

ROSEVILLE
REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **03/28/2016**
Agenda Item: 10.a

Department Approval



City Manager Approval



Item Description: Adopt an Ordinance Creating Planned Unit Development Standards within the City Code (**PROJ0017**).

1 **BACKGROUND**

2 In May 2015, The City Council approved the hiring of Sambatek to complete the Planned Unit
3 Development (PUD) standards.

4 On July 6, 2015, Ben Gozola of Sambatek, the consultant for the creation of Planned Unit
5 Development (PUD) standards, was present to listen and discuss with the Planning Commission
6 and City Council various aspects of planned unit developments and the sorts of code regulation
7 the Commission and Council may want to consider for their ordinance (Attachment E).

8 On December 7, 2015, Mr. Gozola met again with the City Council to review the proposed draft
9 PUD and was given additional comments and directed to proceed through the formal review and
10 approval process (Attachment F).

11 **PUBLIC COMMENT**

12 On March 2, 2016, the Planning Commission held the duly noticed public hearing regarding the
13 establishment of new PUD standards. At the hearing Commissioners asked a number of
14 questions and sought clarification on six items (See Attachment G).

15 The Planning Commission voted 6-0 to recommend approval of the establishment of new PUD
16 standards, including six minor corrections/changes.

17 **SUGGESTED CITY COUNCIL ACTION**

18 Adopt an Ordinance establishing PUD standards, based on comment received by the public and
19 those noted by Planning Commissioners.

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Attachments: A: Overview memorandum F: 120715 CC minutes
B: Draft PUD with comments G: 020316 PC minutes
C: Clean PUD Draft
D: Resolution of PUD ord summary

E: 070615 CC minutes

Memorandum

DATE: 3/28/16

TO: Roseville City Council

FROM: Ben Gozola, AICP

SUBJECT: Planned Unit Development Ordinance Update

Overview

With the tree preservation ordinance complete, Sambatek began work on the Planned Unit Development (PUD) section of code in November of 2015, and presented initial draft language to Council in December. Edits were made to the draft as directed, and the ordinance was examined at a public hearing before the Planning Commission in February. Final edits as directed by the Commission have now been incorporated into the final draft version currently before the Council for potential adoption.

Dating back to our initial meeting with the Planning Commission and City Council, general goals we were asked to achieve with this ordinance included:

- *Approve PUDs as an overlay district to ensure that underlying zoning will apply to issues not specifically addressed by the PUD*
- *PUDs cannot be a variance work around...there must be trade-offs*
- *Documentation of the give and take must be provided by the applicant*
- *Flexibility should extend to at least building placement, trees & landscaping, open spaces, parking standards, and exterior materials*
- *Tradeoffs should include at least better storm water management, increased setbacks & buffering, sustainability improvements, and structured parking*
- *Do not tie PUDs to specific types of developments*
- *Keep some creativity in the process to allow for new and exciting things to come forward*

Review

The final ordinance before the City Council is organized as follows:

- (A) Purpose and Intent** – This is the section that tells potential applicants what the City wishes to achieve through the PUD process, and sets the stage for future decision making on what is an acceptable PUD. We have identified a number of potential over-arching goals the City would like to accomplish with these types of projects.
- (B) Initiation of Proceedings** – Rather than reinvent the wheel, we simply followed standard language used throughout the Roseville ordinance to explain how the PUD process can be initiated.
- (C) Reflection on the Official Zoning Map** – As recommended, we have crafted the language in this section to adopt PUD's via an overlay district rather than as a stand-alone zoning district. This ensures that underlying zoning standards will still be applicable unless specifically amended by the overlay district. Approaching PUDs this way ensures that the City will be protected if any details are missed during the development review process.
- (D) Permitted Locations for PUD rezoning** – As requested, PUDs would be allowed for all types of development in all districts under this draft language.
- (E) PUD Qualifications** – We are recommending that any land proposed to develop as a PUD be under single ownership, or if under multi-party control, be required to provide “legally sufficient written consent” from all persons and entities with ownership interest. Additionally, we are recommending that PUDs be a minimum of two (2) acres in size unless it can be demonstrated that a project of superior design can be achieved or that greater compliance with the comprehensive plan goals and policies can be attained through use of the PUD process on a smaller parcel.
- (F) Permitted Uses within a PUD** – In this section, we restrict uses to those that are allowed by underlying zoning, but leave the door open for new uses if the Community Development Department deems that such a new use is “substantially similar” to an allowed use. This ensures that new industries seeking a home in Roseville could potentially do so via PUD even if their specific use isn't defined in code. Also addressed is the specialization of uses within a PUD. Whereas subdivision (a) states that uses will be limited to those allowed by underlying zoning, subdivision (b) grants the City flexibility to tailor use restrictions to the PUD site and surroundings. For example, current Roseville codes state that "no commercial

transactions" can occur at a mini-storage facility. This provision could potentially allow someone to propose a mini-storage facility that includes a management office, sale of boxes and moving equipment, etc. The "use" hasn't changed, but the general regulations *governing the use* were tailored specifically for the site. Protection against impacts to the surrounding properties are built into the review process to ensure that such changes are appropriate.

(G) Areas of Flexibility – The suggested areas of flexibility within this draft were taken directly from the feedback received at the project kick off meeting: Building Placement, Trees & Landscaping Requirements, Open Spaces, Parking Standards, Exterior Materials, and Density. We are also suggesting a catch-all category of "other" in the event an applicant can show why an unlisted area of flexibility is in-line with the intent of the PUD ordinance. Despite our best efforts, we cannot always envision what the next big thing might be, and this criteria could leave the door open for something special that might otherwise be put on hold if a zoning amendment were necessary.

(H) PUD Review Criteria – This section sets up the test for when a PUD should be approved and when a PUD should be denied. Include too many criteria, and PUDs can become hard to approve. Include too few criteria, and PUDs will not produce the desired results. We believe we have struck a proper balance that will both net a good development, and will ensure the PUD is not used as a variance work around. In order to satisfy these review criteria, a development will have to be of top quality and prove it is deserving of the flexibility discussed in the previous subsection.

Per the framework of we've created, all PUDs will need to achieve the following goals: high quality buildings and aesthetics, blending in with peripheral development including minimization of conflicts, all modifications to underlying zoning must be addressed for adverse impacts, and phases must be able to stand alone. Beyond that, we are requiring that at least one of the city's specific goals are also achieved: sustainability improvements, improved storm water management, enhanced buffering, or structured parking.

(I) PUD Review Procedures – the review procedures are fairly repetitive, but can be summarized by the following steps:

- 1) Initial Developer Open House – this will be the public's first notice of the potential development, and will allow the applicant to work with the neighbors from the outset of the project. City staff has added this since the first version was before Council.

- 2) PUD Sketch Plan – feedback from the open house and initial plans are shared with the City Council for general feedback and direction. Staff will identify plan sets that were deemed unnecessary to review the application so Council may direct otherwise should they disagree. No formal decisions are made at the sketch plan phase
- 3) Second Developer Open House – using the feedback from sketch plan, the developer is required to prepare a concept plan that addresses the City’s concerns. Before being presented to the City, the revised plan is again shown to the public first at a second developer’s open house.
- 4) PUD Concept Plan – This stage includes review of a preliminary plat and all preliminary plan sets necessary to fully review the proposed development plan. Colored renderings, a detailed concept site plan, grading & erosion control plans, utility plans, tree preservation plans and a traffic study (if required), amongst other plan sets will allow the Planning Commission and City Council to determine if the PUD should be approved or denied. Staff will also pen an initial draft of the Overlay district at this stage for finalization at Final Plan should the Concept plan be approved.
- 5) PUD Final Plan – PUD final plan is analogous to Final Plat. All plans and materials must be updated in conformance with conditions of Concept plan approval, the developers agreement must be finalized, and all legal documents must be in order. The overlay district language will be finalized and published during this step, after which the plat may be filed at the County and development may begin.

All told, the public will have up to five (5) opportunities to provide feedback to either the developer, planning commission, or City Council throughout the course of the project.

(J) PUD Amendments – Procedures for amending approved PUDs are outlined for both PUD Overlay Districts and pre-existing PUDs. Amendments to approved overlay districts can take one of three forms:

- 1) Administrative Amendments which are relegated to only minor changes dictated by engineering or other circumstances which have no appreciable real-world impacts. Such changes must conform to the approved overlay district intent and be consistent with all requirements of the PUD ordinance.

- 2) Ordinance Amendments which may be needed to update language within the adopted overlay district ordinance. This process is intended to be used to amend or clarify language within the code, and all changes must be consistent with the intent of the original PUD approval.
- 3) All other proposed changes that do not qualify for an Administrative Amendment and cannot be realized through a minor text change in the overlay district language must be processed through a PUD Amendment. This requires the applicant to restart the development process at the second required open house.

(K) PUD Cancellation – In the event a PUD needs to be eliminated (i.e. an older PUD that no longer serves any purpose), this section will guide the City process.

(L) Administration – This section includes some generalized language we like to include in our ordinances: protection from the 60-day rule due to procedures, and regulations on preconstruction within a proposed PUD.

Public Hearing

The planning commission held a public hearing in February to obtain feedback on the regulations. Following the hearing, the Commission recommended a number of changes to the language which are all reflected in the final draft. Minutes from the Planning Commission meeting are attached for your reference.

Attachments

Following this memo, staff has provided two documents to (hopefully) make understanding and reviewing this ordinance easy.

- **Attachment A:** This is a clean copy of the proposed language to allow for easy reading of the ordinance. This copy also includes comments to explain specific provisions being proposed.
- **Attachment B:** This is the official ordinance document you are asked to take action on tonight.

In addition to the ordinance language, you will also find the following attached:

- **Attachment C:** Planning Commission Minutes (2-3-16)
- **Attachment D:** Summary Publication Resolution

1 **CHAPTER 1023: PLANNED UNIT DEVELOPMENTS**

2 **1023.01: PURPOSE AND INTENT**

3 **A.** The purpose of the Planned Unit Development (PUD) zoning district is to provide greater flexibility
4 in the development of residential and non-residential areas in order to achieve more creative
5 development outcomes while remaining economically viable and marketable. This is achieved by
6 undertaking a process that results in a development outcome exceeding that which is typically
7 achievable through the underlying zoning district. The City reserves the right to deny establishment
8 of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning
9 district if it is determined that proposed benefits do not justify requested flexibilities.

10 **B.** Overarching goals (not requirements) of the City in approving a PUD include but are not limited to:

- 11 1. Higher standards of site and building design such that a new development appears attractive
12 and inviting from all surrounding parcels;
- 13 2. Greater utilization of new technologies in building design, construction, and land
14 development;
- 15 3. A more creative and efficient use of land than would otherwise be possible;
- 16 4. Incorporation of extensive landscaping and site amenities in excess of what is required by
17 code;
- 18 5. Creation of high-quality park, open space, and trail opportunities that exceed the expectations
19 established in the Comprehensive Plan;
- 20 6. Enhanced access to a convenient and efficient multi-modal transportation option to service
21 the daily needs of residents at peak and non-peak use levels, with high connectivity to the
22 larger community.
- 23 7. Creative designs that reduce initial infrastructure costs as well as long-term maintenance and
24 operational costs;
- 25 8. The preservation and enhancement of desirable site characteristics (including flora and fauna,
26 scenic views, screening, etc);
- 27 9. Flexibility in design and construction to alleviate anticipated impacts to nearby properties,
28 and to provide greater opportunity for increased buffers between uses of differing intensity;
- 29 10. Incorporation of structured parking to hide vehicle storage and to promote opportunities for
30 improved buffering between intensive uses and sensitive areas;

Commented [BGA1]: At the direction of staff, the new Planned Unit Development regulations will be placed within a distinct chapter of the zoning ordinance. Chapter 1023 is the next unused Chapter number.

Commented [BGA2]: This is the section that tells potential applicants what the City wishes to achieve through the PUD process, and sets the stage for future decision making on what is an acceptable PUD.

Commented [BGA3]: This language was updated as directed by Council.

Commented [BGA4]: Reworded for clarity since the initial draft.

- 31 11. Elimination of repetition by encouraging a housing mixture that diversifies the architectural
32 qualities of a neighborhood;
- 33 12. Facilitation of a complementary mix of lifecycle housing;
- 34 13. Accommodation of higher development intensity in areas where infrastructure and other
35 systems are capable of providing appropriate levels of public services, and subsequently
36 lower intensity in areas where such services are inadequate, or where natural features require
37 protection and/or preservation.

38 **1023.02: INITIATION OF PROCEEDINGS**

39 The owner of property on which a PUD is proposed shall file the applicable application for approval of
40 the PUD by paying the fee(s) set forth in Chapter 314 of this Code and submitting a completed
41 application form and supporting documents as set forth on the application form and within this Section.
42 Complete applications shall be reviewed by City Commissions as deemed necessary by the Community
43 Development Department, including a public hearing before the Planning Commission, and be acted upon
44 by the City Council according to the process set forth in Chapter 108 of this Code. If a proposed PUD is
45 denied, any subsequent application for a substantially similar PUD within one (1) year of the date of
46 denial shall fully address all findings which supported the denial prior to being accepted as complete.

Commented [BGA5]: This initiation language follows the standard text which precedes other areas of the Roseville zoning ordinance to retain consistency with the current code organization.

47 **1023.03: REFLECTION ON THE OFFICIAL ZONING MAP**

48 A. PUD provisions provide an optional method of regulating land use which permits flexibility from
49 standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance
50 creating an overlay zoning district atop the boundaries of the development area. For each PUD
51 District, a specific ordinance shall be adopted establishing all rules which shall supersede
52 underlying zoning. Issues not specifically addressed by the PUD Overlay district shall be governed
53 by the underlying zoning district regulations.

Commented [BGA6]: Denied PUDs will need to wait a minimum of one year before resubmittal unless a revised application can fully address all of the findings that supported a previous denial.

54 B. All PUDs approved prior to [date of ordinance publication] shall be allowed to continue per the
55 original conditions of approval.

Commented [BGA7]: As recommended, we have crafted this language to adopt PUD's via an overlay district to ensure underlying zoning standards are still applicable unless specifically addressed by the overlay district. Approaching PUDs this way ensures that the City will be protected if any details are missed during the development review process.

56 **1023.04: PERMITTED LOCATIONS FOR PUD REZONING**

57 Establishment of a PUD overlay district may be requested for any area regardless of current zoning.

Commented [BGA8]: This is our first reference to previously approved PUDs. Here we acknowledge that such PUDs exist, and that each will be allowed to continue under their previous terms of approval. Later we address what must happen should any of these existing PUDs request to be amended.

Commented [BGA9]: As requested, PUDs would be allowed for all types of development in all districts

58 **1023.05: PUD QUALIFICATIONS**

59 **A.** Establishment of a PUD will be considered only for areas of land in single ownership or control.
60 Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when
61 legally sufficient written consent from all persons and entities with ownership interest is provided at
62 the time of application.

63 **B.** Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels of land
64 two (2) acres or more in size. Tracts of less than two acres may be eligible for a PUD overlay
65 district only if the applicant can demonstrate that a project of superior design can be achieved, or
66 that greater compliance with the comprehensive plan goals and policies can be attained through use
67 of the PUD process.

68 **1023.06: PERMITTED USES WITHIN A PUD**

69 **A.** The extent of permitted land uses within a PUD shall be limited to those land uses that are either
70 permitted or deemed by the Community Development Department to be substantially similar to
71 those allowed in the underlying zoning district.

