

NOTICE OF MEETING

The City of Lake Elmo
Planning Commission will conduct a meeting on
Wednesday October 10, 2018
at 7:00 p.m.
AGENDA

1. Pledge of Allegiance
2. Approve Agenda
3. Approve Minutes
 - a. September 10, 2018
4. Public Hearings
 - a. EASEMENT VACATION. A Request by Zawadski Homes, Inc. to vacate a drainage and utility easement over and between 9829 Whistling Valley Road and 9843 Whistling Valley Road of Whistling Valley Second Addition as well as combine the two parcels. PID #27.029.21.44.0010 and PID #27.029.21.44.0011.
5. Business Items
 - a. PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE. A request by the City Council for the Planning Commission to provide clarification on the PUD ordinance and the provision of amenity points for affordable housing.
6. Communications
 - a. City Council Updates – September 18, 2018
 - a. Environmental Performance Standards Tree Preservation – passed
 - b. Boulder Ponds 4th Addition Final Plat – passed
 - c. Boulder Ponds 4th Addition Developer Agreement – passed
 - d. River Valley Church CUP Amendment – passed
 - b. City Council Updates – October 2, 2018
 - a. No Parking Ordinance update
 - c. Staff Updates
 - a. Upcoming Meetings:
 - October 22, 2018
 - November 14, 2018
7. Adjourn

***Note: Every effort will be made to accommodate person or persons that need special considerations to attend this meeting due to a health condition or disability. Please contact the Lake Elmo City Clerk if you are in need of special accommodations.



**City of Lake Elmo
Planning Commission Meeting
Minutes of September 10, 2018**

Chairman Dodson called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.

COMMISSIONERS PRESENT: Lundquist, Johnson, Dodson, Dorschner, Weeks, Kreimer, Emerson, Pearce and Hartley

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning Director Becker and City Administrator Handt

Approve Agenda:

M/S/P: Hartley/Lundquist, move to approve the agenda as presented, ***Vote: 7-0, motion carried unanimously.***

Approve Minutes: August 27, 2018

M/S/P: Hartley/Dodson, move to approve the August 27, 2018 Minutes as presented, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Capital Improvement Plan

Handt started her presentation on the 2019-2023 Capital Improvement Plan. This is something that comes before the Planning Commission each year. This is a multi-year capital expenditure plan for the City's infrastructure. Lake Elmo's CIP includes capital projects that cost at least \$25,000 and have a useful life span of five years or longer.

There are a number of different funding sources including such things as debt service fund, general fund, park dedication, grants, etc. There is a project priority ranking system going from a one which is critical or urgent to a five which is a future consideration.

The 2019-2023 CIP plan includes 73 projects totaling 52.5 Million dollars. There are a number of street projects including phases 5-7 in the Village area. The large project in the administrative/finance area is the New City Hall and Fire Station and improvements to public works. Parks and Recreation Projects has 2 parks in particular for improvements, Sunfish Lake Park for mountain bike trails and Pebble Park. There is a shared park planned for Wildflower and Village Preserve. The Fire Department and

Public Works have equipment purchases planned. There are a number of stormwater and water projects. There are some potential areas that water might be extended based on the PFC findings. These projects would be coordinated with road projects and are contingent on funding. The City will need a new water tower and a new well. There will be meter change outs and a change to a radio read system.

The Planning Commission discussed the well and tower proposed and the priority of it. Lundquist asked about well #1 and if there might be a treatment facility on it. Handt stated that it is the oldest well and has the lowest capacity. Handt stated that the City Engineer has said if the city is going to invest that kind of money, it should be on a well that has capacity that is going to meet our needs. Handt stated that treatment is incredibly expensive as opposed to finding clean water in the City. The feasibility study will look at all of the options.

Dodson asked about the Blackford water extension project which seems very specific. Handt stated that it is specific and is contingent on if the state will give them grant funding. Handt stated that the 31st Street project is also very specific. The neighborhood filed a petition after they received notification when the PFC levels were reduced.

Dorschner is wondering if there has been any discussion about the south east corner partnering with Cimarron. Handt stated that it has been challenging working with the management of the park.

Public Hearing opened at 7:21 pm

No one spoke and there was no written correspondence

Public Hearing closed at 7:21 pm

Dodson feels that all of the projects should have a description in the justification section.

Hartley stated that given the growth in the south, it could put a real damper on development if water is questionable. Hartley feels that the priority should be raised in importance. Handt is fine to make it a number 1 as the Council has already given approval to start looking for land.

M/S/P: Hartley/Lundquist, move to change the priority on both the elevated storage tank and the new well and pump house from a 3 to a 1, ***Vote: 7-0, motion carried unanimously.***

Kreimer thinks that in regards to the Blackford's and the 31st Street water projects. If they have received notice of PFC's, the state should be installing GAK filters which would

make their water as clean as the City's water. Handt stated that the Blackford's are not interested in a GAK filter and have been using bottled water all these years. As they age, it is getting more cumbersome.

M/S/P: Kreimer/Hartley, move to change the Blackford project and the 31st street water project to a number 5, ***Vote: 3-4, motion failed.***

Johnson would agree with Kreimer that in the scheme of things these would be a lesser priority. Handt stated that these 2 projects only includes 7 homes.

Dorschner stated that he feels the CIP is consistent with the Comprehensive Plan.

M/S/P: Lundquist/Dorschner, move to recommend to the City Council that the 2019-2023 CIP is consistent with the draft 2040 Comprehensive Plan with the one amendment, ***Vote: 7-0, motion carried unanimously.***

Public Hearing – Conditional Use Permit – Thrive Behavioral Network - Tabled

Becker stated that the public hearing for the CUP for the expansion of the use at 3819 Laverne Ave can be opened and closed if anyone has any comments.

Public Hearing – Conditional Use Permit – River Valley Church

Becker started her presentation regarding the CUP for an expansion of a non-conforming use of place of worship within the Public and Quasi-public open space district. In 1996, this was a permitted use and a site plan was approved. In 2000, the ordinance was changed to make places of worship conditional uses, making this a non-conforming use. The City's non-conforming ordinance states that use may continue, but may not expand. The applicant is requesting an expansion and therefore must obtain a conditional use permit to bring the property into compliance.

The expansion will include 2582 square feet of education space. The education space is considered accessory to a church. There will also be 3-4 staff people. The setbacks and impervious requirements are met, with the exception of the parking lot setback allowed with a variance in 2003. Staff is recommending approval with conditions. These include that the applicant must obtain all necessary City, state and governing body permits prior to construction. The applicant must provide written documentation demonstrating adequate wastewater management.

Dorschner is somewhat concerned about the wastewater capacity with the added use. Becker stated that is why the condition that Washington County look at the system as part of approval.

Steve Erban, architect for River Valley Church, stated the septic system was designed for more capacity. There is also a flow meter, so they can have the actual usage.

Pastor Nitzel, this congregation has been in this location since 2006 and the population of the congregation is about the same. The reason for the classroom facilities is to not have to expend so much energy setting up and taking down the same areas for different uses.

