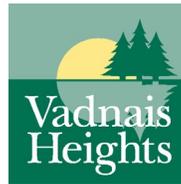


Nolan W. Wall, AICP
Planning/Community Development Director

651.204.6027 Phone
651.204.6100 Fax
nolan.wall@cityvadnaisheights.com



The City of Vadnais Heights
800 East County Road E
Vadnais Heights, MN 55127

Memorandum:

TO: Mayor Gunderson and City Council Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: May 7, 2019

SUBJECT: Request for Council Action
Ordinance 733: Planned Unit Development District Amendments

Recommended Council Action

Staff recommends the following actions concerning this item:

1. Adopt Ordinance 733 concerning certain amendments to the Planned Unit Development District.
2. Approve Resolution for Summary Publication.

Description of the Request

The City is proposing amendments to Chapter 38, Article III, Division 15 of the City Code concerning the Planned Unit Development (PUD) District.

Discussion

The City is using its legislative authority when considering action on a City Code amendment request and has broad discretion; the only limitations are that actions must be constitutional, rational, and in some way related to protecting the health, safety and general welfare of the public.

Action Timeline

There is no applicable action timeline in this case due to the request being city-initiated.

Background

Staff presented preliminary amendments and facilitated a conversation with the City Council at the March 19 workshop concerning the existing PUD process (see attached memo). Subsequently, staff was directed to prepare a formal ordinance for Planning Commission review and recommendation to the City Council. The Planning Commission reviewed the proposed ordinance at their March and April meetings (see attached staff reports).

Planning Commission Recommendation

The Planning Commission recommended unanimous approval of the DRAFT ordinance in this case. Attached are the DRAFT minutes for your review.

Staff Recommendation

Staff recommends adoption of Ordinance 733 and the resolution for summary publication.

Action Requested

If the City Council desires to implement the Planning Commission's recommendation, pass separate motions adopting:

1. ORDINANCE 733
2. Resolution for Summary Publication

Staff would propose to bring back any substantial revisions for review and further discussion at a future meeting before considering adoption of the ordinance.

This matter requires a simple majority vote.

Attachments:

- Ordinance 733
- Resolution of Summary Publication
- City Council memo, dated 03/19/2019
- Staff reports, dated 03/26/2019 and 04/23/2019 (excluding attachments)
- Extract of 04/23/2019 Planning Commission meeting minutes
- Application, including supporting materials
- Public Hearing Notice

1 CITY OF VADNAIS HEIGHTS
2 COUNTY OF RAMSEY
3 STATE OF MINNESOTA

4
5 ORDINANCE NO. 733

6
7 AN ORDINANCE AMENDING CHAPTER 38, ARTICLE III, DIVISION 15
8 OF THE ZONING CODE, CONCERNING THE PLANNED UNIT DEVELOPMENT
9 DISTRICT

10
11 The City Council of the City of Vadnais Heights does hereby ordain:

12
13 I.

14
15 Chapter 38, Article III, Division 15 (Planned Unit District) of the City Zoning Code is hereby
16 amended to read as follows (strikethrough indicates deletions; underline indicates additions):

17
18 DIVISION 15. - PLANNED UNIT DEVELOPMENT (PUD) AND OVERLAY DISTRICTS
19 (~~PUD~~)

20
21 II.

22
23 Article III, Chapter 38, Division 15, Section 38-483 (Intent and purpose) of the City Zoning Code
24 is hereby amended to read as follows (strikethrough indicates deletions; underline indicates
25 additions):

26
27 (a) As an alternative to conventional zoning and development approaches and processes, the
28 planned unit development zoning district (PUD) procedures are here set forth in order that the
29 public health, safety, morals, and general welfare be furthered in an era of increasing
30 urbanization; to encourage innovations in residential, commercial, and industrial development
31 and renewal; so that greater opportunities for better housing and recreation, shops and industrial
32 plants conveniently located to each other may extend to all citizens and residents of the city; to
33 reflect changes in the technology of land development; to encourage a more creative approach
34 in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable
35 development which may be characterized by special features of the geography, topography, size
36 or shape of a particular property; to meet the goals and policies of the comprehensive plan and
37 other adopted plans; and to provide a compatible and stable environment in harmony with that
38 of the surrounding area.

39
40 (b) The ~~planned unit development~~ PUD zoning district may include any developments having
41 one or more principal uses or structures on a single parcel of ground or contiguous parcels,
42 provided that the total area is five acres or larger. The PUD shall consist of a harmonious
43 selection of uses and grouping of buildings, parking areas, circulation and open spaces, and shall
44 be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient
45 urban area. Under the provisions of this district, the city council has the right to allow deviations
46 from any standards in this chapter, ~~including use~~. The underlying zoning district standards shall
47 be used as a threshold to establish a baseline review of a proposed PUD district.

III.

Article III, Chapter 38, Division 15, Section 38-484 (General requirements and standards for parcels of five acres or more) of the City Zoning Code is hereby amended to read as follows (strikethrough indicates deletions; underline indicates additions):

Sec. 38-484. – PUD district ~~General requirements and standards, for parcels of five acres or more.~~

(a) *Ownership.* The tract shall be a development of land under unified control at the time of application, planned and scheduled to be developed as a whole. However, no authorizations or permits shall be granted for such development unless the applicant has acquired actual ownership of or executed a binding sales contract for all of the property comprising such tract. For purposes of this chapter, ownership shall include a lease of not less than 50 years' duration. The term "single ownership" includes ownership of portions of such development by two or more wholly-owned subsidiaries of a single owner, or by such single owner and one or more of its wholly-owned subsidiaries.

