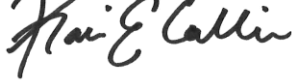


ROSEVILLE
REQUEST FOR CITY COUNCIL ACTION

Agenda Date: **08/15/16**

Agenda Item: 15.b

Department Approval



City Manager Approval



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

1 At the July 25, 2016 City Council meeting, Community Development Staff and the City Council
2 explored text amendments to High Density Residential (HDR) 1& 2 dimensional standards
3 outlined in City Code. At that time, Community Development Staff suggested that HDR-1
4 proposals with a proposed density greater than 24 units/net acre be considered by the City
5 Council as a Conditional Use (CU). The City Council seemed generally supportive of a cap in
6 this district, and directed staff to also review City Code setback language, and building height
7 related to land use adjacencies. The City Council also directed staff to explore the relationship
8 between height and setback taking into consideration surrounding land uses. The City Council
9 expressed a desire for clarity in the HDR-1 district, yet agreed that a broader discussion
10 regarding the High Density Residential-2 (HDR-2) requirements could be included as a
11 discussion topic in the 2040 Comprehensive Plan update. Therefore, the focus of this discussion
12 will be to consider changes to the HDR-1 district.

13 **USING THE CONDITIONAL USE PROCESS**

14 The CU process affords the City greater flexibility to review the density of a proposed
15 development and place conditions, including density limitations, in order to address potential
16 area impacts. The proposed minor text change in the table below addresses the City Council's
17 general support for the CU as a tool to consider a slight increase in density in the HDR-1 district.

18 Regarding HDR-1, Table 1004-6 (below) includes the proposed text change to create the CU
19 process for HDR-1 projects over 24 units per acre.

20 **Dimensional Standards:**

Table 1004-6	HDR-1		HDR-2
	Attached	Multifamily	Multifamily
Maximum density	24 Units/net acre b		None
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	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

21 a The City may require a greater or lesser setback based on surrounding land
22 uses.

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

25 **HISTORICAL REVIEW OF BUILDING SETBACK AND HEIGHT**

26 Regarding additional concerns expressed by Councilmembers pertaining to building setbacks and
27 building height, the City Planner reviewed the 1995 City Code to get an idea as to how
28 residential district dimensional standards were previously outlined. The 1995 Code included five
29 residential districts where multi-family housing was allowed, including R-3 General Residence
30 District; R-3A Multi-Family Three to Twenty-Four Units; R-4 Three and Four Family Residence
31 District; R-5 Three to Eight Family Residence District; and R-7 Apartment Park District.

32 The adoption of the 2010 Zoning Code established the Commercial and Mixed-Use Districts,
33 Employment Districts, specific design standards within each zoning district, and Property
34 Performance Standards. The 2010 update also established the Community Mixed-Use District
35 for Twin Lakes and created a regulating plan that included strict building placement,
36 development guidelines, and design standards. The CMU district and regulating plan was
37 recently updated, creating four separate CMU districts, new dimensional standards, and
38 regulating plans for all of Twin Lakes.

39 Attachment C includes the 1995 residential districts' building height and setback requirements
40 and the 2010 Zoning Code building height and setback requirements for Residential Districts,
41 Commercial and Mixed-Use Districts, and Employment Districts. Community Development
42 Staff thought it might be helpful to see the standards applied in each specific district next to one
43 another in a table.

The main difference between the 1995 requirements and those currently in effect are the building forward concept. Setbacks are similar in the residential districts, but reduced or eliminated in the commercial, office, and industrial districts in favor of design standards that address placement of buildings and parking lot design and location. Specific to the residential districts, Section 1004.04.A and B (below) deal with building orientation adjacent the public street or in a corner lot situation, as well as parking lot location. It is important to understand the design standards play a greater role in building placement (setback) in order to address the policies and objective of the Comprehensive Plan.

Section 1004.04 Multi-Family Design Standards

A. Orientation of Buildings to Streets: Buildings shall be oriented so that a primary entrance faces one of the abutting streets. In the case of corner lots, a primary entrance shall face the street from which the building is addressed. Primary entrances shall be defined by scale and design.

H. Surface Parking: Surface parking shall not be located between a principal building front and the abutting primary street except for drive/circulation lanes and/or handicapped parking spaces. Surface parking adjacent to the primary street shall occupy a maximum of 40% of the primary street frontage and shall be landscaped according to Chapter 1019, Parking and Loading Areas.

Because of the existing design standards and a review of historical setback requirements in comparison to other districts and uses, the Planning Division is not recommending any changes to the minimum setback requirements listed in Table 1004-6.

