



REQUEST FOR CITY COUNCIL ACTION

Agenda Date: 04/11/2016

Agenda Item: 11.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 On March 28, 2016, the City Council received an overview of the final PUD ordinance
12 (Attachment A) and suggested Mr. Gozola come back with several clarifying changes. Changes
13 to the draft PUD are outlined in an email received by Mr. Gozola and attached to the redlined
14 version of the PUD (Attachment B).

15 PUBLIC COMMENT

16 On February 3, 2016, the Planning Commission held the duly noticed public hearing regarding
17 the establishment of new PUD standards. At the hearing Commissioners asked a number of
18 questions and sought clarification on six items (See Attachment G).

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

21 SUGGESTED CITY COUNCIL ACTION

22 Adopt an Ordinance establishing PUD standards, based on a review of the PUD ordinance,
23 comment received by the public, and those noted by Planning Commissioners.

Prepared by: Kari Collins, Interim Community Development Director

- Attachments: A: March 28, 2016 Overview F: 120715 CC minutes
- B: Draft PUD with Markups G: 020316 PC minutes
- C: Draft PUD Ordinance for Approval H: 032816 CC minutes
- D: Ordinance 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.

Kari Collins

From: Benjamin Gozola, AICP <BGozola@sambatek.com>
Sent: Tuesday, April 05, 2016 9:01 AM
To: Kari Collins; Thomas Paschke
Subject: RE: PUD Ordinance Updates
Attachments: ORD_PUDs_CC_04-05-16.docx; Comparison Document_Roseville PUD_CC_04-05-16.docx; Summary Publication Resolution_PUD_03-28-16.docx

Kari,

Attached are the updated documents. Note that in addition to the changes requested by Council, both sides have made a number of minor grammatical or punctuation updates which are also shown in the red-lined version. Council driven changes are highlighted in yellow.

Again, Council updates include:

- 1023.07(F) was updated to say “residential” density
- 1023.09(E)(2)(i) was updated to remove the first sentence which read “The Development Agreement may require an Operating and Maintenance Plan.”
- 1023.09(E)(3) was updated to include a new subdivision “b” that requires staff to once again disclose any informational requirements that were waived. Note that Council had identified this as becoming a new subdivision “c,” but it seemed to fit better as “b” given the language in subdivision “a.”
- I added a new 1023.09(E)(4) to outline a specific time limit to act on an approved PUD. I used language similar to your time deadlines for conditional use permits.
- 1023.10 was updated to remove the possessive from PUDs.

Please let me know if you need anything further – thank you!

Benjamin Gozola

Senior Planner

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Engineering | [Surveying](#) | [Planning](#) | [Environmental](#)
[MFRA is now Sambatek!](#)



From: Kari Collins [mailto:Kari.Collins@cityofroseville.com]

Sent: Tuesday, April 05, 2016 8:06 AM

To: Benjamin Gozola, AICP; Thomas Paschke

Subject: RE: PUD Ordinance Updates

Ben, will you send the revised redlined version as well? Just want to make sure the clean/redlined version match.

Thanks,

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, ~~ete~~);
- 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 ~~intensity~~ 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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57 **1023.03: REFLECTION ON THE OFFICIAL ZONING MAP**

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

66 **1023.04: PERMITTED LOCATIONS FOR PUD REZONING**

67 Establishment of a PUD ~~overlay district~~Overlay District may be requested for any area regardless
68 of current zoning.

69 **1023.05: PUD QUALIFICATIONS**

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

79 **1023.06: PERMITTED USES WITHIN A PUD**

- 80 **A.** The extent of permitted land uses within a PUD shall be limited to those land uses that are
81 either permitted or deemed by the Community Development Department to be substantially
82 similar to those allowed in the underlying zoning district.
- 83 **B.** Adopted PUD ~~overlay district~~Overlay District regulations may include specific provisions
84 governing uses which supersede underlying zoning requirements.
- 85 **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 [residential](#) 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~~[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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- 119 C. The design achieves maximum compatibility with surrounding land uses, both existing and
120 anticipated, and shall minimize the potential adverse impacts that the PUD and surrounding
121 land uses may have on one another;
- 122 D. The design takes into consideration proposed modification of underlying zoning
123 requirements; and provides appropriate solutions to eliminate adverse impacts that proposed
124 modifications may impose on surrounding lands;
- 125 E. If the proposed PUD involves construction over two or more phases, the applicant has
126 demonstrated that each phase is capable of being a stand-alone development independent of
127 other phases; and
- 128 F. At least one or more of the following specific goals will be achieved by the proposed PUD:

129 **1. Sustainability Improvements**

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

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

142 **2. Improved Storm Water Management**

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

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

- a. Significant vegetative screening and maintenance of existing vegetation if possible and appropriate;
- b. Increased setbacks; [and/or](#)
- c. Inclusion of berms, walls, fencing, or a combination of such.