(b) *Conformance with comprehensive plan.* The proposed PUD ~~planned unit development zoning~~ district shall be generally consistent with the ~~city~~ current comprehensive plan. Density standards may be flexible, as in section 38-484(n).

(c) *Lot area standards ~~regulations.~~*

(1) The minimum total land area shall be no less than five acres, except as allowed by section 38-485 for a PUD overlay district.

(2) Unusual physical features of the property itself or of the surrounding neighborhood are such that development under the standard provisions of the residence districts would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

(d) *PUDs involving multiple housing types.* A residential PUD may provide for a variety of housing types in any one of the basic residential zoning districts. The total number of dwelling units allowed in a development shall be determined by either: the area standards of the zoning district in which the proposed development is to be located, or the density specified by the planning commission and approved by the council, consistent with the intent of the comprehensive city's ~~land use~~ plan. A plan may provide for a greater number of dwelling units per acre than would otherwise be permitted by the regulations applicable to the site, but if the density or intensity of land use exceeds by more than ten percent that permitted by the regulations otherwise applicable to the site, the applicant has the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The planning commission and city council, in determining the reasonableness of the increase in the density or intensity of land use, shall consider the following factors: the location, amount and proposed use of common open space, the location, design and type of dwelling units, and the physical characteristics of the site.

(e) ~~Front, rear and side yard building s~~ Setback standards ~~regulations. Building setbacks from all property lines which form the perimeter of the total property in the PUD, or from all interior and exterior dedicated street right of way lines or from the paving of any private interior circulation streets shall be 20 feet or the height of the building, whichever is greater, for residential structures, and 20 feet or the height of the building, whichever is greater, for commercial structures. Any~~

97 proposed setbacks within the PUD may be reduced from the required setback standards within the
98 underlying zoning district under, but not limited to, the following considerations:

99 (1) Adequate space remains to install an appropriate landscape buffer, if determined necessary.

100 (2) The height of the building does not negatively affect sunlight exposure or air access on the
101 adjacent properties and/or uses.

102 (3) The overall site and/or building design is enhanced.

103 (4) The site conditions present unique challenges and/or constraints.

104
105 (f) *Multiple buildings on a single lot.* More than one building may be placed on one platted or
106 recorded lot in any PUD. Areas for single-family detached dwellings or other housing types
107 providing privately-owned lots ~~must~~ shall comply with chapter 32, pertaining to subdivisions, in
108 all respects not specifically noted in this chapter as appropriate variances or waivers.

109
110 (g) *PUDs involving one housing type.* A PUD ~~which~~ that only involves one housing type, such as
111 all detached or all attached units, shall not be considered as inconsistent with the stated purposes
112 and objectives of this chapter and shall not be the sole basis for denial or approval.

113
114 (h) *Appearance and compatibility.* Architectural style of buildings shall not solely be a basis for
115 denial or approval of a plan. However, the overall appearance and compatibility of individual
116 buildings to other site elements or to surrounding development will be primary considerations in
117 the review stages of the planning commission and city council.

118
119 (i) *Plans for PUDs in city review.* No building permit shall be ~~issued~~ granted for any building on
120 land for which a plan for a PUD is in the process of city review or which does not conform to the
121 approved final plan.

122
123 (j) *Staging of development.*

124 (1) Any PUD plan proposed to be constructed in stages shall include full details relating thereto,
125 and the city council may approve or modify, where necessary, any such proposals.

126 (2) The staging shall include the time for beginning and completion of each stage. Such timing
127 may be modified by the city council on the showing of good cause by the developer.

128 (3) The landowner or developer shall make such easements, covenants, and other arrangements
129 and shall furnish such performance bond(s) as may be determined by the city council to be
130 reasonably required to ensure performance in accordance with the plan and to protect the public
131 interest in the event of abandonment of the plan before completion.

132
133 (k) *Streets, utilities, services and public facilities.* The uniqueness of each proposal for a PUD
134 requires that specifications and standards for streets, utilities and services shall be subject to minor
135 modifications from the specifications and standards established in this and other city ordinances
136 governing their construction. The city council may therefore waive or modify the specifications or
137 standards where it is found that they are not required in the interests of the residents or of the entire
138 city. The plans and profiles of all streets, utilities and services shall be reviewed, modified, if
139 necessary, and approved by the city engineer, fire chief, and building official ~~inspector~~, prior to
140 the final approval of the PUD plan by the city council. All PUD projects shall be served by public
141 or community water and sewer systems.

142
143 (l) *Open space provision.* Land area ~~will~~ may be set aside for public and private open space and
144 recreational use according to the following provisions:

145 (1) Land area ~~(or cash in lieu of land)~~ shall may be required to be dedicated to the city for public
146 park use according to the formula established in the section 32-217 ~~current park land dedication~~
147 ~~ordinance of the city.~~ The location of such dedicated land(s) shall be reviewed by parks, recreation
148 and trails commission and must be acceptable to the city council. ~~In the industrial district, cash in~~
149 ~~lieu of land may be required.~~

150 (2) For plans involving residential uses, ~~In~~ addition to the dedication of land for public open space
151 and recreational use, a minimum of ten percent of the total site area may shall be set aside for the
152 private recreational use of the site's residents at the city council's discretion.

153 (3) An applicant may request to provide cash in lieu of land dedication, in accordance with section
154 32-217, to be considered at the discretion of the city council.

