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## 8.4 Summary of Application and Review Procedure Types.

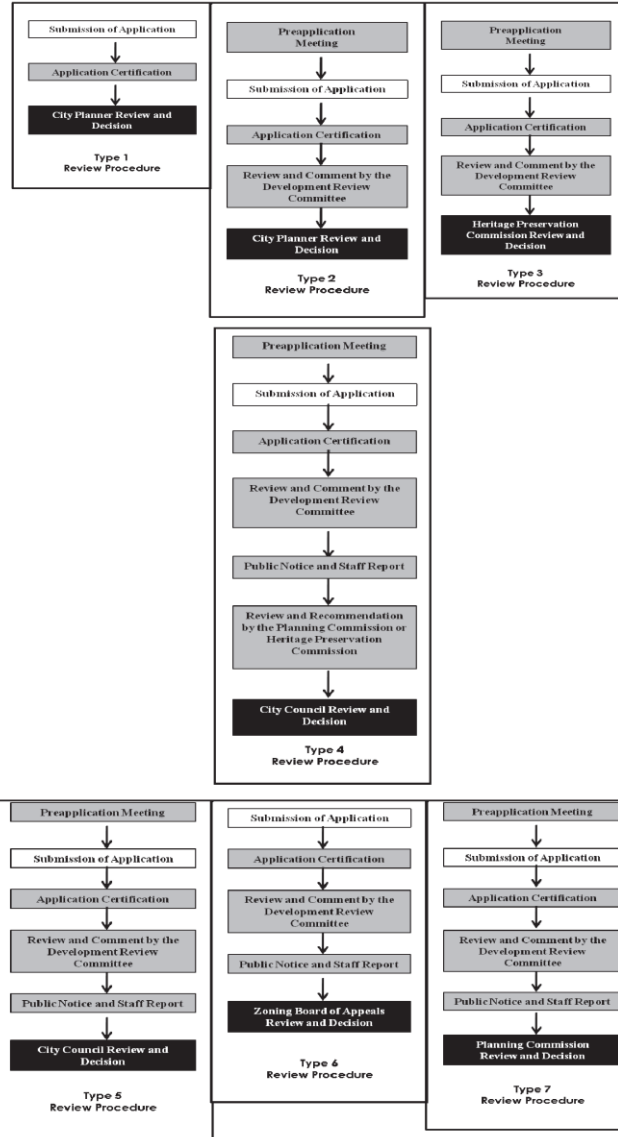
### 8.4.1 General Provisions.

- (A) The development review procedure type assigned to each permit governs the decision-making process for that permit or review. There are seven types of decision-making procedures that are described in detail within this section.
- (B) Applications may be reviewed by the planning commission informally in a regularly scheduled work session prior to the planning commission's required formal meeting as appropriate. Such preliminary reviews and discussions shall be subject to Section 8.3.4, Effect of Preapplication Meetings and Preliminary Review.
- (C) Unless otherwise indicated within this LDC, all applications for permits or other approvals shall be submitted to the city planner.

**8.4.2 Summary Table of Development Review Procedures by Type of Review.** Table 8.4-1 summarizes the type of development review procedures permitted under this LDC. The subsequent sections of this article define the applicable approval procedures, criteria, and submittal requirements.

### 8.4.3 Review Procedures.

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**REVIEW PROCEDURES**

		<b>Table 8.4-1: Development Review Procedures</b>						
		Type 1 City Planner (No DRC)	Type 2 City Planner (with DRC)	Type 3 Heritage Preservation Commission	Type 4 Planning Commission (or HPC) and Council	Type 5 City Council	Type 6 Zoning Board of Appeals	Type 7 Planning Comm.(C2 Only)
		Decision	Decision	Decision	Recommend & Decide	Decision	Decision	Decision
Environmental Review Worksheet	8.3.9				X (PC)			
Zoning Certificate [1]	8.5.1	X	X	X				X

Temporary Use Permit	8.5.2	X						
Construction Drawings	8.5.3	X [2]						
Flood Plain Permit	8.5.4		X					
Amendment to PUD-O	8.5.5		X					
Site Plan Review	8.5.6		X					
Heritage Preservation Designation	8.5.7				X (HPC & PC)			
Certificate of Appropriateness	8.5.8			X				
Conditional Use Permit	8.5.9				X (PC)			
Parcel Conveyance	8.5.10	X						
Minor Subd. or Consolidate	8.5.11					X		
Major Subd.— Prelim. Plat	8.5.12(B)				X (PC)			
Major Subd.— Final Plat	8.5.12 (D)					X		
Comp Plan Amendment	8.5.13				X (PC)			
Rezoning or Text Amend.	8.5.14				X (PC)			
Annexation	8.5.15				X (PC)			
Variance	8.5.16						X	
Appeals	8.5.17						X	
Interpretation	8.5.18	X						

1. The type of review required for a zoning certificate is dependent on the size and scale of the project. Section 8.5.1, Zoning Certificate, establishes the thresholds that will define what review type is applicable for a given application. In some cases, an application for a zoning certificate may be subject to the site plan review procedure established in Section 8.5.6, Site Plan Review.