72 **B.** Adopted PUD overlay district regulations may include specific provisions governing uses which
73 supersede underlying zoning requirements.

74 **C.** More than one building may be placed on one lot in a PUD.

75 **1023.07: AREAS OF FLEXIBILITY**

76 Flexibility provided through a PUD will not be approved simply to avoid adherence to underlying
77 zoning regulations, but instead must be used as a springboard to new development that would not
78 otherwise be possible utilizing existing zoning standards. Areas of possible flexibility include:

79 **A.** Building Placement – including zero lot line construction subject to building code allowances.
80 Specifications and standards for lots and setbacks shall be at the discretion of City Council, and
81 shall encourage a desirable living or working environment which assists in achieving the goals set
82 out for PUDs in Section 1023.01(B)(1).

83 **B.** Trees/Landscaping Requirements – requires specialized landscaping plans that better address on-
84 site needs and adjacent property concerns than would otherwise be required.

85 **C.** Open Spaces – provision of public open spaces that are enhanced with public art and other
86 amenities to provide a congregation area and a unique sense of place within the development.

87 **D.** Parking Standards – a change in stall or lot configuration requirements in exchange for structured
88 parking, better screening of parking areas, or higher quality landscaping throughout a parking area.

89 **E.** Exterior Materials – flexibility on exterior materials to allow for unique architectural expression.

Commented [BGA10]: Many cities do not provide PUD options for smaller tracts of land to protect against PUD being used as an alternate to the variance process. With this language, we set a minimum size limit at two (2) acres, but keep the door open to smaller PUDs IF they can achieve one of two specific goals when compared to possible development using underlying zoning: 1) a project of superior design; or 2) a project that better achieves goals listed in the comprehensive plan.

Commented [BGA11]: Here we restrict uses to those allowed by underlying zoning, but leave the door open for new uses if the Community Development Department deems a proposed use to be “substantially similar” to an allowed use. This ensures that new industries seeking a home in Roseville could potentially do so via PUD even if their specific use isn’t defined in code.

Commented [BGA12]: Whereas subdivision (a) states that uses will be limited to those allowed by underlying zoning, subdivision (b) grants the City flexibility to tailor use restrictions to the PUD site and surroundings.

For example, current Roseville codes state that “no commercial transactions” can occur at a mini-storage facility. This provision could potentially allow someone to propose a mini-storage facility that includes a management office, sale of boxes and moving equipment, etc. The use hasn’t changed, but the general regulations governing the use were tailored specifically for the site. Protection against impacts to the surrounding properties are built into the review process to ensure that such changes are appropriate.

90 F. Density – up to a 10% increase in density if the PUD provides substantially more site amenities and
91 achieves more comprehensive plan goals than could be achieved in a conventional development for
92 the applicable land use zone.

93 G. Other – the City Council reserves the right to consider other modifications to underlying zoning
94 requirements not listed above provided such changes are supportable under the PUD review criteria
95 listed in Section 1023.08.

Commented [BGA13]: As a final catch-all in the list of flexibilities, we are proposing an “other” category if the applicant can show why the area of flexibility is in-line with the intent of the PUD ordinance. Despite our best efforts, we cannot always envision what the next big thing might be, and this criteria could leave the door open for something special that might otherwise be put on hold waiting for a zoning code amendment.

96 **1023.08: PUD REVIEW CRITERIA**

97 The following findings shall be made by the City Council prior to approval of a new or amended PUD
98 overlay district:

99 A. The quality of the building and site design proposed by the PUD will substantially enhance
100 aesthetics of the site and implement relevant goals and policies of the comprehensive plan;

101 B. The design creates a unified environment within the project boundaries by ensuring architectural
102 compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping
103 and site features, and efficient use of utilities;

104 C. The design achieves maximum compatibility with surrounding land uses, both existing and
105 anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding land
106 uses may have on one another;

107 D. The design takes into consideration proposed modification of underlying zoning requirements, and
108 provides appropriate solutions to eliminate adverse impacts that proposed modifications may
109 impose on surrounding lands;

110 E. If the proposed PUD involves construction over two or more phases, the applicant has demonstrated
111 that each phase is capable of being a stand-alone development independent of other phases;

112 F. At least one or more of the following specific goals will be achieved by the proposed PUD:

Commented [BGA14]: Subsection (f) then calls for at least one of the key features the City is seeking in its PUDs as determined at our kick off meeting: sustainability improvements, improved storm water management, enhanced buffers, and/or structured parking.

113 **1. Sustainability Improvements**

114 Multiple sustainability techniques are incorporated into the development plans including but
115 not necessarily limited to:

This list can easily be amended to add more options should the City desire such, and the minimum number of features from this list needed to qualify for a PUD could be increased if ever deemed necessary.

116 a. Implementation of high quality construction standards and the use of high quality
117 construction materials to ensure the longevity of the proposed project;

118 b. Improvements to reduce the project’s energy load, increase energy efficiency, and
119 maximize the use of renewable energy sources;

120 c. Inclusion of facilities to reuse or recycle water for on-site uses such as irrigation;

Commented [BGA15]: We did not put a specific number on this goal as we want to push projects to be as sustainable as possible, but not be overly restrictive such that the investments to achieve the goal become cost-prohibitive. Saying “multiple” sustainability techniques are needed prevents an applicant from doing something small like using locally sourced products as their argument that the goal is met. We can identify a more objective threshold should such be desired by the City Council.

121 d. Enhancement of Indoor Environmental Quality (IEQ) by maximizing interior daylight,
122 investment in appropriate ventilation and moisture control, occupant control over systems
123 such as lighting and temperature, and avoidance of materials with high-VOC emissions.

124 **2. Improved Storm Water Management**

125 Where appropriate, maximizing the use of ecologically-based approaches to storm water
126 management, restoration or enhancement of on-site ecological systems, and protection of off-
127 site ecological systems through the application of Low Impact Development (LID) practices.

128 **3. Enhanced Buffering**

129 Along property lines that abut different use types, implementation of two or more of the
130 following techniques:

- 131 a. Significant vegetative screening and maintenance of existing vegetation if possible and
132 appropriate;
- 133 b. Increased setbacks;
- 134 c. Inclusion of berms, walls, fencing, or a combination of such.

135 **4. Structured Parking**

136 Inclusion of structure parking to minimize land area dedicated to vehicles thereby
137 maximizing uses elsewhere on the property.

138 **1023.09: PUD REVIEW PROCEDURE**

139 All requests to establish a Planned Unit Development overlay district shall be initiated by following the
140 steps below.

141 **A. Developer Open House Required**

- 142 **1.** Prior to submitting an application for PUD Sketch Plan review, the applicant shall be required
143 to hold a Developer Open House meeting in accordance with the provisions of Chapter 1102,
144 Section 1102.01(B).
- 145 **2.** The written summary required by Chapter 1102, Section 1102.01(B)(5) shall be submitted to
146 the City as a component of the subsequent PUD Sketch Plan application.

Commented [BGA16]: For this category, we are recommending a minimum of two techniques be employed to qualify the buffering as "enhanced." Additional techniques can be added if desired.

Commented [BGA17]: City staff determined that adding in a second open house was necessary to further provide exposure to the project at the front end of the project. The originally proposed open house after sketch plan review is still required by this final draft.

Commented [BGA18]: City staff has identified the language in 1102.01(B) as the appropriate process to follow for developer open houses. Notices for these meetings according to City staff are 500 feet as desired.

147 **B. PUD Sketch Plan**

148 **1. Purpose**

149 The PUD Sketch Plan is the next step in the public engagement process which gives the
150 developer an opportunity to present their ideas to the City Council and public so as to gain
151 general feedback on areas that will require additional analysis, study, design, changes, etc.
152 Feedback gained during the PUD Sketch Plan phase should be addressed within the
153 subsequent PUD Concept Plan to be presented at a second required Developer Open House
154 meeting prior to formal submittal.

155 **2. Specific PUD Sketch Plan Submittal Requirements**

156 Except as may be waived by the Community Development Department, the following
157 information shall constitute a complete application for PUD Sketch Plan.

158 a. A listing of contact information including name(s), address(es) and phone number(s) of:
159 the owner of record, authorized agents or representatives, engineer, surveyor, and any
160 other relevant associates;

161 b. A listing of the following site data: Address, current zoning, parcel size in acres and
162 square feet and current legal description(s);

163 c. A narrative explaining the applicant's proposed objectives for the PUD, a listing of the
164 areas of flexibility from standard zoning sought through the use of PUD design, and an
165 explanation of how the proposal addresses the PUD review criteria in Section 1023.08.;

166 d. A listing of general information including the number of proposed residential units,
167 commercial and/or industrial land uses and square footages by category of use, public use
168 areas including a description of proposed use, and any other land use proposed as part of
169 the PUD;

170 e. Calculation of the proposed density of the project and the potential density under
171 standard zoning regulations, including both gross density and net density accounting for
172 developable and undevelopable land. Undevelopable land for the purposes of this
173 calculation shall include all wetlands, floodplain, slopes greater than 18%, poor soils and
174 areas of concentrated woodlands.

175 f. The outline of a conceptual development schedule indicating the approximate date when
176 construction of the project, or stages of the same, can be expected to begin and be
177 completed (including the proposed phasing of construction of public improvements and
178 recreational and common space areas).

Commented [BGA19]: The language has been updated to recognize this initial application as a "sketch" plan rather than a concept plan.

Commented [BGA20]: Throughout this draft ordinance, you'll note that we provide extensive lists of information that must be submitted at each step of the PUD process. Including a detailed list like this allows staff an easy recourse to deem an application incomplete to protect against 60-day rule violations.

Commented [BGA21]: Staff will inform the Planning Commission and Council of any plan sets or other information that was waived by staff when accepting the application. This process will accomplish two things: 1) Applicants will be able to save (potentially significant) money by not having to provide information that does nothing to further review of the submittal; and 2) Council, the Planning Commission and the public can discuss at Sketch Plan whether waived information is indeed necessary, and require that such be submitted with the future Concept Plan submittal.

Commented [BGA22]: Here we require the applicant to provide a narrative explaining their development objectives, identify how they are deviating from underlying zoning, and explain how they are achieving each of the PUD review criteria

Commented [BGA23]: Requirements 4, 5, & 6 spell out general information about the proposal including number of units (if residential), square footage calcs (for commercial or industrial), a listing of proposed uses, land area calculations, and the intended phasing plan.

- 179 g. A PUD Sketch Plan illustrating the nature and type of proposed development. At a
 180 minimum, the plan should show:
- 181 i. Area calculations for gross land area;
 - 182 ii. Existing zoning district(s) on the subject land and all adjacent parcels;
 - 183 iii. Layout of proposed lots and proposed uses. Denote outlots planned for public
 184 dedication and/or open space (schools, parks, etc.);
 - 185 iv. Area calculations for each parcel;
 - 186 v. General location of wetlands and/or watercourses over the property and within 200
 187 feet of the perimeter of the subdivision parcel;
 - 188 vi. Location of existing and proposed streets within and immediately adjacent to the
 189 subdivision parcel;
 - 190 vii. Proposed sidewalks and trails;
 - 191 viii. Proposed parking areas;
 - 192 ix. Proposed parks, common areas, and preservation easements (indicate public vs.
 193 private if applicable);
 - 194 x. General location of wooded areas or significant features (environmental, historical,
 195 cultural) of the parcel;
 - 196 xi. Location of utility systems that will serve the property;
 - 197 xii. Other: An applicant may submit any additional information that may explain the
 198 proposed PUD.

199 **3. PUD Sketch Plan Proposal Review**

200 Upon receiving a PUD Sketch plan proposal, the Community Development Department shall
 201 schedule a date upon which the City Council will review the plans and provide feedback to
 202 the applicant.

Commented [BGA24]: City staff felt it was redundant to send out an “informal” notice to property owners within 500 feet at this point given that attendees at the developer’s meeting would know about the Council review date.

203 a. During the meeting, the City Council may make comment on the merit, needed changes,
 204 and suggested conditions that the proposer should adhere to with any future application.

205 b. Staff should identify information submittals that were waived so Council may determine
 206 if such is needed for PUD Concept Plan submittal.

Commented [BGA25]: As requested by Council, we have added in a provision noting that staff should inform the Council and public of any application materials that were waived so that all parties can determine if such is needed moving forward.

207 c. The City Council may take comment from the public as part of the meeting.

208 d. The City Council shall make no formal decision as part of the consideration. The City
 209 Council’s comments are explicitly not an approval or denial of the project, and are
 210 intended only to provide information for the applicant to consider prior to application for
 211 a possible PUD Concept Plan.

Commented [BGA26]: As drafted, a sketch plan is simply required so the applicant can get feedback and the public can be informed. There would be no approval or denial at this stage if this language moves forward.

- 212 **C. Second Developer Open House Meeting Required**
- 213 1. Prior to submitting an application for PUD Concept Plan, the applicant shall be required to
- 214 hold a second Developer Open House meeting in accordance with the provisions of Chapter
- 215 1102, Section 1102.01(B).
- 216 2. The written summary required by Chapter 1102, Section 1102.01(B)(5) shall be submitted to
- 217 the City as a component of the subsequent PUD Concept Plan application.

Commented [BGA27]: At the request of staff, a second developer open house has been introduced at this stage of the review process. This will essentially require the developer to face the neighbors prior to a City meeting, and explain how the initial concept was updated in accordance with the feedback at sketch plan.

218 **D. PUD Concept Plan**

219 **1. Prerequisites**

- 220 a. No application for a PUD Concept Plan will be accepted unless a distinctly similar
- 221 proposal has completed the PUD Sketch Plan review process within the previous year
- 222 from the date of application.
- 223 b. No application for a PUD Concept Plan will be accepted unless the required developer
- 224 open house meeting has been held not less than 15 days and not more than 45 days prior
- 225 to the submission of a Concept PUD application.

Commented [BGA28]: These new timeframes are now consistent with the City's standard language elsewhere in code.

226 **2. PUD Concept Plan Submittal Requirements**

227 Except as may be waived by the Community Development Department, the following

228 information shall constitute a complete application for PUD Concept Plan.

Commented [BGA29]: The listed submittal requirements are quite long, but again, we recommend including such a list to provide staff with ample opportunities and justification to deem an application incomplete if necessary.

229 a. All required information for a preliminary plat per Chapter 1102, Section 1102.01(C) and

230 Section 1102.02.

Note that we again provide staff the authority to waive specific information if deemed unnecessary for the review. All needed materials will have been identified by Council following the Sketch Plan review.

231 b. A written summary of the required Developer Open House meeting as required by

232 Chapter 1102, Section 1102.01(B)(5).

Commented [BGA30]: When possible, we seek to reference other lists in code to ensure that as submittal changes are made, such changes continue to be consistent between the various application types. Here we reference general submittal requirements (i.e. an application, fee, mailing addresses) and preliminary plat information.

