

CITY OF MINNEAPOLIS

Land Use Planning and Development Review Training

NCR Learning Lab Presentation

Opening Questions

- What elements of land use and development can the City control or guide?
- What elements are mainly controlled by the developer or property owner?





Context & framework

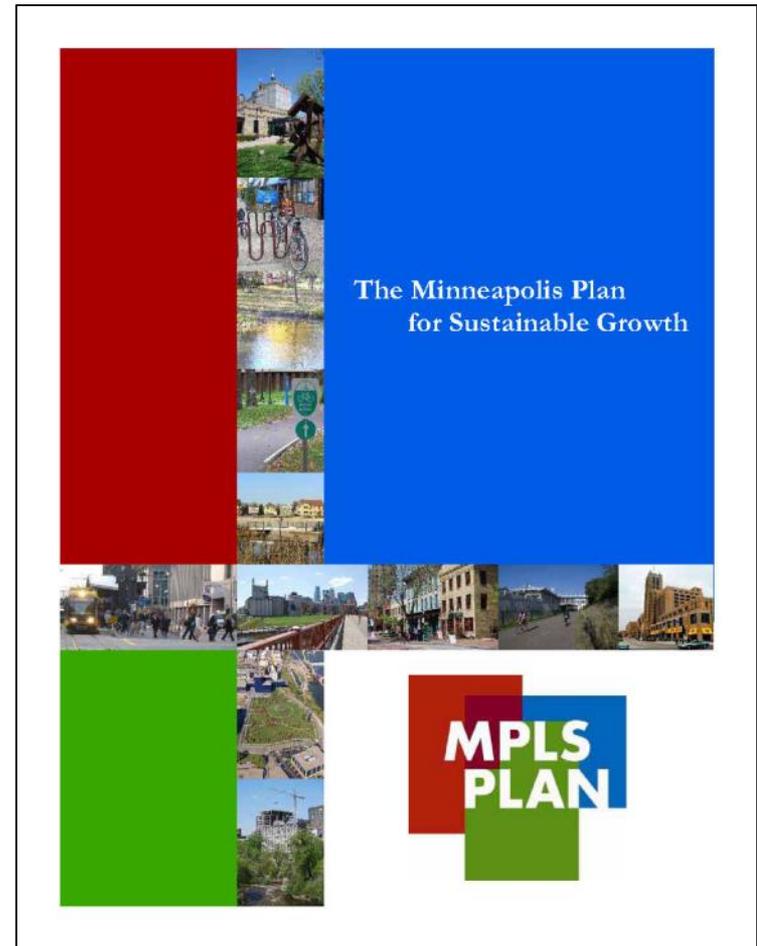
Land Use Planning in Context

- **State** - establishes legislative authority and requirements for cities, building code standards, state roads
- **Metropolitan Council** - oversight over Twin Cities regional systems, including transportation, water, and regional parks; requirements for city comprehensive plan
- **Hennepin County** - oversight over county roads and systems
- **Resource agencies** - DNR, Army Corps, MWMO, NPS have jurisdiction over resources, especially related to water usage and access