Public Hearing opened at 7:50 pm

No one spoke and there was no written correspondence

Public Hearing closed at 7:50 pm

M/S/P: Kreimer/Dodson, move to add condition #3 that applicant must comply with the City Engineer memo dated August 27, 2018, ***Vote: 7-0, motion carried unanimously.***

M/S/P: Hartley/Lundquist, move to recommend approval of the River Valley Church Conditional Use Permit with recommended findings and conditions of approval as drafted by staff and as amended, ***Vote: 7-0, motion carried unanimously.***

City Council Updates – September 4, 2018

1. Growing Explorers Learning Center Final Plat, PUD and CUP - passed
2. Growing Explorers Development Agreement - passed
3. 3880 Laverne Ave N Minor Subdivision - passed

Staff Updates

4. Upcoming Meetings
 - a. September 24, 2018 - TBD
 - b. October 10, 2018

Meeting adjourned at 7:54 pm

Respectfully submitted,

Joan Ziertman
Planning Program Assistant



STAFF REPORT

DATE: 10/10/2018

PUBLIC HEARING

ITEM #: 4a

MOTION

TO: Planning Commission
FROM: Ben Prchal, City Planner
AGENDA ITEM: Easement Vacation For 9843 Whistling Valley and 9829 Whistling Valley Rd.
REVIEWED BY: Emily Becker, Planning Director

BACKGROUND:

The City has received applications from Zawadski Homes, Inc for an Easement Vacation as well as a Lot Line Adjustment:

- To vacate an existing drainage and utility easement between 9843 and 9829 Whistling Valley Rd.
- To adjust the shared lot line and combine the parcels.

Location: 9843 Whistling Valley Rd. PID. 27.029.21.44.0011
9829 Whistling Valley Rd. PID. 27.029.21.44.0010

Existing Land Use: Both lots are undeveloped.

Existing Zoning: Open Space (OP) Planned Unit Development (PUD)

Surrounding Land Use/Zoning: North: Open Space within the development; South: Open Space; East: Open Space; West: Single Family Residential (OP)

Comprehensive Plan: Rural Area Development

History: 2003: Preliminary and Final Plat Approved.
2004: Second Addition of Development Approved. (lots are in second addition)

Deadline for Action: Application Complete: 9/17/2018
60 Day Deadline: 11/16/2018
Extension Letter Mailed: N/A
120 Day Deadline: N/A

Applicable Regulations: Chapter 153: Subdivision Regulations
M.S. 412.851

ISSUE BEFORE COMMISSION:

The Commission is being asked to hold a public hearing and make recommendation on the request for an easement vacation between 9843 and 9829 Whistling Valley Rd.

PROPOSAL DETAILS/ANALYSIS:

The applicant is requesting that the city allow the combination of two platted lots so that a home can be built on the property. However, an easement which divides the lots must also be vacated so that the home will not conflict with a city easement.

- Code requires that if an easement needs to be vacated the action must be discussed at a public hearing and action must be taken by City council. This must be done prior to the approval of the lot consolidation.
- Once the easement has been vacated the lot line adjustment may be approved administratively.

Minnesota Statute

Easement Vacation Procedure (M.S. 412.851). Council may, by resolution, vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting said property. Easement vacations require a public hearing and 4/5 vote by Council only if there has been no petition.

Minnesota Statute 462.352, Subd. 12 – Pertains to subdivision (referenced later in report).

Lot Consolidation/Lot Line Adjustment: Section 153.06

Criteria for Lot Line Adjustment/Lot Consolidation. Lot line adjustments exempted from platting by Minnesota Statute 462.352, Subd. 12 and shall not require a plat or replat and may be administratively approved, provided all of the following are met:

- Each resultant parcel equals or exceeds the minimum lot dimension requirements and public road frontage requirements for the zoning district in which the property is located or is made more conforming through the lot line adjustment;
The lot size established in the Preliminary Plan approval stated that lots must be at least .75 acres and larger to comply with minimum lot size standards within the Shoreland Overlay District adjacent to Natural Environment Lakes, as to standards appear following the 1997 amendment to the Shoreland District standards in that regard. The total size will now be 1.67 acres.
- The lot line adjustment does not create additional lots.
The number of lots will not increase due to the lot line adjustment.
- The lot line adjustment shall not cause any structure on the property to be made non-conforming or in violation of the Zoning Chapter or any other provisions of the City Code.
There are currently no buildings on the property, no structure can become non-conforming.
- All resultant parcels shall have frontage and access on an existing improved street or access to an existing improved street protected by a restrictive covenant approved by the City Attorney which includes the City as a beneficiary.
There will be no change to the frontage of the lots.
- The resulting parcels shall generally conform to the shape, character, and area of existing or anticipated land subdivisions in the surrounding areas.
There are other lots within the development that are comparable in size to what is being proposed. Many are rectangles of an irregular shape, staff does not believe this lot design would be out of place.
- Any such lot line adjustment shall not require any public improvements.
There will not be a need for public improvements as they have already been installed.
- Any easements that become unnecessary as a result of the combination of parcels must be vacated. A request to vacate easements shall be made concurrently with the application for lot

consolidation/lot line adjustment. Review of the easement vacation request, including any public hearings and City Council action, shall be completed before action may be taken on the application for lot consolidation/lot line adjustment.

Because easements need to be vacated they must go through a review process before the lot line adjustment/lot consolidation can be approved.

- New easements shall be established as appropriate.

Easements along the border of the property shall be maintained. However, the easement between the properties would no longer be needed.

Additional Review:

Engineering - No comments relating to the vacation as well as the consolidation. Instead comments came up relating to the actual design/layout of the home. However, this will be dealt with during the home review process.

Public Works - No comments relating to the vacation or the consolidation.

Watershed – The watershed district has no comment regarding the easement vacation/lot line adjustment. However, they will require a permit and storm water management for the build.

FISCAL IMPACT:

There is not expected to be a fiscal impact.

OPTIONS:

The Commission may:

- Recommend approval of the proposed Easement Vacation with recommended conditions of approval.
- Recommend approval of the proposed Easement Vacation with amended recommended conditions of approval.
- Recommend denial of the proposed Easement Vacation, citing findings of fact as to why the proposal should be denied.

RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends that the Planning Commission recommend the following condition of approval:

1. The request for a lot consolidation to combine PID#s 27.029.21.44.0011 & 27.029.21.44.0010 shall be approved after the discussed easement is vacated.
2. Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot consolidation.
3. The applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees unpaid for the proposed lots to be consolidated.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the proposed drainage and utility easement vacation:

“Move to recommend approval of the vacation of easement(s) described as the east 5 feet of Lot 2, all in Block 1, WHISTLING VALLEY 2ND Addition, Washington County which lies north of the following described “Line A” and south of “Line B” as described on the survey, as approved by the City Engineer, being recorded.”

ATTACHMENTS:

- Survey/Description showing proposed vacation
- Resolution

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

RESOLUTION NO. 2018-

A RESOLUTION VACATING A DRAINAGE AND UTILITY EASEMENT OVER
LOT 1 BLOCK 1 AND LOT 2 BLOCK 1 OF WHISTLING VALLEY 2ND ADDITION

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY
RESOLVE AS FOLLOWS:**

WHEREAS, the City of Lake Elmo approved the final plat of Whistling Valley 2nd Addition on July 29th, 2004 with drainage and utility easements bordering the property lines of the platted lots; and

WHEREAS, the City of Lake Elmo had received a request for easement vacation from Zawadski Homes, Inc.; and

WHEREAS, a request has been made to the City Council pursuant to Minnesota Statute §412.851 to vacate the existing drainage and utility easements on eastern edge of 9829 Whistling Valley Rd and western edge of 9843 Whistling Valley Rd; and

WHEREAS, a public hearing to consider the vacation of the drainage and utility easement was held on the October 10th, 2018 at the Planning Commission meeting in the Lake Elmo City Hall located at 3800 Laverne Avenue North at 7:00 p.m. or shortly thereafter after due published and posted notice had been given, as well as personal mailed notice to all property owners within 350 feet of 3829 and 9843 Whistling Valley Rd. by the City Clerk and all interested and affected persons were given an opportunity to voice their concerns and be heard; and

WHEREAS, the Council in its discretion has determined that the vacation will benefit the public interest because:

- 1) The proposed consolidation as well as vacation complies with all applicable zoning and consolidation regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON MINNESOTA, that such request for vacation of an existing drainage and utility easement is hereby granted in accordance with the property descriptions provided above, subject to the following condition:

- 1) The request for a lot consolidation to combine PID#s 27.029.21.44.0011 & 27.029.21.44.0010 shall be approved after the discussed easement is vacated.