233 c. A separate PUD Concept Site Plan which includes the following information:

- 234 i. Administrative information (including identification of the drawing as a "PUD
- 235 Concept Plan," the proposed name of the project, contact information for the
- 236 developer and individual preparing the plan, signature of the surveyor and civil
- 237 engineer certifying the document, date of plan preparation or revision, and a graphic
- 238 scale and north arrow);
- 239 ii. Area calculations for gross land area, wetland areas, right-of-way dedications, and
- 240 proposed public and private parks or open space;
- 241 iii. Existing zoning district(s) on the subject land and all adjacent parcels;
- 242 iv. Layout of proposed lots with future lot and block numbers. The perimeter boundary
- 243 line of the subdivision should be distinguishable from the other property lines.
- 244 Denote Outlots planned for public dedication and/or open space (schools, parks, etc.);

- 245 v. Area calculations for each parcel;
- 246 vi. Proposed setbacks on each lot (forming the building pad) and calculated buildable
- 247 area;
- 248 vii. Proposed gross hardcover allowance per lot (if applicable);
- 249 viii. Existing contours at intervals of two feet. Contours must extend a minimum of 200
- 250 feet beyond the boundary of the parcel(s) in question;
- 251 ix. Delineation of wetlands and/or watercourses over the property;
- 252 x. Delineation of the ordinary high water levels of all water bodies;
- 253 xi. Location, width, and names of existing and proposed streets within and immediately
- 254 adjacent to the subdivision parcel;
- 255 xii. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
- 256 xiii. The location and orientation of proposed buildings;
- 257 xiv. Proposed sidewalks and trails;
- 258 xv. Vehicular circulation system showing location and dimension for all driveways,
- 259 parking spaces, parking lot aisles, service roads, loading areas, fire lanes, emergency
- 260 access, if necessary, public and private streets, alleys, sidewalks, bike paths, direction
- 261 of traffic flow and traffic control devices;
- 262 xvi. Lighting location, style and mounting and light distribution plan.
- 263 xvii. Proposed parks, common areas, and preservation easements (indicate public vs.
- 264 private if applicable);
- 265 xviii. Location, access and screening detail of large trash handling and recycling collection
- 266 areas

- 267 **d.** Colored renderings which detail the building materials being used and clearly
- 268 communicate the look and design of the proposed building(s);

- 269 **e.** A grading drainage and erosion control plan prepared by a registered professional
- 270 engineer providing all information as required by Public Works and/or the Community
- 271 Development Department;

- 272 **f.** A utility plan providing all information as required by Public Works and/or the
- 273 Community Development Department;

- 274 **g.** A landscape plan prepared by a qualified professional providing all information outlined
- 275 in Section 1011.03 Landscaping and Screening in All Districts;

- 276 **h.** A tree preservation plan as required by Section 1011.04 Tree Preservation and
- 277 Restoration in All Districts;

- 278 **i.** The location and detail of signage providing all pertinent information necessary to
- 279 determine compliance with Chapter 1010, Sign Regulations;

Commented [BGA31]: Colored renderings of proposed structures can be critical in determining whether a PUD will or will not fit on a property as proposed.

280 j. A traffic study containing, at a minimum, the total and peak hour trip generation from the
281 site at full development, and the effect of such traffic on the level of service of nearby
282 and adjacent streets, intersections, and total parking requirements;

Commented [BGA32]: This traffic study requirement is optional to include, but again, can be administratively waived by staff if deemed unnecessary. Traffic studies are typically compelled by environmental reviews, but this would be an additional way to get that data if desired by the City.

283 k. A plan sheet or narrative clearly delineating all features not consistent with underlying
284 zoning regulations, and all PUD goals being addressed in exchange for the desired areas
285 of flexibility;

Commented [BGA33]: Here we request a separate exhibit specifically calling out what deviations are being requested, and what benefits are being incorporated as a result.

286 l. Any other information as directed by the Community Development Department.

It is hoped that such an exhibit will help the Planning Commission and Council weigh the give and take being proposed by any given PUD.

287 3. **PUD Concept Plan Review**

Commented [BGA34]: The Preliminary PUD review process would follow the standard development review steps: staff analysis & report, Planning Commission public hearing, and City Council decision.

288 a. As part of the review process for a PUD Concept Plan, the Community Development
289 Department shall generate an analysis of the proposal against the expectations for PUDs,
290 and make a recommendation regarding the proposed overlay district for Planning
291 Commission and City Council consideration.

292 b. The Community Development Department shall prepare a draft ordinance to establish the
293 potential overlay district to be established as a component of the PUD Final Plan.

Commented [BGA35]: As part of this step, Staff (not the applicant) would pen the initial draft ordinance that would be needed to govern the PUD should it be approved at Final PUD Plan. The City's fee schedule would need to be amended to ensure the City was covering its costs for this service.

294 c. The Planning Commission shall hold a public hearing and consider the application's
295 consistency with the goals for PUDs, the PUD review criteria, and applicable
296 comprehensive plan goals. The Planning Commission shall make recommendations to
297 the City Council on the merit, needed changes, and suggested conditions to impose on the
298 PUD.

Since we only require a draft ordinance at this point, the document can be a rough outline and would not need to be complete with detail. It should, however, identify everything that will be addressed by the final draft, and provide enough detail to ensure adequate direction can be given on needed changes.

299 d. In approving or denying the PUD Concept Plan, the City Council shall make findings on
300 the PUD review criteria outlined in Section 1023.08.

301 e. As a condition of PUD Concept Plan approval; finalization, adoption, and publication of
302 an overlay district ordinance shall need to occur prior to the filing of any future final plat.

Commented [BGA36]: We specifically note that approval of a PUD Concept Plan must be conditioned on the successful approval and publishing of the proposed overlay district prior to a final plat being filed. Because the "rezoning" in this case is an overlay district, it's important that we get the details right. Rather than rush through the process at the Preliminary stage, we've set up a system that allows for a rough draft to be critiqued, and a final draft brought forward at a later time. Rezoning will still occur prior to filing of the final plat.

303 E. **PUD Final Plan**

304 1. **Application Deadline**

Commented [BGA37]: We are suggesting a three month deadline for an applicant to file for PUD Final Plan following concept plan approval.

305 Application for a PUD Final Plan shall be submitted for approval within ninety (90) days of
306 City Council approval of the PUD Concept Plan unless a written request for a time extension
307 is submitted by the applicant and approved by the City Council.

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2. **PUD Final Plan Submittal Requirements**

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Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Final Plan.

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a. All required information for a final plat per Chapter 1102, Section 1102.04.

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b. All required PUD Concept Plan documents, other than the preliminary plat, shall be updated to incorporate and address all conditions of PUD Concept Plan approval.

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c. Any deed restrictions, covenants, agreements, and articles of incorporation and bylaws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD.

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d. A final staging plan, if staging is proposed, indicating the geographical sequence and timing of development, including the estimated start and completion date for each stage.

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e. Up-to-date title evidence for the subject property in a form acceptable to the Community Development Department.

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f. Warranty deeds for Property being dedicated to the City for all parks, outlots, etc., free from all liens and encumbrances.

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g. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, etc., together with all necessary consents to the easement by existing encumbrancers of the property.

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h. Any other information deemed necessary by the Community Development Department to fully present the intention and character of the PUD.

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i. The Development Agreement may require an Operating and Maintenance Plan. If certain land areas or structures within the PUD are designated for recreational use, public plazas, open areas or service facilities, the owner of such land and buildings shall provide a plan to the city that ensures the continued operation and maintenance of such areas or facilities in a manner suitable to the city.

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3. **PUD Final Plan Review**

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a. The Community Development Department shall generate an analysis of the final documents against the conditions of PUD Concept Plan approval, and make a recommendation as to whether all conditions have been met or if additional changes are needed.

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b. The Community Development Department shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.

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c. The Planning Commission shall hold a public hearing on the proposed Overlay District ordinance and Final PUD Plans, and shall submit a recommendation to the City Council for consideration. Because a PUD Concept 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 Preliminary PUD Plan and the required conditions of approval.

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Commented [BGA38]: For a third time, the listed submittal requirements are quite long, but this again ensures staff can deem an application incomplete if necessary while telling the applicant specifically what is needed at the Final stage of the PUD process.

Again we provide staff the authority to waive specific information if such is deemed unnecessary.

Commented [BGA39]: Rather than re-list everything from PUD Concept Plan, we simply state that if it was required at Preliminary, it must be updated as part of the PUD Final Plan application.

Commented [BGA40]: Up to date title evidence will ensure that all parties with an interest in the land are subject to the application which in turn protects the City's interest in easements and dedications being made as part of the development.

Commented [BGA41]: The draft "operating and maintenance plan" language has been simplified and placed within the Final Plan submittal requirements. As now written, the City Attorney will have discretion to work with an applicant to get appropriate language in the developers agreement to ensure appropriate mechanisms are in place.

Commented [BGA42]: Each new ordinance would be placed within the zoning code ostensibly as new Chapters (much like the "zoning overlay district for the Twin Lakes Redevelopment Area is housed in Chapter 1022)

Commented [BGA43]: A second public hearing will be needed at PUD Final plan for adoption of the overlay district ordinance. The purpose of the hearing is to ensure the final ordinance is addressing all details of preliminary approval, and to ensure that final plans are in proper order. This hearing will NOT address whether the PUD should move forward or not; that decision was already made at the PUD Concept Plan stage.

- 347 d. The City Council shall then consider the recommendations of the Community
 348 Development Department, the public, and the Planning Commission; and make a
 349 decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall
 350 only be based on findings that a PUD Final Plan is not in substantial compliance with the
 351 approved PUD Concept Plan and/or the required conditions of approval.
- 352 e. As a condition of PUD Final Plan approval, publication of the overlay district ordinance
 353 shall be required prior to filing of the approved final plat.
- 354 f. Planned Unit Development Agreement.
- 355 i. At its sole discretion, the City may as a condition of approval, require the owner and
 356 developer of the proposed PUD to execute a development agreement which may
 357 include but not be limited to all requirements of the PUD Final Plan.
- 358 ii. The development agreement may require the developers to provide an irrevocable
 359 letter of credit in favor of the City. The letter of credit shall be provided by a
 360 financial institution licensed in the state and acceptable to the City. The City may
 361 require that certain provisions and conditions of the development agreement be stated
 362 in the letter of credit. The letter of credit shall be in an amount sufficient to ensure
 363 the provision or development of improvement called for by the development
 364 agreement.
- 365 g. As directed by the City, documents related to the PUD shall be recorded against the
 366 property.

Commented [BGA44]: Adding the phrase “in whole or in part” provides Council with flexibility to move forward the portions of the project while others may need to come back with further corrections (rather than delaying the entire project for details that can be worked out at a later time).

Commented [BGA45]: Sambatek will work with staff to determine if we need to denote voting requirements here. Per 1002.05, a 2/3 vote of Council will be necessary for many PUD votes.

Commented [BGA46]: Publication of the ordinance must occur first so the plat, when filed, will be in compliance with zoning.

Commented [BGA47]: We’ve included language here to require a developer’s agreement, but the City may have more extensive language that can simply be referenced. We will work with City staff on the best language to address this need.

Commented [BGA48]: As requested by Council, language has been added specifying that the City may require recording of documents against the property.

Commented [BGA49]: Section 1023.10 includes language addressing how PUDs can be amended following approval. As drafted, we are suggesting three levels of amendments: 1) an administrative amendment to allow for minor deviations to address unforeseen issues in the field; 2) an ordinance text amendment if only the PUD overlay district language needs to be changed; or 3) a full PUD amendment which would require starting back at the PUD Concept Plan stage.

367 **1023.10: PUD AMENDMENTS**

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

371 **A. Existing PUD Overlay Districts**

372 Amendments for approved PUD Overlay districts shall be processed as one of the following:

373 **1. Administrative Amendment**

374 The Community Development Department may approve minor changes in the location,
 375 placement, and height of buildings if such changes are required by engineering or other
 376 circumstances, provided the changes conform to the approved overlay district intent and are
 377 consistent with all requirements of the PUD ordinance. Under no circumstances shall an
 378 administrative amendment allow additional stories to buildings, additional lots, or changes to
 379 designated uses established as part of the PUD. An Administrative Amendment shall be
 380 memorialized via letter signed by the Community Development Director and recorded against
 381 the PUD property.

382 **2. Ordinance Amendment**

383 A PUD change requiring a text update to the adopted PUD overlay district language shall be
384 administered in accordance with adopted regulations for zoning code changes in Chapter
385 1009. Ordinance amendments shall be limited to changes that are deemed by the Community
386 Development Department to be consistent with the intent of the original PUD approval, but
387 are technically necessary due to construction of the adopted overlay district language.

388 **3. PUD Amendment**

389 Any change not qualifying for an administrative amendment or an Ordinance amendment
390 shall require a PUD amendment. An application to amend a PUD shall be administered in the
391 same manner as that required for a new PUD beginning at PUD Concept Plan [the
392 prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open
393 house in 1023.09(C) must be held].

394 **B. Pre-existing PUDs Approved as a Special Use Permit**

395 Pre-existing PUDs authorized prior to [date this ordinance is effective] shall continue to be
396 governed per the original conditions of approval until the PUD is cancelled by the City, or the PUD
397 is converted to a PUD overlay district. An application to amend a pre-existing PUD shall be
398 administered in the same manner as that required for a new PUD beginning at PUD Concept Plan
399 [the prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required open
400 house in 1023.09(C) must be held].

401 **1023.11: PUD CANCELLATION**

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

407 **1023.12: ADMINISTRATION**

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

409 **1. Rules and regulations**

410 No requirement outlined in the PUD review process shall restrict the City Council from
411 taking action on an application if necessary to meet state mandated time deadlines;

Commented [BGA50]: I like to include this type of language to clarify that under no circumstances will the City Council be denied an opportunity to vote on a proposal prior to a timeline (60-day) violation due to procedural issues (example: the Planning Commission cannot make a recommendation due to lack of a quorum, but waiting for their next meeting would cause an application to be in violation of 15.99. In such a case, we are saying that despite the standard process required herein, the City Council would be justified in taking action)

412

2. **Preconstruction:**

413

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.

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Commented [BGA51]: This language guards against building permits being requested while a proposed PUD is going through the approval process.

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3. **Effect on Conveyed Property:**

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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 approved overlay district.

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Commented [BGA52]: This just says if you buy property within an approved PUD area, your property will be subject to the adopted PUD regulations.

City of Roseville

ORDINANCE NO. ____

**AN ORDINANCE ADDING TEXT TO TITLE 10 ZONING ORDINANCE
OF THE ROSEVILLE CITY CODE RELATING TO
PLANNED UNIT DEVELOPMENTS**

THE CITY OF ROSEVILLE ORDAINS:

1 **Section 1. The City Council of the City of Roseville hereby adopts City Code, Title 10, Chapter**
2 **1023: Planned Unit Developments, as follows (formatting to match existing code**
3 **standards):**

4 **1023.01: PURPOSE AND INTENT**

5 **A.** The purpose of the Planned Unit Development (PUD) zoning district is to provide greater
6 flexibility in the development of residential and non-residential areas in order to achieve more
7 creative development outcomes while remaining economically viable and marketable. This is
8 achieved by undertaking a process that results in a development outcome exceeding that
9 which is typically achievable through the underlying zoning district. The City reserves the
10 right to deny establishment of a PUD overlay district and direct a developer to re-apply under
11 the standard applicable zoning district if it is determined that proposed benefits do not justify
12 requested flexibilities.