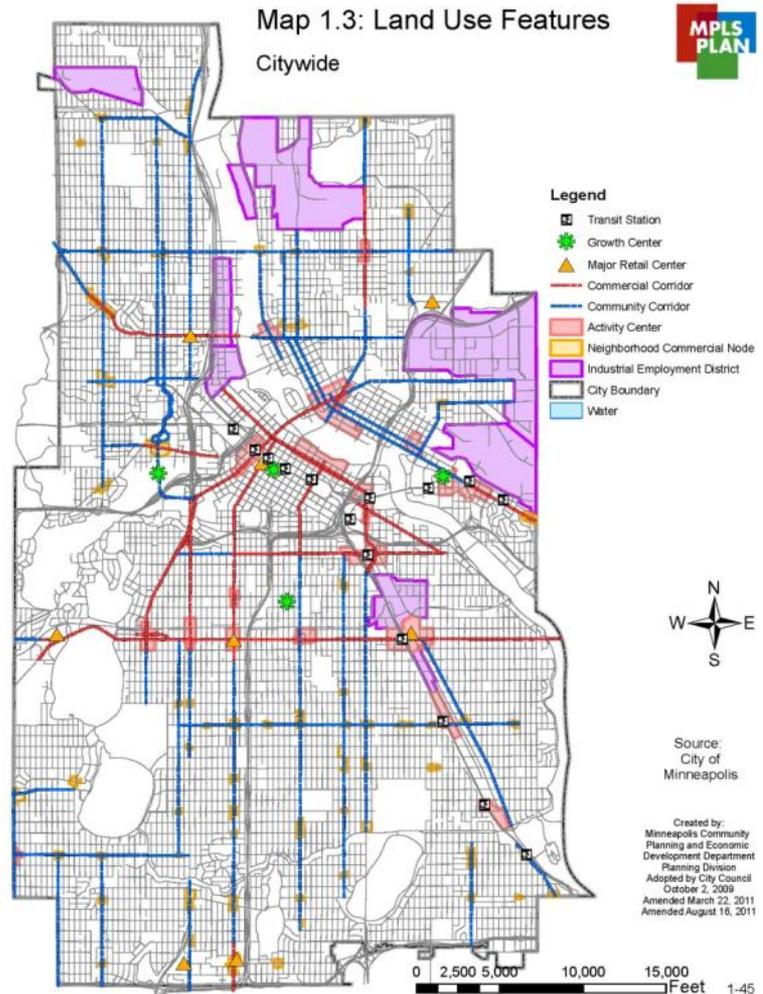
City Framework: Comprehensive Plan

- Overall policy framework for city
- Required by Met Council
- Includes identification of future land uses and areas of growth/density
- Organized around land use features
- City decisions, including regulations, must be consistent with plan



City Framework: Land Use Features

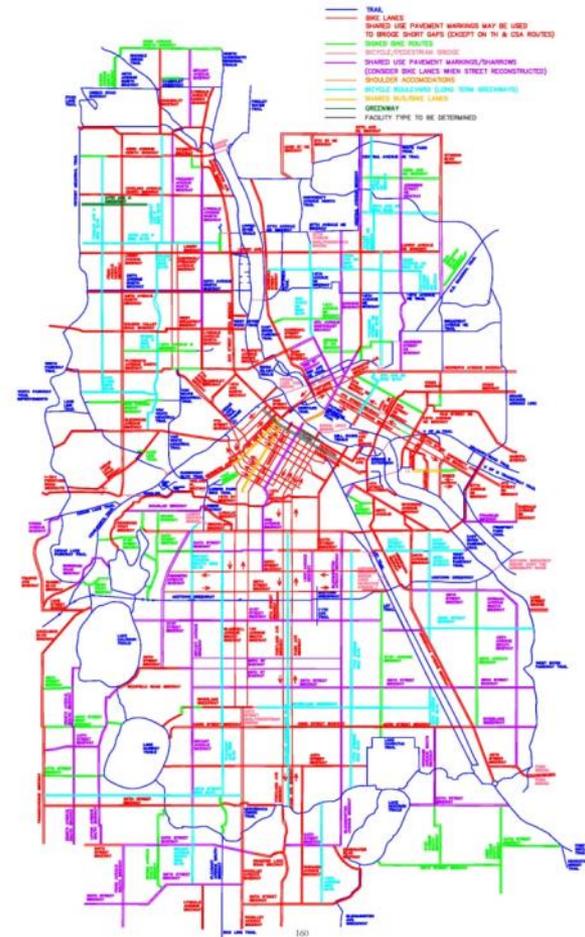
- Activity center
- Growth center
- Major retail center
- Transit station area
- Neighborhood commercial node
- Commercial corridor
- Community corridor