- 2) Prior to the issuance of any development permits, and no later than 60 days after administrative review and approval, the applicant shall provide the Zoning Administrator with recorded documents or recorded document numbers for the deeds of conveyance which effectuate the lot consolidation.
- 3) The applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees unpaid for the proposed lots to be consolidated.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

Adopted by the Council this 16th day of October 2018.

Effective Date: _____

Approved:

Mike Pearson, Mayor

Attested by:

Julie Johnson, City Administrator

SKETCH AND DESCRIPTION

~for~ ZAWADSKI HOMES
~of~ PROPOSED EASEMENT VACATION

PROPERTY DESCRIPTION:

Lots 1 and 2, Block 1, WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota.

DESCRIPTION OF DRAINAGE AND UTILITY EASEMENTS TO BE VACATED:

That part of the east 5 feet of Lot 1 and the west 5 feet of Lot 2, all in Block 1, WHISTLING VALLEY 2ND ADDITION, Washington County, Minnesota which lies north of the following described "Line A" and south of "Line B" as described below:

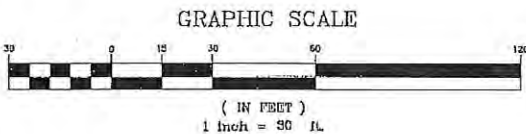
Description of Line A:
Commencing at the southerly most corner of said Lot 1; thence on an assumed bearing of North 28 degrees 13 minutes 52 seconds West, along the southwesterly line of said Lot 1 a distance of 116.69 feet to the point of beginning of said "Line A"; thence South 75 degrees 51 minutes 04 seconds East a distance of 231.84 feet to the southeasterly line of said Lot 2 and said "Line A" there terminating.

Description of Line B:
Commencing at the northeast corner of said Lot 2; thence on an assumed bearing of South 49 degrees 53 minutes 39 seconds East along the easterly line of said Lot 2 a distance of 19.73 feet to the point of beginning of said "Line B"; thence North 80 degrees 20 minutes 46 seconds West a distance of 72.36 feet; thence North 45 degrees 24 minutes 09 seconds West a distance of 147.43 feet to the westerly line of said Lot 1 and said "Line B" there terminating.

 DENOTES DRAINAGE AND UTILITY EASEMENT TO BE VACATED (AREA = 1,703 SF)

NOTES

- Contours shown per MN DNR Lidar information.
- No field survey has been conducted at this time.

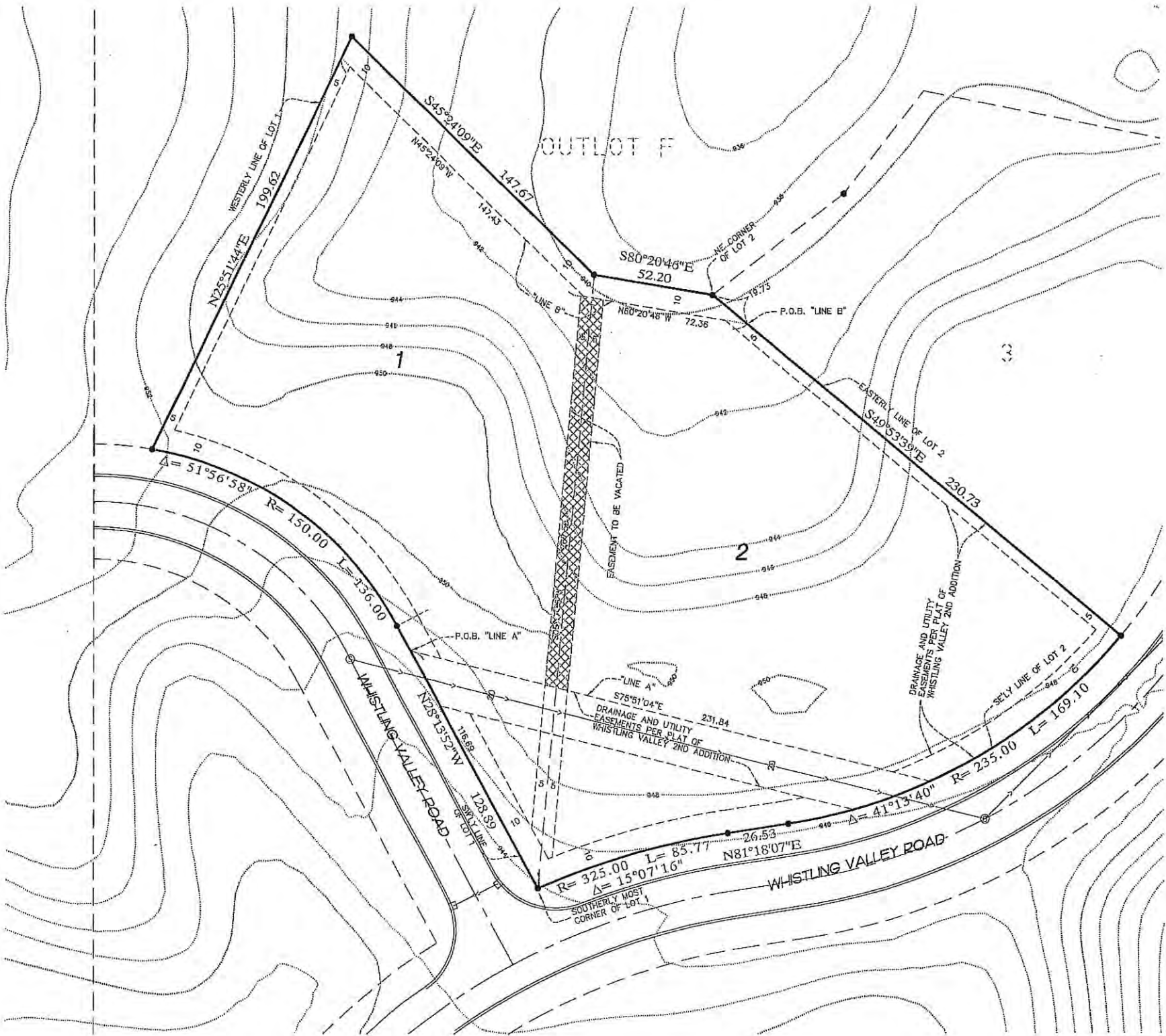


I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.


JASON E. RUD

Date: 9/10/2018 License No. 41578

 **E.G. RUD & SONS, INC.**
EST. 1977 Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrud.com



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STAFF REPORT

DATE: 10/10/18

REGULAR

ITEM #: 4B

TO: Planning Commission
FROM: Emily Becker, Planning Director
AGENDA ITEM: Planned Unit Development Ordinance (PUD) Update
REVIEWED BY: Ben Gozola, Consulting Planner

BACKGROUND:

The Planning Commission held a public hearing and recommended approval of a draft PUD ordinance at its July 23, 2018 meeting. The Council considered the proposed amendments at its August 21, 2018 meeting and requested that the ordinance be brought back to the Planning Commission for discussion on why affordable housing warranted ten amenity points.