13 **B.** Overarching goals (not requirements) of the City in approving a PUD include but are not
14 limited to:

- 15 1. Higher standards of site and building design such that a new development appears
16 attractive and inviting from all surrounding parcels;
- 17 2. Greater utilization of new technologies in building design, construction, and land
18 development;
- 19 3. A more creative and efficient use of land than would otherwise be possible;
- 20 4. Incorporation of extensive landscaping and site amenities in excess of what is required
21 by code;
- 22 5. Creation of high-quality park, open space, and trail opportunities that exceed the
23 expectations established in the Comprehensive Plan;

- 24 6. Enhanced access to a convenient and efficient multi-modal transportation option to
25 service the daily needs of residents at peak and non-peak use levels, with high
26 connectivity to the larger community;
- 27 7. Creative designs that reduce initial infrastructure costs as well as long-term
28 maintenance and operational costs;
- 29 8. The preservation and enhancement of desirable site characteristics (including flora and
30 fauna, scenic views, and screening);
- 31 9. Flexibility in design and construction to alleviate anticipated impacts to nearby
32 properties and to provide greater opportunity for increased buffers between uses of
33 differing intensities;
- 34 10. Incorporation of structured parking to hide vehicle storage and to promote
35 opportunities for improved buffering between intensive uses and sensitive areas;
- 36 11. Elimination of repetition by encouraging a housing mixture that diversifies the
37 architectural qualities of a neighborhood;
- 38 12. Facilitation of a complementary mix of lifecycle housing; and
- 39 13. Accommodation of higher development intensity in areas where infrastructure and
40 other systems are capable of providing appropriate levels of public services and
41 subsequently lower intensity in areas where such services are inadequate or where
42 natural features require protection and/or preservation.

43 **1023.02: INITIATION OF PROCEEDINGS**

44 The owner of property on which a PUD is proposed shall file the applicable application for
45 approval of the PUD by paying the fee(s) set forth in Chapter 314 of this Code and submitting a
46 completed application form and supporting documents as set forth on the application form and
47 within this Section. Complete applications shall be reviewed by City Commissions as deemed
48 necessary by the Community Development Department, including a public hearing before the
49 Planning Commission, and be acted upon by the City Council according to the process set forth in
50 Chapter 108 of this Code. If a proposed PUD is denied, any subsequent application for a
51 substantially similar PUD within one (1) year of the date of denial shall fully address all findings
52 which supported the denial prior to being accepted as complete.

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56 **1023.03: REFLECTION ON THE OFFICIAL ZONING MAP**

- 57 **A.** PUD provisions provide an optional method of regulating land use which permits flexibility
58 from standard regulating provisions. Establishment of a PUD shall require adoption of an
59 ordinance creating an overlay zoning district atop the boundaries of the development area.
60 For each PUD District, a specific ordinance shall be adopted establishing all rules which shall
61 supersede underlying zoning. Issues not specifically addressed by the PUD Overlay District
62 shall be governed by the underlying zoning district regulations.
- 63 **B.** All PUDs approved prior to [date of ordinance publication] shall be allowed to continue per
64 the original conditions of approval.

65 **1023.04: PERMITTED LOCATIONS FOR PUD REZONING**

66 Establishment of a PUD Overlay District may be requested for any area regardless of current
67 zoning.

68 **1023.05: PUD QUALIFICATIONS**

- 69 **A.** Establishment of a PUD will be considered only for areas of land in single ownership or
70 control. Alternatively, multiple party ownership, in the sole discretion of the City, is
71 acceptable when legally sufficient written consent from all persons and entities with
72 ownership interest is provided at the time of application.
- 73 **B.** Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels
74 of land two (2) acres or more in size. Tracts of less than two acres may be eligible for a PUD
75 overlay district only if the applicant can demonstrate that a project of superior design can be
76 achieved, or that greater compliance with the comprehensive plan goals and policies can be
77 attained through use of the PUD process.

78 **1023.06: PERMITTED USES WITHIN A PUD**

- 79 **A.** The extent of permitted land uses within a PUD shall be limited to those land uses that are
80 either permitted or deemed by the Community Development Department to be substantially
81 similar to those allowed in the underlying zoning district.
- 82 **B.** Adopted PUD Overlay District regulations may include specific provisions governing uses
83 which supersede underlying zoning requirements.
- 84 **C.** More than one building may be placed on one lot in a PUD.

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1023.07: AREAS OF FLEXIBILITY

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Flexibility provided through a PUD will not to be approved simply to avoid adherence to underlying zoning regulations, but instead must be used as a springboard to new development that would not otherwise be possible utilizing existing zoning standards. Areas of possible flexibility include the following:

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A. Building Placement – including zero lot line construction subject to building code allowances. Specifications and standards for lots and setbacks shall be at the discretion of the City Council and shall encourage a desirable living or working environment which assists in achieving the goals set out for PUDs in Section 1023.01(B).

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B. Trees/Landscaping Requirements – requires specialized landscaping plans that better address on-site needs and adjacent property concerns than would otherwise be required.

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C. Open Spaces – provision of public open spaces that are enhanced with public art and other amenities to provide a congregation area and a unique sense of place within the development.

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D. Parking Standards – a change in stall or lot configuration requirements in exchange for structured parking, better screening of parking areas, or higher quality landscaping throughout a parking area.

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E. Exterior Materials – flexibility on exterior materials to allow for unique architectural expression.

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F. Density – up to a 10% increase in density if the PUD provides substantially more site amenities and achieves more comprehensive plan goals than could be achieved in a conventional development for the applicable land use zone.

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G. Other – the City Council reserves the right to consider other modifications to underlying zoning requirements not listed above provided such changes are supportable under the PUD review criteria listed in Section 1023.08.

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1023.08: PUD REVIEW CRITERIA

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The following findings shall be made by the City Council prior to approval of a new or amended PUD Overlay District:

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A. The quality of the building and site design proposed by the PUD will substantially enhance aesthetics of the site and implement relevant goals and policies of the comprehensive plan;

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B. The design creates a unified environment within the project boundaries by ensuring architectural compatibility of all structures, efficient vehicular and pedestrian circulation, enhanced landscaping and site features, and efficient use of utilities;

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- 120 **C.** The design achieves maximum compatibility with surrounding land uses, both existing and
 121 anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding
 122 land uses may have on one another;
- 123 **D.** The design takes into consideration proposed modification of underlying zoning requirements
 124 and provides appropriate solutions to eliminate adverse impacts that proposed modifications
 125 may impose on surrounding lands;
- 126 **E.** If the proposed PUD involves construction over two or more phases, the applicant has
 127 demonstrated that each phase is capable of being a stand-alone development independent of
 128 other phases;
- 129 **F.** At least one or more of the following specific goals will be achieved by the proposed PUD:

130 **1. Sustainability Improvements**

131 Multiple sustainability techniques are incorporated into the development plans including
 132 but not necessarily limited to:

- 133 **a.** Implementation of high-quality construction standards and the use of high-quality
 134 construction materials to ensure the longevity of the proposed project;
- 135 **b.** Improvements to reduce the project’s energy load, increase energy efficiency, and
 136 maximize the use of renewable energy sources;
- 137 **c.** Inclusion of facilities to reuse or recycle water for on-site uses such as irrigation;
 138 and/or
- 139 **d.** Enhancement of Indoor Environmental Quality (IEQ) by maximizing interior
 140 daylight, investment in appropriate ventilation and moisture control, occupant control
 141 over systems such as lighting and temperature, and avoidance of materials with high-
 142 VOC emissions.

143 **2. Improved Storm Water Management**

144 Where appropriate, maximize the use of ecologically based approaches to storm water
 145 management, restoration or enhancement of on-site ecological systems, and protection of
 146 off-site ecological systems through the application of Low Impact Development (LID)
 147 practices.

148 **3. Enhanced Buffering**

149 Along property lines that abut different use types, implementation of two or more of the
 150 following techniques:

- 151 a. Significant vegetative screening and maintenance of existing vegetation if possible
- 152 and appropriate;
- 153 b. Increased setbacks; and/or
- 154 c. Inclusion of berms, walls, fencing, or a combination of such.

155 **4. Structured Parking**

156 Inclusion of structure parking to minimize land area dedicated to vehicles thereby

157 maximizing uses elsewhere on the property.

158 **1023.09: PUD REVIEW PROCEDURE**

159 All requests to establish a PUD Overlay District shall be initiated by following the steps below.

160 **A. Developer Open House Required**

- 161 1. Prior to submitting an application for PUD Sketch Plan review, the applicant shall be
- 162 required to hold a Developer Open House meeting in accordance with the provisions of
- 163 Chapter 1102, Section 1102.01(B).
- 164 2. The written summary required by Chapter 1102, Section 1102.01(B)(5) shall be
- 165 submitted to the City as a component of the subsequent PUD Sketch Plan application.

166 **B. PUD Sketch Plan**

167 **1. Purpose**

168 The PUD Sketch Plan is the next step in the public engagement process, which gives the

169 developer an opportunity to present their ideas to the City Council and the public so as to

170 gain general feedback on areas that will require additional analysis, study, design, and

171 changes. Feedback gained during the PUD Sketch Plan phase should be addressed within

172 the subsequent PUD Concept Plan to be presented at a second required Developer Open

173 House meeting prior to formal submittal.

174 **2. Specific PUD Sketch Plan Submittal Requirements**

175 Except as may be waived by the Community Development Department, the following

176 information shall constitute a complete application for the PUD Sketch Plan:

- 177 a. A listing of contact information including name(s), address(es) and phone number(s)
- 178 of the owner of record, authorized agents or representatives, the engineer, the
- 179 surveyor, and any other relevant associates;

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- b.** A listing of the following site data: address, current zoning, parcel size in acres and square feet and the current legal description(s);
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- c.** A narrative explaining the applicant's proposed objectives for the PUD, a listing of the areas of flexibility from standard zoning sought through the use of PUD design, and an explanation of how the proposal addresses the PUD review criteria in Section 1023.08;
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- d.** A listing of general information including the number of proposed residential units, commercial and/or industrial land uses and square footages by category of use, public use areas including a description of proposed use, and any other land use proposed as part of the PUD;
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- e.** Calculation of the proposed density of the project and the potential density under standard zoning regulations, including both gross density and net density accounting for developable and undevelopable land. Undevelopable land for the purposes of this calculation shall include all wetlands, floodplain, slopes greater than 18%, poor soils and areas of concentrated woodlands;
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- f.** The outline of a conceptual development schedule indicating the approximate date when construction of the project, or stages of the same, can be expected to begin and be completed (including the proposed phasing of construction of public improvements and recreational and common space areas); and
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- g.** A PUD Sketch Plan illustrating the nature and type of proposed development. At a minimum, the plan should show:
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- i. Area calculations for gross land area;
 - ii. Existing zoning district(s) on the subject land and all adjacent parcels;
 - iii. Layout of proposed lots and proposed uses. Denote outlots planned for public dedication and/or open space (such as schools and parks);
 - iv. Area calculations for each parcel;
 - v. General location of wetlands and/or watercourses over the property and within 200 feet of the perimeter of the subdivision parcel;
 - vi. Location of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - vii. Proposed sidewalks and trails;
 - viii. Proposed parking areas;
 - ix. Proposed parks, common areas, and preservation easements (indicate public vs. private if applicable);
 - x. General location of wooded areas or significant features (environmental, historical, cultural) of the parcel;
 - xi. Location of utility systems that will serve the property; and

217 xii. Any additional information that may explain the proposed PUD.

218 **3. PUD Sketch Plan Proposal Review**

219 Upon receiving a PUD Sketch Plan proposal, the Community Development Department
220 shall schedule a date upon which the City Council will review the plans and provide
221 feedback to the applicant.

- 222 a. During the meeting, the City Council may make comment on the merit, needed
223 changes, and suggested conditions that the proposer should adhere to with any future
224 application.
- 225 b. Staff should identify information submittals that were waived so the City Council
226 may determine if such is needed for PUD Concept Plan submittal.
- 227 c. The City Council may take comment from the public as part of the meeting.
- 228 d. The City Council shall make no formal decision as part of the consideration. The
229 City Council's comments are explicitly not an approval or denial of the project, but
230 are intended only to provide information for the applicant to consider prior to
231 application for a possible PUD Concept Plan.

232 **C. Second Developer Open House Meeting Required**

- 233 1. Prior to submitting an application for PUD Concept Plan, the applicant shall be required
234 to hold a second Developer Open House meeting in accordance with the provisions of
235 Chapter 1102, Section 1102.01(B).
- 236 2. The written summary required by Chapter 1102, Section 1102.01(B)(5) shall be
237 submitted to the City as a component of the subsequent PUD Concept Plan application.

238 **D. PUD Concept Plan**

239 **1. Prerequisites**

- 240 a. No application for a PUD Concept Plan will be accepted unless a distinctly similar
241 proposal has completed the PUD Sketch Plan review process within the previous year
242 from the date of application.
- 243 b. No application for a PUD Concept Plan will be accepted unless the required
244 developer open house meeting has been held not less than 15 days and not more than
245 45 days prior to the submission of a PUD Concept application.

2. PUD Concept Plan Submittal Requirements

Except as may be waived by the Community Development Department, the following information shall constitute a complete application for PUD Concept Plan.

- a. All required information for a preliminary plat per Chapter 1102, Section 1102.01(C) and Section 1102.02.
- b. A written summary of the required Developer Open House meeting as required by Chapter 1102, Section 1102.01(B)(5).
- c. A separate PUD Concept Site Plan that includes the following information:
 - i. Administrative information (including identification of the drawing as a “PUD Concept Plan,” the proposed name of the project, contact information for the developer and individual preparing the plan, signature of the surveyor and civil engineer certifying the document, date of plan preparation or revision, and a graphic scale and north arrow);
 - ii. Area calculations for gross land area, wetland areas, right-of-way dedications, and proposed public and private parks or open space;
 - iii. Existing zoning district(s) on the subject land and all adjacent parcels;
 - iv. Layout of proposed lots with future lot and block numbers. The perimeter boundary line of the subdivision should be distinguishable from the other property lines. Denote outlots planned for public dedication and/or open space (such as schools and parks);
 - v. Area calculations for each parcel;
 - vi. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
 - vii. Proposed gross hardcover allowance per lot (if applicable);
 - viii. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
 - ix. Delineation of wetlands and/or watercourses over the property;
 - x. Delineation of the ordinary high water levels of all water bodies;
 - xi. Location, width, and names of existing and proposed streets within and immediately adjacent to the subdivision parcel;
 - xii. Easements and rights-of-way within or adjacent to the subdivision parcel(s);
 - xiii. The location and orientation of proposed buildings;
 - xiv. Proposed sidewalks and trails;

- 281 xv. Vehicular circulation system showing location and dimension for all driveways,
282 parking spaces, parking lot aisles, service roads, loading areas, fire lanes,
283 emergency access, and if necessary, public and private streets, alleys, sidewalks,
284 bike paths, direction of traffic flow and traffic control devices;
- 285 xvi. Lighting location, style, and mounting system, as well as a light distribution plan;
- 286 xvii. Proposed parks, common areas, and preservation easements (indicate public vs.
287 private if applicable); and
- 288 xviii. Location, access and screening detail of large trash handling and recycling
289 collection areas.
- 290 **d.** Colored renderings which detail the building materials being used and clearly
291 communicate the look and design of the proposed building(s);
- 292 **e.** A grading drainage and erosion control plan prepared by a registered professional
293 engineer providing all information as required by Public Works and/or the
294 Community Development Department;
- 295 **f.** A utility plan providing all information as required by Public Works and/or the
296 Community Development Department;
- 297 **g.** A landscape plan prepared by a qualified professional providing all information
298 outlined in Section 1011.03, Landscaping and Screening in All Districts;
- 299 **h.** A tree preservation plan as required by Section 1011.04, Tree Preservation and
300 Restoration in All Districts;
- 301 **i.** The location and detail of signage providing all pertinent information necessary to
302 determine compliance with Chapter 1010, Sign Regulations;
- 303 **j.** A traffic study containing, at a minimum, the total and peak-hour trip generation
304 from the site at full development and the effect of such traffic on the level of service
305 of nearby and adjacent streets, intersections, and total parking requirements;
- 306 **k.** A plan sheet or narrative clearly delineating all features not consistent with
307 underlying zoning regulations and all PUD goals being addressed in exchange for the
308 desired areas of flexibility; and
- 309 **l.** Any other information as directed by the Community Development Department.