City Framework: Citywide Topical Plans

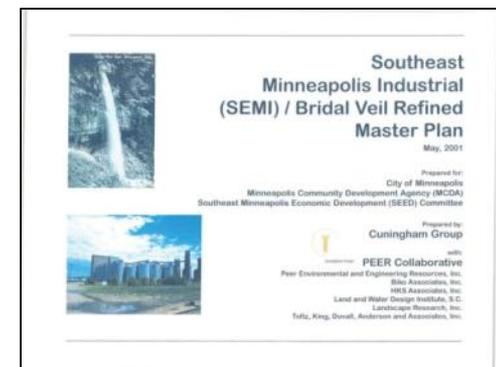
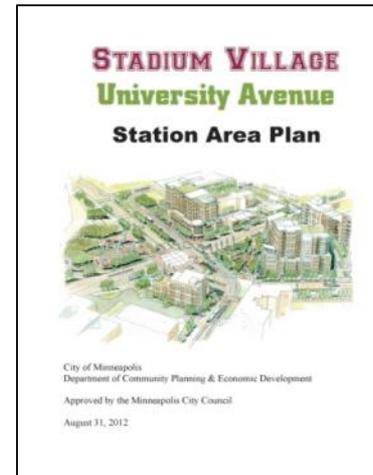
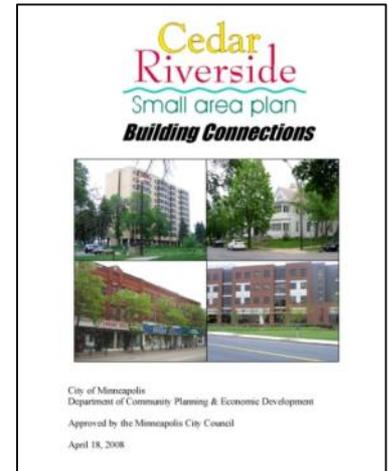
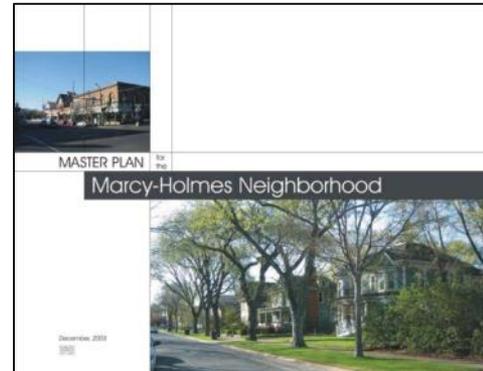
- More In depth guidance on specific topics
- May or may not be required by Met Council
- Must be consistent with comp plan
- Examples:
 - Access Minneapolis
 - Sewer Plan
 - Industrial Land Use Plan
 - Surface Water Plan

Figure 7.7 - Bikeways Master Plan



City Framework: Small Area Plans

- More specific guidance for certain areas, supplementing comp plan
- Pursued for areas facing growth and change
- Required to contain certain elements (not just select issues)
- May be initiated by city or neighborhood, but must be adopted by City Council to be policy



City Framework: Historic District Guidelines

- Developed for locally designated historic districts
- Provide more detailed guidance for design and redevelopment within the district
- Can be more rigorous than general regulations citywide
- Requires additional review during land use process



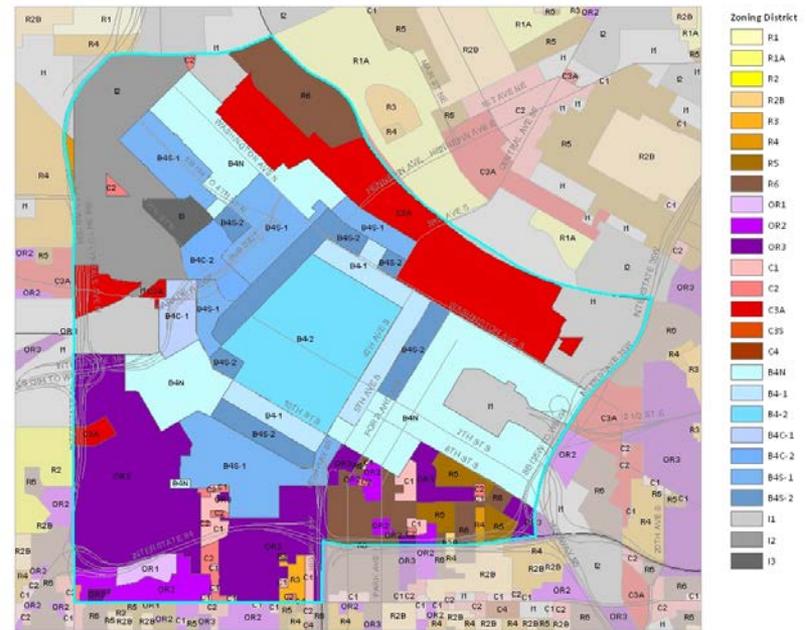
City Framework: Regulations

- Ordinances adopted by City Council, must be consistent with the City's comprehensive plan
- Zoning code regulates land use, building size and placement, landscaping and site design, parking and loading, signs, etc.
- Other parts of the City's code of ordinances regulate licensing, property maintenance, environmental health, the safety of building construction, and other factors
- The zoning ordinance is periodically revised to reflect changing context and emerging issues