4. Structured Parking

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

1023.09: PUD REVIEW PROCEDURE

All requests to establish a ~~Planned Unit Development overlay district~~ [PUD Overlay District](#) shall be initiated by following the steps below.

A. Developer Open House Required

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

B. PUD Sketch Plan

1. Purpose

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

2. Specific PUD Sketch Plan Submittal Requirements

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

- a. A listing of contact information including name(s), address(es) and phone number(s) of: the owner of record, authorized agents or representatives, the engineer, the surveyor, and any other relevant associates;
- b. A listing of the following site data: Addressaddress, current zoning, parcel size in acres and square feet and the current legal description(s);
- 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;
- 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;
- 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;
- 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
- g. A PUD Sketch Plan illustrating the nature and type of proposed development. At a minimum, the plan should show:
 - 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; ~~etc.~~);
 - 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
- xii. ~~Other: An applicant may submit any~~ Any additional information that may explain the proposed PUD.

3. PUD Sketch Plan Proposal Review

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

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

C. Second Developer Open House Meeting Required

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

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D. PUD Concept Plan

1. Prerequisites

- a. No application for a PUD Concept Plan will be accepted unless a distinctly similar proposal has completed the PUD Sketch Plan review process within the previous year from the date of the Concept Plan application.
- b. No application for a PUD Concept Plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 45 days prior to the submission of a PUD Concept ~~PUD~~ 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 ~~which~~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, ~~etc.~~);
 - 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;

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

- 314 i. Any other information as directed by the Community Development Department.

315 **3. PUD Concept Plan Review**

- 316 a. As part of the review process for a PUD Concept Plan, the Community Development
317 Department shall generate an analysis of the proposal against the expectations for
318 PUDs, and make a recommendation regarding the proposed overlay district for
319 Planning Commission and City Council consideration.
- 320 b. The Community Development Department shall prepare a draft ordinance to
321 establish the potential overlay district to be established as a component of the PUD
322 Final Plan.
- 323 c. The Planning Commission shall hold a public hearing and consider the application’s
324 consistency with the goals for PUDs, the PUD review criteria, and applicable
325 ~~comprehensive plan~~ Comprehensive Plan goals. The Planning Commission shall
326 make recommendations to the City Council on the merit, needed changes, and
327 suggested conditions to impose on the PUD.
- 328 d. In approving or denying the PUD Concept Plan, the City Council shall make findings
329 on the PUD review criteria outlined in Section 1023.08.
- 330 e. As a condition of PUD Concept Plan approval, ~~finalization~~, adoption, and publication
331 of an overlay district ordinance ~~shall need to~~ must occur prior to the filing of any
332 future final plat.

333 **E. PUD Final Plan**

334 **1. Application Deadline**

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

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

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

- 341 a. All required information for a final plat per Chapter 1102, Section 1102.04;
- 342 b. All required PUD Concept Plan documents, other than the preliminary plat, shall be
343 updated to incorporate and address all conditions of PUD Concept Plan approval;
- 344 c. Any deed restrictions, covenants, agreements, and articles of incorporation and
345 bylaws of any proposed homeowners’ association or other documents or contracts
346 which control the use or maintenance of property covered by the PUD;

- 347 d. A final staging plan, if staging is proposed, indicating the geographical sequence and
348 timing of development, including the estimated start and completion date for each
349 stage;
- 350 e. Up-to-date title evidence for the subject property in a form acceptable to the
351 Community Development Department;
- 352 f. Warranty deeds for ~~Property~~property being dedicated to the City ~~for all such as~~ parks,
353 ~~outlots, etc., and o~~Outlots must be free from all liens and encumbrances;
- 354 g. All easement dedication documents for easements not shown on the final plat
355 including those for trails, ingress/egress, ~~etc.,~~ together with all necessary consents to
356 the easement by existing encumbrancers of the property;
- 357 h. Any other information deemed necessary by the Community Development
358 Department to fully present the intention and character of the PUD; ~~and~~
- 359 i. ~~The Development Agreement may require an Operating and Maintenance Plan.~~ If
360 certain land areas or structures within the PUD are designated for recreational use,
361 public plazas, open areas or service facilities, the owner of such land and buildings
362 shall provide a plan to the ~~C~~eity that ensures the continued operation and
363 maintenance of such areas or facilities in a manner suitable to the city.