310 **3. PUD Concept Plan Review**

- 311 **a.** As part of the review process for a PUD Concept Plan, the Community Development
312 Department shall generate an analysis of the proposal against the expectations for
313 PUDs and make a recommendation regarding the proposed overlay district for
314 Planning Commission and City Council consideration.

- 315 **b.** The Community Development Department shall prepare a draft ordinance to
316 establish the potential overlay district to be established as a component of the PUD
317 Final Plan.

- 318 **c.** The Planning Commission shall hold a public hearing and consider the application’s
319 consistency with the goals for PUDs, the PUD review criteria, and applicable
320 Comprehensive Plan goals. The Planning Commission shall make recommendations
321 to the City Council on the merit, needed changes, and suggested conditions to impose
322 on the PUD.

- 323 **d.** In approving or denying the PUD Concept Plan, the City Council shall make findings
324 on the PUD review criteria outlined in Section 1023.08.

- 325 **e.** As a condition of PUD Concept Plan approval, adoption and publication of an
326 overlay district ordinance must occur prior to the filing of any future final plat.

327 **E. PUD Final Plan**

328 **1. Application Deadline**

329 Application for a PUD Final Plan shall be submitted for approval within ninety (90) days
330 of City Council approval of the PUD Concept Plan unless a written request for a time
331 extension is submitted by the applicant and approved by the City Council.

332 **2. PUD Final Plan Submittal Requirements**

333 Except as may be waived by the Community Development Department, the following
334 information shall constitute a complete application for PUD Final Plan:

- 335 **a.** All required information for a final plat per Chapter 1102, Section 1102.04;
- 336 **b.** All required PUD Concept Plan documents, other than the preliminary plat, shall be
337 updated to incorporate and address all conditions of PUD Concept Plan approval;
- 338 **c.** Any deed restrictions, covenants, agreements, and articles of incorporation and
339 bylaws of any proposed homeowners’ association or other documents or contracts
340 which control the use or maintenance of property covered by the PUD;
- 341 **d.** A final staging plan, if staging is proposed, indicating the geographical sequence and
342 timing of development, including the estimated start and completion date for each
343 stage;
- 344 **e.** Up-to-date title evidence for the subject property in a form acceptable to the
345 Community Development Department;
- 346 **f.** Warranty deeds for property being dedicated to the City such as parks and outlots
347 must be free from all liens and encumbrances;

- 348 g. All easement dedication documents for easements not shown on the final plat
 349 including those for trails, ingress/egress, together with all necessary consents to the
 350 easement by existing encumbrancers of the property;
- 351 h. Any other information deemed necessary by the Community Development
 352 Department to fully present the intention and character of the PUD; and
- 353 i. The Development Agreement may require an Operating and Maintenance Plan. If
 354 certain land areas or structures within the PUD are designated for recreational use,
 355 public plazas, open areas or service facilities, the owner of such land and buildings
 356 shall provide a plan to the city that ensures the continued operation and maintenance
 357 of such areas or facilities in a manner suitable to the city.

358 3. PUD Final Plan Review

- 359 a. The Community Development Department shall generate an analysis of the final
 360 documents against the conditions of PUD Concept Plan approval and make a
 361 recommendation as to whether all conditions have been met or if additional changes
 362 are needed.
- 363 b. The Community Development Department shall finalize the ordinance to establish
 364 the proposed Overlay District for consideration by the Planning Commission and
 365 City Council.
- 366 c. The Planning Commission shall hold a public hearing on the proposed Overlay
 367 District ordinance and Final PUD Plans, and shall submit a recommendation to the
 368 City Council for consideration. Because a PUD Concept Plan was previously
 369 approved, the Planning Commission's recommendation shall only focus on whether
 370 the Ordinance and PUD Final Plan are in substantial compliance with the Preliminary
 371 PUD Plan and the required conditions of approval.
- 372 d. The City Council shall then consider the recommendations of the Community
 373 Development Department, the public, and the Planning Commission and make a
 374 decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial
 375 shall only be based on findings that a PUD Final Plan is not in substantial compliance
 376 with the approved PUD Concept Plan and/or the required conditions of approval.
- 377 e. As a condition of PUD Final Plan approval, publication of the Overlay District
 378 ordinance shall be required prior to filing of the approved final plat.
- 379 f. Planned Unit Development Agreement.
- 380 i. At its sole discretion, the City may as a condition of approval require the owner
 381 and developer of the proposed PUD to execute a development agreement which
 382 may include but not be limited to all requirements of the PUD Final Plan.
- 383 ii. The development agreement may require the developers to provide an
 384 irrevocable letter of credit in favor of the City. The letter of credit shall be
 385 provided by a financial institution licensed in the state and acceptable to the City.
 386 The City may require that certain provisions and conditions of the development
 387 agreement be stated in the letter of credit. The letter of credit shall be in an

388 amount sufficient to ensure the provision or development of improvement called
 389 for by the development agreement.

- 390 g. As directed by the City, documents related to the PUD shall be recorded against the
 391 property.

392 **1023.10: PUD AMENDMENTS**

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

396 **A. Existing PUD Overlay Districts**

397 Amendments for approved PUD Overlay Districts shall be processed as one of the following:

398 **1. Administrative Amendment**

399 The Community Development Department may approve minor changes in the location,
 400 placement, and height of buildings if such changes are required by engineering or other
 401 circumstances, provided the changes conform to the approved Overlay District intent and
 402 are consistent with all requirements of the PUD ordinance. Under no circumstances shall
 403 an administrative amendment allow additional stories to buildings, additional lots, or
 404 changes to designated uses established as part of the PUD. An Administrative
 405 Amendment shall be memorialized via letter signed by the Community Development
 406 Director and recorded against the PUD property.

407 **2. Ordinance Amendment**

408 A PUD change requiring a text update to the adopted PUD overlay district language shall
 409 be administered in accordance with adopted regulations for zoning code changes in
 410 Chapter 1009. Ordinance amendments shall be limited to changes that are deemed by the
 411 Community Development Department to be consistent with the intent of the original
 412 PUD approval, but are technically necessary due to construction of the adopted overlay
 413 district language.

414 **3. PUD Amendment**

415 Any change not qualifying for an administrative amendment or an Ordinance amendment
 416 shall require a PUD amendment. An application to amend a PUD shall be administered
 417 in the same manner as that required for a new PUD beginning at PUD Concept Plan the
 418 prerequisite for a previous PUD Sketch Plan submittal shall not apply, but the required
 419 open house in 1023.09(C) must be held.

420 **B. Pre-existing PUDs Approved as a Special Use Permit**

421 Pre-existing PUDs authorized prior to [date this ordinance is effective] shall continue to be
 422 governed per the original conditions of approval until the PUD is cancelled by the City, or the
 423 PUD is converted to a PUD Overlay District. An application to amend a pre-existing PUD
 424 shall be administered in the same manner as that required for a new PUD beginning at PUD
 425 Concept Plan the prerequisite for a previous PUD Sketch Plan submittal shall not apply, but
 426 the required open house in 1023.09(C) must be held.

427 **1023.11: PUD CANCELLATION**

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

434 **1023.12: ADMINISTRATION**

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

436 **A. Rules and regulations**

437 No requirement outlined in the PUD review process shall restrict the City Council from
 438 taking action on an application if necessary to meet state mandated time deadlines;

439 **B. Preconstruction:**

440 No building permit shall be granted for any building on land for which a PUD plan is in the
 441 process of review, unless the proposed building is allowed under the existing zoning and will
 442 not impact, influence, or interfere with the proposed PUD plan.

443 **C. Effect on Conveyed Property:**

444 In the event that any real property in an approved PUD is conveyed in total or in part, the new
 445 owners thereof shall be bound by the provisions of the approved overlay district.

446

447 **Section 2. Effective Date. This ordinance amendment to the Roseville City Code shall take effect**
 448 **upon passage and publication.**

449 Passed this _____ day of _____, 2016

CITY COUNCIL OF THE CITY OF ROSEVILLE

RESOLUTION NO. ____

RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. ____ BY TITLE AND SUMMARY

The following Members were present: _____; and _____ were absent

Council Member ____ introduced the following resolution and moved its adoption:

WHEREAS, the city council of the city of Roseville has adopted Ordinance No. ____, an ordinance to adopt regulations governing the review and approval of Planned Unit Developments within the City of Roseville; and

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 Roseville, that the City Clerk shall cause the following summary of Ordinance No. ____ be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the city of Roseville has adopted Ordinance No. _____. The ordinance establishes new regulations governing Planned Unit Developments (or PUDs) within the City of Roseville. This specialized process will allow developments to be tailored to a site to achieve a higher quality development than could otherwise be achieved under standard zoning provisions. Approval of a PUD would require multiple public meetings and substantial documentation to support findings that the final development is a proper fit for the subject property and surrounding lands. In exchange for flexibility on things such as building placement, landscaping requirements, parking standards, exterior materials or density; the development would need to incorporate measures of sustainability, improved stormwater management, enhanced buffering and/or structured parking amongst other improvements to be approved. The full ordinance text is available for inspection at Roseville City Hall during regular business hours, and will be emailed or sent to any party upon request.

Mayor Dan Roe

BE IT FURTHER RESOLVED by the City Council of the City of Roseville that the City Clerk keep a copy of the ordinance at city hall for public inspection, and that a full copy of the ordinance be posted in a public place within the city.

The motion for adoption of the foregoing resolution was duly seconded by Council Member _____ and upon vote being taken thereon, the following Members voted in favor _____; and _____ voted against.

WHEREAS said resolution was declared duly passed and adopted this 28th day of **March**, **2016** by the Roseville City Council

Mayor Dan Roe

ATTEST:

Patrick Trudgeon, City Manager

(SEAL)

EXTRACT OF THE JULY 6, 2015 CITY COUNCIL MEETING MINUTES

Planned Unit Development (PUD) Ordinance Update

Similar to the presentation for tree preservation, Mr. Gozola outlined previous discussions as listed in Attachment B dated July 6, 2015; defined what PUD's were, their commonalities and variables by community, various approaches, and what they should look like in Roseville.

Mr. Gozola strongly recommended the City Council's consideration of using an overlay district concept, and provided his rationale in making that recommendation based on most of the zoning regulations already in place or available for specific consideration in a PUD and providing an important safeguard; better understanding by the public in understanding the rezoning concept through use of a PUD; and special regulations available in code and accessible to all. Mr. Gozola further opined that by controlling things via zoning, it provided the City Council with greater authority to make changes in the future rather than using the Conditional Use approach for a one-time situation and setting conditions that hopefully didn't miss any important issue during that process. Mr. Gozola advised that the PUD provided the City the ability to zone by right versus discretionary zoning; and provided more assurance and specificity for a developer that a good end product would be achieved.

Mr. Gozola reviewed other considerations, such as where to allow PUD's; how and why to allow them; and the main goals desired by the City in using PUD's and specific benefits to focus on. Mr. Gozola sought input on the current background and project understanding shown on pages 2 - 4 of Attachment B.

Councilmember Willmus, with concurrence by Mayor Roe, stated he would not agree with a PUD only being tied to a subdivision process only; but would look at applicability beyond just subdivisions.

Councilmember Willmus stated that Mr. Gozola's presentation slides #25 and #26 concisely stated his thoughts on PUD's.

Councilmember McGehee stated there should be no limit on where a PUD should be; advised that she was not a fan of Conditional Use permits; and liked the sustainability and storm water management aspects; and supported structured parking as incentives.

To add to what was already stated, Mayor Roe opined that the PUD process should not be unrestricted as to what could be done, but more specific as to the limits and what can happen. Mayor Roe stated he was not supportive of a PUD approval based on who was sitting at the City Council dais rather than having a consistent policy for a developer to follow versus doing whatever they wanted to do. Mayor Roe spoke in support of standards and parameters that outlived a sitting City Council to avoid potential arbitrary issues or concerns. Mayor Roe opined that a perceived problem with the old PUD's was that basically anything could be proposed with majority support of the City Council.

Councilmember McGehee stated her biggest concern with the old PUD was the lack of protection for underlying zoning as implemented and without a public engagement piece.

Mayor Roe concurred that the public engagement piece was missing in most development activity at that time. Councilmember McGehee recognized and agreed with the five points for flexibility as listed: building placement, parking standards, trees/landscaping, exterior materials, and open spaces.

Councilmember Etten agreed with presentation slides #25 and #26 as well; noting that the tree preservation ordinance stated the same objective in allowing flexibility as with the PUD. Councilmember Etten opined that overlaying the PUD with underlying zoning made a lot of sense and served the community better in the long-term.

Councilmember Willmus echoed the comments of Councilmember McGehee, agreeing that the community had issues with the old PUD when the underlying zoning was stripped away and protections lost. Councilmember Willmus spoke in support of the directions highlighted, with specificity or a broad general look, and the overlay maintaining the underlying zoning. Councilmember Willmus stated he had less concern about having a more open book and seeing what creative aspects could come out in some areas.

Mayor Roe noted that in the old process, the PUD was zoning and you had to catch everything, and clarified that many PUD's with perceived problems as he previously stated actually did not get approved.

Chair Boguszewski asked individual commissioners to share their thoughts specific to PUD's.

Commissioner Daire stated one thing that struck him is the quid pro quo nature of the PUD, allowing tailoring of responses for staff, the Commission and City Council for a development proposal. Commissioner Daire agreed that if you had four units, this would not be a good tool for that, but it allowed for creative give and take; and agreed that the PUD can't be used to work around the variance process. If it was felt there was the need for some ability to address good proposals at the same time as offsetting their impacts, Commissioner Daire agreed that the PUD concept allowed for that versus the Conditional Use permit process; and also agreed with the idea of an overlay designated zone for PUD's. From an historical standpoint, Commissioner Daire opined that it was difficult to see where the Conditional Use permit applied and impacts they've had, while with an overlay district they could be quickly identified, such as with the Twin Lakes Redevelopment Area for focus.

Commissioner Bull agreed the idea of an overlay served as a great foundation as long as the structural standards remained behind it, and allowing the PUD flexible guidelines. With that flexibility, Commissioner Bull opined it was harder to apply standards and could create difficulty for staff, the Commission and City Council to determine trade-offs.

Vice Chair Cunningham agreed with the concepts of presentation slide #25.

Commissioner Murphy agreed with keeping the underlying zoning requirements and whatever language would be constructed to provide a measure of success if applied consistently. Commissioner Murphy noted that, even with different staff and/or Councilmembers, the rules would remain the same from year to year and receive similar results when applied.

Commissioner Stellmach expressed appreciation for all of tonight's information and discussion, but offered no opinion or comment beyond that at this time without having more time to digest it.