The City Council may want to consider addressing building height in the HDR-1 district through a CU process as well. The CU process could limit permitted uses to 45 feet and anything between 45 and 65 feet to an approved CU. A height limitation at four stories seems appropriate as this is the height at which building code requirements become heightened and one can no longer construct a wood-framed structure.

USING THE PLANNED UNIT DEVELOPMENT PROCESS

On July 25 the City Council explored amendments to the density requirements in the Planned Unit Development process. When considering whether a development proposal is appropriate for PUD, the Planning Division is required to assess the proposal against the overarching goals established in Section 1023.01.B of the recently adopted ordinance (and included as Attachment A). In the case of the Good Samaritan proposal, Staff struggled to qualify the project under the current goals of the PUD ordinance. The following are the overarching goals found in Section 1023.01.B of the PUD regulations:

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.*

Goals aside, Planning Staff considered ways in which the Planned Unit Development (PUD) process could be used to address the issue of density. Section 1023.07.F under, Area of Flexibility, does support increased density in residential projects but no more than 10%. The specific subsection reads as follows:

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

Based off the options available to the City Council, the Planning Division has concluded the proposed minor amendment to Table 1004-6 creating a CU process for density between 24-36 units per acre, and possibly a CU for building height between 45 and 65 feet, are better suited to address building density and height than amending the recently approved PUD requirements.

When reviewing options broadly, staff determined that the CU process would allow an applicant to address a singular dimensional standard that may be out of range of the regular district standards versus prompting the extensive and lengthy PUD process.

Lastly, the City Council desired a map indicating existing high density residential use. Attachment C provides a closer look at all of the high density residential uses in Roseville and better identifies where it would fall within current zoning districts.

CITY COUNCIL RECOMMENDED ACTION

Provide Planning Division Staff direction on code amendments to HDR-1 Dimensional Standards or the PUD process to allow for greater flexibility in reviewing senior housing or high-density residential proposals.

Prepared by: Thomas Paschke, City Planner and Kari Collins Interim Community Development Director

Attachment	A: PUD ordinance	B: Good Samaritan letter
	C: Setback/height chart	D: High density map
	E: July 25 CC minutes	

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.

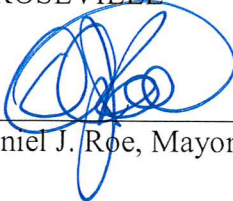
Section 2. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 11th day of April, 2016

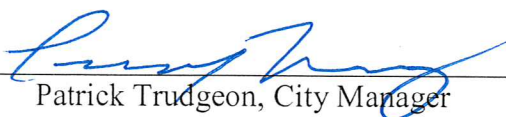
(SEAL)

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

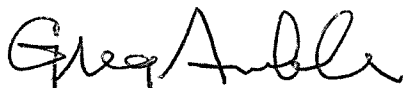
Dear Thomas,

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

Pre 2010 Code

Zoning District	R-3/R-3A	R-4/R-5	R-7
Dimensional Standards			
Building Height	30 feet	30 feet	unlimited
Front Yard Setback	30	30	50**
Side Yard Setback	15	15*	40***
Rear Yard Setback	30	30	40***
Setback Adj Residential	none	none	

* - requires setback equal to 15 feet or $\frac{3}{4}$ height of building, whichever is greater.