364 3. PUD Final Plan Review

- 365 a. The Community Development Department shall generate an analysis of the final
366 documents against the conditions of PUD Concept Plan approval; and make a
367 recommendation as to whether all conditions have been met or if additional changes
368 are needed.
- 369 ~~b.~~ Staff should once again identify any information submittals that were waived so
370 Council may determine if such is needed prior to making a final decision.
- 371 ~~b.c.~~ The Community Development Department shall finalize the ordinance to establish
372 the proposed ~~overlay district o~~Overlay ~~d~~District for consideration by the Planning
373 Commission and City Council.
- 374 ~~e.d.~~ The Planning Commission shall hold a public hearing on the proposed ~~o~~Overlay
375 ~~d~~District ordinance and Final PUD Plans, and shall submit a recommendation to the
376 City Council for consideration. Because a PUD Concept Plan was previously
377 approved, the Planning Commission's recommendation shall only focus on whether
378 the Ordinance and PUD Final Plan are in substantial compliance with the Preliminary
379 PUD Concept Plan and the required conditions of approval.
- 380 ~~d.e.~~ The City Council shall then consider the recommendations of the Community
381 Development Department, the public, and the Planning Commission; and make a
382 decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial
383 shall only be based on findings that a PUD Final Plan is not in substantial compliance
384 with the approved PUD Concept Plan and/or the required conditions of approval.

385 f. As a condition of PUD Final Plan approval, publication of the ~~overlay~~
 386 ~~district~~Overlay ~~dDistrict~~ ordinance shall be required prior to filing of the approved
 387 final plat.

388 e.g. Planned Unit Development Agreement.

- 389 i. At its sole discretion, the City may as a condition of approval, require the owner
 390 and developer of the proposed PUD to execute a development agreement which
 391 may include but not be limited to all requirements of the PUD Final Plan.
- 392 ii. The development agreement may require the developers to provide an
 393 irrevocable letter of credit in favor of the City. The letter of credit shall be
 394 provided by a financial institution licensed in the state and acceptable to the City.
 395 The City may require that certain provisions and conditions of the development
 396 agreement be stated in the letter of credit. The letter of credit shall be in an
 397 amount sufficient to ensure the provision or development of improvement called
 398 for by the development agreement.

399 f.h. As directed by the City, documents related to the PUD shall be recorded against the
 400 property.

401 4. Time Limit

402 a. A ~~Planned Unit Development~~PUD shall be validated by the applicant through the
 403 ~~commencement of any necessary construction or establishment of the authorized~~
 404 ~~use(s), subject to the permit requirements of Title 9 of this Code, in support of the~~
 405 ~~Planned Unit Development~~PUD within one (1) year of the date of PUD Final Plan
 406 approval. Failure to meet this deadline shall render the PUD Final Plan approval
 407 void. Notwithstanding this time limitation, the City Council may approve extensions
 408 of the time allowed for validation of the ~~Planned Unit Development~~PUD approval if
 409 requested in writing by the applicant; extension requests shall be submitted to the
 410 Community Development Department and shall identify the reason(s) why the
 411 extension is necessary along with an anticipated timeline for validation of the
 412 ~~Planned Unit Development~~PUD.

413 b. An application to reinstate a PUD that was voided for not meeting the required time
 414 limit shall be administered in the same manner as a new PUD beginning with ~~an~~
 415 PUD Concept Plan [T~~he~~ prerequisite for a previous PUD Sketch Plan submittal shall
 416 not apply, but the required open house in 1023.09(C) must be held].

417 **1023.10: PUD AMENDMENTS**

418 Approved ~~PUD's~~PUDs may be amended from time to time as a result of unforeseen circumstances,
 419 overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an
 420 application to the ~~city~~City for a PUD amendment.
 421

422

A. Existing PUD Overlay Districts

423

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

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425

1. Administrative Amendment

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

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2. Ordinance Amendment

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

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3. PUD Amendment

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

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

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

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1023.11: PUD CANCELLATION

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

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1023.12: ADMINISTRATION

463

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

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A. Rules and regulations

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466

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

467

B. ~~Preconstruction:~~

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470

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.

471

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

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Passed this _____ day of _____, 2016

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
25
26
6. Enhanced access to a convenient and efficient multi-modal transportation option to service the daily needs of residents at peak and non-peak use levels, with high connectivity to the larger community;
- 27
28
7. Creative designs that reduce initial infrastructure costs as well as long-term maintenance and operational costs;
- 29
30
8. The preservation and enhancement of desirable site characteristics (including flora and fauna, scenic views, and screening);
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9. Flexibility in design and construction to alleviate anticipated impacts to nearby properties and to provide greater opportunity for increased buffers between uses of differing intensities;
- 34
35
10. Incorporation of structured parking to hide vehicle storage and to promote opportunities for improved buffering between intensive uses and sensitive areas;
- 36
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11. Elimination of repetition by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;
- 38
12. Facilitation of a complementary mix of lifecycle housing; and
- 39
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13. Accommodation of higher development intensity in areas where infrastructure and other systems are capable of providing appropriate levels of public services and subsequently lower intensity in areas where such services are inadequate or where 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.
53