Commissioner Gitzen opined that the PUD was an important tool for the City Council; and allowed consideration of a variety of options and some sensitivity for particular sites. Commissioner Gitzen opined that the PUD process should provide for land uses and density variations as the community redeveloped and moved ahead.

Chair Boguszewski also agreed with the need for strong public outreach upfront to make sure of a transparent, consistent process and application of standards to avoid misperceptions as often found in the past.

Councilmember McGehee agreed with Councilmember Willmus' statement about creativity; opining that often with rigid planning it seemed that only the City or its staff had really good ideas; while this could open the City up to other ideas and diverse projects.

When the City Council first started considering this, Councilmember Willmus noted it was specifically under the context of residential applications or uses; however, the more he considered it, he was now finding himself looking citywide to address future questions.

Mayor Roe agreed with a citywide consideration and opined that the Conditional Use was not a bad tool, but that it really was most applicable specifically to allowing a particular type of use, with conditions, and could not be used very well as a tool for flexibility beyond just the type of use on the site. Mayor Roe opined the PUD provided a more flexible tool to deal with multiple issues broader than a Conditional Use permit; and while he was initially opposed to reopening the PUD process, he was now coming around.

Mayor Roe thanked the Planning Commission for their attendance tonight, their ongoing good work, and their input for this discussion.

Mr. Gozola thanked the City Council and Planning Commission for this joint meeting, and the helpful feedback it provided him.

Extract of the December 7, 2015, Roseville City Council Meeting Minutes

a. Receive Update on Proposed Planned Unit Development (PUD) Ordinance

City Planner Thomas Paschke and Sambatec Consultant Ben Gozola were available to receive feedback on the most recent update on the proposed PUD ordinance prior to moving forward with a draft to the Planning Commission as modified and detailed in the RCA and draft PUD regulations dated December 7, 2015.

Mr. Gozola reviewed the revisions since the original November draft and subsequent City Council feedback to-date; with comments specifically addressed via Attachment C.

Councilmember Willmus

Overall, Councilmember Willmus stated he found the draft to be on the right track.

PUD Qualifications (Section A, (5) - Page 3, line 64

Councilmember Willmus asked if there was a need to have all land area controlled under single ownership, which he found an area of concern.

Specific to ownership and establishment of PUD's for areas of a plan under single ownership or control, Councilmember Willmus stated his concern, since there could be a partnership or corporation situation, or multiple controlling parties. However it was decided, Councilmember Willmus noted the need to be clear and consistent throughout the document, noting a contradiction from page 3 to page 12 as currently written.

PUD Review Procedure (Section 9, pages 5 and 6)

Councilmember Willmus noted issues in the past with PUD's and the design review committee's closed door approach, and suggested revised language beyond "...unless waived by staff...", allowing for decision-points in a more open, transparent process for the Planning Commission and/or City Council through a public body to allow people to see what was happening from the front end of a project.

Page 12, #7

Operating and maintenance of common areas, Councilmember Willmus opined that appeared to address residential settings, and his preference was that this also easily apply to commercial settings too. Councilmember Willmus also noted that no matter the ownership of a property, it was important to define who would be the holder of the documents, whether or not it was the city, but expressed his lack of interest in the city becoming an arbitrator for snow plowing, etc. with preference that those things be recorded with the property title for those parties involved in the PUD and outside the city's role.

Councilmember McGehee

Councilmember McGehee agreed she thought this was on the right track, but expressed some confusion in line with those comments of Councilmember Willmus about sharing common ownership by entities and how to interpret those entities or individual contracts. Councilmember McGehee expressed her need to more clearly understand what is being proposed; and if the goal was to avoid the city arbitrating how something worked in a variety of scenarios, especially in commercial areas, she was in agreement with that.

39 As touched upon by Councilmember Willmus, Councilmember McGehee noted her concern
40 with the design review committee consisting of staff, opining that she would like to hear the
41 consultant address what triggers were in place to move that from an administrative review to
42 one in a more public or transparent arena to inform the public and the process itself. From
43 her personal point of view, Councilmember McGehee stated there was more visibility needed
44 beyond the Planning Commission, but was unsure of the trigger or threshold to bring that
45 potential waiver to the City Council for more review.

46 Mayor Roe noted that related to the PUD submittal requirements (page 6) and needed further
47 conversation.

48 **Councilmember Etten**

49 Page 6, Item #2

50 Specific to PUD submittal plan requirements brought up by Councilmember Willmus,
51 Councilmember Etten stated his interpretation was that these items should be part of the
52 public meeting and public application process, but anything waived by staff was determined
53 not to be specific requirements and not material to that particular application.

54 Mr. Gozola noted that at that point it would only be a concept plan going before the Planning
55 Commission and City Council; and if more information was needed the applicant needed to
56 provide that to staff and include it with any preliminary application.

57 PUD cancellation, page 12

58 Regarding the city having the sole right to cancel a PUD, Councilmember Etten questioned if
59 that included after development.

60 Mr. Gozola responded that he had yet to see one cancelled, and had pulled this language from
61 that of another city. However, Mr. Gozola suggested the City should have that cancellation
62 ability should it ever find itself in a position needing it.

63 **Councilmember Laliberte**

64 Design Review Committee

65 Councilmember Laliberte also expressed concerns in the lack of transparency in a quasi-
66 review process behind closed doors.

67 Timeframe (page 8)

68 Councilmember Laliberte opined the difference in clauses about 365 days and 3 months ,and
69 questioned that rationale.

70 Mr. Gozola noted that the 365 days related to when the concept plan was submitted, and
71 typical timeline between concept and preliminary plat states; with the developer required to
72 set an open house within 3 months to keep plans relevant. Mr. Gozola noted the potential for
73 someone to do quicker or wait longer, and if longer, a second open house would be required.

74 **Mayor Roe**

75 Purpose and intent (Page 1, paragraph 1.1.a)

76 While a minor point, Mayor Roe noted the need to retain flexibility for development of
77 neighborhoods and in non-residential areas, and suggested stating “residential and non-
78 residential areas.”

79

80 Enhanced Buffering (Page 5, paragraph 3)

81 Mayor Roe noted along property lines abutting different use types, this was more specific
82 from the City Council's point of view (e.g. single-family, medium density residential or
83 parks/open space) and specific areas needing more focus on buffers and adjacencies. Mayor
84 Roe suggested talking about those specific districts as a starting point, but still stating the
85 possibility for more or additional districts.

86 Open House Meeting Requirement (Page 8)

87 Mayor Roe stated he was not aware of a slightly different requirement in several areas; and
88 asked that code be reviewed for consistency to provide a single open house process for all, an
89 area of organizational consideration for staff and the City Council.

90 Preliminary Plan and Timeframe

91 Mayor Roe noted the 365 day and 3 month issue had already been addressed. In other land
92 use issues, Mayor Roe recalled language of not less than 15 days and not more than 45 days,
93 and for consistency, suggested justifying one or the other, based on that previous detailed
94 discussion.

95 **Councilmember McGehee**

96 Regarding cancellation of a PUD, Councilmember McGehee stated she found that strange,
97 since the City could amend PUD's, but didn't have the ability to do anything else according
98 to this document to restrict a PUD, expressed her confusion as to why the City Council had
99 the ability to cancel a PUD, and asked that the next discussion would provide more
100 background on that point.

101 Discussion

102 Single Entities (page 3)

103 Mr. Gozola advised that he understood the questioned raised, and the City Council needed to
104 be comfortable with the language of their ordinance and that it met the needs of the applicant
105 process in Roseville.

106 Using Rosedale Center as an example, Mr. Gozola questioned how to address and avoid
107 separate agreements with separate entities.

108 Community Development Director Paul Bilotta suggested language indicating that all parties,
109 who are owners, have to be part of the PUD contract.

110 City Attorney Gaughan advised, if the City Council wasn't comfortable in requiring some
111 formal partnership, a similar approval process to that of Rosedale Center could be used
112 requiring consent from all ownership interests; with that provision made rather than the City
113 acquiring partnership interests on a PUD.

114 Without objection, this language was agreed to by City Council consensus.

115 Mayor Roe clarified that he had no objection of working with a single conglomerate or
116 document, simply how best to express it.

117 2 acre versus other sizes

118 Mayor Roe suggested that because any parcels smaller than 2 acres could be combined, this
119 would effectively cover the entire city.

120 After minimal discussion, without objection, the City Council agreed to the 2 acre language.

121 Adjacency to specific districts (Page 5)

122 Councilmember Willmus suggested more specificity with other city documents, naming
123 specific districts (e.g. LDR, MDR, Parks/Open Space) as suggested by Mayor Roe as a good
124 starting point, and providing protections to residential districts.

125 Without objection, the City Council agreed.

126 Transparency and public participation (page 6)

127 From his perspective, Mayor Roe opined this made sense from a transparency and early
128 involvement of the public in the process, moving the concept plan before the open house, but
129 still maintaining notification of those within 500'. Even if it comes before the City Council
130 and proceeds no further, Mayor Roe noted this at least provided an opportunity for the public
131 to comment, as well as during preliminary and final plat approval; using the same
132 notification process and open house requirements. Mayor Roe opined this accomplished the
133 goal consistent with other areas.

134 Councilmember McGehee agreed, but questioned the trigger for that public review versus
135 administrative review.

136 Mayor Roe noted that was the next part of the discussion.

137 In context, Councilmember Willmus agreed with where it fell in this document, but noted
138 some of the details were important for the public to know (e.g. density, development
139 schedules, etc.) and if staff deemed that information wasn't important or pertinent, there may
140 be others in the community that felt it was and wanted that information early on in the
141 process to provide their feedback before the formal public hearing at the Planning
142 Commission. Councilmember Willmus stated his preference to have that on the table and not
143 give staff an opportunity to waive any of those items.

144 Mr. Bilotta noted that by bringing the concept to the City Council for a first look without any
145 decision-making, provided an opportunity for staff to justify why they were waiving
146 anything; and if the RCA came forward for consideration of a concept plan, and staff waived
147 any items, the City Council would then have the right to address that.

148 Councilmember Willmus agreed to that as long as attention was called to it and it wasn't
149 simply omitted.

150 Mayor Roe clarified that any waiving by staff had to be justified by them.

151 Councilmember Etten agreed with that process, if the RCA clearly stated why staff waived
152 any items from the standard list; with Mayor Roe opining it seemed consistent with other
153 items received by the City Council.

154 Mr. Bilotta used wetland delineation as an example with Rosedale Center and depending on
155 soil types, at the early stage it may be an important piece, but at the concept level, would
156 provide an opportunity for City Council and public comment before soil borings were done.
157 While this may serve as only a caution from staff and no costs were yet incurred, Mr. Bilotta

158 noted this provided an opportunity for feedback from the City Council and public for the
159 applicant.

160 Councilmember McGehee stated she found this list similar to that used for past
161 Environmental Assessment Worksheet forms, as a checklist, with “not applicable” for boxes
162 as appropriate, and as her preference for such a checklist to come before the City Council.

163 Mayor Roe requested the consultant, by general consensus, to add staff justification of
164 administrative waivers of requirements as part of the process and reflected in language
165 accordingly.

166 Timeframe (Page 8)

167 Mr. Bilotta noted that typically in ordinance the timeframes were one year and 180 days.
168 However, realistically with Minnesota weather, Mr. Bilotta noted how that could impact
169 development and construction cycles, resulting in the 365 day time period depending on
170 when the process was initiated and how long analysis required, with the ultimate goal of
171 developers with a contract to get through the process as quickly as possible.

172 Without objection, the City Council agreed.

173 To be consistent, Councilmember Laliberte asked that the 15/45 day period be followed.
174 However, Councilmember Laliberte noted current work by two advisory commissions on
175 notification process and their task force recommendations, asking that the consultant
176 acknowledge their work and recommendations as they related to this document.

177 Operating and maintenance requirements for common area – single ownership (Page 12)

178 Mayor Roe agreed that the city didn’t want to get into dispute resolution.

179 Mr. Bilotta agreed with Councilmember Willmus that the documents should be recorded
180 between parties, but somehow injecting the city as an intervening party in case one of the
181 other parties defaulted (e.g. snow removal) to resolve any issues.

182 Mayor Roe questioned if the city would be enforcing the terms of any PUD.

183 As an example, Councilmember Willmus, noted cross titles of properties.

184 Mr. Bilotta noted the need for the city to be third party to a PUD agreement so other parties
185 couldn’t undo any situation.

186 Cancellation (Page 13)

187 Councilmember Willmus opined there was a viable role for the City to have cancellation
188 authority should a PUD at some point in the future come forward for rezoning or
189 redevelopment, and retain the ability to terminate any agreement in place.

190 Councilmember McGehee expressed interest in better understanding that.

191 City Planner Paschke used the 1980’s era Center Pointe development as an example; and
192 current issues specific to uses, with that PUD amended two separate times already, and
193 difficulties in selling one vacant lot because uses for it were currently so narrowly defined.
194 Mr. Paschke opined that the only option to address that was to cancel the PUD or
195 modify/amend the PUD. By having the ability for the City to cancel the entire PUD, Mr.
196 Paschke advised that it would allow them to look at the entire PUD and determine whether or

197 not the conditions of approval were still applicable to the agreement of if rezoning was a
198 better tool to move forward beyond canceling the PUD.

199 Mr. Bilotta noted other similar actions, such as moving from Industrial to Medium Density
200 Residential zoning, and having the same controls over a PUD and not being locked into
201 place, but having the ability to cancel a PUD versus amending them if multiple issues were
202 found. In response to Councilmember McGehee, Mr. Bilotta advised this would allow
203 cancelation of a PUD versus having a whole series of PUD's on top of other PUD's, by
204 rescinding all of them and creating a new PUD.

205 Councilmember McGehee noted this clarified that it was a collaborative effort versus her
206 initial understanding that it would be the City pulling a PUD out from under a developer or
207 property owner.

208 Mr. Gozola advised that his only remaining questions were about overarching goals (page 1)
209 and PUD review criteria (page 4); and thanked the City Council for their feedback.

210 Mayor Roe thanked Mr. Gozola for the fantastic job with the draft to-date. Mayor Roe noted
211 the next step would be the consultant redrafting the document for presentation at the Planning
212 Commission and the subsequent process to follow.

213

214

Public Comment

215 **Lisa McCormick**

216 Page 3, Section 6.a

217 Ms. McCormick noted current language of “substantially similar” and for some reason that
218 caught her attention in questioning how that would be judged. Ms. McCormick stated she
219 was unclear as to whether that was a staff decision, but she would prefer it earlier on in the
220 process.

221 Mayor Roe clarified that it would be the public part of the process if not on the list explained
222 in the process.

223 Page 8, Section b.1

224 Having attended several open houses, Ms. McCormick suggested the need for a standardized
225 form or checklist for applicants and for those attending to know what type of information
226 was expected of the applicant.

227 Page 12

228 Based on her personal experience, Ms. McCormick encouraged the City Council to adopt a
229 policy of having development agreements recorded, especially related to older PUD's and
230 land acquisition to determine easily what private agreements were in place. Ms. McCormick
231 opined this would provide another checkpoint to know requirements for maintenance
232 required by the City.

233 Page 7

234 Related to concept proposal review, Ms. McCormick stated that she was a proponent of
235 minimum 500' notification area, as being reviewed by the task force as they review current
236 zoning notification areas. Ms. McCormick noted the PIK situation was a good case in point,
237 as she was clearly interested in that parcel, but not being within 500' had not received any

238 notice, and suggested the need to involve interested parties via the website for public
239 awareness of significant projects.