** - requires an additional foot of setback for each foot of building height over 75 feet.

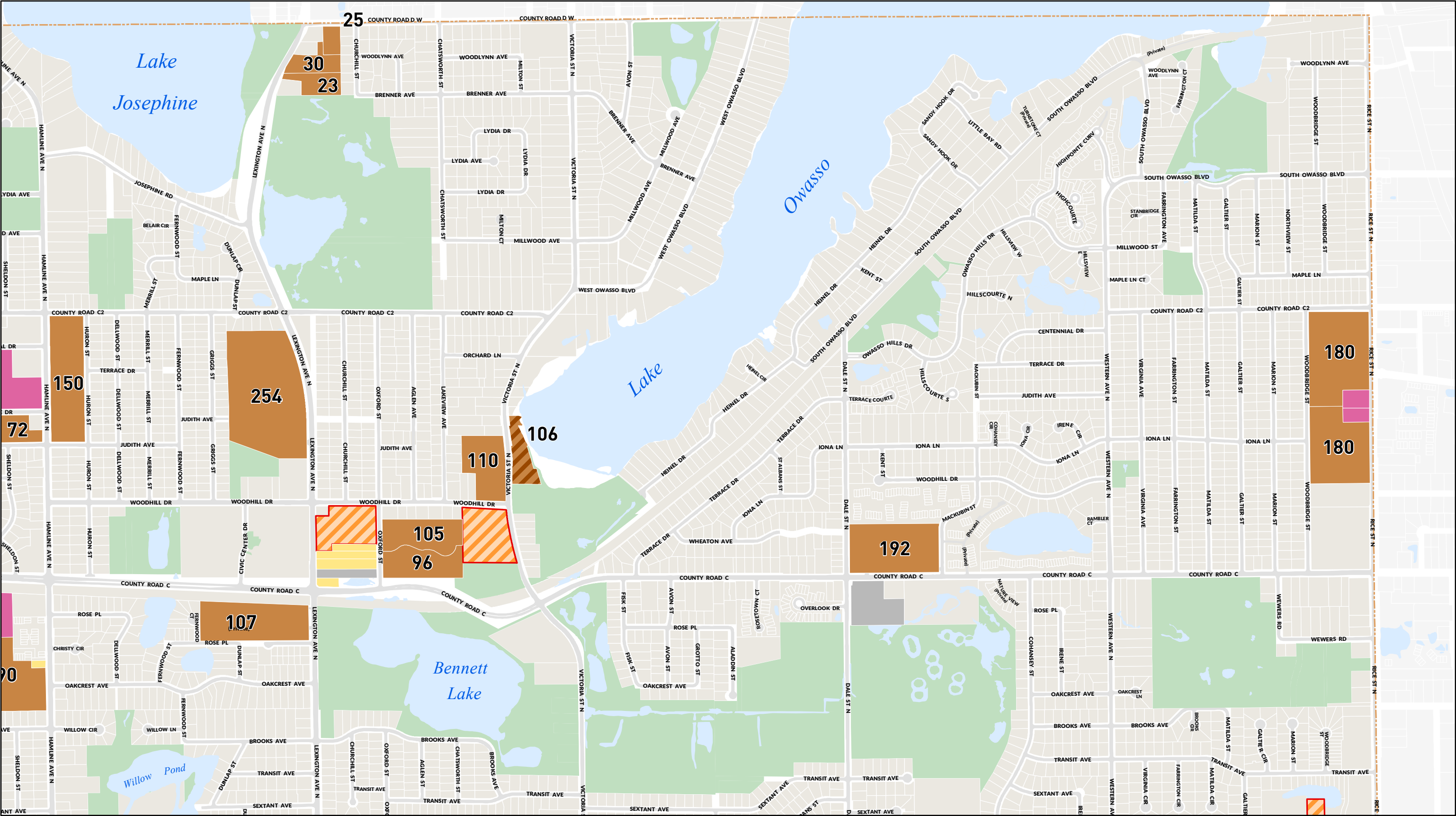
*** - requires an additional $\frac{1}{2}$ foot of setback for each additional foot of building height over 75 feet.

2010 Code

Zoning District	MDR	HDR-1	HDR-2	NB	CB	RB	CMU	O/BP	I
Dimensional Standards									
Building height	40 feet	65 feet	95 feet	35 feet	40 feet	65 feet**	35/65 feet	60 feet**	60 feet
Front yard setback	varies*	30	10	none	0-25	none	0-25	varies	30
Side yard setback	varies*	10	20% bldg. height	10	none	none	none	10	10
Rear yard setback	varies*	30	20% bldg. height	10	10	10	none	10	20
Setback adj residential	none	20	50% bldg. height	10 side 25 rear	10 side 25 rear	10 side 25 rear	none	40	40

* - setback varies based upon the placement of the building and type of parking lot design between building and public street.

** - greater height allowance with approved CU



Zoned HDR-1 or HDR-2 (labeled w/ # of units)

- Developed at HDR-1 density (12-24 units/ac) 263.9 ac; 4,609 units
- Developed at HDR-2 density (24+ units/ac) 63.3 ac; 1,938 units
- Pending HDR project

