



STAFF REPORT

DATE: 4/4/2023

CONSENT

TO: City Council
FROM: Jenni Faulkner, Consulting Planner
Nathan Fuerst, Consulting Planner
AGENDA ITEM: **Planned Unit Development (PUD) Text Amendments**
REVIEWED BY: Kristina Handt, City Administrator
Sophia Jensen, City Planner

BACKGROUND:

On February 7, 2023 the City Council, upon recommendation from the Planning Commission, adopted changes to the Planned Unit Development (PUD) Regulations. The changes were to streamline the final PUD process to be the same as the Final Plat process. Final plats are not reviewed by the Planning Commission if they are consistent with the preliminary plat. The change was to allow final PUD's to be reviewed with a final plat by only the City Council.

A PUD is an overlay zoning district that provides flexibility in the use of land and the placement and size of buildings within the development of residential and nonresidential areas. Approval of a PUD overlay district results in specific requirements and standards that are unique to that specific development. Examples of approved PUDs within the City of Lake Elmo include Legacy at North Star, Wildflower at Lake Elmo, and Eagle Point Business Park.

Because the PUD is an overlay zoning district, it is adopted by an Ordinance. A public hearing is required to adopt an Ordinance (and therefore a PUD). As the code is written and with the recent ordinance changes, the hearing for the ordinance is now written to take place with the Council at final PUD/Final Plat review.

The proposed housekeeping changes clarify that at preliminary plat/preliminary PUD the public hearing and ordinance adopting the PUD are done at this first stage. Then if the final plat/PUD is consistent with the preliminary plat/PUD, it can be reviewed by City Council, consistent with the final plat review process. This is a change in process, as the ordinance has historically been done at the final PUD stage. Language has been added to address existing approved Preliminary PUD's such that they can follow the previous process and have the City Council approve the Ordinance with Final PUD. The proposed changes are consistent with the intent of previous PUD ordinance changes to streamline the process.

CONSIDERATION BEFORE THE CITY COUNCIL:

City Council must decide to approve or not approve the proposed PUD text amendments to 105.12.1210(b)(3)(d) and 105.12.1210(b)(4) PUD preliminary plan review section and 105.12.1210(c)(3)(c-e) PUD final plan review section.

RECOMMENDED AMENDMENTS:

Staff recommends removing ~~striketrough~~ text below and adding those in underline.

105.12.1210(b)(3)(d) PUD preliminary plan review

- a) As part of the review process for a PUD preliminary plan, the Planning Director shall review the PUD, and shall prepare a report and make a recommendation about the proposed preliminary PUD plan for Planning Commission and City Council consideration.
- b) The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD final plan.
- c) The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes and suggested conditions the City should impose on the PUD.
- d) ~~As a condition of PUD preliminary plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur before the filing of any future final plat.~~ The City Council shall review and finalize the ordinance. Adoption and publication of an overlay district ordinance shall occur upon approval of the preliminary PUD. The effective date of the ordinance shall be upon approval of the final PUD.

105.12.1210(b)(4) PUD preliminary plan review

- 4. *Effect of a PUD preliminary plan review.* The approved PUD preliminary plan and ordinance governs the preparation of the PUD final plan. The applicant or developer shall submit the proposed PUD final plan to the City for final approval in accordance with the requirements of this title.

105.12.1210(c)(3)(c-e) PUD final plan review.

- a) The Planning Director shall prepare an analysis of the final documents against the conditions of the PUD preliminary plan approval and shall make a recommendation as to whether all conditions have been met or if the applicant needs to make additional changes to the project plans.
- b) The Planning Director shall identify any information submittals that were waived so the City Council may determine if such is needed before making a final decision.
- e) ~~The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the City Council.~~ If the Planning Director finds the final PUD documents to be inconsistent with the preliminary PUD plan and Ordinance, then the preliminary PUD plan and ordinance shall be amended.
- d) The City Council shall then consider the recommendations of the Planning Director, and make a decision of approval or denial, in whole or in part, on the PUD final plan. A City Council denial shall only be based on findings that a PUD final plan is not in substantial compliance with the approved PUD preliminary plan and/or the required conditions of approval of the approved PUD preliminary plan.
- e) ~~As a condition of PUD final plan approval, publication of the PUD ordinance shall be required before filing of the approved final plat.~~ For Preliminary PUD's approved prior to April 4, 2023, they may follow the previous final PUD process and have the City Council adopt the PUD Ordinance with the final PUD approval.

PUBLIC COMMENT

A public hearing for the proposed text amendment to the PUD Preliminary Plan section and PUD Final Plan section was published in the local paper on March 17, 2023. A public hearing for the proposed text amendment to the PUD Preliminary Plan section and PUD Final Plan section was held on March 27, 2023 by the Planning Commission. No public comments were received and staff has not received any public comments to date.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends that the City Council adopt the staff proposed amendments to Sections 105.12.1210(b)(3)(d) and 105.12.1210(b)(4) PUD preliminary plan review and 1210(c)(3)(c-e) PUD Final Plan Review as proposed.

FISCAL IMPACT

None.

OPTIONS

The City Council may:

- Approve the proposed amendments.
- Revise the proposed amendments.
- Deny the proposed amendments.