ISSUE BEFORE THE COMMISSION:

The Council is requesting that the Commission consider why affordable housing should warrant amenity points for additional density and provide the Council a detailed explanation as to why.

PROPOSAL DETAILS/ANALYSIS:

It is a goal within the draft 2040 Comprehensive Plan to provide opportunities within the urbanizing areas to accommodate and develop housing that may be more affordable and desirable to younger and senior population.

FISCAL IMPACT:

None

OPTIONS:

Staff is requesting that the Planning Commission discuss why affordable housing should warrant amenity points for a PUD, allowing additional density and flexibility and provide a detailed explanation to Council as to why this is.

ATTACHMENTS:

- Ord. 08- (redlines)
- Ord. 08- (no redlines)

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-202

AN ORDINANCE AMENDING THE LAKE ELMO CITY CODE OF ORDINANCES BY
AMENDING ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 154: Zoning Code; Article XVII: Planned Unit Development (PUD) Regulations, by amending the following:

ARTICLE XVII. PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS

§ 154.750 INTENT.

~~This article establishes the procedures and standards for the development of areas as unified, planned developments in accordance with the intent and purpose of this zoning ordinance and the applicable policies of the Comprehensive Plan. Because of the larger size of PUDs and to help achieve the identified objectives for planned unit development sites, this article provides for flexibility in the use of land and the placement and size of buildings in order and~~ The intent of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable ~~and to better utilize site features and obtain a higher quality of development. Approval of a planned unit development shall result in a zoning change to a specific PUD overlay district, with specific requirements and standards that are unique to that development. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.~~

(Ord. 08-070, passed 2-19-2013)

§ 154.751 IDENTIFIED OBJECTIVES.

When reviewing requests for approval of a planned unit development, the city shall consider whether one or more of the objectives listed below will be served or achieved. It is the responsibility of the applicant to provide a narrative of how the proposed planned development meets one or more of the city's identified objectives ((A) through (J)). Planned unit developments should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved.

- A. Innovation in land development techniques that may be more suitable for a given parcel than conventional approaches.

- B. Promotion of integrated land uses, allowing for a mixture of residential, commercial, and public facilities.
- C. Provision of more adequate, usable, and suitably located open space, recreational amenities, natural resource protection, and other public facilities than would otherwise be provided under conventional land development techniques.
- D. Accommodation of housing of all types with convenient access to employment opportunities and/or commercial facilities; and especially to create additional opportunities for senior and affordable housing.
- E. Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- F. Preservation of historic buildings, structures or landscape features.
- G. Coordination of architectural styles and building forms to achieve greater compatibility within the development and surrounding land uses.
- H. Creation of more efficient provision of public utilities and services, lessened demand on transportation, and the promotion of energy resource conservation.
- I. Allowing the development to operate in concert with a redevelopment plan in certain areas of the City and to ensure the redevelopment goals and objectives will be achieved.
- J. Higher standards of site and building design than would otherwise be provided under conventional land development technique.
- K. Expanded opportunity for development of housing resources affordable to households at or below the area median income.

(Ord. 08-070, passed 2-19-2013)

§ 154.752 ALLOWED DEVELOPMENT.

Uses within the PUD may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted, conditional or interim uses with the acceptance of the development plan. Any change ~~in the list of uses approved in~~ to the development plan will be considered an amendment to the PUD, and will follow the procedures specified in Article 3, Administration, for zoning amendments. PUDs may allow for flexibility in the following:

- A. *Permitted Uses.* The PUD application shall identify all proposed land uses and those uses shall become permitted, conditional, or interim uses upon the approval of the planned unit development. Uses not otherwise allowed in the zoning district are prohibited within a PUD. Alternative: The extent of allowed land uses within a PUD shall be limited to those land uses that are allowed or deemed by the City to be substantially similar to those allowed in the underlying zoning district.
- B. *Placement of Structures.* More than one principal building may be placed on a platted lot within a planned unit development. The appearance and compatibility of buildings in

relation to one another, other site elements, and surrounding development shall be considered in the review process.

- C. *Development Intensity*. The PUD may provide for an increase in ~~maximum gross floor area or floor area ratio~~ the maximum impervious surface by up to 20% of that allowed in the base zoning district, for the purpose of promoting project integration and additional site amenities. The impact of increased maximum impervious surface must be mitigated through stormwater management approved by the City and all other applicable agencies.
- D. *Density*. The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district, for the purpose of promoting diversity of housing types and additional site amenities. Increased residential densities of varying levels will be awarded based upon the provision of a combination of various site amenities outlined in ~~Section 154.209 Table 16-2~~. In addition, the city retains the right to evaluate all proposals for bonus density in accordance with the overall goals of the city's Land Use Element of the Comprehensive Plan.
- E. *Building Setbacks*. The PUD may provide for a reduction in or elimination of required setbacks in the base zoning district, provided that a landscaped setback area of the minimum width established for the base zoning district is maintained along the periphery of the adjacent zoning district(s).
- F. *Lot Requirements*. The Council may authorize reductions in the area and width of individual lots within a PUD from that required for the base zoning district, provided that such reductions are compensated for by an equivalent amount of open space or other public amenities elsewhere in the planned unit development. Any open space shall not include areas designated as public or private streets. The plan may increase the maximum density beyond that permitted in the base zoning district for the purpose of promoting an integrated project with a variety of housing types and additional site amenities.
- G. *Other Exceptions*. As part of PUD approval, the Council is authorized to approve other exceptions to the zoning controls applicable to the base zoning district, such as the maximum height of structures or the minimum off-street parking requirements. Such exceptions shall only be granted when they are clearly warranted to achieve the objectives identified in § 154.751.
- H. *Trees/Landscaping Requirements*. The Council may authorize flexible landscaping approaches that better address on-site needs or may require specialized landscaping plans that address adjacent property concerns.

(Ord. 08-070, passed 2-19-2013)

§ 154.753 MINIMUM REQUIREMENTS.

- A. *Lot Development Area*. A PUD must include a minimum of 5 acres ~~for undeveloped land or 2 acres for developed land within the approved development~~. Tracts of less than ~~2 five~~ acres may be developed as a PUD ~~if, only after as~~ a result of sketch plan review, ~~and the Planning Commission Council~~ determines that the following applies:
 - a. the proposed project is of superior design and can ~~be achieved to meet~~ one or more of the identified objectives listed in § 154.751, ~~or and~~

b. that compliance with the Comprehensive Plan goals and policies can be attained through the use of the PUD process.

B. *Open Space*. For all PUDs, at least 20% of the project area not within street rights-of-way shall be preserved as protected open space. Other public or site amenities may be approved as an alternative to this requirement. Any required open space must be available to the residents, tenants, or customers of the PUD for recreational purposes or similar benefit. Land reserved for storm water detention facilities and other required site improvements may be applied to this requirement. ~~Open space shall be designed to meet the needs of residents of the PUD and the surrounding neighborhoods, to the extent practicable, for parks, playgrounds, playing fields and other recreational facilities.~~

C. *Street Layout*. In existing developed areas, the PUD should maintain the existing street grid, where present, and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at a park or other community facility, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.