City Framework: Zoning Districts

- Residence - R1, R1A, R2, R2B, R3, R4, R5, R6
- Office Residence - OR1, OR2, OR3
- Commercial/Mixed Use - C1, C2, C3A, C3S, C4
- Industrial - I1, I2, I3
- Downtown – B4, B4N, B4S, B4C
- Overlay Districts – e.g., University Area, Pedestrian Oriented, Industrial Living, Transitional Parking, etc.

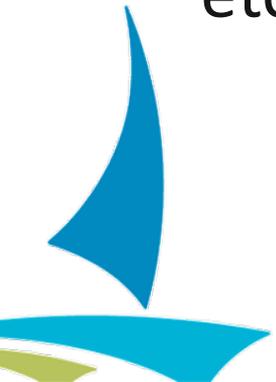




Development Review

Development Review: Over the Counter

- Projects requiring only administrative review
- Must meet requirements as stated in ordinance
- Includes garages, fences, small additions, etc.



Development Review: Administrative Review

- Residential projects with less than 5 units
 - Administrative review based on point system
- Small-scale commercial buildings and additions, and residential buildings with less than 10 units—may be admin review if no rezoning, variances, CUPs, etc.



Development Review: Public Hearing

- Most new buildings require land use and/or preservation applications that are decided through a public hearing process
- Applications run concurrently through approval process
- Required applications depend on project specifics



City Framework: Boards and Commissions

- **City Planning Commission:**

- Action on land use applications (e.g., site plan review, conditional use permits, variances, etc.).
- Review and recommendations on...
 - Area or issue-specific plans consistent with the comprehensive plan
 - The sale of public land, and the vacation of streets and alleys
 - Redevelopment plans
 - Modifications to the City's zoning code and zoning map
 - The City's comprehensive plan

- **Board of Adjustment:**

- Variances, zoning appeals, and the establishment of legal nonconforming rights.

- **Heritage Preservation Commission:**

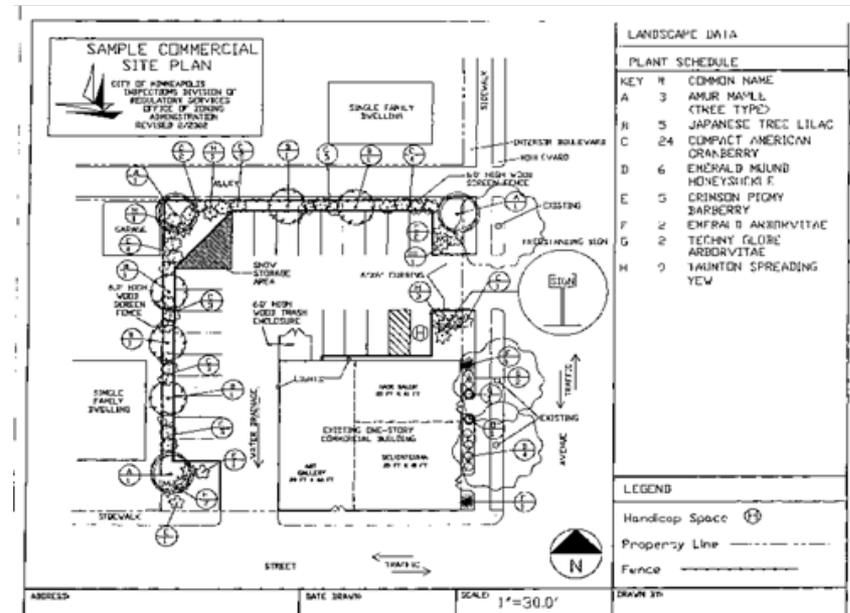
- Certificates of appropriateness
- Requests to demolish historic resources