Not Zoned HDR

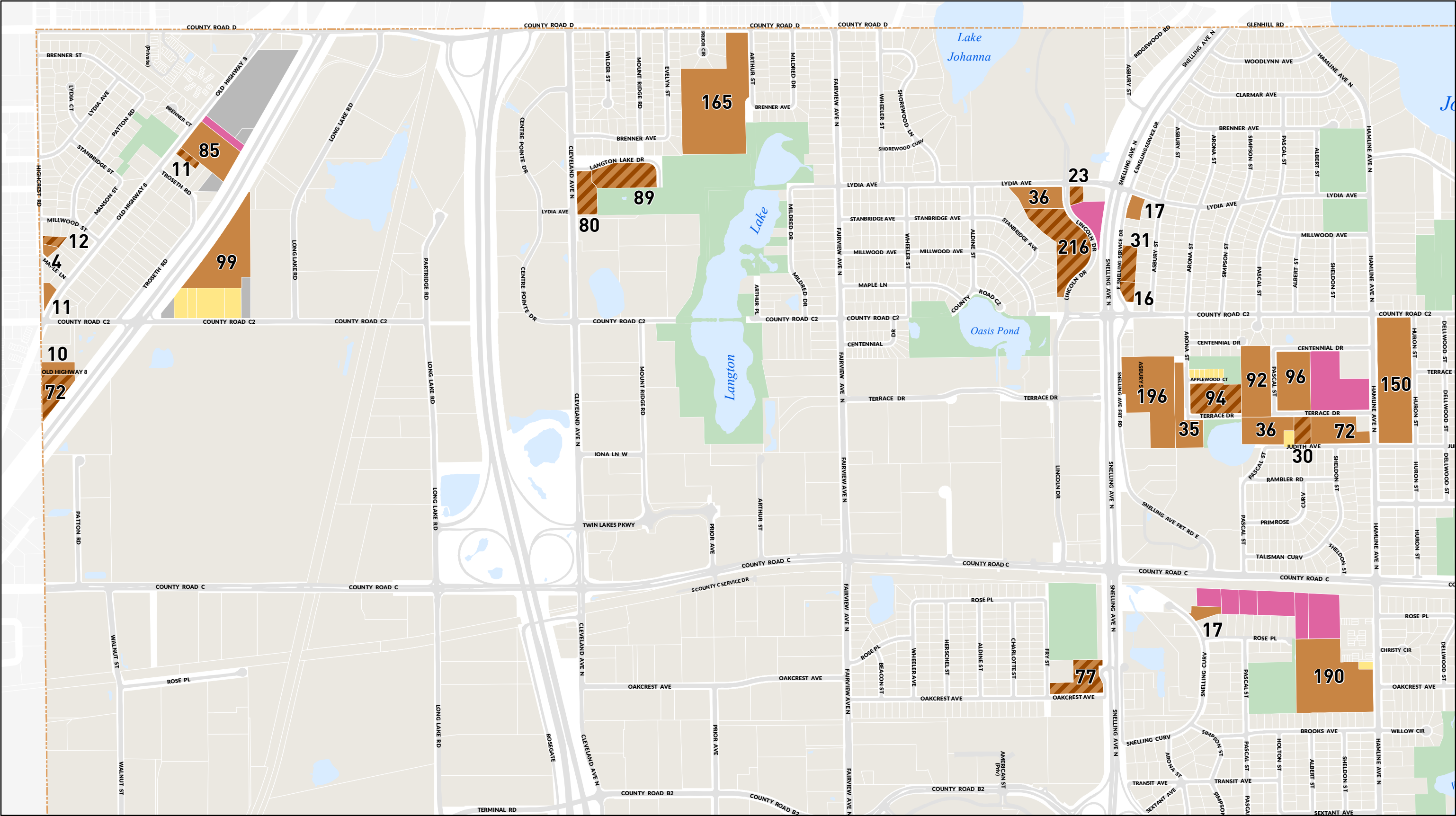
- Developed at HDR density

Zoned HDR - Not HDR Use

- Commercial/Industrial 23.9 ac
- Single Family Residential 13.3 ac
- Vacant 20.6 ac

High Density Residential





Zoned HDR-1 or HDR-2 (labeled w/ # of units)

- Developed at HDR-1 density (12-24 units/ac) 263.9 ac; 4,609 units
- Developed at HDR-2 density (24+ units/ac) 63.3 ac; 1,938 units
- Pending HDR project