155
156 (m) *Operating and maintenance requirements for ~~PUD-planned unit development~~ common*
157 *facilities.* In the event that certain land areas or structures are provided within the PUD ~~planned~~
158 ~~unit development~~ for private recreational use or as service facilities, the owner of such land and
159 buildings shall enter into an agreement with the city to ensure the continued operation and
160 maintenance to a predetermined reasonable standard. These common areas may be placed under
161 the ownership of one of the following, depending upon which is more appropriate:

162 (1) Dedicated to public where a community-wide use would be anticipated.

163 (2) Landlord control.

164 (3) Landowners association, provided all of the following conditions are met:

165 a. The landowners association must be established.

166 b. Membership must be mandatory for each owner and any successive buyer.

167 c. The open space restrictions must be permanent, not for a given period of years.

168 d. The association must be responsible for liability insurance, for common areas and the reasonable
169 maintenance of exterior residential and other facilities.

170 e. Landowners must pay their pro rata share of the cost and the assessment levied by the association
171 that can become a lien on the property in accordance with state law.

172 f. The association must be able to adjust the assessment to meet changed needs.

173
174 (n) *Density (residential).* The number of dwelling units may be flexible relative to the existing
175 zoning classification and/or comprehensive plan. Increased densities may be allowed for:

176 (1) Dedicating more than the minimum for public open space.

177 (2) Particular distinctiveness and excellence in siting, design, and landscaping as determined by
178 the city council.

179 (3) In no event will population densities be greater than that which would be detrimental to the
180 public health, safety, and general welfare.

181
182 (o) *Building height standards.* Any proposed building within the PUD may exceed the maximum
183 height restrictions in the underlying zoning district under the same considerations as in section 38-
184 622. A building's setback from property adjacent to the planned unit district site shall approximate
185 its height, with a maximum of 45 feet.

186
187 (p) *Landscaping.* Landscaping or fencing shall be provided according to a plan that contains
188 complete information as required by section 38-39 and is approved by the planning commission
189 and city council.

190
191 (q) *Utilities.* All utilities, including electricity and telephone, shall be installed underground.

192

193 (r) Uses. A PUD district may contain uses that are not allowed within the underlying zoning
194 district(s).

195 **IV.**

196
197 Article III, Chapter 38, Division 15, Section 38-485 (Planned unit development overlay district)
198 of the City Zoning Code is hereby amended to read as follows (strikethrough indicates deletions;
199 underline indicates additions):

200
201 Sec. 38-4856. - PUDlanned unit development overlay district.

202
203 (a) *Intent and purpose.* The PUD overlay district is intended to allow for consideration of
204 reasonable flexibilities from the applicable underlying zoning district standards. This section shall
205 apply to a land area of less than five acres and must meet one or more of the following criteria:

- 206 (1) Oddly-shaped parcels which create development difficulties;
207 (2) Parcels that are underutilized, such as aged buildings or obsolete arrangement of buildings or
208 lots create a need for redevelopment opportunity;
209 (3) The site has special physical features such as slopes, trees, and wetlands;
210 (4) The site possesses an opportunity to make improvements or reduce access points and improve
211 community connections allowing for preservation of site features; or
212 (5) The proposed development ~~must~~ shall be consistent with the intent of the comprehensive plan.
213 Mixed-use proposals will be considered consistent, ~~provided that if~~ provided that if the guided use is included in
214 the development.

215
216 (b) *General requirements and standards.* Land areas of less than five acres may qualify for a
217 conditional use permit for a PUD overlay district if the proposed use(s) are allowed within the
218 applicable underlying zoning district. The city council will consider the following criteria and
219 make a finding that the development will achieve a majority of the following:

- 220 (1) The property is adjacent to or across the street from property ~~which that~~ that has been developed
221 under the provisions of this chapter and will contribute to the amenities of the neighborhood.
222 (2) The natural features of the site are preserved.
223 (3) Creative rearrangement of lots or buildings can be accomplished.
224 (4) The development relates to and is integrated with the immediate surrounding properties.
225 (5) Pedestrian connectors are maximized.
226 (6) Sustainable development is supported and enhanced.
227 (7) Surface water management and the provision of utilities is enhanced.
228 (8) ~~At a minimum, t~~ The proposed lot area contains two parcels, under separate ownership with a
229 joint application.
230 (9) Current screening and amenities are in place to protect neighboring properties, or the site is
231 capable of supporting screening and amenities ~~which that~~ that protect adjacent properties.
232 (10) The development will provide for consolidation of properties to eliminate or reduce access
233 drives onto public streets and highways.
234 (11) The development promotes shared party access drives and improved pedestrian access.
235 (12) The development provides shared and improved water quality improvements.
236 (13) Public water and sanitary sewer systems are made more efficient.
237 (14) The proposed development is environmentally friendly in that it includes green products and
238 planning considerations.
239 (15) The planned development is compatible with the area in both architectural and landscape
240 design.

241

- 242 (c) Additional requirements and standards.
243 (1) Setbacks. Flexibilities for the underlying zoning district standards shall be considered under
244 the same conditions as in section 38-484(e).
245 (2) Density. Flexibilities from the underlying zoning district standards and/or comprehensive plan
246 shall be considered under the same conditions as in section 38-484(n).
247 (3) Building height. Flexibilities from the underlying zoning district standards shall be considered
248 under the same conditions as in section 38-484(o).
249 (4) Procedure. PUD overlay district applications shall be processed as a conditional use permit, in
250 accordance with section 38-43.

251
252 V.