2. For construction drawings, the city engineer shall have the authority to review and approve the submission instead of the city planner.

**8.4.7 Type 4 Review Procedure (Planning Commission or Heritage Preservation Commission Recommendation and City Council Decision).** Type 4 review procedure decisions are made by the city council after a recommendation is made by the planning commission at a public hearing. Type 4 review procedure decisions for heritage preservation site designations are made by the city council at a public hearing after a recommendation by the heritage preservation commission and the planning commission. Type 4 review procedure decisions require both published and mailed notice as required in Section 8.3.8, Public Notice.

(A) **Preapplication Meeting.** The applicant shall be required to meet with the city planner prior to submitting an application to discuss the proposal at a preapplication meeting unless such requirement is waived by the city planner. This meeting will provide the applicant an opportunity to meet with the

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city planner and other members of city staff who can provide initial feedback regarding applicable standards and requirements.



Type 4 Review Procedure

**(B) Neighborhood Meeting.**

- (1) A neighborhood meeting will be required for any major subdivision that will create 50 or more lots.
- (2) A neighborhood meeting will be required for any zoning map amendment that encompasses more than 100 acres.
- (3) A neighborhood meeting will be required for all development in the PTA sub-zone as established in Section 2.4.2(C)(2).
- (4) At the discretion of the city planner, other applications for a Type 4 review procedure may be required to meet with property owners within 350 feet of the proposed property and any city

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recognized neighborhood associations in the immediate area prior to submitting their application in order to solicit input and exchange information about the proposed development (See Section 8.3.5, Neighborhood Meetings).

- (C) **Preliminary Review by the Planning Commission.** The applicant may request a preliminary review with a quorum of the planning commission prior to submitting an application, except that a preliminary review meeting with the planning commission shall be required if the project contains environmentally significant areas as described in the comprehensive plan, Chapter 5, or park plan components as described in the comprehensive plan, Chapter 8. The purpose of the work session is to provide feedback to the applicant regarding the proposal (See Section 8.3.4, Effect of Preapplication Meetings and Preliminary Review). At the applicant's request, the city planner will place the preliminary proposal on the work session agenda and send a copy of the agenda to the relevant boards and commissions.
- (D) **Application Submittal.** The applicant shall submit an application to the city planner in accordance with Section 8.3, Common Development Review Requirements.
- (E) **Review by the Development Review Committee.**
  - (1) At the city planner's discretion, the application may be forwarded to the development review committee for review after the city planner certifies the application is complete (See Section 8.3.3(C)). The development review committee shall include the town architect for development applications proposed in the PTA sub-zone of the CD-S district.
  - (2) If the development review committee is asked to review an application, the committee shall review the application and provide comments back to the city planner.
  - (3) After the development review committee meeting, the city planner shall provide the applicant with comments and changes that are required to be in compliance with the provisions of this LDC. The applicant shall be required to submit revised plans and documents incorporating the required changes prior to the planning commission meeting.
- (F) **Public Hearing and Notice by the City Planner.** After determining that an application contains all the necessary and required information (See Section 8.5.3(C)), the city planner shall place the application on the planning commission agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 8.3.8, Public Notice. For heritage preservation site designations, the city planner shall place the application on the city council agenda, schedule a public hearing on the proposed request, and notify the public pursuant to Section 8.3.8, Public Notice.
- (G) **Preparation of Staff Report.**
  - (1) The city planner shall prepare a staff report providing an analysis of the proposal and a recommendation. The city planner shall consider comments from the development review committee in formulating the recommendation.
  - (2) A written staff report shall be forwarded to the planning commission and the contact person listed on the application form at least three days prior to the meeting at which the planning commission will consider the application.
- (H) **Recommendation by Planning Commission.**
  - (1) The planning commission shall consider the application at its formal public hearing. It shall consider comments by staff as appropriate, a presentation by the applicant, and comments by interested parties.
  - (2) The planning commission shall consider this information and make a recommendation at the public hearing. If necessary, the planning commission can table and continue the public hearing

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or review of the application in accordance with Minn. Stat. § 15.99, at which time it shall make a recommendation.

- (3) The planning commission shall also consider the applicable decision criteria of this LDC and shall recommend approval, recommend approval with conditions (where allowed by law), or recommend denial of an application.
- (I) **Action by the Heritage Preservation Commission.** The heritage preservation commission shall consider the application for any heritage preservation site designation at its meeting in accordance with Section 8.5.7, Heritage Preservation Site Designation.
- (J) **Action by the City Council.**
  - (1) After the planning commission's recommendation is made, the city council shall approve the request, approve with conditions (where allowed by law), or deny the request.
  - (2) The city council may adopt by a two-thirds vote of all members of the city council amendments to this article or the zoning map, in relation both to land uses within a particular district or to the location of the district line.
  - (3) The city council shall adopt findings and shall act upon the application in accordance with Minn. Stat. § 15.99.
- (K) **Appeals.** The decision by the city council is appealable to the district court within 30 days after receipt of notice of the decision.