Not Zoned HDR

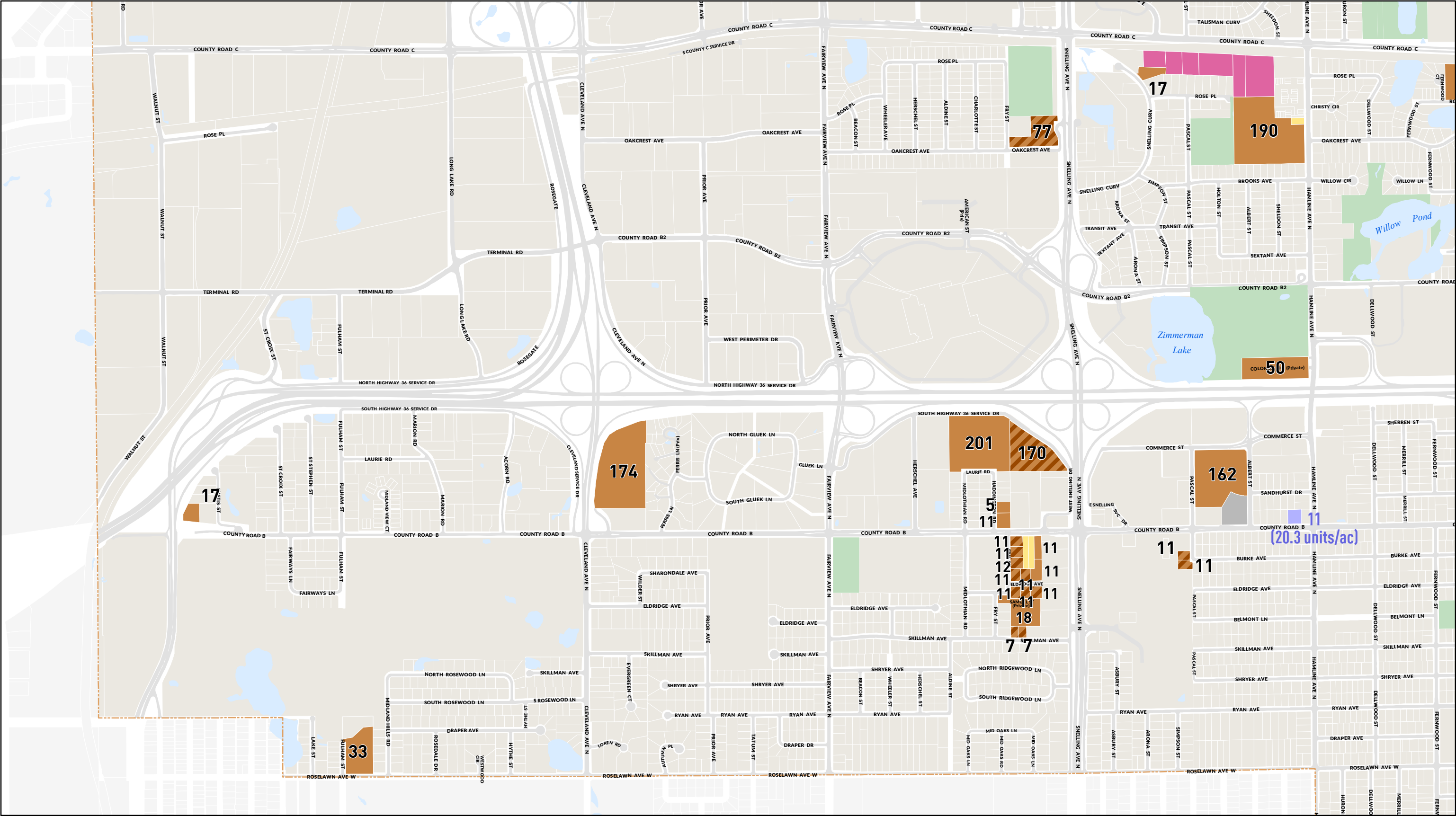
- Developed at HDR density

Zoned HDR - Not HDR Use

- Commercial/Industrial 23.9 ac
- Single Family Residential 13.3 ac
- Vacant 20.6 ac

High Density Residential





Zoned HDR-1 or HDR-2 (labeled w/ # of units)

- Developed at HDR-1 density (12-24 units/ac) 263.9 ac; 4,609 units
- Developed at HDR-2 density (24+ units/ac) 63.3 ac; 1,938 units
- Pending HDR project

