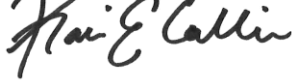


REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **07/25/16**

Agenda Item: 14.a

Department Approval



City Manager Approval



Item Description: Discussion regarding high density residential housing districts and the Planned Unit Development (PUD) process (**PROJ0039**).

1 The City Council has had several recent conversations regarding high density residential (HDR)
2 proposals in the City of Roseville. One such conversation, a recent request by Good Samaritan
3 to up-zone property from HDR-1 to HDR-2, prompted Planning Division staff to explore
4 modifications to the zoning code that would allow HDR proposals to be reviewed on a case-by-
5 case basis for community impact. It is possible that density may not have been as great of a
6 concern with the Good Samaritan proposal if the Council had been allowed greater input into the
7 design or had the ability to apply conditions to mitigate community impact.

8 As we have reviewed the possible tools available in the Planning Division's tool box, two
9 processes seem to provide the Council with the flexibility to review the density of proposed
10 developments: the Conditional Use (CU) process and the Planned Unit Development (PUD)
11 process. Each of these processes requires specific criteria and approvals that a project must
12 satisfy and each can also include conditions that protect citizens, neighborhoods and the City
13 against potential impacts. These processes also include a resolution or agreement that is
14 recorded against the property, binding the property to those specific and strict requirements until
15 they are formally removed by the City.

16 **USING THE CONDITIONAL USE PROCESS**

17 At the May 23 meeting the City Council expressed concerned over the absence of a density
18 limitation in the HDR-2 District. To address this concern, Planning Staff discussed amending
19 table 1004 – 6 to establish a maximum density of 36 units/acre for the HDR-2 district with any
20 proposal seeking a higher density than 36 units per acre, such as a low-impact senior living
21 development, being required to go through the Conditional Use process. Similarly, the Planning
22 Staff would suggest Council consider using the Conditional Use process to allow for increased
23 density in the HDR-1 District – any development proposed in an HDR-1 area seeking a density
24 between 25 to 36 units/acre would be required to go through the CU process. The CU process
25 affords the City greater flexibility to review the density of a proposed development and place
26 conditions, including density limitations, in order to address potential area impacts. All other
27 standards in the district would remain as currently listed.

28 **Dimensional Standards:**

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre b		None 36 Units/net acre c
Minimum density	12 Units/net acre		24 Units/net acre
Maximum building height	35 Feet	65 Feet	95 Feet
Maximum improvement area	75%	75%	85%
Minimum front yard building setback			
Street	30 Feet	30 Feet	10 Feet
Interior courtyard	10 Feet	10 Feet	15 Feet
Minimum side yard building setback			
Interior	8 Feet (end unit)	20 Feet, when adjacent to ldr-1 or ldr-2 10 Feet, all other uses	20% Height of the building ^a
Corner	15 Feet	20 Feet	20% Height of the building ^a
Minimum rear yard building setback	30 Feet	30 Feet	50% Height of the building ^a

- 29 a The City may require a greater or lesser setback based on surrounding land
30 uses.

31 **b. Density in the HDR-1 district may be increased to 36 units/net acre with**
32 **approved conditional use.**

33 **c. Density in the HDR-2 district may be increased over 36 units/net acre**
34 **with approved conditional use.**

35 Ord. 1411, 6-13-2011); (Ord.1405, 2-28-2011)

36 **USING THE PLANNED UNIT DEVELOPMENT PROCESS**

37 When considering whether a development proposal is appropriate for PUD, the Planning
38 Division is required to assess the proposal against the overarching goals established in Section
39 1023.01.B of the recently adopted ordinance (and included as Attachment A). In the case of the
40 Good Samaritan proposal, Staff struggled to qualify the project under the current goals of the
41 PUD ordinance. The following are the overarching goals found in Section 1023.01.B of the PUD
42 regulations:

- 43 1. *Higher standards of site and building design such that a new development appears attractive and*
44 *inviting from all surrounding parcels;*
- 45 2. *Greater utilization of new technologies in building design, construction, and land development;*
- 46 3. *A more creative and efficient use of land than would otherwise be possible;*
- 47 4. *Incorporation of extensive landscaping and site amenities in excess of what is required by code;*
- 48 5. *Creation of high-quality park, open space, and trail opportunities that exceed the expectations*
49 *established in the Comprehensive Plan;*
- 50 6. *Enhanced access to a convenient and efficient multi-modal transportation option to service the*
51 *daily needs of residents at peak and non-peak use levels, with high connectivity to the larger*
52 *community;*
- 53 7. *Creative designs that reduce initial infrastructure costs as well as long-term maintenance and*
54 *operational costs;*

City of Roseville

ORDINANCE NO. 1497

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

THE CITY OF ROSEVILLE ORDAINS:

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

1023.01: PURPOSE AND INTENT

- A.** The purpose of the Planned Unit Development (PUD) zoning district is to provide greater flexibility in the development of residential and non-residential areas in order to achieve more creative development outcomes while remaining economically viable and marketable. This is achieved by undertaking a process that results in a development outcome exceeding that which is typically achievable through the underlying zoning district. The City reserves the right to deny establishment of a PUD overlay district and direct a developer to re-apply under the standard applicable zoning district if it is determined that proposed benefits do not justify requested flexibilities.
- B.** Overarching goals (not requirements) of the City in approving a PUD include but are not limited to:
 - 1. Higher standards of site and building design such that a new development appears attractive and inviting from all surrounding parcels;
 - 2. Greater utilization of new technologies in building design, construction, and land development;
 - 3. A more creative and efficient use of land than would otherwise be possible;
 - 4. Incorporation of extensive landscaping and site amenities in excess of what is required by code;
 - 5. Creation of high-quality park, open space, and trail opportunities that exceed the expectations established in the Comprehensive Plan;

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;
7. Creative designs that reduce initial infrastructure costs as well as long-term maintenance and operational costs;
8. The preservation and enhancement of desirable site characteristics (including flora and fauna, scenic views, and screening);
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;
10. Incorporation of structured parking to hide vehicle storage and to promote opportunities for improved buffering between intensive uses and sensitive areas;
11. Elimination of repetition by encouraging a housing mixture that diversifies the architectural qualities of a neighborhood;
12. Facilitation of a complementary mix of lifecycle housing; and
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.