253
254 Article III, Chapter 38, Division 15, Section 38-486 (Procedure for planned unit development
255 zoning district or planned unit development overlay district approval) of the City Zoning Code is
256 hereby amended to read as follows (strikethrough indicates deletions; underline indicates
257 additions):

258
259 Sec. 38-4865. - Procedure for PUD~~planned unit development~~ zoning district or ~~planned unit~~
260 ~~development overlay district approval.~~

261
262 (a) Zoning district applications. ~~PUD~~~~planned unit development~~ zoning district applications shall be
263 processed as rezoning applications in accordance with section 38-37, in addition to the required
264 procedures included in this section.

265
266 (b) ~~Overlay district applications.~~ ~~Planned unit development overlay district applications shall be~~
267 ~~processed in accordance with section 38-43.~~

268
269 (e**b**) Meeting with city staff. The ~~developer~~ applicant shall meet with the development review
270 committee/~~city planner~~ to discuss the development concept, the review and approval process, and
271 the submittal requirements.

272
273 (d**c**) Application. An applicant for a concept or final PUD plan shall submit the proper application
274 forms made available by the city, including all required materials and applicable fees. ~~The~~
275 ~~developer shall make application for approval on a form provided by the city and accompanied by~~
276 ~~the fee according to the license, permit, and application fee schedule set forth by the city council.~~
277 ~~Applications for both approval shall provide submission materials for site plan applications~~
278 ~~pursuant to sections 38-39 and 38-43.~~

279
280 (d) Open house. Prior to planning commission review of a concept PUD plan, the applicant shall
281 conduct an open house meeting in accordance with the following provisions:

282 (1) Submittal of a complete application form, including all required fees.

283 (2) Conducted at a location within the city limits that offers suitable accessibility and space at a
284 reasonable time, to be approved by staff.

285 (3) Notice of the open house shall be provided to all properties within 350 feet of the subject
286 property. The city shall have the authority to require the notice area to be expanded beyond the
287 minimum distance, as determined by staff, at no additional cost to the applicant.

288 (4) The applicant shall prepare an open house summary upon conclusion of the meeting to
289 accompany the concept and final PUD applications.

290

291 ~~(e) Concept PUD plan review, by planning commission (optional).~~
292 ~~(1) Planning commission informal review. Upon completion of the open house and receipt of a~~
293 ~~complete application, the planning commission shall review the concept PUD plan. When the city~~
294 ~~staff agree that the concept plan has been suitably refined, an informal review by the planning~~
295 ~~commission may be scheduled at its next regularly-scheduled meeting. The concept PUD plan~~
296 ~~should indicate proposed land uses, general circulation patterns, general building massing, and the~~
297 ~~general approach to special site conditions or problems. The commission shall not make any formal~~
298 ~~recommendations, but shall comment as to whether it feels the concept PUD plan is in general~~
299 ~~conformance with the city comprehensive plan. It will also inform the applicant developer of the~~
300 ~~positive features and preliminary concerns within the concept PUD plan, what features or design~~
301 ~~elements should be considered in the detailed development final PUD plan, and what exceptions~~
302 ~~or zoning regulations it may be willing to allow in exchange for certain publicly-beneficial design~~
303 ~~or planning features.~~
304 ~~(2) Concept plan review by city council review. It is not required that the city council shall~~
305 ~~review the concept PUD plans at its next regularly-scheduled meeting following review by the~~
306 ~~planning commission. However, when working on a site with a high degree of municipal~~
307 ~~sensitivity, or when it is anticipated that the reaction of the council may likely be substantially~~
308 ~~different from that of the commission, the developer or city staff may request a concept plan review~~
309 ~~by the city council. The scope of review and comment by the city council shall be the same as that~~
310 ~~by the planning commission. The city council shall not take any formal action to approve or deny~~
311 ~~the concept PUD plan application. The discussion, including any feedback and/or direction~~
312 ~~offered, shall be considered action under the applicable state statutes regarding review timelines.~~
313 ~~The concept PUD plan review process shall not be binding on the city as part of any subsequent~~
314 ~~final PUD plan process. The applicant may choose to address the comments received under the~~
315 ~~concept PUD plan review process as part of a subsequent final PUD plan.~~
316 ~~(3) Notice of review. Notification of a concept PUD plan review process shall be given in the~~
317 ~~same manner as a final PUD plan, as in section 38-486(f)(3).~~
318
319 ~~(f) Final PUD plan review. Detailed development plan/preliminary plat.~~
320 ~~(1) Submission of plan. Based upon comments received regarding the concept plan, and working~~
321 ~~with the city staff, the developer shall prepare a detailed development plan. This shall include a~~
322 ~~preliminary plat if land subdivision is proposed. The list of materials for submission shall be~~
323 ~~pursuant to the council approved site plan application checklist pursuant to sections 38-39 and 38-~~
324 ~~43(b).~~
325 ~~(2) Notice of review. Notice of detailed development plan review shall be given in the same~~
326 ~~manner as for rezoning applications, section 38-37, or conditional use permit approval~~
327 ~~applications, section 38-43.~~
328 ~~(3) Review by planning commission review of detailed development plan. Upon completion of~~
329 ~~the concept PUD plan review process and receipt of a complete application, including a separate~~
330 ~~preliminary plat application if land subdivision is proposed, the planning commission shall review~~
331 ~~the final PUD plan in accordance with the applicable standards contained in sections 38-37 and~~
332 ~~38-39, concerning rezoning and site plan applications, respectively. The applicant shall submit the~~
333 ~~plan to city staff according to the schedule as approved by the city council. The planning~~
334 ~~commission shall review the detailed development plan in the same manner as it reviews a site~~
335 ~~plan approval application.~~
336 ~~(4) Review by the city council review of detailed development plan. The city council shall~~
337 ~~review at a public hearing the detailed development final PUD plan within 60 days after the~~
338 ~~planning commission has made its recommendation. Under the same scope of its review, the~~
339 ~~city council shall consider the same impacts and features as did the planning commission. The~~