Not Zoned HDR

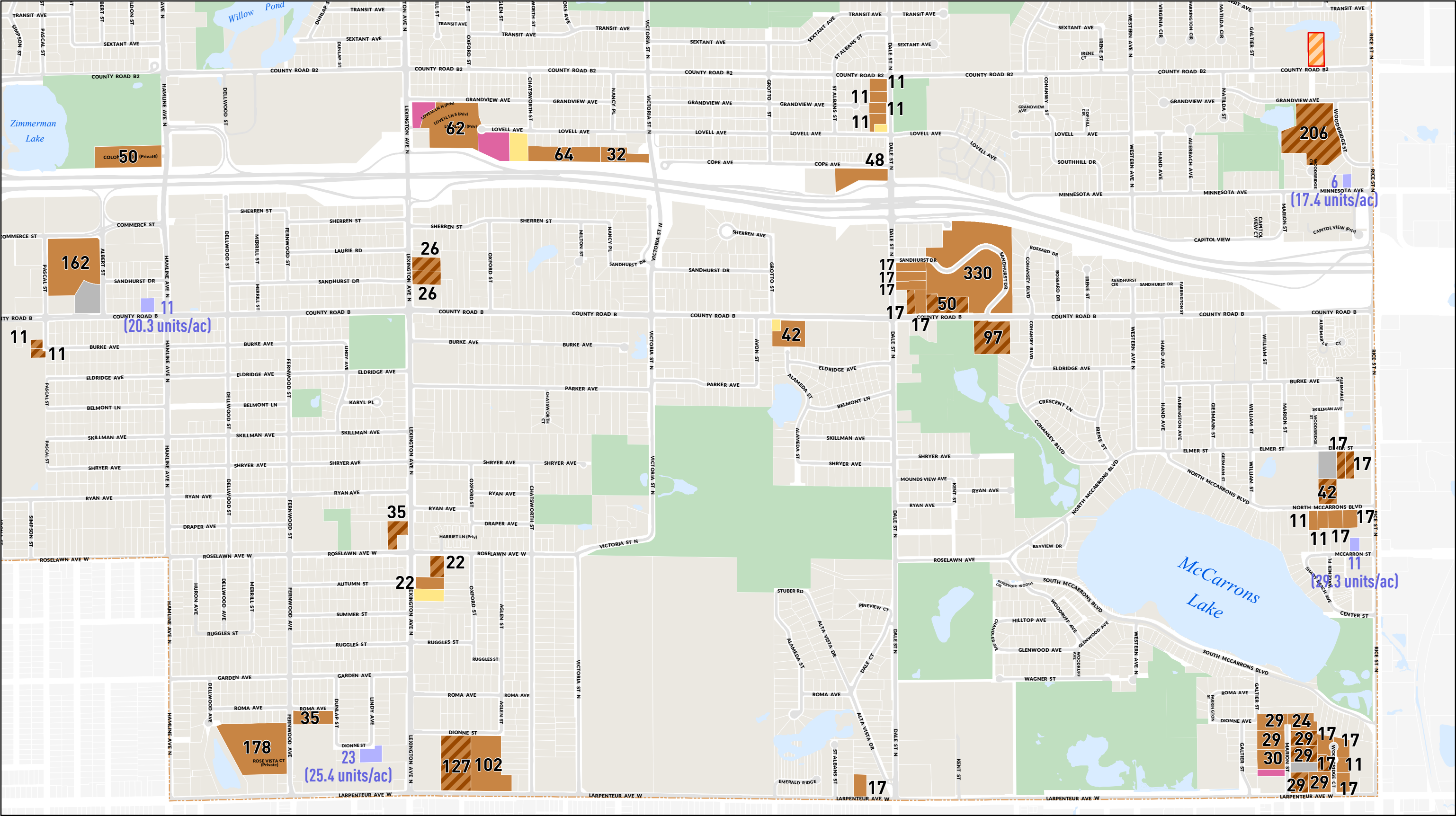
- Developed at HDR density

Zoned HDR - Not HDR Use

- Commercial/Industrial 23.9 ac
- Single Family Residential 13.3 ac
- Vacant 20.6 ac

High Density Residential





High Density Residential



Extract of the July 25, 2016 Roseville City Council Meeting Minutes

a. Discussion Regarding High Density Residential (HDR) Housing Districts and the Planned Unit Development (PUD) Process (PROJ0039)

Mayor Roe introduced this item and recognized City Planner Thomas Paschke for up update based on past discussions and direction to staff from the City Council. As detailed in the RCA, Mr. Paschke reviewed the current HDR and PUD processes and issues, and outlined several potential options for consideration by the Planning Commission for recommendation to the City Council (page 2, lines 31-34). Mr. Paschke advised that staff felt these revisions addressed the two areas of concern and allowed more flexibility in HDR-1 and HDR-2 to address those issues.

Specific to the PUD issue and possible amendment to increase density, Mr. Paschke noted lines 36 – 86 addressed staff's analysis related to senior and other housing. Mr. Paschke cautioned that staff thought this may have intended consequences, and therefore at this time, could not support revisions as noted.

Interim Community Development Director Kari Collins noted the purpose of tonight's discussion was to gather the objectives and outcomes the City Council would like to see for HDR proposals (e.g. senior housing classifications as lower impacts); and whether they thought the Conditional Use (CU) process addressed any and all uses, if done on a case by case review. As mentioned by Mr. Paschke, Ms. Collins noted the proposed PUD text amendment pending Planning Commission review and recommendation and City Council approval that would include density language and increase it to 30%. However, Ms. Collins noted this also involved the acreage component that also may need amending, but advised staff was seeking which option the City Council found more to accomplish the desired outcomes it was seeking (from 24 to 36 units as outlined in the proposed draft at 50% versus 30%). Assuming the CU allow up to 50%, Ms. Collins noted it could also be a percentage not necessarily that high, but subject to discussion by the City Council to address mitigation and cost versus benefit analyses.