240 Specific to Ms. McCormick's comments, Mayor Roe asked staff to respond.

241 Mr. Bilotta advised that any documents, including development agreements that ran with the
242 land were recorded by the city, including all previous PUD's.

243 Mayor Roe asked that the consultant review specific language of the proposed ordinance
244 compared to state statute.

245 Councilmember Willmus noted that Ramsey County was obligated to record any document
246 presented to them.

247 Related to permitted uses, Mr. Bilotta advised that every day staff was required to interpret
248 what is considered "similar," and needed to distinguish various items based on previous City
249 Council action and direction. Mr. Bilotta assured the City Council and public that staff was
250 not attempting to gain any additional powers beyond what had already been delegated to
251 them.

252 Councilmember McGehee opined that the 500' notification issue brought forward by Ms.
253 McCormick was a valid concern, especially when there was a large piece of undeveloped
254 land that people in that area may be interested in; and suggested some way to address those
255 particular situations.

256 Mayor Roe noted the task force was currently reviewing that for recommendation; and
257 reiterated his long-ago proposal that hadn't gained any traction, but suggested basing notices
258 on the longest dimension of a property.

259 Mr. Bilotta noted that was one piece missing from current procedure, and advised that a
260 recommendation coming from the notifications task force would solve 80-90% of the
261 problem. Mr. Bilotta reported that their recommendation was, when there was a big land use
262 action, a large sign would be placed to provide notice to those in the area or driving by.

263 Councilmember McGehee expressed her support of the sign concept.

**EXTRACT OF THE FEBRUARY 3, 2016, ROSEVILLE PLANNING COMMISSION
MEETING MINUTES**

a. PROJECT FILE 0017, Amendment 26

Request by the Community Development Department to consider a Zoning Code Text Amendment to Title 10 of Roseville City Code, establishing a Planned Unit Development (PUD) process

Chair Boguszewski opened the public hearing for Project File 0017 at approximately 6:38 p.m.

City Planner Thomas Paschke advised noted discussion of the PUD process when the Commission met jointly with the City Council and Sambatek consultant Ben Gozola to review the PUD process itself and initiate the ordinance update. Mr. Paschke briefly noted the resulting discussion on ideas and overview for the planning document, followed by the City Council's review of a preliminary draft at their December 7, 2015 meeting, providing a further opportunity between then and now for staff and the consultant to further refine the process. Mr. Paschke noted that Mr. Gozola was present tonight with the latest update for consideration by the Commission, and to receive public input.

Sambatek consultant Ben Gozola provided a review as detailed in the staff report dated February 3, 2016, and attachments. Mr. Gozola noted several overarching issues identified throughout the update process:

- 1) The city didn't want any new PUD zoning districts, but preferred to move toward an overlay district as presented tonight, with the intent to create a win-win for all and providing adequate documentation to show trade-offs for all to clearly understand.
- 2) As part of that, consideration of how to deal with older PUD's citywide now, and push to make sure that process was open and transparent for the public, one of the concerns expressed with the old PUD process and perception that there was a lack of openness. Mr. Gozola noted that was a priority expressed to make sure the process was open and public throughout, while allowing flexibility as one of the important components moving forward.

Mr. Gozola referenced "Attachment B" as a highlighted copy of proposed City Code, creating "Chapter 1023: Planned Unit Developments," and intended for tonight's discussion. Mr. Gozola advised that the City Attorney had been involved in helping draft language following the City Council's last review, as noted, and specifically addressing various issues.

Mr. Gozola summarized various subsections addressing specific requests made previously by the City Council and/or Planning Commission, including flexibilities (Section 1023.07); minimum and/or maximum parking standards by reduction of stalls or lot configuration.

As part of the parking area of flexibility (Item D), Mr. Gozola suggested wording as noted "... allowing flexibility for all districts throughout the City."

In Section 1023.09 – PUD Review Procedures (pages 5 – 12 of Attachment B), Mr. Gozola noted that section established a 5-step PUD review process refined by the City Council and staff over the course of a project, and reviewed various steps in the process, with various areas that staff may waive administratively, but alerting the City Council and Commission of their rationale in doing so and available for future reference. For instance, Mr. Gozola noted that the sketch plan process may be waived.

Mr. Gozola further noted that the second developer open house meeting was now included by policy and to formally address to the public what resolution was provided by the developer of any concerns or issues brought forward by the public during the first open house (Line 226 – 4th step). As noted on pages 12-13, Mr. Gozola noted that staff would draft the first rendition of language for the first overlay district plan, with developer costs covering city staff time to do so.

Commission Discussion/Deliberation

Member Murphy questioned the process or series of steps called out to convert pre-existing PUD's to the new overlay district (line 397).

Mr. Gozola responded that the effort was trying to describe that existing PUD's would not be touched unless needing major changes, but would be considered on a case-by-case basis in which case it may send it back to the concept plan stage. At that time, Mr. Gozola noted that a draft overlay district may be indicated at that point, or a new PUD adopted and cancellation of the old PUD depending on the extent of change.

At the request of Member Murphy, Mr. Gozola confirmed that if amending a pre-existing PUD, the end result intended is an overlay. As an example, Mr. Gozola noted the Rosedale Center pre-existing PUD and if this ordinance had been in place at the time of the latest amendment, it would have moved back to the concept plan step and been cleaned up.

Member Gitzen referred to a number of sections throughout the draft document referencing other spots that appeared to be missing applicable section numbers (e.g. line 82). Mr. Gozola thanked Member Gitzen for noting that, making note that the document needed further review to make references and sections consistent.

Member Bull sought clarification of the role of developers, applicants and/or property owners in the PUD overlay.

Mr. Gozola noted that typically both the owner and developer would be participants in the application process, coming together with a proposal for their intent; with both parties working with city staff to craft the overlay district language itself, with staff overseeing that process to ensure it fits with city code language.

At the request of Member Bull, Mr. Paschke advised that typically a property owner and developer seeking to redevelop or proposing a specific project, if supported by the Commission and City Council. In the end, Mr. Paschke noted that there may be an entirely different owner at some point beyond the current owner/applicant/developer after that initial process. However, Mr. Paschke noted that the PUD document would be recorded against the property, remaining similar to today's process. At a minimum, Mr. Paschke noted that the property owner, if not an applicant, had to sign the application

or provide a letter of support for the project with the ownership group signing for it, and all parties acknowledging their agreement with the proposed process.

Specific to amending an existing PUD, Member Bull referenced comments from Mr. Gozola that a developer may request an amendment, and questioned if this could be any developer, or if it could only be the original developer who may no longer exist.

Mr. Gozola clarified that it could be any person with existing control or ownership of the property.

Mr. Paschke concurred, noting that the developer being referenced in this language is a new person interested in doing something different, and therefore prompting amendment of an existing PUD.

Member Daire asked if both had to be done in concert with the present owner of that particular property; with Mr. Paschke responding that was accurate or having control of those properties within that PUD.

Member Bull questioned why an application could not be resubmitted for a year, and why that particular time period.

Mr. Gozola advised that was intended to avoid confusion for the public with a developer applying repeatedly with multiple applications if initially denied. To avoid public concern, especially if the development may be an emotional one in the community or neighborhood, Mr. Gozola noted that the intent was for a developer to take time to address the findings for denial with their previous application. Mr. Gozola noted that the intent was to convey that the city didn't want to see another application unless it was new and could prove successful.

Member Daire asked if the one-year application period for resubmitting a zoning change was consistent with other areas of zoning code; to which Mr. Paschke responded that it was.

Specific to the PUD sketch plan proposal review, and date for the City Council to review the plans and provide their feedback to the applicant (lines 200-202), Member Bull questioned how that date could be known at that time and communicated with homeowners to ensure interested parties were available to attend that open house.

Mr. Gozola clarified that this step was previously drafted for additional city notice for a PUD sketch plan for notice of properties within 500'. However, at the direction of staff, Mr. Gozola advised that with the addition of the initial developer's open house and that meeting notice and process, a secondary notice was deemed unnecessary. Mr. Paschke concurred with Mr. Gozola's synopsis.

Member Bull noted that the comment (BGA24) was not carried over into the text specific to setting a date.

Mr. Gozola concurred, noting that his understanding of the city's initial open house and process would provide that information at that time.

Mr. Paschke agreed, noting that generally speaking, staff didn't feel it was necessary to send out a notice on a sketch plan coming before the City Council for initial review, when it was the attempt to get the project before the City Council and those potentially interested. Mr. Paschke noted that there would be various venues for the public to

monitor this particular project and proposal, but giving a tentative date would serve as a good beginning for the public to track upcoming agendas and determine which meeting an issue was coming before the City Council.

Member Bull noted the need for the public to be proactive in determining that 45-day period.

Member Bull noted, in various requirements for the plan, he thought it would be helpful that diagrams not only show property boundaries and the sketch plan, but also surrounding properties so provide information on the consistency in that zoning and not requiring due diligence in accessing other reference materials.

Mr. Gozola concurred with that suggestion, and noted it would be easy to add to the list of materials.

Member Bull questioned, in staff's drafting of the ordinance to establish the potential overlay district (line 293); what effort was being required of staff to draft something without preliminary approval, and further questioned the timing of that draft. Member Bull sought to ensure staff's time was not being wasted without first having that preliminary approval.

Mr. Gozola understood Member Bull's concerns, but from his experience had found it helpful to have preliminary language included providing some idea, even though it may require further refinement.

Member Bull questioned the basis for 90-days for submission (line 305), and questioned how a developer may feel with that timeframe. Member Bull questioned if that was consistent with other communities, or how it have been arrived at.

Mr. Gozola advised that he had frequently used that timeframe in other communities, but it could be set at the preference of the commission. Mr. Gozola noted that 90-days kept things from dragging out and ensured that the ball didn't stop rolling.

Specific to the commission's review of the final plat (line 340), Member Bull noted that the commission didn't typically review the final plat, with it proceeding directly to the City Council. Member Bull noted that the current process was for the preliminary plat to be carried through with refinements done by staff, to the City Council; and questioned why this was proposed to be different here.

Mr. Gozola advised that this provided for an additional public hearing to adopt the overlay district and language; and suggested this allowed the commission to see the plans and to determine whether or not they're in substantial compliance.

At the request of Member Bull as to whether they would also be reviewed at the City Council level, Mr. Paschke advised that this would not be done in the future. Mr. Paschke advised that the intent was to have the commission more involved in shepherding things through to the City Council, and reviewing the details throughout the proposed 5-step process.

Chair Boguszewski noted that, with this proposed process, this provided a final opportunity for public input.

Mr. Gozola concurred, noting that the public could then have the opportunity to address ordinance district language itself to verify it fulfills the intended purpose, but recognized that the decision would already be substantially made at that point.

Mr. Paschke noted that there could be additional minor refinements to make sure the details were consistent with and addressed any concerns, and that mitigations and impacts had been addressed.

Referencing line 249 for City Council approval in whole or in part, Member Bull questioned how “partial approval” would work.

Mr. Gozola advised that the City Council may find that the first phase of a PUD work together (e.g. three phases of a PUD plan), or that the first phase can work on its own merits, but the second and third phases may require further tweaking. Under that scenario, Mr. Gozola noted that therefore, the first phase could move forward but the developer would be required to return with the remaining phases for finalization at that time.

Member Bull questioned if phase one was approved, was the developer under any obligation to proceed with following phases.

As with any developer, Mr. Gozola noted the considerable time and cost involved in the application process, and while they may back out if necessary (e.g. finances, marketability, etc.) further noted that a developer may end up delaying or eliminating further phases based on realities.

If part of the property involved in a PUD overlay district changes ownership during the process, Member Bull questioned what would happen.

Mr. Gozola advised that, as a new owner, you would assume all recorded requirements of the land and be required to comply with those documents and obligations.

If the property changed ownership during the overlay process itself, Member Bull asked if the process had to start all over again.

Mr. Gozola advised that a new property owner would need to be party to the PUD application before moving down the path, noting that they would now have ownership of the plan and would need to be addressed as to apply for the application.

Regarding the first and second open houses (Section 1023.09 PUD Review Procedure beginning with line 138); Member Gitzen questioned the distinctions between the two and their specific pre-requisites.

Mr. Gozola advised that the language had first been drafted as “first” and “second” open houses, but after further in-house discussion, and the process outlined at the concept stage, it didn’t seem right to list them as such. Mr. Gozola noted that the intent was that the pre-requisite covered the first open house and a certain time period.

Member Gitzen stated his preference that they need further distinction somehow, whether the first was identified as a “preliminary” developer open house or otherwise defined.

Mr. Gozola suggested this proposed language made more sense to an existing PUD owner and provided a better understanding of their process. Mr. Gozola noted that the open houses would still be a component of the final plat.

Specific to the requirements of graphic scale (line 238) as a land surveyor, Member Gitzen asked that language be changed to “north arrow” rather than “true north arrow;” with that request duly noted by Mr. Gozola.

Member Daire noted that this language appears to mandate two open houses: one related to the sketch plan and one related to the concept plan for a PUD. When calling for developer open houses, Member Daire noted that intent was to have the process be as open and transparent as possible in describing what was going on, with notifications sent out to properties within 500’ of the project two times.

While this is not currently done, Mr. Paschke clarified that it is being considered; with the current process of staff providing an Excel spreadsheet to the developer from the City’s database allowing the developer to draft a mailing list of labels to meet their requirement to send out a specific notification, currently followed for any open house.

Since it would require no additional work for city staff, Member Daire contended that due to the two separate steps, an open house for the plan review process be included. Since the developer would already be receiving a mailing list for those deemed to be within 500’ of their property, Member Daire opined that he considered it inconsequential that the developer/owner be mandated to send a second notice to those same property owners within that 500’ radii using the initial list they received, specifying in bold print that this was a sketch plan and describing its intent, as well as the second review for the concept plan and describing that intent. While the open houses may seem redundant, Member Daire opined that it accomplishes the city’s purpose for transparency, and describing all changes up to that point. Member Daire reiterated his preference that the developer be mandated to mail both times to those within 500’, even while recognizing that the City of Roseville goes beyond the state law requirement of a 350’ notice radius. However, Member Daire further opined that he didn’t think this was asking too much of a developer to make that effort.

At the request of Mr. Paschke, Member Daire clarified that his intent was to further revise the language, referencing Section 1102.01.B for the open house process, to require notification for the sketch plan and again for the concept plan.

Mr. Paschke noted that this was the intent of the proposed language, with the first open house specific to the sketch plan and providing notice to properties within 500’ and to repeat that process for the concept plan. Mr. Paschke noted that staff reviews the content and information proposed by the developer for both mailings.

Member Daire sought clarification as to whether the developer/owner was required to provide a summary of both meetings to staff.

Mr. Paschke responded affirmatively, along with providing a summary to those attending the meeting as well to ensure that summary is consistent with the recollection of those in attendance and assuring them that their issues/concerns had been raised at the sketch plan stage. Therefore, Mr. Paschke noted that it was his understanding that as the proposal moved toward to the concept stage (e.g. hard documents) those issues were documented and had been addressed.

Mr. Gozola referenced the written summary requirements as a mandatory part of the application itself (line 231).

As confirmed by Mr. Paschke, Chair Boguszewski noted that the aforementioned and ongoing work of the joint notification task force, if ultimately approved by the CEC, Planning Commission and City Council, would apply to this as well. As an example, if the notification area changed, Chair Boguszewski noted it would also apply to this ordinance; with Mr. Paschke again confirming that supposition.