340 city council ~~It may, by majority vote, deny the application for a final PUD plan by resolution with~~
341 findings, approve it by ordinance, or table action to a future meeting, and the applicant shall be
342 notified in writing of such action, including conditions of approval and periodic review. ~~approve,~~
343 ~~disapprove, or table by motion the development proposal. Conditions may be applied to the~~
344 ~~approval of the plan, or a periodic review of the approval may be required.~~

345 (3) Notification of a final PUD plan review process shall be given in the same manner as for
346 rezoning applications, as in section 38-37, including an additional public hearing before the city
347 council.

348
349 (g) *Developer's agreement.* Prior to issuing a building permit, the city council shall require the
350 applicant to sign a developer's agreement with the city which ensures that particular elements of
351 the final PUD ~~detailed development~~ plan, either proposed by the applicant or imposed by the city,
352 shall be carried out.

353
354 (h) *Method of amending an approval.*

355 (1) Minor changes in the location and placement of buildings or other elements of the final PUD
356 plan may be authorized by the city council upon staff review.

357 (2) Changes in structural types, in the shape and arrangement of lots and blocks, in the allocation
358 of open space, and all other changes which affect the overall design of the project shall be referred
359 to the planning commission for report and recommendation, after which the city council shall hold
360 a review and shall decide to either approve or deny the changes in the final PUD ~~detailed~~
361 ~~development~~ plan. If such changes are authorized, the applicant shall submit a revised final PUD
362 plan showing the authorized changes.

363
364 (i) *Denial of final PUD approval.* If an final PUD plan application ~~for a planned unit development~~
365 ~~approval~~ is denied, no new application ~~for a PUD approval~~ by the same applicant for the same site
366 may be filed for 60 days from date of denial, unless substantially different from the former proposal
367 or the applicant has addressed the reasons for denial in the approved findings of fact.

368
369 (j) *Time limits.* The zoning district and final PUD ~~development~~ plan may be approved for a certain
370 period of time, or a phasing plan approved by the city council with conditions including periodic
371 progress review. If construction has not commenced within 12 months or within the phasing
372 schedule as approved by the city council, then the council may, on its own initiative, commence
373 proceedings under section 38-37 to rezone the property back to its original classification or declare
374 the ~~conditional use permit~~ final PUD plan null and void.

375
376 **VI.**

377
378 This Ordinance shall take effect and be enforced from and after its passage and publication.

379
380 PASSED by the City Council of the City of Vadnais Heights, Minnesota, this ## day of
381 MONTH, 2019.

382
383
384 _____
Heidi Gunderson, Mayor

385 ATTEST:

386
387 _____
388 Kevin Watson, City Administrator

**CITY OF VADNAIS HEIGHTS
COUNTY OF RAMSEY
STATE OF MINNESOTA**

RESOLUTION NO. 19-05-_____

**A RESOLUTION AUTHORIZING PUBLICATION OF ORDINANCE 733
BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Vadnais Heights has adopted Ordinance No. 733, an ordinance amending CITY CODE CHAPTER 38, ARTICLE III, DIVISION 15; and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VADNAIS HEIGHTS that the City Clerk shall cause the following summary of Ordinance No. 733 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Vadnais Heights has adopted Ordinance No. 733, which amends CITY CODE CHAPTER 38, ARTICLE III, DIVISION 15. The ordinance includes the following:

- Revised Division title to include PUD and PUD Overlay Districts.
- Clarification on density flexibility allowance.
- Explicitly stating that the underlying zoning district standards should be used as a threshold for review.
- Elimination of specific setback standards and allowance for flexibility consideration based on the underlying zoning district standards, including certain considerations.
- Elimination of building height standards and allowance for flexibility consideration based on the underlying zoning district standards, in compliance with existing CUP standards.
- Revised the open space provision section
- Clarification that PUD Overlay flexibilities are based on the applicable underlying zoning district, including proposed uses.
- References to the same PUD District performance standards for PUD Overlays.
- Open House requirement for PUD applications.
- Concept PUD Plan requirement.
- Reclassification of “Detailed Development Plan” to “Final PUD Plan”.
- Added references to other applicable review processes.

The full text of Ordinance No. 733 is available for inspection at Vadnais Heights City Hall during regular business hours.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF VADNAIS HEIGHTS that the City Clerk keep a copy of the ordinance at City Hall for public inspection.

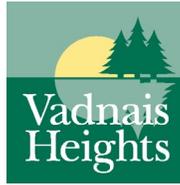
Dated: May 7, 2019

CITY OF VADNAIS HEIGHTS

By: _____
Heidi Gunderson
Mayor

Attested:

Kevin Watson
City Administrator



Memorandum:

TO: Mayor Gunderson and City Council Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: March 19, 2019

SUBJECT: Proposed Code Amendments – Planned Unit Developments

Recommended Council Action

1. Discuss proposed code amendments to the Planned Unit Development (PUD) standards and procedures.
2. Consider directing staff to prepare an ordinance for consideration by the Planning Commission and submit a public hearing notice for the April 16 City Council meeting.