(Ord. 08-070, passed 2-19-2013)

§ 154.754 DENSITY.

The PUD may provide for an increase in density of residential development by up to 20% of that allowed in the base zoning district. Applicants seeking increased residential density through a Planned Unit Development are required to provide at least one (1) site amenity, or a combination of site amenities, that equal the required amount of amenity points needed to achieve the desired density bonus.

A. *Amenity Points and Equivalent Density Increases*. Increases in density will be awarded through a 1:1 ratio with amenity points. For each amenity point granted to a PUD, an applicant will be allowed a 1% increase to the allowed density on the site up to a maximum increase of 20%. ~~Table 16-1 outlines the required amount of amenity points needed to achieve various density increases.~~

~~Table 16-1: Amenity Points and Equivalent Density Increases~~

~~Amenity Points~~	~~Density Increase~~
~~5~~	~~5%~~
~~10~~	~~10%~~
~~15~~	~~15%~~

20	20%
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- B. *Site Amenities*. Site amenities that are eligible for amenity points are listed in Table 16-~~21~~, along with their associated standards of implementation. Some amenities may be awarded a range of amenity point based upon the quality and magnitude of the amenity. ~~Where the amenity does not meet all of the standards required in Table 16-2, no points shall be awarded. Partial points for site amenities shall not be awarded, except as may specifically be allowed in Table 16-2.~~
- C. *Site Amenities Not Listed*. The city reserves the right to consider allotting amenity points for site amenities that are not specified within this ordinance as part of the preliminary plan phase of the planned development if it is shown that such amenities fulfill the objectives listed in § 154.751.

Table 16—~~21~~: Site Amenities

<i>Points</i>	<i>Amenity</i>	<i>Standards</i>
5-10	Underground or Structure Parking	Proposed underground or structured parking must be integrated into the primary structure. The purpose of this amenity is to better integrate parking into the site, reduce the amount of surface parking stalls, and reduce the amount of impervious surface. Proposed underground or structured parking must reduce the amount of surface parking stalls located outside of the footprint of the principal structure by a minimum of 25%. Amenity points will be awarded based upon the amount of surface parking stalls reduced (between 25-50%). For every additional 5% of surface parking stalls reduced above 25%, the applicant will be awarded 1 additional amenity point, up to a maximum of 10 amenity points. The facade of any underground or structure parking areas must match the architectural design of the principal structure.
10	Historic Preservation	Preservation, rehabilitation or restoration of designated historic landmarks in a manner that is consistent with the standards for rehabilitation of the Secretary of the Interior as part of the development. Incorporate historic or cultural resources in to the project, such as preservation.
10	Additional Open Space	A minimum of 50% of the site not occupied by buildings shall be landscaped outdoor open space. A minimum of 50% of the provided open space shall be contiguous. Open space classifications that qualify may include natural habitat, neighborhood recreation, trail corridors or open space buffers.

10	Public Right-of-Way Dedication	Dedication of land and construction of a public road, trail, pathway, or greenway that is part of an approved city plan, but outside the scope of the immediate project area. Right-of-way improvements should be designed per the specification of the City Engineer.
5	Fire Sprinkler Systems	The installation of fire sprinkler systems, per NFPA 13, 13D or 13R, in structures that are not currently required to install these systems under state code. Amenity points will only be awarded in situations where there are a significant proportion of structures in the development that are not required to be sprinkled under State Building Code. In addition, the density bonus calculation shall only be applied to the number of structures that do not require fire sprinkler systems.
5	Contained Parking	~~The purpose of this amenity is to better integrate surface parking into the site and reduce the amount of visible surface parking from the public right-of-way. Parking should be rear-loaded and hidden by the building facade, or integrated into the site in some other fashion that is acceptable to the city. This amenity is separate from underground or structure parking.~~
5	Leadership in Energy and Environmental Design	The proposed development shall meet the minimum standards for LEED Silver certification. The project does not have to achieve actual LEED certification; however, the developer must submit the LEED checklist and documentation to the city, approved by a LEED Accredited Professional (LEED-AP), which shows that the project will comply with LEED Silver requirements.
5	Pedestrian Improvements	~~A site and building design that allows for exceptional and accessible pedestrian and/or bicycle access through and/or around a site. The improvements shall use a combination of trails, landscaping, decorative materials, access control and lighting to create safe, clear and aesthetically pleasing pedestrian facilities through and/or around the site that comply with the Americans with Disabilities Act accessibility requirements.~~
5	Adaptive Reuse	Significant renovation, rehabilitation and adaptive reuse of an existing building(s), rather than demolition.
5	Plaza	The development shall include some form of plaza or public square that is wholly or partly enclosed by a building or buildings. Plazas are landscaped or paved open areas that shall have a minimum area not less than 1,000 square feet. Plazas for commercial or mixed-use development shall be open to the public during daylight hours.
1-5	Enhanced	A Landscaping Plan of exceptional design that has a variety of native tree, shrub and plan types that provide seasonal interest and that exceeds

	Landscaping	the requirements of the Lake Elmo Design Standards Manual. The landscaped areas should have a resource efficient irrigation system. The Landscaping Plan shall be prepared by a licensed landscape architect. Amenity points shall be awarded based upon the quality and magnitude of the Landscaping Plan.
3	Enhanced Storm Water Management	Provide capacity for infiltrating stormwater generated onsite with artful rain garden design that serves as a visible amenity. Rain garden designs shall be visually compatible with the form and function of the space and shall include long-term maintenance of the design. The design shall conform to the requirements per the Minnesota Stormwater Manual and shall meet the approval of the City Engineer.
1-3	Theming	Significant utilization of various elements of Theming consistent with the 2013 Lake Elmo Theming Project, including but not limited to signage, fencing, landscaping, lighting and site furnishings. Amenity points will be awarded based upon the quality and magnitude of Theming elements integrated into the project.
3	Natural Features	Site planning that preserves significant natural features or restores ecological functions of a previously damaged natural environment <u>above and beyond that required by City ordinance or Engineering requirements.</u>
<u>10</u>	<u>Affordable Housing</u>	<u>Provides housing that is affordable to households at or below the City's area median income.</u>

(Ord. 08-070, passed 2-19-2013)

§ 154.755 COORDINATION WITH OTHER REGULATIONS.

- A. *Coordination with Subdivision Review.* Subdivision review under the subdivision regulations shall be carried out simultaneously with the review of the PUD. The plans required under this subchapter shall be submitted in a form that will satisfy the requirements of the Subdivision Ordinance for the preliminary and final plat.
- B. *Coordination with Other Zoning Requirements.* All of the provisions of this chapter applicable to the original district within which the Planned Unit Development District is established shall apply to the PUD District except as otherwise provided in approval of the Final Plan.

