved Plan

All land use approvals, except zoning amendments, are valid for two years during which time the use must be established or the building permit must be obtained and construction substantially begun. Upon a showing of good cause, the Zoning Administrator may approve up to a one-year extension of this time limit.

All land use approvals remain in effect as long as all of the conditions and guarantees of the approval are observed. Failure to comply with such conditions and guarantees constitutes a violation of the zoning ordinance and may result in termination of the land use approval. In addition to the requirements of the zoning ordinance, all uses and development must comply with all other applicable city, local, regional, state and federal regulations.

[2] Additional Public Works permits may be required outside of the site plan approval.