Background

Staff has noted several issues with the existing PUD standards and procedures while processing recent applications. Due to the limited land available for development/redevelopment in the community, the PUD process will continue to be utilized as a regulatory tool to encourage high-quality development. Staff feels strongly that the current PUD process needs to be clearly defined, in order to ensure an equitable and transparent review process.

The major proposed amendments include (see attached):

- Clarification on density flexibility allowance (lines 33-34).
- Elimination of specific setback standards and flexibility based on the underlying zoning district standards, including certain considerations (lines 60-67).
- Elimination of building height standards and flexibility consideration based on the underlying zoning district standards, including reference to applicable CUP standards (lines 135-136).
- Clarification that PUD Overlay flexibilities are based on the applicable underlying zoning district, including proposed uses (lines 146-160).
- References to the same PUD performance standards for PUD Overlays (lines 183-189).
- Open House requirement for PUD applications – not for PUD Overlays (lines 206-213).
- Concept PUD Plan requirement – formerly optional (lines 215-241).

The Code requires the Planning Commission to conduct a public hearing for zoning amendments. However, the publishing deadline has passed for the March 26 Planning Commission meeting. Since the city is the applicant, and in order to streamline the process, staff proposes that following review and recommendation by the Planning Commission, the City Council conducts the required public hearing at the April 16 meeting.

Attachment(s): Proposed PUD Amendments



Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: March 26, 2019

SUBJECT: Planning Staff Report
Case 19-002: Planned Unit Development District Amendments

Recommended Commission Action

Staff recommends the Planning Commission review the proposed amendments contained in DRAFT Ordinance 733 and provide direction on any additional revisions.

No recommendation to the City Council is required at this time. A formal public hearing will be noticed for the April 23 regular meeting.

Description of the Request

The City is proposing amendments to Chapter 38, Article III, Division 15 of the City Code concerning the Planned Unit Development (PUD) District.

Discussion

The City is using its legislative authority when considering action on a City Code amendment request and has broad discretion; the only limitations are that actions must be constitutional, rational, and in some way related to protecting the health, safety and general welfare of the public.

Action Timeline

There is no applicable action timeline in this case due to the request being city-initiated.

Background

While processing recent applications, staff has identified several potential amendments to the PUD standards and procedures. Due to the limited land available for development/redevelopment in the community, the PUD process will continue to be utilized as a regulatory tool to encourage flexibility that supports high-quality development. The proposed amendments aim to ensure an equitable and transparent review process that promotes additional community engagement.

Analysis

DRAFT Ordinance 733 contains the following major proposed amendments (see attached):

Section II

- Clarification on density flexibility allowance (lines 35-36).
- Explicitly stating that the underlying zoning district standards should be used as a threshold for review (lines 45-46).

Both proposed amendments clarify the existing interpretation and administration.

Section III

- Elimination of specific setback standards and allowance for flexibility consideration based on the underlying zoning district standards, including certain considerations (lines 91-102).
- Elimination of building height standards and allowance for flexibility consideration based on the underlying zoning district standards, in compliance with existing CUP standards (lines 180-183).

The existing PUD District requirements and standards section includes stricter regulations for setbacks and building height than is allowed under the PUD Overlay District and CUP processes. The intent and administration of the PUD standards has always been to encourage flexibility. The existing additional standards are unnecessary and conflict with the intent and purpose provisions.

Section IV

- Clarification that PUD Overlay flexibilities are based on the applicable underlying zoning district, including proposed uses (lines 201-202 and 215-216).
- References to the same PUD District performance standards for PUD Overlays (lines 242-250).

Section V

- Open House requirement for PUD applications – not for PUD Overlays (lines 280-287).
- Concept PUD Plan requirement – formerly optional (lines 289-315).
- Reclassification of “Detailed Development Plan” to “Final PUD Plan” (lines 317-344).

This section includes significant policy changes affecting the review process for PUD Districts – not PUD Overlay Districts. The current practice of “optional” concept plan review by the Planning Commission and City Council is not equitable and requires subjective interpretation/administration by staff.

The proposed amendments would require an applicant to host an open house and go through concept plan review before proceeding to the final plan review process. As a result, the entire review process is lengthened significantly. However, the benefit is that it creates an equitable process that promotes additional community engagement by offering more opportunities to improve a proposed project.

Public Hearing Notice

According to Chapter 38, Article II, Section 38-35(c) of the City Code, concerning zoning amendments, a public hearing notice must be published and mailed to any affected property owners within 350 feet at least ten (10) days prior to the Planning Commission meeting.

A public hearing notice will be published in advance of the April 23 Planning Commission meeting.

Staff Recommendation

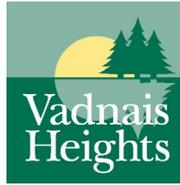
Staff recommends the Planning Commission review the proposed amendments contained in DRAFT Ordinance 733 and provide direction on any additional revisions prior to next month’s public hearing.

Action Requested

No formal action is required at this time.

Attachment(s):

- DRAFT Ordinance 733
- Chapter 38, Article III, Division 15



Memorandum:

TO: Chair Cordes and Planning Commission Members

FROM: Nolan Wall, Planning/Community Development Director

DATE: April 23, 2019

SUBJECT: Planning Staff Report
Case 19-002: Planned Unit Development District Amendments

Recommended Commission Action

Staff recommends the Planning Commission review the proposed amendments contained in DRAFT Ordinance 733 and make a recommendation to the City Council.

Description of the Request

The City is proposing amendments to Chapter 38, Article III, Division 15 of the City Code concerning the Planned Unit Development (PUD) District.