54 **1023.03: REFLECTION ON THE OFFICIAL ZONING MAP**

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

63 **1023.04: PERMITTED LOCATIONS FOR PUD REZONING**

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

66 **1023.05: PUD QUALIFICATIONS**

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

76 **1023.06: PERMITTED USES WITHIN A PUD**

- 77 **A.** The extent of permitted land uses within a PUD shall be limited to those land uses that are
78 either permitted or deemed by the Community Development Department to be substantially
79 similar to those allowed in the underlying zoning district.
- 80 **B.** Adopted PUD Overlay District regulations may include specific provisions governing uses
81 which supersede underlying zoning requirements.
- 82 **C.** More than one building may be placed on one lot in a PUD.
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1023.07: AREAS OF FLEXIBILITY

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:

- 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).
- B. Trees/Landscaping Requirements – requires specialized landscaping plans that better address on-site needs and adjacent property concerns than would otherwise be required.
- 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.
- 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.
- E. Exterior Materials – flexibility on exterior materials to allow for unique architectural expression.
- F. Density – up to a 10% increase in residential 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.
- 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.

1023.08: PUD REVIEW CRITERIA

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

- 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;
- 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;

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

126 **1. Sustainability Improvements**

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

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

139 **2. Improved Storm Water Management**

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

145 **3. Enhanced Buffering**

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

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

152 **4. Structured Parking**

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

155 **1023.09: PUD REVIEW PROCEDURE**

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

157 **A. Developer Open House Required**

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

163 **B. PUD Sketch Plan**

164 **1. Purpose**

165 The PUD Sketch Plan is the next step in the public engagement process, which gives the
166 developer an opportunity to present their ideas to the City Council and the public so as to
167 gain general feedback on areas that will require additional analysis, study, design, and
168 changes. Feedback gained during the PUD Sketch Plan phase should be addressed within
169 the subsequent PUD Concept Plan to be presented at a second required Developer Open
170 House meeting prior to formal submittal.
171

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

173 Except as may be waived by the Community Development Department, the following
174 information shall constitute a complete application for the PUD Sketch Plan:

- 175 **a.** A listing of contact information including name(s), address(es) and phone number(s)
176 of the owner of record, authorized agents or representatives, the engineer, the
177 surveyor, and any other relevant associates;
- 178 **b.** A listing of the following site data: address, current zoning, parcel size in acres and
179 square feet and the current legal description(s);
- 180 **c.** A narrative explaining the applicant’s proposed objectives for the PUD, a listing of
181 the areas of flexibility from standard zoning sought through the use of PUD design,
182 and an explanation of how the proposal addresses the PUD review criteria in Section
183 1023.08;
- 184 **d.** A listing of general information including the number of proposed residential units,
185 commercial and/or industrial land uses and square footages by category of use, public
186 use areas including a description of proposed use, and any other land use proposed as
187 part of the PUD;
- 188 **e.** Calculation of the proposed density of the project and the potential density under
189 standard zoning regulations, including both gross density and net density accounting
190 for developable and undevelopable land. Undevelopable land for the purposes of this
191 calculation shall include all wetlands, floodplain, slopes greater than 18%, poor soils
192 and areas of concentrated woodlands;
- 193 **f.** The outline of a conceptual development schedule indicating the approximate date
194 when construction of the project, or stages of the same, can be expected to begin and
195 be completed (including the proposed phasing of construction of public
196 improvements and recreational and common space areas); and
- 197 **g.** A PUD Sketch Plan illustrating the nature and type of proposed development. At a
198 minimum, the plan should show:
- 199 i. Area calculations for gross land area;
 - 200 ii. Existing zoning district(s) on the subject land and all adjacent parcels;
 - 201 iii. Layout of proposed lots and proposed uses. Denote outlots planned for public
202 dedication and/or open space (such as schools and parks);
 - 203 iv. Area calculations for each parcel;
 - 204 v. General location of wetlands and/or watercourses over the property and within
205 200 feet of the perimeter of the subdivision parcel;
 - 206 vi. Location of existing and proposed streets within and immediately adjacent to the
207 subdivision parcel;

- 208 vii. Proposed sidewalks and trails;
- 209 viii. Proposed parking areas;
- 210 ix. Proposed parks, common areas, and preservation easements (indicate public vs.
- 211 private if applicable);
- 212 x. General location of wooded areas or significant features (environmental,
- 213 historical, cultural) of the parcel;
- 214 xi. Location of utility systems that will serve the property; and
- 215 xii. Any additional information that may explain the proposed PUD.