(Ord. 08-070, passed 2-19-2013)

~~§ 154.756 PHASING AND GUARANTEE OF PERFORMANCE.~~

~~A. *Development Schedule.* The City shall compare the actual development accomplished in the various PUD zones with the approved development schedule.~~

~~B. *Schedule Extension.* For good cause shown by the property owner, the City Council may extend the limits of the development schedule.~~

~~C. *Phasing of Amenities.* The construction and provision of all of the common open space, site amenities and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units, if any. The Development Review Committee shall review all of the building permits issued for the PUD and examine the construction which has taken place on the site. If they find that the rate of construction of dwelling units is greater than the rate at which common open spaces, site amenities and public and recreational facilities have been constructed and provided, they shall forward this information to the City Council for action.~~

~~D. *Guarantees.* A financial guarantee or letter of credit shall be required to guarantee performance by the developer. The amount of this guarantee or letter of credit, and the specific elements of the development program that it is intended to guarantee, will be stipulated in the development agreement.~~

~~E. *Changes During Development Period*~~

~~1. Minor changes in the location, placement and height of structures may be authorized by the Development Review Committee if required by engineering or other circumstances not foreseen at the time the final plan was approved and filed with the Planning Director.~~

~~2. Changes in uses, any rearrangement of lots, blocks and building tracts, changes in the provision of common open spaces, and all other changes to the approved final development plan may be made only under the procedures for zoning amendments, §§ 154.105. Any changes shall be recorded as amendments to the recorded copy of the final development plan.~~

~~F. *Rezoning to Original District.* If substantial development has not occurred within a reasonable time after approval of the PUD Zoning District, the City Council may instruct the Planning Commission to initiate rezoning to the original zoning district. It shall not be necessary for the City Council to find that the rezoning was in error.~~

~~§ 154.757 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.~~

~~A. *Final Development Plan Controls Subsequent Use.* After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.~~

~~B. *Allowed Changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

- ~~1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~
- ~~2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.~~

~~C. *Amendment Required for Major Changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.~~

§ 154.7586 PLANNED UNIT DEVELOPMENT REVIEW PROCEDURES FOR A PLANNED UNIT DEVELOPMENT

~~There are four stages to the PUD Process; application conference, general concept plan, preliminary plan and final plan, as described below. All requests to establish a Planned Unit Development shall be initiated by following the steps below.~~

- A. ~~*Pre-Application Conference.*~~ Upon filing of Prior to submitting an application for a PUD Sketch Plan, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.
- B. *General Concept Plan PUD Sketch Plan*
 1. *Purpose.* ~~The general concept plan PUD Sketch Plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.~~ is the second step in the development process which gives the applicant an opportunity to present their ideas to the Planning Commission, the City Council and public so as to gain general feedback on areas that will require additional analysis, study, design, changes, etc. Feedback gained during the PUD Sketch Plan phase should be addressed within the subsequent PUD Preliminary Plan.
 2. *PUD Sketch Plan Submittal Requirements.* Requests for PUD Sketch Plans shall be filed with the Planning Director on an official application form. The

applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.

a. General Information

- i. The landowner's name and address and his/her interest in the subject property.
- ii. The applicant's name and address if different from the landowner.
- iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

b. Present Status

- i. The address and legal description of the property.
- ii. Gross site acreage.
- iii. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- iv. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- v. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
 - a. Contours; minimum 5 foot intervals;
 - b. Location, type and extent of tree cover;
 - c. Slope analysis; and
 - d. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- vi. A written narrative describing the proposed PUD, explaining the applicant's proposed objectives for the PUD, a listing of the proposed

- modifications from current zoning as may be applicable, an explanation of how the proposal achieves the objectives identified in §154.751 and the proposals relationship to the City Comprehensive Plan.
- vii. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
- a. Calculation of the proposed density;
 - b. Area devoted to residential use by building type;
 - c. Area devoted to common open space;
 - d. Area devoted to public open space and public amenities;
 - e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
 - f. Approximate area, and floor area, devoted to commercial uses; and
 - g. Approximate area, and floor area, devoted to industrial or office use.
- viii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- ix. Proposed design features related to proposed streets, showing right-of-way widths, typical cross-sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
- x. A statement of intent to establish a Common Interest Community association with bylaws and deed restrictions to include, but not be limited to, the following:
- a. Ownership, management and maintenance of defined public or common elements;
 - b. Maintenance of public and private utilities; and
 - c. General architectural guidelines for principal and accessory structures.
- xi. Proposed PUD phasing if it is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage
- xii. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. Review of PUD Sketch Plan Proposal

a. Planning Commission

- i. Upon receiving a PUD Sketch Plan proposal, the City shall schedule a date upon which the Planning Commission will review the proposal.
- ii. The Planning Director shall review the PUD Sketch Plan proposal and prepare a report which identifies the proposed modifications from current zoning as may be applicable, analyzes how the proposal achieves the objectives identified in §154.751, discusses the proposal's relationship to the City Comprehensive Plan, and provides any other relevant information deemed necessary to judge the proposal against the objectives listed in § 154.751.
- iii. The Planning Commission shall review the application, and upon completing their review, shall adopt findings and recommendations on the proposed PUD as soon as practical.
- iv. The Planning Director may forward an application to the City Council without a recommendation from the Planning Commission only if it is deemed necessary to ensure compliance with state mandated deadlines for application review.

b. City Council

- i. The City Council may listen to comments from the public on the proposed development if they deem such necessary prior to discussing the proposed PUD Sketch plan.
- ii. After consideration of the Planning Director's recommendation, the Planning Commission recommendation, and any public comments received, the City Council may comment on the merit of the request, needed changes, and suggested conditions that the proposer should adhere to with any future application.
- iii. For each of the identified modifications to the underlying zoning standards, the City Council shall take a vote (by simple majority) to instruct the applicant as to whether the modification can be pursued as a component of the PUD Preliminary Plan review.

4. Effect of a PUD Sketch Plan Review

- a. The City Council and Planning Commission's comments during the PUD Sketch Plan review are explicitly not an approval or denial of the project, and are intended only to provide information for the applicant to consider prior to application for a PUD Preliminary Plan.
- b. Proposed modifications that receive a majority vote of support from Council

may be requested as part of the future PUD Preliminary Plan application, but support to pursue the modification as part of the PUD Sketch Plan in no way guarantees that the modification will be approved as part of the PUD Preliminary Plan.

5. Limitation of Approval. The City Council's review of a PUD Sketch Plan shall remain valid for a period of six (6) months. The City Council, in its sole discretion, may extend the validity of their findings for an additional year.

C. PUD Preliminary Plan

1. Prerequisite. No application for a PUD Preliminary Plan will be accepted unless an applicant's proposal is distinctly similar to one reviewed in the completed the PUD Sketch Plan review process which is valid upon the date of application.
2. PUD Preliminary Plan Submittal Requirements. Requests for Preliminary PUD Plans shall be filed with the Planning Director on an official application form. The applicant's signatures shall be provided on the application form. If the applicant is not the fee owner of the property, the fee owner's signature shall also be provided on the application form, or the applicant shall provide separate written and signed authorization for the application from the fee owner. Such application shall be accompanied by the following information. The applicant shall submit a minimum of 4 large scale copies and 10 reduced scale (11" X 17") copies of all graphics. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified requirements. The applicant will be responsible for all expenses incurred in obtaining the required information.
 - a. Preliminary plat and preliminary major subdivision information required by § 153.09.
 - b. General Information
 - i. The landowner's name and address and his interest in the subject property.
 - ii. The applicant's name and address if different from the landowner.
 - iii. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
 - iv. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

c. Present Status

- i. The address and legal description of the property.
- ii. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
- iii. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
- iv. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
- v. A statement of the proposed financing of the PUD.
- vi. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
 - a. Contours; minimum two 2 foot intervals.
 - b. Location, type and extent of tree cover.
 - c. Slope analysis.
 - d. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
 - e. Significant rock outcroppings.
 - f. Existing drainage patterns
 - g. Vistas and significant views.
 - h. Soil conditions as they affect development.
- vii. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- viii. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - a. Area devoted to residential use by building type;
 - b. Area devoted to common open space;

- c. Area devoted to public open space and public amenities;
- d. Approximate area devoted to streets;
- e. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;
- f. Approximate area, and floor area, devoted to commercial uses; and
- g. Approximate area, and floor area, devoted to industrial or office use.
- ix. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD which demonstrates that the proposed site amenities clearly achieve the desired density bonus. The burden is on the applicant to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.
- x. If the PUD is to be constructed in stages during a period of time extending beyond a single construction season, the applicant shall provide a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.
- xi. When the proposed PUD includes provisions for public or common open space or service facilities, provide a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.
- xii. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.
- xiii. Schematic utilities plans indicating placement of water, sanitary and storm sewers.
- xiv. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.
- xv. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.
- xvi. Any additional information if deemed necessary and required by the Planning Director. The Planning Director may waive for good cause certain information requirements not pertinent to the particular request.