Mr. Paschke agreed, noting that a subsequent traffic study and case by case review during the CU process may determine that an increase up to 36 units may not work, while something in between may be more preferable and thus recommended rather than the maximum number of units per acre.

At the request of Councilmember Willmus, Mr. Paschke confirmed the maximum building height would remain the same.

Specific to the Good Samaritan proposal and rezoning request that brought this discussion forward, Councilmember Willmus advised his concern was whether or not that was the highest and best use for those parcels. Councilmember Willmus stated he still struggled with that, and therefore wasn't sure if staff's recommendation to move from 24 to 36 units per acre sufficed, without also addressing a maximum building height and design considerations. For reference, Councilmember Willmus stated he wasn't interested in seeing a duplication of the situation at 6800 Xerxes Avenue in Edina, MN; with single-family residential use on one side of the street and 65' to 70' buildings directly across the street. Councilmember Willmus noted the impacts for solar access for those single-family properties; stating the real issue for

him was the overall height and proximity of this type of use to surrounding single-family residential and what those existing neighborhoods would be faced with. Councilmember Willmus questioned if increasing units per acre addressed either of those variables.

Mayor Roe noted, with confirmation from Mr. Paschke, the 30' setback from the side property line that would remain in effect. At the request of Mayor Roe, Mr. Paschke confirmed that there was no HDR-2 zoned parcels yet built upon, but several zoned accordingly. Therefore, Mayor Roe noted any development would need to request rezoning from the city to add height over the 65' in the HDR-1 zone.

Councilmember McGehee noted the existing PUD process now in place, and stated her lack of interest in changing it, since it changed across the entire city, not just for one parcel. Councilmember McGehee noted the city had a history of doing that spot rezoning, which she was not supportive of. However, Councilmember McGehee questioned the best option for a site and desirable project such as the Good Samaritan project where it provided needed housing stock, and whether it was possible to provide a CU for this particular parcel and specify the number of units sought by the developer with appropriate height and setbacks addressed. Councilmember McGehee opined she found their site plan and overall layout reasonable; but struggled with how to specify CU running with the land and to what extent to ensure it conformed with no more than 48 units and the proposed overall building footprint and height, specific to a CU.

Mayor Roe clarified that staff's recommendation was to change the number of units per acre, with all other zoning requirements for HDR-1 and HDR-2 districts remaining unchanged. Mayor Roe noted the Good Samaritan project met all zoning requirements for HDR-1 except the number of units per acre; and this proposed revision attempted to address that, while not changing any other standards already met. Mayor Roe opined that if the City Council wanted a CU to apply more restrictions on other elements, it sounded more like a PUD process to change density.

Mr. Paschke noted the PUD process, up to 36 units in the case of the Good Samaritan project, would serve to limit that project to a certain number of units on the site and other conditions that would run with the property. Mr. Paschke noted the majority of the project met most other HDR-1 conditions.

At the request of Mayor Roe, City Attorney Gaughan clarified that any conditions reasonable related to and pursuant to the CU process and the actual project itself allowed the City Council some latitude and direction under the PUD process to include more ancillary conditions as indicated, and as noted "reasonable" and already within the city's PUD language ordinance.

Mayor Roe clarified the reasons for concern and rationale in looking at PUD's was the notion of providing all other changes when looking to address a particular proposal that met all other requirements of HDR-1, other than rezoning for units per acre, as with the Good Samaritan project. However, Mayor Roe noted that discussion opened up other discussions related to height and setbacks on the site that would follow the property in perpetuity. Therefore, Mayor Roe suggested the city keep the rest of the zoning parameters in place, and allow for no density in CU versus the PUD process; noting that wasn't relevant to this proposal; and therefore suggested not putting that into play in this situation when considering density per acre.

Councilmember McGehee agreed; and questioned if there was a specific reason to bump up HDR-1 and HDR-2 units per acre.

Mayor Roe advised that the reason was to clearly define the number of units at a maximum of 36 units to avoid an infinite number, and as confirmed by Mr. Paschke, anything else would fall under the PUD process.

Under those circumstances, Councilmember McGehee stated her satisfaction with the proposal at 36 units, allowing the Good Samaritan project to reach their preferred goal.

Discussion ensued between Mayor Roe and Councilmember Willmus related to two different zoning categories for a 30% increase in HDR-1 at 36 units per acre. Councilmember Willmus advised he wasn't supportive of HDR-1 at 36 units, and expressed interest for HDR-2 zoning to look at a unit cap per acre; as well as tweaking setback requirements.

Councilmember Etten expressed his appreciation for the latitude this allowed the City Council. However, Councilmember Etten stated one remaining concern was how this worked with the single-family buffers in LDR-1 and LDR-2 zoning for density, referencing the HDR chart and setback requirements based on where they're located for HDR-1 and HDR-2; questioning if the same could be done for height.