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

217 Upon receiving a PUD Sketch Plan application, the Community Development
218 Department shall schedule a date upon which the City Council will review the Sketch
219 Plan application and provide feedback to the applicant.

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

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

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

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D. PUD Concept Plan

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1. Prerequisites

- a. No application for a PUD Concept Plan will be accepted unless a distinctly similar proposal has completed the PUD Sketch Plan review process within the previous year from the date of the Concept Plan application.
- b. No application for a PUD Concept Plan will be accepted unless the required developer open house meeting has been held not less than 15 days and not more than 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;

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

309 **3. PUD Concept Plan Review**

- 310 **a.** As part of the review process for a PUD Concept Plan, the Community Development
311 Department shall generate an analysis of the proposal against the expectations for
312 PUDs and make a recommendation regarding the proposed overlay district for
313 Planning Commission and City Council consideration.
- 314 **b.** The Community Development Department shall prepare a draft ordinance to
315 establish the potential overlay district to be established as a component of the PUD
316 Final Plan.
- 317 **c.** The Planning Commission shall hold a public hearing and consider the application’s
318 consistency with the goals for PUDs, the PUD review criteria, and applicable
319 Comprehensive Plan goals. The Planning Commission shall make recommendations
320 to the City Council on the merit, needed changes, and suggested conditions to impose
321 on the PUD.
- 322 **d.** In approving or denying the PUD Concept Plan, the City Council shall make findings
323 on the PUD review criteria outlined in Section 1023.08.
- 324 **e.** As a condition of PUD Concept Plan approval, adoption and publication of an
325 overlay district ordinance must occur prior to the filing of any future final plat.

326 **E. PUD Final Plan**

327 **1. Application Deadline**

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

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

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

- 334 **a.** All required information for a final plat per Chapter 1102, Section 1102.04;
- 335 **b.** All required PUD Concept Plan documents, other than the preliminary plat, shall be
336 updated to incorporate and address all conditions of PUD Concept Plan approval;
- 337 **c.** Any deed restrictions, covenants, agreements, and articles of incorporation and
338 bylaws of any proposed homeowners’ association or other documents or contracts
339 which control the use or maintenance of property covered by the PUD;
- 340 **d.** A final staging plan, if staging is proposed, indicating the geographical sequence and
341 timing of development, including the estimated start and completion date for each
342 stage;

- e. Up-to-date title evidence for the subject property in a form acceptable to the Community Development Department;
- f. Warranty deeds for property being dedicated to the City such as parks and outlots must be free from all liens and encumbrances;
- g. All easement dedication documents for easements not shown on the final plat including those for trails, ingress/egress, together with all necessary consents to the easement by existing encumbrancers of the property;
- h. Any other information deemed necessary by the Community Development Department to fully present the intention and character of the PUD; and
- i. 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.

3. PUD Final Plan Review

- 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.
- b. Staff should once again identify any information submittals that were waived so Council may determine if such is needed prior to making a final decision.
- c. The Community Development Department shall finalize the ordinance to establish the proposed overlay district for consideration by the Planning Commission and City Council.
- d. The Planning Commission shall hold a public hearing on the proposed 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 PUD Concept Plan and the required conditions of approval.
- e. The City Council shall then consider the recommendations of the Community Development Department, the public, and the Planning Commission and make a decision of approval or denial, in whole or in part, on the PUD Final Plan. A denial shall only be based on findings that a PUD Final Plan is not in substantial compliance with the approved PUD Concept Plan and/or the required conditions of approval.
- f. As a condition of PUD Final Plan approval, publication of the overlay district ordinance shall be required prior to filing of the approved final plat.
- g. Planned Unit Development Agreement.
 - i. At its sole discretion, the City may as a condition of approval require the owner and developer of the proposed PUD to execute a development agreement which may include but not be limited to all requirements of the PUD Final Plan.

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

392 **4. Time Limit**

- 393 a. A PUD shall be validated by the applicant through the commencement of any
394 necessary construction or establishment of the authorized use(s), subject to the permit
395 requirements of Title 9 of this Code, in support of the PUD within one (1) year of the
396 date of PUD Final Plan approval. Failure to meet this deadline shall render the PUD
397 Final Plan approval void. Notwithstanding this time limitation, the City Council may
398 approve extensions of the time allowed for validation of the PUD approval if
399 requested in writing by the applicant; extension requests shall be submitted to the
400 Community Development Department and shall identify the reason(s) why the
401 extension is necessary along with an anticipated timeline for validation of the PUD.
- 402 b. An application to reinstate a PUD that was voided for not meeting the required time
403 limit shall be administered in the same manner as a new PUD beginning with a PUD
404 Concept Plan [The prerequisite for a previous PUD Sketch Plan submittal shall not
405 apply, but the required open house in 1023.09(C) must be held].

