

How to Request a Rezoning or Comprehensive Plan Amendment

All property in Brooklyn Park has certain land use designations based on the Comprehensive Plan. This policy document sets general use types. The City's Zoning Code is the regulatory document that implements the Comprehensive Plan by creating zoning districts that have rules regarding uses, lot sizes, and building placement. In some cases, a proposed use does not conform to either the Comprehensive Plan or the Zoning Code, but seems to make sense in a particular location, therefore a property owner will request the land use designation and/or zoning be changed. In some instances, a rezoning and/or Comprehensive Plan amendment are components of the development process and other applications may be necessary. In many cases, a rezoning and Comprehensive Plan amendment happen together. The following is an overview of the typical 120-day rezoning/amendment process.

Pre-Application Meeting

It is recommended that you meet with a planner to discuss your intentions prior to making application. This meeting will introduce you to the City staff members who will be working with you. We will discuss the City's zoning rules, policies, and plans that could affect your application as well as what to expect during the review process. For this meeting, please identify the location of the property and any preliminary plans you have.

It may be recommended that a neighborhood meeting is held prior to your application submittal. City Staff will assist you with dates and suggest meeting locations. At the neighborhood meeting, you will be expected to present your concepts to neighbors and solicit feedback to incorporate into your plans.

After the pre-application meeting, you have the ability to develop your plans further for the formal application.

The Application

The application is due on the first business day of the month. This places you in the queue for the following month's Planning Commission public hearing. The application consists of the application form, a letter of request, the application fee, and the plans that you would like the Planning Commission to review.

Application Form

The application form must be signed by the applicant and the property owner(s). The owners may sign a consent letter and attach it to the application. Failure to sign the application will result in an incomplete application.

Letter of Request

A brief letter explaining the proposed development and outlining the design team (applicant, property owner, surveyor, engineer, etc.) should be submitted. This letter can give better insight into your plans.

Application Fee

A non-refundable fee of \$500 is required for the rezoning and \$400 for the Comprehensive Plan amendment. Additionally, a \$2,000 review escrow is required for each application. The escrow account that you establish with the City will help cover the costs of the public hearing notices, staff time to review the application and write reports, and the City Attorney's review. Additional escrow will be required upon when the escrow account is low and remaining escrow is refundable when the project is finished.

Plans

Plans must be submitted in both paper format and in pdf electronic format. Two full-sized sets and two 11x17-inch reductions are required with your initial application. Additional copies may be requested after revisions are made. The full-sized plans must be at a standard engineering scale and contain the following components (please note that not all of this information may be necessary as determined at your pre-application meeting):

1. Existing Conditions – This page shows what is on the property today—structures, fences, utility lines, water bodies, wetlands, significant vegetation, lot lines, rights-of-way, and dimensions. This plan must show all of the existing and proposed zoning requirements for the site including lot areas and densities to make sure that it meets the standards of the proposed zoning district.

2. Preliminary Plans – A concept plan of your proposed development’s site and buildings is required. The application will be judged on whether your proposal works with surrounding land uses or not.
3. Other Plans or Documents – Depending on the size of your application, other information may be necessary to review your application properly. This information will be discussed at the pre-application meeting. Traffic studies, environmental reviews, and wetland delineations are three such examples.

Receipt of Application

After receiving your application, City staff will review your plans for completeness. In many cases, staff will recommend that changes be made in order to conform to the City’s Zoning Code and Comprehensive Plan (and therefore not needing this application) or to be more compatible with neighboring properties. Additional information may be requested. Adequate time will be given to make revisions prior to the Planning Commission meeting.

If the application is determined to be incomplete, it will be returned to you with a letter stating why the application was deemed incomplete and the things that are missing. You are welcome to reapply at the next submittal date with your complete application.

Public Notice

The City is required to notify surrounding property owners of any pending rezoning or Comprehensive Plan amendment and information regarding the public hearing. Mailed notices will be sent to all property owners, residents, and businesses within 500 feet of the property line of your site. We also place an ad in the legal section of our official newspaper, The Brooklyn Park Sun Post. A sign may be placed on your property notifying people as well. Make sure that this sign is clearly visible and not moved without consent of the Planning Staff. Your escrow will be charged for the notification costs.

Public Hearing

The Planning Commission holds the public hearing and solicits comments from interested parties before making a recommendation to the City Council on your request. The Planning Commission meets the second Wednesday of the month following your application. You are welcome to invite people to speak on your behalf. People can also submit letters or emails with their comments. All people speaking or submitting written comments are expected to give their names and addresses. The Planning Commission may ask questions or make suggestions for changes; therefore you must be in attendance or have a knowledgeable authorized representative in your place. If you cannot attend, it is recommended that you extend your application to a future meeting.

City Council

The City Council approves or denies your application. They take into consideration the Planning Commission’s recommendation and any comments received at the public hearing. According to our City Charter, rezoning ordinances must pass two readings meaning that the City Council will review your request twice. The City Council is obligated to take action on the first reading within 60 days of your application unless an extension is made per state law. The second reading of the rezoning will happen at subsequent Council meeting, usually two weeks later if the proposed zoning district is in conformance with the existing Comprehensive Plan land use designation.

Metropolitan Council

If a Comprehensive Plan amendment is also being considered, the Metropolitan Council must review the request. They will not begin review until after the City Council passes a resolution “contingent upon Metropolitan Council review.” City staff will prepare the application and submit it to the Metropolitan Council. They have 120 days to review and consent to (or reject) the amendment, but often review smaller area changes in less than 60 days. Upon City staff receiving notification that the Metropolitan Council has consented to the amendment, the second reading of the rezoning ordinance will be scheduled.