Mr. Paschke agreed that could be done, suggesting a 10' allowance for increased density in both districts.

Councilmember Etten stated that would alleviate some of his concerns; and agreed with the setbacks for HDR-2, which were now often significantly less than those found in HDR-1; with no allowances whether next to LDR-1 or LDR-2 zoned properties; and without that protection, higher density remained problematic from his perspective.

Mr. Paschke advised that staff would need to further review those requirements and how they fit with overall design standards in city code, and what could be accomplished with setbacks.

Mayor Roe noted there were other sections of code that dealt with adjacency to single-family parcels, maybe not across the street, but those directly adjacent.

Ms. Collins noted the subscript in the RCA below Table 1004-6 (page 2) addressing dimensional standards.

Mayor Roe noted there were less setback requirements for HDR-1 districts placed in or around Regional Business designations or more intense uses with greater height allowed. Since there isn't anything currently being built on HDR-2 zoned parcels, Mayor Roe noted this allowed the ability for the City Council to look at every proposed HDR-2 parcel next to single-family parcels. Mayor Roe noted this may have been the rationale for setting it up that way and may make sense for some parcels while not with others, all unknown at this point; and allowing future City Councils the discretion to make those changes accordingly. For this specific Good Samaritan project, Mayor Roe opined HDR-1 was what worked for this parcel; and suggested HDR-2 may be part of the comprehensive plan update discussion and MDR and HDR process within the community, providing broader discussion and more public input.

Discussion ensued related to the CU process and ability of the City Council to make decisions on a case by case basis and as part of public health, safety and welfare considerations to review surrounding land uses.

Specific to the calculations for the Good Samaritan project, if around 30%, it would allow for 33 plus units, not much different than the requested 36 units; and suggested that number was appropriate for this particular proposal.

Councilmember Etten stated his preference to think about this more broadly, and not change the chart (page 2) for just this specific project, but to address the building height concern at a maximum of 50' to 55' when adjacent to LDR-1 and LDR-2 parcels. Councilmember Etten opined that may satisfy both needs and give more latitude for the city.

Mayor Roe clarified that there was no recommended change to the chart tonight; and agreed he would like to see height restrictions addressed in code; and preferred that this recommendation come back to the City Council after further refinement and research of those items noted by staff before going through the Planning Commission process with that additional information included.

Mayor Roe also asked that an increase to 36 units per acre be looked at through the CU lens for other properties recently under discussion and deviation from HDR-1 for their specific acreage. If the City Council wants to make this change and CU approval, if it was found that 80% of those other properties fell within that range, Mayor Roe opined that it would provide helpful information within that context and for subsequent discussion.

Without objection, Mayor Roe directed staff to review city code setback language, building height related to adjacencies, and capping units per acre at 36 without conditions and specific to subsequent HDR-1 discussions.

Councilmember McGehee asked if there was a way to simply tweak the PUD ordinance for those projects offering much in terms of amenities and material, to allow a 10% increase in residential density depending on the number of site amenities included. Councilmember McGehee noted once the increase in density was specified at 30% for the PUD, it would be binding and run with the property in perpetuity. Councilmember McGehee stated she saw that as an alternative route to the CU.

Mayor Roe suggested making the PUD increase potential consistent with the CU potential, with the developer having the option to pursue either route for additional density preferences, based on other considerations as a trade-off. Mayor Roe further suggested, if just a density issue, the developer could follow the PUD process, but noted further discussion may occur on that specific issue during subsequent discussion of the City Council when this item returns in the near future.

Councilmember McGehee opined she saw that as a value-added path in the PUD process; but stated she wasn't sure if there was a 10% increase allowed in the context of current requirements; and suggested those discussions be held all-inclusively.

Councilmember Laliberte stated her preference to talk about existing weaknesses in the PUD process, especially since that work was so recently completed; and may need a fresh look to determine if it was working as originally intended. Councilmember Laliberte agreed with tonight's discussion, and agreed with one last review before it went to the Planning Commission. Councilmember Laliberte clarified her rationale in voting against this

originally, seeking that this closer attention to potential inadvertent weaknesses could be addressed.

Councilmember Etten stated his approval in having this come back, both or either topic. Councilmember Etten noted if the PUD allowed up to a 50% increase and review of each specific case for other features, he was fine; but stated he wasn't interested in changing the bulk of current provisions.

Mayor Roe clarified he was seeking discussion, not personally advocating; but wanted to further think about both avenues.

Mayor Roe thanked staff for bringing this additional information forward and their thoughtful approach in doing so.