Discussion

The City is using its legislative authority when considering action on a City Code amendment request and has broad discretion; the only limitations are that actions must be constitutional, rational, and in some way related to protecting the health, safety and general welfare of the public.

Action Timeline

There is no applicable action timeline in this case due to the request being city-initiated.

Background

The Planning Commission reviewed the DRAFT Ordinance at the March 26 meeting and directed staff to make several revisions for continued discussion at the April meeting.

Analysis

The following revisions were made to DRAFT Ordinance 733, as discussed by the Planning Commission at the March 26 meeting:

Section I

- Revised Division title to include PUD and PUD Overlay Districts (lines 18-19).

Section II

- Removed “in general” (line 46).

Section III

- Add “but not limited to” language to setback flexibility considerations (line 98).
- Changed “expose” to “exposure” (line 100).

- Revised the open space provision section (lines 143-154).
- Removed “gross and/or net” density language (line 175).

Section IV

- Moved PUD Overlay section after PUD section.
- Added references to CUP applications (line 249).

Section V

- Added reference to rezoning and site plan applications (lines 263 and 332).
- Added additional open house provisions (lines 283-284).

Public Hearing Notice

According to Chapter 38, Article II, Section 38-35(c) of the City Code, concerning zoning amendments, a public hearing notice must be published and mailed to any affected property owners within 350 feet at least ten (10) days prior to the Planning Commission meeting. The notice was published in the April 10 edition of the Vadnais Heights Press.

Staff Recommendation

Staff recommends approval of the Zoning Code amendment request contained in DRAFT Ordinance 733.

Action Requested

Following the public hearing, the Planning Commission may consider the following actions:

1. Recommend *approval* of the Zoning Code amendment request contained in DRAFT Ordinance 733, as presented or amended.

OR

2. Recommend *denial* of the Zoning Code amendment request contained in DRAFT Ordinance 733.

OR

3. *Table* the request, pending additional information and/or revisions from staff.

Attachment(s):

- DRAFT Ordinance 733
- Example review timeline
- Staff Report, dated March 26, 2019

- 190 11. Existing wells and/or on-site private sewage facilities on the subject property shall
- 191 be abandoned and or/removed in compliance with all applicable regulatory
- 192 standards and permit procedures.
- 193 12. The location and installation of any on-site gasoline/bulk storage of liquids shall
- 194 require a conditional use permit in compliance with all applicable agency permit
- 195 procedures, standards, and codes.
- 196 13. The location and design of any on-site security fencing and/or system shall be
- 197 constructed in compliance with all applicable zoning and fire code standards, to
- 198 be reviewed/approved administratively.
- 199 14. Drainage and utility easements of ten feet on the front yard and five feet on each
- 200 side yard shall be dedicated to the City, to be filed at the applicant’s cost with the
- 201 offices of the Ramsey County Recorder and/or Register of Titles, prior to issuance
- 202 of a building permit.
- 203 15. A final plat in compliance with all other applicable agency requirements shall be
- 204 submitted for staff review and City Council approval within two (2) years from
- 205 the date of approval of the preliminary plat, to be recorded at the applicant’s cost
- 206 with the offices of the Ramsey County Recorder and/or Register of Titles, prior to
- 207 the issuance of any permits for commencement of construction activities.
- 208 16. Compliance with the conditions included in the MnDOT letters, dated 03/07/2019
- 209 and 04/15/2019, respectively.
- 210 17. Compliance with the conditions included in the Fire Chief’s memorandum, dated
- 211 03/27/2019.
- 212 18. Compliance with the conditions included in the City Engineer/Public Service
- 213 Director’s memorandum, dated 04/18/2019.

Ayes – 7 Nays – 0

214
215
216
217 The motion carried.

218
219 B. Planning Staff Report – Case File 19-002: Planned Unit Development District
220 Amendments

221
222 Planning/Community Development Director Wall said staff recommend the Planning
223 Commission review the proposed amendments contained in Draft Ordinance 733 and
224 make a recommendation to the City Council. The proposed ordinance was reviewed in-
225 depth at the March meeting and preliminarily reviewed by the City Council. Wall
226 summarized the proposed revisions to the Draft Ordinance made following the March
227 meeting.

228
229 Commissioner Carnes inquired about Line 67 saying “generally consistent” with the
230 Comprehensive Plan parameters and said that allowed for too much leeway and asked if
231 the term should be changed to read “shall be consistent”. Wall stated the Comprehensive
232 Plan is a large document that contains a number of policies related to many scenarios and
233 could contain an unrelated policy inconsistent with a development proposal which would
234 not be the intent but suggested that the City Attorney review Lines 66-68 prior to final
235 approval by the City Council.

236
237 Chairperson Cordes opened the public hearing at 7:48 p.m.

238 No one wished to address the Commission, Chairperson Cordes closed the public hearing
239 at 7:48 p.m.

240
241 Upon motion by Commissioner Caillier, seconded by Commissioner Cooper, it was
242

243 “RESOLVED, to recommend approval of Case 19-002, as written, An Ordinance
244 Amending Chapter 38, Article III, Division 15 of the Zoning Code, Concerning the
245 Planned Unit Development District.”