- **City Council**



Development Review: Land Use Applications

- Triggered by project scale, specific use, or requested variations from standards
- Rezoning
- Conditional use permit
- Variance
- Change/expansion of nonconforming use
- Site plan review



Development Review: Sequencing of City Review Process

- Preliminary meeting with staff.
- Application filed
- Public notice
- Staff report written
- Public hearing
- Appeal period
- Submittal of final plans for review and approval for building permit
- Inspections/enforcement
- Certificate of occupancy

- Minn. Stat. 15.99:
- “The 60-day law”



Public Notices

- Applicant must provide early notification to neighborhood group and City Council office.
- CPED sends e-mail notification of new applications that have been filed.
 - Map of new applications:
<http://www.ci.minneapolis.mn.us/cped/planning/index.htm>
 - Public may use this web site to sign-up for notifications
- After an application is deemed to be complete, notices are mailed to official neighborhood organization notices are mailed 21 days before the public hearing.
- Notices are mailed to the DNR, Park Board and the affected watershed district for applications in the Floodplain, Shoreland or Mississippi River Critical Area Overlay Districts.
- Notices are mailed to taxpayers within 350 feet of the property 15 days before the meeting.
- Bright-colored, 8-1/2" x 11" posters are mailed to applicants 15 days before the meeting to be placed on the four corners of the property.
- Notices are published in Finance & Commerce newspaper 15 days before the meeting.
- Agendas are posted online. Agendas include links to staff reports and recommendations.



Development Review: Appeals

- Appeals of administrative decision
- Appeals from a board or commission decision
- City Council/Mayor decisions are final



Findings for Land Use Applications

- Minnesota law, both statutory and case law, requires that the reasons for a city's decision on a land use case be articulated on the record. These reasons for the City's decision are called the findings.
- Neighborhood comments are more influential if reference the applicable findings.

Example - Conditional Use Permit Findings

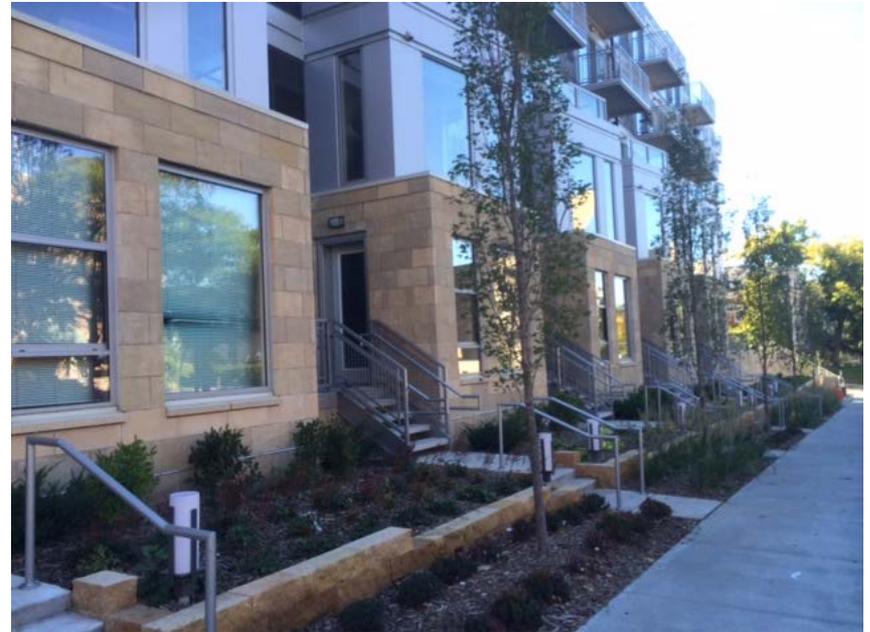
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (3) Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.
- (4) Adequate measures have been or will be taken to minimize traffic congestion in the public streets.
- (5) The conditional use is consistent with the applicable policies of the comprehensive plan.
- (6) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.



Site Plan Review

530.10. Purpose.

Site plan review standards are established to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development. The regulations recognize the unique character of land and development throughout the city and the need for flexibility in site plan review.