Member Stellmach referenced line 65, noting that even if a tract of land was less than two acres, there could still be a PUD overlay if the applicant demonstrated the project was of superior design. Member Stellmach suggested clarification of “at the discretion of staff” as it related to “superior” design and how that determination was made.

Mr. Gozola opined that it was implied, and would ultimately be at the discretion of the City Council. However, Mr. Gozola noted that the thought was that, before a proposal reached the City Council level, the door would not be shut on proposals that may have a lower level set than two acres. Admitting that the language may be interpreted as “wishy-washy,” it left the door open to consider those projects; especially when smaller than two acres may make it harder to address some of the benefits it may provide.

Mr. Paschke concurred, noting that step two of the process for presentation of the sketch plan before the City Council would allow that to be fleshed out and a determination made as to whether or not it applied to the PUD process.

Member Stellmach reiterated that it would depend on staff and the City Council to make that determination.

Member Gitzen suggested for those parcels of land less than two acres, the language should be revised to “eligible for” rather than “governed by;” with Mr. Gozola agreeable to either version; and Chair Boguszewski suggesting revising it at least preliminarily as suggested by Member Gitzen (line 64).

In addressing goals (Section 1023.08 PUD Review Criteria. Item F, starting at line 112), 0, Member Stellmach noted the four different options, and questioned how it had been determined to pick one or more of the goals as listed instead of insisting a developer try to achieve them all. As an example, Member Stellmach questioned if this would be too burdensome for a developer, or if there was some concern that a developer may end up with structured parking while ignoring sustainability goals.

Mr. Gozola noted that every site was different and constrained in some way if required to meet all of the goals. Mr. Gozola advised that the ultimate thought was to push people toward those goals, but not stop all PUD site development by stating

categorically they had to achieve all of the goals or a project wouldn't be considered; since they may not be viable at all sites.

Member Daire questioned it if wouldn't be to a developer's advantage to have more than one goal.

Mr. Gozola responded that it may, but could depend on the developer and the cost of which criteria to the bottom line if choosing to meet all (e.g. return on investment for structured parking). Mr. Gozola advised that it would probably be beneficial to accomplish more than one goal, but at a minimum, the developer would be required to meet one of the goals before the city considered moving a project forward.

Referencing the list of PUD sketch plan components (line 180), Member Stellmach noted language that "...at a minimum the plan SHOULD show..." certain components and asked if they were considered requirements, the language shouldn't be changed to "MUST SHOW" or "SHALL SHOW."

Because this references the sketch plan, Mr. Gozola responded that the thought was that it provide guidance on what was desired, but not all would be important for the developer at this point in providing their concept and receiving feedback from the city and community as to whether they should spend more money to proceed. Mr. Gozola noted that the intent of "SHOULD" was to allow that flexibility at this point for the developer.

Member Stellmach noted his understanding with that clarification that this section was to provide guidance of the types of things being sought, but not yet required at this point; and therefore agreed with the language as presented.

Member Daire opined that, if changed to "SHALL" rather than "SHOULD," the language should also be accompanied by "...UNLESS OTHERWISE DETERMINED BY DEVELOPMENT STAFF."

Mr. Gozola agreed with that, and as noted in lines 156-157, before all requirements, it was stated "...unless waived by staff."

In the event real property was conveyed (lines 4170418), Member Stellmach questioned if and how this applied to property ownership changing through an inheritance or transfer of land without a buyer, and if those buyers were bound by the overlay district as a purchaser would be.

Mr. Gozola responded that this language had been taken from another community as drafted by their city attorney, but suggested having the Roseville City Attorney take another look at this language to make sure he remained comfortable with it.

Member Stellmach asked how the City's Tree Preservation and Replacement Plan worked in conjunction with this language, and whether it was required for every project.

Mr. Gozola responded that requirements of that ordinance would apply to each site for specific review.

In preparing for a final staging plan (line 321), Member Bull suggested that language be provided similar to that of line 3352, that any deeds dedicated to the city be free of any encumbrances before approval and subsequent filing; and would be more appropriate after rather than before approval by the City Council.

Mr. Gozola advised that the intent was to protect the city, and offered to revise language at the preference of the City.

Ben – if required by tree preservation code – is applicable to each site – would need to review

Chair Boguszewski opined that was similar to the issues raised by Member Stellmach related to “superior design” (lines 102-103) with aesthetically pleasing considerations being in the eye of the beholder and subjective by nature. If staff doesn’t feel comfortable fighting those battles, Chair Boguszewski noted he got the point, but didn’t know if the language should be stricken accordingly or if alternative language based on Mr. Gozola’s experience may provide a way to state that more objectively.

Mr. Gozola advised that “enhanced” may be another word, but he remained unsure of whether addressing the city’s minimum landscaping preferences and use of “enhanced” got to the ultimately goal being sought after.

Mr. Paschke stated that “enhanced” to him meant more than a minimum; and “aesthetically pleasing” involved many types and varieties for landscape design. Mr. Paschke offered to further wordsmith the language if so directed by the commission and depending on their action tonight.

Chair Boguszewski asked staff to further review that section, and while it may not be consistent with the surrounding area, it seemed too subjective of a term from his perspective.

Chair Boguszewski noted another similarity with the lead-in (line 77) and desirability of providing guidance in using “...new and exciting development that would otherwise be possible...”

Member Murphy suggested striking language “and exciting” in line 77, opining that wouldn’t lose anything in the intent.

Chair Boguszewski suggested the need to retain the word “MUST” as the springboard, then remove “exciting.”

Member Gitzen stated he was going to suggest “innovative” versus “new and exciting.”

Member Murphy spoke against the term “innovative” depending on whether or not a concept was actually innovative or the eighth occurrence of similar use.

Chair Boguszewski agreed with Member Murphy to strike the “...AND EXCITING...” language.

Member Gitzen questioned where the preliminary and final plats to be submitted fit in.

Mr. Gozola responded that in Subd. D.2 (lines 229-230) that was referenced in city code outlining requirements for plats as part of the overall concept plan submitted as noted.

Mr. Paschke concurred, noting that they ran concurrently with the preliminary as part of the concept; and the commission would see the final as part of the process.

Chair Boguszewski thanked Mr. Gozola for his work on this ordinance.

Chair Boguszewski closed the public hearing at approximately 7:44 p.m., with no one appearing for or against.

MOTION

Member Boguszewski moved, seconded by Member Murphy to recommend to the City Council approval of the draft PUD standards, based on tonight's discussion and amended as follows:

- **Line 64: Strike language "governed by" and replace with "eligible for"**
- **Line 77: Strike "and exciting" language**
- **LINE 82: Correct the formatting issue(s) referencing "Section A.1.b," and any others noted elsewhere specific to section references**
- **Line 87: Change "reduction" to "change"**
- **Lines 179-198: Add language to add "adjacent sites or areas"**
- **Line 238: Remove "true north arrow" and replace with "north arrow"**
- **Line 418: Strike "buyers" and replace with "new or subsequent owners"**

Member Bull opined that the one year requirement for not returning; and opined that if an application was not substantially the same, or included a different or less parcels than previously submitted, or indicated a substantial change, considering the considerable expense of the developer/owner in providing those detailed plans, he hated to restrict them with that timeframe. Member Bull noted that there could also be zoning or comprehensive plan changes during that time, or different city council members having different opinions on development aspects. Member Bull opined that it didn't benefit citizens or developers willing to pay another fee to go through the process if they chose to do so Member Bull suggested the city should be obligated to process any applications, noting that this was more substantial of a process than they would have with a simpler zoning request.

At the request of Chair Boguszewski, Mr. Paschke estimated the approximate time for a typical PUD process, from start to finish, at realistically 6-8 months depending on different occurrences, plans and other specifics for each PUD application.

Chair Boguszewski suggested it may be better to state that "within one year of the start date of the first project" so that realistically, it may be only 3-4 months, but still imply some type of limit that another submission could not be considered within a year of that initial application submittal rather than within a year of denial.

Member Bull stated his approval of that, allowing refinement of developer plans, while still expediting the timeframe.

Member Stellmach stated that he shared the concern about not being able to apply for a whole year, but questioned how a subsequent application was to be revised or fully address findings for denial of the previous submittal. In other words, Member Stellmach questioned how the review worked for a revised application versus a new application and how the timing component worked.

Mr. Gozola responded that an application could be submitted immediately if the plan addresses those required elements; but if the City Council denies the concept plan through a series of findings for that denial. Mr. Gozola noted that the attempt was being made to ensure a developer didn't address only some but not all in their intent to return immediately and not address major concerns. As noted by Member Stellmach, this would require the developer to fix the specific problems before moving forward, and not only in bits and pieces.

Chair Boguszewski noted that realistically with specific and concrete findings for denial that would become apparent early on in the process, between the sketch and concept plans or even earlier. Chair Boguszewski opined that it would be extremely rare or unlikely that the process would get to that final denial without the developer being aware of the issues behind the scenes.

Member Stellmach asked what provision and under what scenario for submission of a new application this would be triggered.

Mr. Paschke advised that it would be a completely different proposal for the same parcel. Mr. Paschke opined that submission of a totally different proposal for the same proposal was desirable without a timeout. Mr. Paschke questioned if or why the city would want developers to fish for various ideas without giving the neighborhood and city a break from an extensive process such as this; and also recognizing the considerable burden on the developer for plans and related costs, as well as on staff and neighbors considering a potential zoning change. Mr. Paschke further opined that this kept those developers attempting to short-cut the process to rethink their proposal to obtain future approval.

Member Bull stated his desire was to not see a developer strong-armed from being required to do nothing for 12 months before being considered again. Based on potential changes in society or economics, Member Bull noted such a delay may result in a project no longer being feasible or viable, placing a burden on a developer/owner that wasn't to anyone's advantage.

Member Daire opined that language of line 46 allowed serious developers/owners to proceed and make reasonable changes in their application in order to meet requirements of the concept plan, and also safeguarding his financial interests. Member Daire reiterated that he found those interests protected for both the developer and/or owner fully protected by line 46; allowing them to return with changes no different than his reaction to the sketch plan series of changes that may be required after the open house or city council review and before moving on to the concept plan. Member Daire opined that those interests are covered and delayed only as long as he decided it should be provided their ability to demonstrate those questions or concerns had been reasonable answered and within the law.

Member Stellmach stated that, in his read of findings for denial based on a similar submittal and not based on a substantially different PUD submittal; to which Mr. Paschke concurred. Member Stellmach noted that would be a different project could be submitted within a one year period.

Chair Boguszewski concurred, noting that this wasn't the type of thing trying to be avoided.

Member Murphy agreed with Member Daire's interpretation, allowing for a year's rest for consideration of that rezoning.

Mr. Paschke agreed that another one could not be sought sooner than one year.

Member Murphy stated that this seemed to him in lock step with that type of rezoning and opined it was a mistake to have the zoning and PUD rejection timings different.

Chair Boguszewski noted that, since it was addressing a substantially different development that was not subject to the one-year waiting period, he questioned if the intent of Member Murphy was to change the word "DENIAL" on line 46 within one year of the original application.

Member Murphy clarified that the language as written was fine with him.

Member Bull reiterated his initial concerns, but agreed with language as presented.

Mr. Paschke noted that the language was similar to that used in the zoning code.

Member Bull expressed appreciation for the detail included about submission requirements; and clarified that his concern was related to having it all encompassed in this ordinance; when attempts were made elsewhere to move things out of ordinance and into applications for staff to be able to modify as needed verses requirements to change ordinances or modify language repeatedly (e.g. line 226)

Mr. Paschke noted there were two views: 1) that would be great to provide staff with that latitude and flexibility on the application and be able to determine whether or not certain things were worth having listed there. 2), Mr. Paschke noted that this is specific for unique developments versus typical applications, and therefore, he thought it would be better to retain it in the ordinance to encapsulate that special process and necessities rather than on the application form(s). Mr. Paschke stated that if found not working, which would be part of the initially testing, he would find it more applicable to be part of future code revisions; but if found to be occurring too frequently, the process could be changes accordingly. However, for the time-being, Mr. Paschke spoke in support of changes via ordinance.

Chair Boguszewski noted (line 233) the separation of submittals and applications related to the open house, and asked if that was to provide staff flexibility to change that administratively or if there could be a way to change it so it was still listed as a guide in the template.

Member Stellmach noted such as "the following and any additional items staff may feel appropriate."

Mr. Paschke cautioned revising that language, noting that it could be staff beyond that of the Community Development Department, such as the Engineer or Public Works Department, or even the Parks & Recreation Department as applicable.

Mr. Gozola also noted another benefit of this change may be if and when a judge looked at this list, and in staff's attempt to protect the city, once things were or were not included on the list on an application, or if the application itself changes and should not include the list for some reason, the process entered into a grey area in terms of whether or not an application can be deemed incomplete. Mr. Gozola noted that lines 227-228 in the introductory language allowed for such adjustments.

Chair Boguszewski recognized that logic. In lines 235-266, Chair Boguszewski noted that without the process for a majority vote of the City Council to change ordinance language, except with the language in line 227 allowing for waivers, such requirements could be selectively waived by staff.

Member Murphy noted that in order to prevent such a potential staff waiver and to retain the reasonable list provided, there would be nothing wrong with having a City Council level discussion that may add to that list. While items can be waived, Member Murphy opined it would not prove terribly burdensome to add additional items if items were found to be missed or new technologies indicated them. Seeing that PUD's are the exception to typical, straightforward land use issues, Member Murphy opined that the requirement to meet the exception list should be kept at a high level.

Chair Boguszewski asked his colleagues if, given their nature, changes of that manner should be reviewed by discussion of the City Council, and therefore kept in the currently proposed language; with the consensus of the body being affirmative.

Member Gitzen expressed concern related to cancellation language and whether it sufficiently addressed both pre-existing and new PUD's.

Mr. Paschke sought clarification that the concern was regarding pre-existing PUD's seeking to be cancelled and supported by staff, and would there would be any problems.

Member Gitzen noted his concern was whether they were consistent specific to the cancellation talked about when approved.

Mr. Paschke clarified that pre-existing or old PUD's didn't necessarily have agreements and were approved much differently than today's PUD's that were typically subject to conditions, most of which would have been met. If there was a need in an existing PUD for a condition yet to be met, or still needed, Mr. Paschke stated compared to those approved today, then Mr. Paschke stated that yes, it made sense to cancel those PUD's allowing them to function under the general zoning ordinance and no longer needing a PUD to amend if already covered in current code. However, Mr. Paschke noted that each of those would need to be reviewed independently; and the question answered whether if cancelled did it comply with today's requirements. Mr. Paschke noted that there may be some out there better served cancelled and addressed in ways other than through a PUD. Mr. Paschke noted that staff may not consider a PUD if they don't have conditions applied to them, or nothing binding, with zoning there forever and a day; and opined that it would clear up confusions and misconceptions.

Mr. Paschke advised that staff, as well as the City Attorney, were in agreement with the cancellation language as presented.

Ayes: 6

Nays: 0

Motion carried.

Chair Boguszewski noted this was scheduled to go before the City Council at their February 22, 2016 meeting; and tonight's meeting minutes would be included as part of the meeting materials as available.

Chair Boguszewski again thanked Mr. Gozola for his work; and Mr. Gozola expressed his pleasure in working with the Commission as well.