1023.02: INITIATION OF PROCEEDINGS

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

1023.03: REFLECTION ON THE OFFICIAL ZONING MAP

- A. PUD provisions provide an optional method of regulating land use which permits flexibility from standard regulating provisions. Establishment of a PUD shall require adoption of an ordinance creating an overlay zoning district atop the boundaries of the development area. For each PUD District, a specific ordinance shall be adopted establishing all rules which shall supersede underlying zoning. Issues not specifically addressed by the PUD Overlay District shall be governed by the underlying zoning district regulations.
- B. All PUDs approved prior to April 11, 2016, shall be allowed to continue per the original conditions of approval.

1023.04: PERMITTED LOCATIONS FOR PUD REZONING

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

1023.05: PUD QUALIFICATIONS

- A. Establishment of a PUD will be considered only for areas of land in single ownership or control. Alternatively, multiple party ownership, in the sole discretion of the City, is acceptable when legally sufficient written consent from all persons and entities with ownership interest is provided at the time of application.
- B. Projects eligible for a PUD shall have a site which consists of a parcel or contiguous parcels of land two (2) acres or more in size. Tracts of less than two (2) acres may be eligible for a PUD overlay district only if the applicant can demonstrate 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.

1023.06: PERMITTED USES WITHIN A PUD

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

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;

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

1. Sustainability Improvements

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

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

2. Improved Storm Water Management

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

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 PUD Overlay District shall be initiated by following the steps below.

A. Developer Open House Required

- 1. Prior to submitting 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. 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: address, 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;
 - 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. Any additional information that may explain the proposed PUD.

3. PUD Sketch Plan Proposal Review

Upon receiving a PUD Sketch Plan application, the Community Development Department shall schedule a date upon which the City Council will review the Sketch Plan application 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, 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 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.

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 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;
 - v. Area calculations for each parcel;
 - vi. Proposed setbacks on each lot (forming the building pad) and calculated buildable area;
 - vii. Proposed gross hardcover allowance per lot (if applicable);
 - viii. Existing contours at intervals of two feet. Contours must extend a minimum of 200 feet beyond the boundary of the parcel(s) in question;
 - ix. Delineation of wetlands and/or watercourses over the property;
 - x. Delineation of the ordinary high water levels of all water bodies;

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

3. PUD Concept Plan Review

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

E. PUD Final Plan

1. Application Deadline

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

2. PUD Final Plan Submittal Requirements

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

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

- 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.

- ii. The development agreement may require the developers to provide an irrevocable letter of credit in favor of the City. The letter of credit shall be provided by a financial institution licensed in the state and acceptable to the City. The City may require that certain provisions and conditions of the development agreement be stated in the letter of credit. The letter of credit shall be in an amount sufficient to ensure the provision or development of improvement called for by the development agreement.
- h. As directed by the City, documents related to the PUD shall be recorded against the property.

4. Time Limit

- a. A PUD shall be validated by the applicant through the commencement of any necessary construction or establishment of the authorized use(s), subject to the permit requirements of Title 9 of this Code, in support of the PUD within one (1) year of the date of PUD Final Plan approval. Failure to meet this deadline shall render the PUD Final Plan approval void. Notwithstanding this time limitation, the City Council may approve extensions of the time allowed for validation of the PUD approval if requested in writing by the applicant; extension requests shall be submitted to the Community Development Department and shall identify the reason(s) why the extension is necessary along with an anticipated timeline for validation of the PUD.
- b. An application to reinstate a PUD that was voided for not meeting the required time limit shall be administered in the same manner as 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].

1023.10: PUD AMENDMENTS

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

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 April 11, 2016, 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].

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 11th day of April, 2016

(SEAL)

CITY OF ROSEVILLE

BY: _____

Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

July 15, 2016

Mr. Thomas Paschke
City Planner
City of Roseville
2660 Civic Center Drive
Roseville, MN 55113

Re: Possible Amendment to Better Support Multi-Family Residential Development
July 18, 2016 City Council Meeting

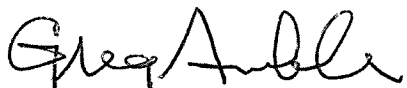
Dear Thomas,

Thank you for keeping us informed as you work with the City Council on the above referenced item. Your recommendations to provide the Council with the flexibility to review the density of proposed multi-family developments make sense and are consistent with what we have seen in other communities. We were very disappointed that our request for re-zoning from HDR-1 to HDR-2 was denied by the Council on May 23, 2016, however we understand the Council's concerns given that the maximum density is unlimited under the current HDR-2 zoning district ordinance.

The recommendations you have proposed would provide an avenue for our proposed 62-unit affordable housing project for seniors to be approved while at the same time providing a limit on density thus addressing the concerns of the Council.

As we have been working on this project with city staff and others in the community, it is clear that there is a shared recognition of the need for additional affordable housing for seniors in Roseville. We are in support of your proposed recommendations to the Council and look forward to hearing from you regarding the outcome of upcoming Council meeting.

Sincerely,



Greg Amble
Director, Construction & Design