3. PUD Preliminary Plan Review

- a. As part of the review process for a PUD Preliminary Plan, the Planning Director shall review the PUDs, and shall prepare a report and make a recommendation regarding 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 to 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 prior to the filing of any future final plat.
4. Effect of a PUD Preliminary Plan Review. Preliminary Plan approval governs the preparation of the PUD Final Plan which must be submitted for final approval in accordance with the requirements of this Article.
5. Limitation of Approval. The City Council's approval of a PUD Preliminary Plan shall remain valid for a period of 180 days, unless a request for time extension is submitted in writing and approved by the City Council.

D. PUD Final Plan

1. Application Deadline. Application for a PUD Final Plan shall be submitted for approval within 180 days of City Council approval of the PUD Preliminary Plan unless a written request for a time extension is submitted by the applicant and approved by the City Council.
2. PUD Final Plan Submittal Requirements.
 - a. A final plat and information required by § 153.10;
 - b. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area

- of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
- iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
- v. Location, designation and total area of all common open space;
- vi. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
- vii. The location of applicable site amenities, if any;
- viii. Proposed lots and blocks, if any and numbering system;
- ix. The location, use and size of structures and other land uses on adjacent properties;
- x. Detailed sketches and provisions of proposed landscaping;
- xi. General grading and drainage plans for the developed PUD; and
- xii. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
- xiii. Detailed list of differences from the PUD Preliminary Plan (if applicable).
- c. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
- d. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
- e. Applicable plans must meet requirements of the City's Engineering Design and Construction Manual.

3. PUD Final Plan Review

- a. The Planning Director shall generate an analysis of the final documents against the conditions of the PUD Preliminary Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.
- b. The Planning Director shall identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- c. The Planning Director shall finalize the ordinance to establish the proposed

overlay district for consideration by the Planning Commission and City Council.

- d. The Planning Commission shall hold a public hearing on the proposed PUD overlay district ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Preliminary Plan was previously approved, the Planning Commission's recommendation shall only focus on whether the Ordinance and PUD Final Plan are in substantial compliance with the PUD Preliminary Plan and the required conditions of approval.
- e. The City Council shall then consider the recommendations of the Planning Director, the public, and the Planning Commission; and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A 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.
- f. As a condition of PUD Final Plan approval, publication of the PUD ordinance shall be required prior to filing of the approved final plat.
- g. Planned Unit Development Agreement.
 - i. At its sole discretion, the City may, as a condition of approval, require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.
 - ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

- a. A Planned Unit Development shall be validated by the applicant through the commencement of construction or establishment of the authorized use(s), subject to the permit requirements of this Code, in support of the Planned Unit Development within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the open space PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions for validation of up to one (1) year if

requested in writing by the applicant; extension requests shall be submitted to the Planning Director and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the Planned Unit Development.

- b. An application to reinstate an open space PUD that was voided for not meeting the required time limit shall be administered in the same manner as a new PUD beginning at PUD Preliminary Plan.

~~§ 154.758 PROCEDURES FOR PROCESSING A PLANNED UNIT DEVELOPMENT.~~

~~There are four stages to the PUD process: application conference, general concept plan, preliminary plan and final plan, as described below.~~

~~A. *Application Conference.* Upon filing of an application for PUD, the applicant of the proposed PUD shall arrange for and attend a conference with the Planning Director. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of his or her proposal for the area for which it is proposed and its conformity to the provisions of this subchapter before incurring substantial expense in the preparation of plans, surveys and other data.~~

~~B. *General Concept Plan.* The general concept plan provides an opportunity for the applicant to submit a plan to the city showing his or her basic intent and the general nature of the entire development without incurring substantial cost. The plan should include the following: overall density ranges, general location of residential and nonresidential land uses, their types and intensities, general location of streets, paths and open space, and approximate phasing of the development.~~

~~C. *Preliminary Plan.* Following approval of the general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in § 153.07. The application shall proceed and be acted upon in accordance with the procedures in this subchapter for zoning changes.~~

~~D. *Final Plan.* Following approval of the preliminary plan, the applicant shall submit a final plan application and final plat, in accordance with the requirements described in § 153.08. The application shall proceed and be acted upon in accordance with the procedures in this ordinance for zoning changes. If appropriate because of the limited scale of the proposal, the preliminary plan and final plan may proceed simultaneously.~~

~~E. Schedule for Plan Approval~~

~~1. Developer presents the general concept plan to the Planning Commission for their review and comment.~~

~~2. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.~~

3. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
4. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
5. The Council may hold a public hearing after the receipt of the application, then the City Council may proceed without the report. The Council may approve the general concept plan and attach such conditions as it deems reasonable.
6. Following approval of the General Concept Plan, the application may proceed to the preliminary plan phase.
7. Developer presents the preliminary plan to the Planning Commission for their review and comment.
8. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
9. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
10. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
11. The Council may hold a public hearing after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within 60 days after receipt of the application, then the City Council may proceed without the report. The Council may approve the preliminary plan and attach such conditions as it deems reasonable.
12. Following approval of the Preliminary Plan, the application may proceed to the final plan phase.
13. Developer presents the Final Plan to the Planning Commission for their review and comment.
14. After verification by the Planning Director that the required plan and supporting data are adequate, the Planning Commission shall hold a public hearing, with public notice.
15. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
16. The City may request additional information from the applicant concerning operational factors or retain expert testimony at the expense of the applicant concerning operational factors.
17. After the receipt of the report and recommendations from the Planning Commission, the City Council may approve the Final Plan and attach such conditions as it deems reasonable.

~~§ 154.759 APPLICATION REQUIREMENTS FOR GENERAL CONCEPT PLAN,
PRELIMINARY PLAN AND FINAL PLAN.~~

~~Ten copies of the following plans, exhibits and documents shall be submitted at the general concept plan stage, preliminary plan stage and the final plan stage.~~

~~A. General Concept Plan Stage~~

~~1. General Information~~

- ~~a. The landowner's name and address and his/her interest in the subject property.~~
- ~~b. The applicant's name and address if different from the landowner.~~
- ~~c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.~~

2. Present Status

- a. The address and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- c. A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- d. Site conditions. Where deemed necessary by the city, graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet shall be submitted and contain the following:
 - i. Contours; minimum 5 foot intervals;
 - ii. Location, type and extent of tree cover;
 - iii. Slope analysis; and
 - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property.
- e. A written statement generally describing the proposed PUD and showing its relationship to the City Comprehensive Plan.
- f. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.
- g. Proposed design features related to proposed streets, showing right-of-way widths, typical cross sections, and areas other than streets including but not limited to pedestrian ways, utility easements and storm water facilities.
- h. Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:
 - i. Area devoted to residential use by building type
 - ii. Area devoted to common open space;
 - iii. Area devoted to public open space and public amenities;
 - iv. Approximate area devoted to, and number of, off street parking and loading spaces and related access;
 - v. Approximate area, and floor area, devoted to commercial uses; and
 - vi. Approximate area, and floor area, devoted to industrial or office use.
- i. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a preliminary schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage and overall chronology of development to be followed from stage to stage
- j. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.
- k. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