406 **1023.10: PUD AMENDMENTS**

407 Approved PUDs may be amended from time to time as a result of unforeseen circumstances,
408 overlooked opportunities, or requests from a developer. At such a time, the applicant shall make an
409 application to the City for a PUD amendment.
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A. Existing PUD Overlay Districts

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

1. Administrative Amendment

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

2. Ordinance Amendment

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

3. PUD Amendment

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

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

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

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1023.11: PUD CANCELLATION

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

1023.12: ADMINISTRATION

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

A. Rules and regulations

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

B. Preconstruction

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

C. Effect on Conveyed Property

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

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

Passed this _____ day of _____, 2016

City of Roseville

ORDINANCE SUMMARY NO. ____

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

The following is the official summary of Ordinance No. _____ approved by the City Council of Roseville on April 11, 2016:

The ordinance establishes new regulations governing Planned Unit Developments (or PUDs) within the City of Roseville. A PUD would require multiple public meetings and substantial documentation to support findings that a 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.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

Attest: _____
Patrick Trudgeon, City Manager

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.

Regular City Council Meeting**Monday, March 28, 2016****Page 9**

1 McGehee moved, Etten seconded, adoption of Resolution No. ____ (Attachment
2 A) entitled, “Resolution Ordering Preparation of a Feasibility Report for Owasso
3 Private Drive Storm Water Project;”

Roll Call

4
5
6 **Ayes:** Willmus, Laliberte, Etten, McGehee and Roe.

7 **Nays:** None.
8

10. General Ordinances for Adoption**a. Adopt an Ordinance Creating Planned Unit Development (PUD) Standards within the City Code**

9
10
11
12 City Planner Thomas Paschke reviewed past action of the City Council in hiring
13 the firm of Sambatek to complete PUD standards for the city; and discussions to-
14 date at Planning Commission and City Council levels. Mr. Paschke noted the
15 Planning Commission’s public hearing held on March 2, 2016 leading to tonight’s
16 updated presentation to the City Council since their last review of the document
17 on December 7, 2015. Attachments were provided as detailed in the RCA of this
18 date.
19

Ben Gozola, Sambatek

20
21
22 Prior to his presentation, Mr. Gozola referenced the various attachments, as well
23 as an additional marked up copy of new Chapter 1023: Planned Unit Develop-
24 ments, provided as a bench handout and made part of the staff report.
25

26 Mr. Gozola reviewed the history of the process, the project understanding by his
27 firm, and overarching goals of the PUD ordinance.
28

29 In referencing Attachment B during his presentation, Mr. Gozola noted this is a
30 clean copy of the proposed language allowing for easy reading of the ordinance,
31 and including comments explaining specific provisions being proposed in addi-
32 tion to items for further consideration by the City Council. Mr. Gozola noted that
33 the City Attorney had reviewed the document as well; and reviewed those areas
34 receiving major and minor changes since the document was last before the City
35 Council, moving section to section of Chapter 1023, and referencing the comment
36 section of the marked-up ordinance.
37

Bench Handout

- 38
39 • Page 13, Line 318 (McGehee)
40 Councilmember McGehee noted the need to correct language using PUD as a
41 possessive noun, duly noted by Mr. Gozola.
42
43 • Page 9, Line 260 (McGehee)
44 Councilmember McGehee agreed that the term “true north” was too technical
45 and use of “north arrow” by the consultant was preferable.

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Attachment C

- Page 4, Line 106-108 (Willmus)
Specific to density, Councilmember Willmus asked if that would be phrased differently for residential and commercial developments.

At the request of Mr. Gozola, staff confirmed that there was no standard commercial floor ratio, and this was unique to residential density.

Mayor Roe suggested stating “residential” density accordingly, duly noted by Mr. Gozola.

- Termination (Willmus)
Councilmember Willmus suggested the ordinance include a termination clause, with his preference being termination at 12-months post-approval of the final PUD document.
- Page 9, Lines 249-250 (Willmus)
Councilmember Willmus suggested similar language for Concept and Final PUD Plan submittals, allowing items flagged and/or waived or if different than those initially submitted between those stages.

Mr. Gozola referenced language on Page 8, lines 224-225 related to PUD Sketch Plans, suggesting that language be inserted as noted by Mayor Roe on Page 12, Item c between lines 370-371 and paralleling that other language.

- PUD Qualifications (Willmus)
Councilmember Willmus questioned PUD qualifications related specifically to multi-party ownership, such as situations with silent partners. Councilmember Willmus noted the specificity of this proposed language identifying “all persons or entities with ownership interests,” and questioned if the proposed language precluded Limited Liability situations having silent partners.