Site Plan Review

- BUILDING PLACEMENT AND DESIGN
- ACCESS AND CIRCULATION
- LANDSCAPING AND SCREENING
- ADDITIONAL STANDARDS (e.g., lighting, shadowing, crime prevention through environmental design)
- Understanding “Alternative Compliance”



Building Height

When considering an application for conditional use permit to increase maximum height, the following factors are to be considered in addition to the general conditional use permit findings:

1. Access to light and air of surrounding properties.
2. Shadowing of residential properties or significant public spaces, or existing solar energy systems.
3. The scale and character of surrounding uses.
4. Preservation of views of landmark buildings, significant open spaces or water bodies.





Neighborhood Role

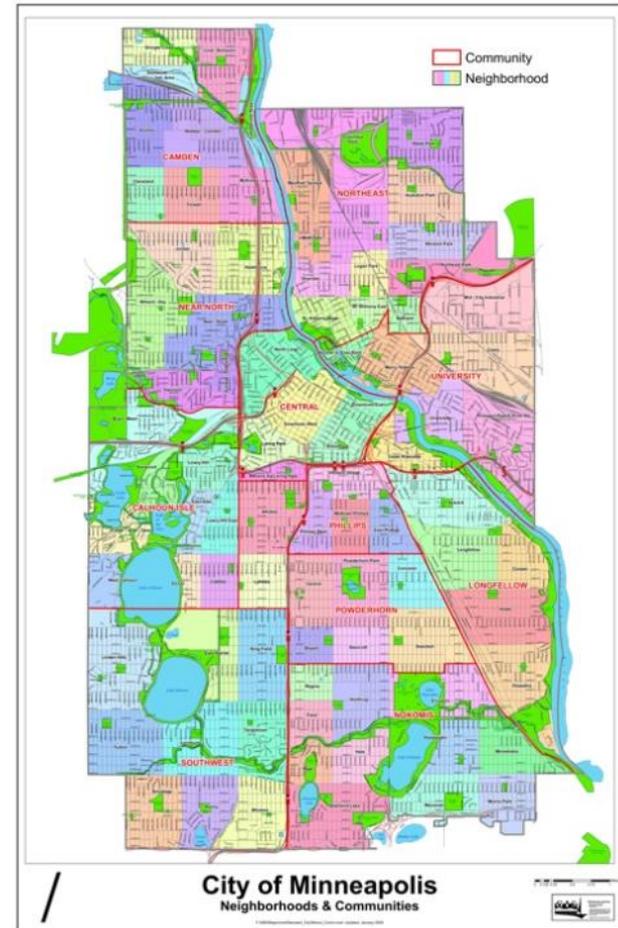
Neighborhood Role

- Updated through weekly city list and direct contact from developers
- Administrative - review list, contact if want to appeal decision within 10 days
- Public Hearing Required - developer required to contact neighborhood prior to an application being deemed complete; neighborhood or anyone can comment in writing or in person at public hearing
- Neighborhood opposition alone is not a legally sufficient reason for denial of an application. Northwestern College v. City of Arden Hills, 281 N.W.2d 865 (Minn. 1979). The city should take care to differentiate between the quantity and quality of neighborhood concerns. Often neighbors can raise very real and legitimate concerns. Neighbors often provide important facts relevant to a decision. The most relevant facts will speak directly to one or more of the required standards in the Zoning Code for the particular application at issue. Unsubstantiated opinions and reactions to a proposal do not form a legitimate basis for denial.



Neighborhood Role

- Updated through weekly city list and direct contact from developers
- Administrative - review list, contact if want to appeal decision (within 10 days)
- Public Hearing Required - developer required to contact neighborhood prior to submitting application; neighborhood or anyone can comment in writing or in person at public hearing
- Rezoning - requires notification of specific property owners within a certain radius



Neighborhood Role: Factors to Consider

- Respond to specific land use applications and their findings
- Connect to adopted plans and policies
- Consider impacts of project to surrounding area
- Provide specific suggestions for improvement (not just “up or down” vote)
- Be mindful that project can change during review and approval process

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University District Development Principles

The Alliance, comprising the University of Minnesota and other nearby institutions, the surrounding neighborhoods, and the City of Minneapolis, is a partnership that works to make an urban district