B. Preliminary Plan Stage

1. Preliminary plat and information required by § 153.07.

2. General Information

- a. The landowner's name and address and his interest in the subject property.
- b. The applicant's name and address if different from the landowner.
- c. The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.
- d. Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up-to-date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

3. Present Status

- a. The address and legal description of the property.
- b. The existing zoning classification and present use of the subject property and all lands within 350 feet of the property.
- c. A map depicting the existing development of the property and all land within 350 feet thereof and indicating the location of existing streets, property lines, easements, water mains and storm and sanitary sewers, with invert elevations on and within one hundred feet of the property.
- d. A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the city's Comprehensive Plan and how the proposed PUD is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the city.
- e. A statement of the proposed financing of the PUD.
- f. Site conditions. Graphic reproductions of the existing site conditions at a scale of one 1 inch equals 100 feet. All of the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis
 - i. Contours; minimum two 2-foot intervals.
 - ii. Location, type and extent of tree cover.
 - iii. Slope analysis.
 - iv. Location and extent of water bodies, wetlands and streams and flood plains within 300 feet of the property.
 - v. Significant rock outcroppings.
 - vi. Existing drainage patterns
 - vii. Vistas and significant views.
 - viii. Soil conditions as they affect development.

g. Schematic drawing of the proposed development concept, including but not limited to the general location of major circulation elements, public and common open space, residential and other land uses.

h. A statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following:

- i. Area devoted to residential use by building type;
- ii. Area devoted to common open space;
- iii. Area devoted to public open space and public amenities;
- iv. Approximate area devoted to streets;

i. When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development.

j. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage.

k. When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities.

l. Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD.

m. Schematic utilities plans indicating placement of water, sanitary and storm sewers.

n. The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

o. The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

C. Final Plan Stage. Development stage submissions should depict and outline the proposed implementations of the Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan. The development stage submissions shall include but not be limited to:

1. A final plat and information required by § 153.08;
2. Final plans drawn to a scale of not less than 1 inch equals 100 feet (or a scale requested by the Zoning Administrator) containing at least the following information:
 - a. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);

- b. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - c. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any;
 - d. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
 - e. Location, designation and total area of all common open space;
 - f. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
 - g. The location of applicable site amenities, if any;
 - h. Proposed lots and blocks, if any and numbering system;
 - i. The location, use and size of structures and other land uses on adjacent properties;
 - j. Detailed sketches and provisions of proposed landscaping;
 - k. General grading and drainage plans for the developed PUD; and
 - l. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan;
3. An accurate legal description of the entire area within the PUD for which final development plan approval is sought;
 4. A tabulation indicating the number of residential dwelling units and expected population;
 5. Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 15-2 have been met to be rewarded additional density;
 6. A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office);
 7. Preliminary architectural "typical" plans indicating use, floor plan, elevations and exterior wall finishes of proposed building, including manufactured homes;
 8. A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan, structure, including mobile homes, and uses;
 9. Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan; and
 10. A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

(Ord. 08-070, passed 2-19-2013)

~~§ 154.760 CITY COSTS.~~

The applicant shall make a deposit of a fee escrow with the City for the purpose of reimbursing any costs directly related to a given development. Such costs include but are not limited to professional fees and expenses incurred by the City for consultants (including but not limited to planners, engineers, architects and attorneys) who the City determines in its sole judgment are necessary to assist in reviewing, implementing or enforcing the provisions of this article. The amount of the deposit, and any addition to it that the City may later require, shall be established by the Planning Director. The City and the applicant may agree to share the costs of consultants based upon a specific written agreement. Any funds not used by the City shall be returned to the applicant at the conclusion of the project.
(Ord. 08-070, passed 2-19-2013)

§ 154.757 PUD AMENDMENTS

Approved PUDs may be amended from time to time as a result of unforeseen circumstances, overlooked opportunities, or requests from a developer or neighborhood. At such a time, the applicant shall make an application to the city for a PUD amendment.

A. Amendments to Existing Planned Unit Development. Shall be processed as one of the following:

- 1. Administrative Amendment. The Planning Director may approve minor changes if such changes are required by engineering or other circumstances, provided the changes conform to the approved PUD overlay district intent and are consistent with all requirements of the PUD ordinance. Under no circumstances shall an administrative amendment allow additional lots, or changes to designated uses established as part of the PUD. An Administrative Amendment shall be memorialized via letter signed by the Planning Director and recorded against the PUD property.*
- 2. Ordinance Amendment. A PUD change requiring a text update to the adopted PUD overlay district language shall be administered in accordance with adopted regulations for zoning code changes in § 154.105. Ordinance amendments shall be limited to changes that are deemed by the City to be consistent with the intent of the original PUD approval, but are technically necessary due to construction of the adopted PUD district language.*
- 3. PUD Amendment. Any change not qualifying for an administrative amendment or an ordinance amendment shall require a PUD amendment. An application to amend a PUD shall be administered in the same manner as that required for a new PUD beginning at PUD Preliminary Plan.*

§ 154.758 CONTROL OF PLANNED UNIT DEVELOPMENT FOLLOWING COMPLETION.

A. Final Development Plan Controls Subsequent Use. After the certificate of occupancy has been issued, the use of the land and the construction, modification or alteration of any buildings or structures within the planned development shall be governed by the final development plan.

~~B. *Allowed Changes.* After the certificate of occupancy has been issued, no changes shall be made in the approved final development plan except upon application as provided below:~~

- ~~1. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Development Review Committee if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the cubic volume of any building or structure by more than 10%; and~~
- ~~2. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved under this chapter.~~

~~C. *Amendment Required for Major Changes.* Any other changes in the final development plan, including any changes in the use of common open space, must be authorized by an amendment of the final development plan under the procedures for Zoning Amendments, Article 3.~~

(Ord. 08-070, passed 2-19-2013)

§ 154.758 PUD CANCELLATION

A PUD shall only be cancelled and revoked upon the City Council adopting an ordinance rescinding the PUD district. Cancellation of a PUD shall include findings that demonstrate that the PUD is no longer necessary due to changes in local regulations over time; is inconsistent with the Comprehensive Plan or other application land use regulations; threatens public safety, health, or welfare; has become void; or other applicable findings in accordance with law.

§ 154.759 ADMINISTRATION

In general, the following rules shall apply to all PUDs:

- A. *Rules and regulations.* No requirement outlined in the PUD review process shall restrict the City Council from taking action on an application if necessary to meet state mandated time deadlines;
- B. *Preconstruction.* No building permit shall be granted for any building on land for which a PUD plan is in the process of review, unless the proposed building is allowed under the existing zoning and will not impact, influence, or interfere with the proposed PUD plan.
- C. *Effect on Conveyed Property.* In the event that any real property in an approved PUD is conveyed in total, or in part, the new owners thereof shall be bound by the provisions of the PUD zoning district.

SECTION 2. Effective Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance 08-221 was adopted on this _____ day of _____ 2018, by a vote of ____ Ayes and ____ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance 08- was published on the _____ day of _____, 2018.