City Attorney Gaughan opined that he didn’t believe it would preclude that situation, noting that typically non-silent partners would possess authority to act on behalf of the entity as a whole. Mr. Gaughan opined that he was not aware of a situation where any partnership contingent within an entity of such size and authority would allow partners to act without the knowledge or authority of all partners. Mr. Gaughan further clarified that this could be part of the legally written consent, and part of that consent would be affirmation of purported owners.

- Traffic Studies (Laliberte)

1 Councilmember Laliberte noted the city typically requesting traffic studies,
2 but if mitigation solutions were subsequently required as a result of that study
3 (e.g. parking structures) questioned if that would that be appropriate based on
4 Mr. Gozola's familiarity with other PUD models.
5

6 Mr. Gozola responded that such a study would be a submittal requirement at
7 the Concept Stage, and if deemed necessary by the city, then the study would
8 be requested outlining what would be needed for subsequent approval by the
9 city, and conditions placed on PUD approval as such.
10

11 • Second Notice Elimination (Laliberte)

12 At the request of Councilmember Laliberte as to when notice of the process
13 would occur, Mr. Gozola reviewed the steps, (Page 6, line 151) with the first
14 step being the initial developer open house required (Chapter 1102.01) and the
15 process to be followed for those meetings. As part of that process, Mr. Gozo-
16 la clarified that notices of upcoming developer open houses and City Council
17 review dates as indicated by staff would already have been sent out as part of
18 that first step. Mr. Gozola noted that the question became whether that same
19 review was needed for the City Council portion.
20

21 Councilmember Laliberte agreed with that process as long as the open house
22 and City Council dates were included in that notice and not skipped over to al-
23 low constituents to be aware of City Council actions.
24

25 Mayor Roe noted that prior to the second open house, which was also noticed,
26 there would be another opportunity for connecting with surrounding residents.
27

28 • Termination (Laliberte)

29 Councilmember Laliberte agreed with Councilmember Willmus that some-
30 thing specific was needed; and agreed with a twelve-month duration if nothing
31 happened, the developer/applicant would need to start the process over again.
32

33 Councilmembers Etten and McGehee agreed with the addition or a termina-
34 tion clause.
35

36 Mayor Roe noted that, if no action occurred during that 12-month period, ap-
37 proval became moot, but agreed with adding that language to the termination
38 clause. However, Mayor Roe suggested language for twelve-months, or as
39 per the City Council meeting timeframe allowing greater flexibility.
40

41 Councilmembers Willmus, Laliberte, Etten and McGehee agreed with Mayor
42 Roe's suggestion, as long as the termination didn't remain open-ended.
43

44 While current staff and council members were aware of the intent now, Coun-
45 cilmember Willmus noted the need to address future personnel to ensure

1 something didn't fall between the cracks due to it not being memorialized
2 within the PUD ordinance.
3

4 Mr. Paschke stated staff's openness to including such language, but suggested
5 an option be included should a developer choose to extend the period before
6 or prior to the PUD becoming a moot point and seeking an extension of a rea-
7 sonable period along with their reasons for not yet having begun the project.
8 Mr. Paschke noted that this would require the developer to seek City Council
9 approval to extend the PUD with language addressing that extension accord-
10 ingly.
11

12 Councilmember Willmus agreed with the proposal, but asked to see the actual
13 language itself. Councilmember Willmus noted building permit language for
14 subsequent construction. If actively engaged in implementing it, Coun-
15 cilmember Willmus opined that was a different situation than final approval
16 having been granted and then the developer goes away and the city doesn't
17 hear from them for a year.
18

19 Mayor Roe noted that, without objection, the City Council was interested in
20 language to address this issue.
21

22 **Bench Handout**

- 23 • Page 12, "2.i PUD Final Plan Submittal Requirements," Lines 358 – 362 (City
24 Attorney Gaughan)

25 City Attorney Gaughan noted that provision related to an operating and
26 maintenance plan for common areas provided on page 13; and suggested it be
27 struck out of this section on page 12. Mr. Gaughan noted it originally came
28 from a new provisions and referenced a Development Agreement, but noted
29 that a Development Agreement is not required at the Final Plan submitted
30 making the reference inappropriate.
31

32 Since that was not a mandate, and at the request of Mayor Roe, City Attorney
33 Gaughan suggested striking the first sentence from Item 2.i, and the remainder
34 remain as written.
35

36 Without objection, Mayor Roe noted the City Council's agreement with this
37 revision.
38

- 39 • Page 3, PUD Qualifications , Section 1023.05 (lines 68 – 70) (Etten)