STAFF RECOMMENDATION

Staff recommends that the City Council adopt the staff proposed amendments to Sections 105.12.1210(b)(3)(d) and 105.12.1210(b)(4) PUD preliminary plan review and 1210(c)(3)(c-e) PUD Final Plan Review as written.

“Move to adopt Ordinance 2023-08, amending Article XVIII Planned Unit Development (PUD) Regulations”

AND

“Motion to approve summary publication of Ordinance 2023-08 (the PUD Ordinance amendments) with approval of Resolution 2023-034”

ATTACHMENTS:

Ordinance 2023-08
Resolution 2023-034

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 2023-08

**AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE BY AMENDING THE
PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS**

SECTION 1. The City Council of the City of Lake Elmo hereby ordains that Title 105 Zoning; Chapter 105.12: Zoning Code, Section 1210 is hereby amended by changing the following section (Proposed language is underlined, deleted language is shown with ~~striketrough~~):

105.12.1210(b)(3)(d) PUD final plan review.

- a) As part of the review process for a PUD preliminary plan, the Planning Director shall review the PUD, and shall prepare a report and make a recommendation about the proposed preliminary PUD plan for Planning Commission and City Council consideration.
- b) The Planning Director shall prepare a draft ordinance to establish the potential PUD overlay zoning district to be established as a component of the PUD final plan.
- c) The Planning Commission shall hold a public hearing and report its findings and make recommendations to the City Council on the merit, needed changes and suggested conditions the City should impose on the PUD.
- d) ~~As a condition of PUD preliminary plan approval; finalization, adoption, and publication of an overlay district ordinance shall need to occur before the filing of any future final plat.~~ The City Council shall review and finalize the ordinance. Adoption and publication of an overlay district ordinance shall occur upon approval of the preliminary PUD. The effective date of the ordinance shall be upon approval of the final PUD.

105.12.1210(b)(4) PUD final plan review.

- 4. *Effect of a PUD preliminary plan review.* The approved PUD preliminary plan and ordinance governs the preparation of the PUD final plan. The applicant or developer shall submit the proposed PUD final plan to the City for final approval in accordance with the requirements of this title.

105.12.1210(c)(3)(c-e) PUD final plan review.

- a) The Planning Director shall prepare an analysis of the final documents against the conditions of the PUD preliminary plan approval and shall make a recommendation as to whether all conditions have been met or if the applicant needs to make additional changes to the project plans.
- b) The Planning Director shall identify any information submittals that were waived so the City Council may determine if such is needed before making a final decision.
- e) ~~The Planning Director shall finalize the ordinance to establish the proposed overlay district for consideration by the City Council.~~ If the Planning Director finds the final PUD documents to be

inconsistent with the preliminary PUD plan and Ordinance, then the preliminary PUD plan and ordinance shall be amended.

- d) The City Council shall then consider the recommendations of the Planning Director, and make a decision of approval or denial, in whole or in part, on the PUD final plan. A City Council denial shall only be based on findings that a PUD final plan is not in substantial compliance with the approved PUD preliminary plan and/or the required conditions of approval of the approved PUD preliminary plan.
- e) ~~As a condition of PUD final plan approval, publication of the PUD ordinance shall be required before filing of the approved final plat. For Preliminary PUD's approved prior to April 4, 2023, the final PUD may follow the previous final PUD process and have the City Council adopt the PUD Ordinance with the final PUD approval.~~

SECTION 3. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 5. Adoption Date. This Ordinance 2023-08 was adopted on this 4th day of April, 2023, by a vote of ___ Ayes and ___ Nays.

LAKE ELMO CITY COUNCIL

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 2023-02 was published on the ____ day of _____, 2023.

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

RESOLUTION NO. 2023-34

**RESOLUTION AUTHORIZING PUBLICATION OF A SUMMARY OF ORDINANCE
2023-08**

WHEREAS, the Lake Elmo City Council has adopted Ordinance No. 2023-08, an ordinance that amends the City's Zoning Code Chapter 105.12 Zoning Code, Article XVIII Planned Unit Development (PUD) Regulations.

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo that the City Clerk shall cause the following summary of Ordinance No. 2023-08 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 2023-08, an ordinance that amends the City Code language in the Zoning Ordinance. This ordinance alters language in the City Code to update the PUD process for the preliminary and final PUD. The following is a summary of the adopted ordinance language:

Ordinance 2023-08 includes the following elements to amend Chapter 105.12 Zoning Code, Section 105.12.1210(b)(3)(d) and 105.12.1210(b)(4) PUD preliminary plan review to allow for the PUD ordinance to be adopted with preliminary PUD and 105.12.1210 (c)(3)(c-e) PUD final plan review to allow final PUD's to be approved by City Council if consistent with their respective PUD ordinance.

The full text of Ordinance 2023-08 is available for inspection at Lake Elmo City Offices during regular business hours.

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance at City Hall for public inspection and that a full copy of the ordinance be placed in a public location within the City.

Dated: April 4th, 2023

Charles Cadenhead, Mayor

ATTEST:

Julie Johnson, City Clerk

(SEAL)