- capitalizes on its exceptional resources;
- is vibrant, safe, healthy, and sustainable;
- is a preferred place for people of all ages to live, work, learn and visit.
- is an attractive place to make community-enhancing investments

This evaluation tool should help neighbors, planners and developers discuss how to build a better University District. It is not intended to supercede neighborhood plans or city

Scoring

- ++ Very helpful in achieving the stated neighborhood objective
- + Helpful in achieving the stated neighborhood objective
- 0 Neutral in achieving the stated neighborhood objective
- Harmful in achieving the stated neighborhood objective
- Very harmful in achieving the stated neighborhood objective

Presentation

**Developers should describe, and neighborhoods should judge, how the proposed project helps the University District achieve the following objectives.
Developers should include, and neighborhoods should expect, narratives, maps, site plans, elevations and sketches that show how the proposed project fits into the neighborhood's setting and advances the neighborhood's plan

1 **Mixed-use and urban density to accommodate all the people who want to work and live in the District**

1.1 ++ + 0 - - - Provide a mix of uses for the diversity of people who live, work, learn, do business and visit in the district.

1.2 ++ + 0 - - - Provide the density to support a walkable, transit-oriented urban place, with access to services and amenities.

1.3 ++ + 0 - - - Contribute to the variety of unit types and rents to accommodate those who want to live in the District

2 **Connections to create a pedestrian friendly, transit-oriented community**

2.1 ++ + 0 - - - Create a walkable, bikeable district, with connectivity within the District and to the rest of the city and region.

2.2 ++ + 0 - - - Support a high quality pedestrian network and public realm and a network of public transit.

2.3 ++ + 0 - - - Reinforce neighborhood connectivity through the site plan, the architecture and the landscape design.

MORE PRINCIPLES ON THE OTHER SIDE

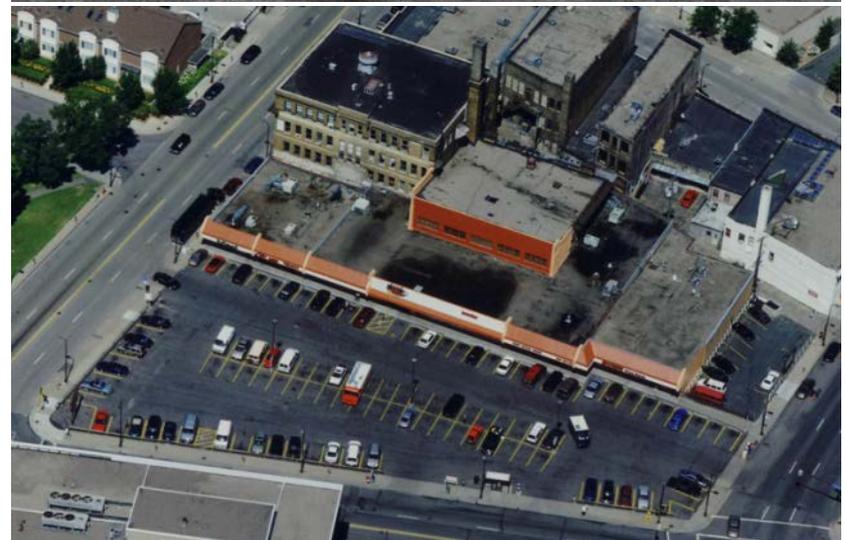
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Case Study

Case Study: Cobalt

- Formerly an aging single story shopping center
- In an area guided for high density mixed use
- Developer wanted to replace with condos and grocery store with space for more retail



Case Study: Community Process

- Eastgate Task Force formed, led by NIEBNA, adjacent neighborhoods
- Created Summer 2004, met four times with developer team
- Design team incorporated many comments/suggestions



Case Study: Results of Process

- Building has pedestrian oriented frontage on University and Central
- Height is stepped back from street
- Parking is enclosed and concealed
- High quality building materials



Case Study: Project Results

- Project has been successful, including retail space
- Neighborhood pleased with result
- Set expectations for potential quality/design
- Plenty of parking for uses, despite concerns



Questions for Discussion

- What is your past experience with planning and development review?
- What were the positive outcomes? What could have gone better?
- How can this be improved in the future?