40 Councilmember Etten asked how and why this needed sorting out and how it
41 was unique, suggesting it was applicable to enhanced developments no matter
42 their size.
43

44 Mr. Gozola noted this same discussion occurred with the City Council in De-
45 cember of 2015, with the conclusion being that while PUD's were typically

1 set for two acres, some flexibility was preferred so as not to eliminate some
2 projects that the city may want. Mr. Gozola noted that it would be harder to
3 achieve some of the goals outlined in the ordinance to qualify under a PUD as
4 those properties decrease in size. But, Mr. Gozola stated the intent was for the
5 city to state to a developer that if they could show us they could achieve a de-
6 sired project on a smaller parcel, the City Council would consider it.

7
8 Mayor Roe, with concurrence by City Attorney Gaughan, agreed this would
9 retain the City Council's discretion for each project.

- 10
11 • Page 12, Lines 377 – 381 Voting Majorities (Etten)
12 Councilmember Etten sought clarification as to whether this vote required for
13 approval was a simple or super majority vote.

14
15 Mr. Paschke stated it would be a simple majority vote.

16
17 Councilmember Willmus questioned if that was always applicable, should a
18 PUD be considered a Comprehensive Plan Amendment.

19
20 Mr. Paschke, with confirmation by City Attorney Gaughan, responded "no."

21
22 Mayor Roe noted that the PUD had to meet the underlying zoning. However,
23 he noted some votes required a simple majority vote of the full City Council
24 versus a simple majority vote of the quorum present and sought clarification
25 of which applied.

26
27 City Attorney Gaughan clarified it would be a simple majority vote as re-
28 quired for a zoning amendment, as was applicable and necessary for "up zon-
29 ing." At the request of Mayor Roe, Mr. Gaughan opined that he didn't sus-
30 spect it would not require a quorum of the full body for a PUD, but offered to
31 verify that information.

- 32
33 • Page 15, Section 1023.11P: PUD Cancellation (Etten)
34 Councilmember Etten again sought clarification as to the percentage vote re-
35 quired to create a cancellation, with Mr. Paschke and Mayor Roe agreeing that
36 a simple majority would suffice.

37
38 Mayor Roe requested that Mr. Gozola and staff return with a document reflecting
39 tonight's discussion and revisions for final review and approval.

40
41 Councilmember Willmus asked that only one copy of the document be included in
42 the next agenda packet to avoid confusion.
43

1 Councilmember McGehee thanked Mr. Paschke and Mr. Gozola for getting this
2 PUD ordinance done, opining that on her part it had been long-awaited and much
3 appreciated.

4
5 With agreement by his colleagues, Mayor Roe stated this document was much
6 better than the city's previous document.

7
8 **b. Consider Amendments to Roseville City Code Chapter 201, Advisory Com-**
9 **missions; Chapter 205, Human Rights Commission; and Chapter 207 Ethics**
10 **Commission**

11 City Manager Trudgeon briefly summarized the RCA and Attachment B consist-
12 ing of a draft ordinance highlighting proposed amendments to City Ordinance,
13 Chapter 201 related to the city's advisory commissions. Mr. Trudgeon sought
14 feedback from Councilmembers as to staff's proposed changes based on previous
15 discussions and actions.

16
17 Councilmember Etten expressed his appreciation for the majority of the changes.

18
19 Section 201.06: Organization (Etten)

20 Councilmember Etten suggested moving the contents of Item H (lines 34-25) into
21 Item A related to election of officers at the first meeting or change language in
22 line 14 to include "appointment of an Ethics Commission representative (per
23 Chapter 207 as reference)."

24
25 Councilmember Laliberte agreeing that was a great fix.

26
27 Mayor Roe suggested the same could be accomplished by striking Item H up to
28 the word "appoint" with the remaining language moved to Item A, immediately
29 after "...elect a chair and vice-chair, [and a member to serve on the Ethics Com-
30 mission] from among its appointed members for a term of one-year."

31
32 City Manager Trudgeon duly noted Mayor Roe's suggestion; without objection.

33
34 Special Meetings

35 Councilmember Willmus questioned the need to include language related to spe-
36 cial meetings for all advisory commissions, while recognizing the necessity for
37 the Planning Commission for certain land use items and their timing. Coun-
38 cilmember Willmus questioned what had previously been in individual advisory
39 commission language.

40
41 City Manager advised that it varied, with some not mentioned and others having a
42 separate chapter, some in-depth about operations and others not addressing it; and
43 resulting in an inconsistent standard. While it is critical for the Planning Com-
44 mission to hold a special meeting as needed, Mr. Trudgeon suggested the revised
45 language allowing all advisory commissions to host a special meeting. Mr.