246
247 Ayes – 7 Nays – 0
248

249 The motion carried.
250

251 **NEW BUSINESS**

252
253 None.
254

255 **OLD BUSINESS**

256
257 A. Planning Commission Work Plan – 2019
258

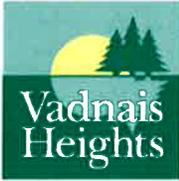
259 Planning/Community Development Director Wall summarized the final proposed 2019
260 Planning Commission Work Plan that was discussed at a Council Workshop on April 16.
261 He said that Chairperson Cordes and Commissioner Jokinen attended the Workshop to
262 discuss the proposed Work Plan. Chairperson Cordes said the Council had a favorable
263 review of the proposed Work Plan and that while there was no ranking of priorities, they
264 suggested joint education elements be considered where appropriate.
265

266 Wall said staff’s intent was to work on tasks over the next year and into 2020 and noted
267 that the recent goal setting session with City Council led to prioritized tasks related to
268 economic development, redevelopment and housing initiatives. He said the Planned Unit
269 Development District goal has already been completed and a discussion was held
270 regarding potential administrative approval for minor subdivisions of which the Council
271 was supportive to streamline and make the process more efficient.
272

273 Commissioner Caillier asked if documentation would be created around whatever action
274 was taken. Wall said no formal action was needed this evening but the intent is to
275 summarize the work plan and then work with the Commission on individual items which
276 might include research, attending Council meetings, to build more of a collaboration.
277

278 **GARCEAU CORNER TASK FORCE UPDATE**
279

280 Planning/Community Development Director Wall said that staff are working to schedule
281 the first meeting for the Garceau Corner Task Force. He said the City has hired a
282 facilitator and appointed residents and other stakeholders to the Task Force. They hope
283 to have the first meeting sometime in late May. He said that the first meeting would
284 include a scope of work, introduction to the site, site tour, background, site
285 contamination, history, and creation of context moving forward. He said the next two



ZONING CODE AMENDMENT APPLICATION

The City of Vadnais Heights
800 East County Road E • Vadnais Heights, MN 55127
Phone: 651.204.6015 • Fax: 651.204.6100
www.cityvadnaisheights.com

Applicant: City of Vadnais Heights

Address: 800 East County Road E

City: Vadnais Heights, MN

State: MN

Zip: 55127

Phone: 651 - 204 - 6000

Cell: - - -

E-mail: nolan.wall@cityvadnaisheights.com

Section of Zoning Code requested to be amended: Chapter 38, Article III, Division 15

Proposed language or text requested to be added/deleted (attach a separate sheet if necessary): _____

Amendments to the Planned Unit Development standards and procedures.

Reasons(s) for amendment request: New standards and procedures.

How will the community's goals be furthered by the proposed amendment?: Clarify interpretations and procedures. Encourage additional public engagement opportunities for certain applications.

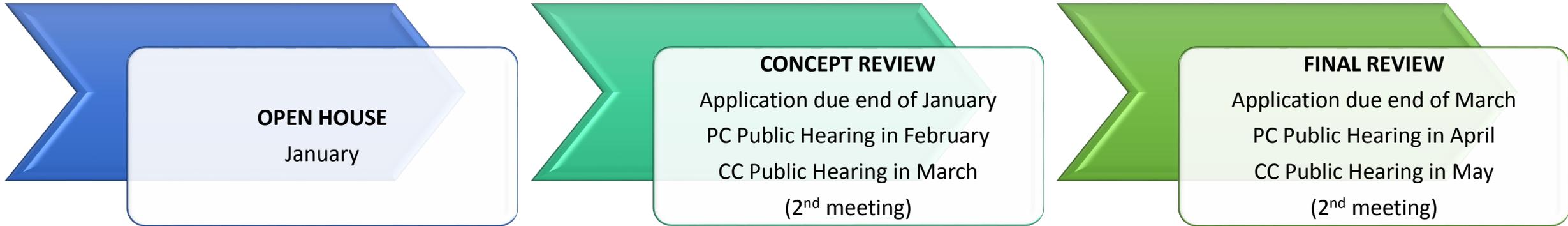
Justify or explain how this proposed amendment will not be injurious to or is keeping with the spirit and intent of the City Code: Promotes high-quality development by considering reasonable flexibility and encourages additional public engagement.

Applicant Signature

3/20/19

Date

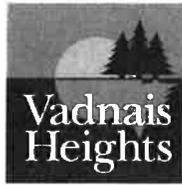
PUD DISTRICT APPROVAL PROCESS (REZONING)



PUD OVERLAY DISTRICT APPROVAL PROCESS (CUP)



Chairperson
Evan Cordes



City of Vadnais Heights

800 East County Road E
Vadnais Heights, MN 55127

Phone: **651.204.6000**

Fax: **651.204.6100**

Planning Commission Members

Dave Anderson

Linda Bigelbach

Ed Caillier

Brian Carnes

– **Martin Jokinen – Vice Chair**

Joseph Stumph

Curt Cooper – First Alternate

Jerry Moynagh – Second Alternate

Patricia Youker, City Council Liaison

Nolan Wall, Planning/Community Development Director

Kevin Watson, City Administrator

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Vadnais Heights Planning Commission will meet and conduct a public hearing on **Tuesday, April 23, 2019** at 7:00 p.m. at City Hall, 800 East County Road E, to consider city-initiated zoning code amendments concerning planned unit developments.

Anyone wishing to be heard in regards to this matter will be given an opportunity at this time. The application materials are available for public review at City Hall during normal business hours. Questions or comments should be directed to Nolan Wall, Planning/Community Development Director, at 651-204-6027 or nolan.wall@cityvadnaisheights.com.

FOR THE PLANNING COMMISSION OF THE
CITY OF VADNAIS HEIGHTS



Kevin P. Watson
City Administrator

Dated: April 4, 2019