

COLUMBIA HEIGHTS

Community Development Department
590 40th Ave. NE, Columbia Heights, MN 55421

PLANNED UNIT DEVELOPMENT (Minor Amendment) APPLICATION ORDINANCE 9.113

This application is subject to review and acceptance by the City. Applications will be processed only if all required items are submitted.

PROPERTY INFORMATION

Proposed name of development: _____

Project Address/Location: _____

Legal Description of property involved: _____

Present use of property _____

Proposed use of property _____

PROPERTY OWNER (As it appears on property title):

Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Cell Phone: _____

E-mail Address: _____

Signature/Date: _____

APPLICANT:

Company Name (please print): _____

Contact Person (please print): _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Daytime Phone: _____ Cell Phone: _____

Email Address: _____

Signature/Date: _____

Disclaimer: Information submitted, including contact information shall be made available to the public, unless otherwise noted.

COLUMBIA HEIGHTS

An application shall include a narrative; a vicinity map; an accurately scaled site plan showing the locations of proposed and existing buildings, existing and proposed topography, vehicular access and parking areas, landscaping, and other site features; a stormwater management plan; elevation views of all proposed buildings and structures; and any other information determined by the Zoning Administrator to be necessary. Please use the Site Plan Application Checklist as a reference for required submittal information.

REASON FOR REQUEST (please attach a written narrative describing your proposal, the intended use of the property and justification for your request.)

FOR OFFICE USE ONLY

CASE NO: _____

APPLICATION REC'D BY: _____

DATE APPLICATION REC'D: _____

\$1,250.00 APPLICATION FEE REC'D: _____

RECEIPT NUMBER: _____

ORDINANCE NO. 1647

BEING AN ORDINANCE AMENDING CITY CODE OF 2005 RELATING TO ZONING AND LAND DEVELOPMENT, AND ESTABLISHING A PLANNED UNIT DEVELOPMENT DISTRICT WITHIN THE CITY OF COLUMBIA HEIGHTS

The City of Columbia Heights, Minnesota (the "City") does ordain:

SECTION I: That Chapter 9, Article 1: Zoning and Land Development of City Code is hereby amended to read as follows, to wit:

§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.

~~§9.113~~ 9.114 OVERLAY DISTRICTS.

~~§9.114~~ 9.115 PUBLIC AND OPEN SPACE DISTRICT.

~~§9.115~~ 9.116 SUBDIVISION REGULATIONS.

SECTION II: That Chapter 9, Article 1, Section 9.113: Planned Unit Development District shall hereafter read as follows, to wit:

§9.113 PLANNED UNIT DEVELOPMENT DISTRICT.

(A) *Purpose.* The purpose of the PUD, Planned Unit Development District is to provide greater flexibility with development and redevelopment; preserve historical, environmental, and aesthetically significant features; promote a high quality of design; and encourage more technological and energy efficient developments. This is achieved by undertaking a process that results in a development outcome that exceeds the typical development achievable through standard zoning controls.

(B) *General Provisions.*

(1) *Relationship to other applicable regulations.*

(a) Property located within a PUD District shall be subject to the land use controls described in the primary zoning district, as well as the rules and regulations prescribed in the PUD District plan. Where the provisions of the primary zoning district and the PUD District plan are in conflict, the PUD District plan shall govern.

(b) The PUD District plan review process, in accordance with the provisions of this section, constitute and supersede the requirements set forth in §9.104, subdivision (N)(2).

(2) *Right of application.* Any person having a legal interest in the property may file an application for the establishment of a PUD District to the Zoning Administrator.

(3) *Authority.* The City retains absolute authority and discretion to establish a PUD District, and reserves the right to deny the establishment of a PUD District if the City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(4) *Administration.* The administration and enforcement of this section shall be in accordance with the provisions of §9.104.

(5) *Application.* An application for establishment of a PUD District shall be filed with the Zoning Administrator on the approved form and shall be accompanied by an application fee as set forth in §9.104, subdivision (C)(5). An application shall include a narrative; a vicinity map; an accurately scaled site plan showing the locations of proposed and existing buildings, existing and proposed topography, vehicular access and parking areas, landscaping, and other site features; a stormwater management plan; elevation views of all proposed buildings and structures; and any other information determined by the Zoning Administrator to be necessary.

(6) *Approval.* Approval of a PUD District plan shall be by ordinance, a simple majority vote, and in full force and effect from and after 30 days after its passage.

(7) *Physical Development Contract.* After City Council approval of a PUD District plan, a Physical Development Contract shall be required prior to site development. The Physical Development Contract shall reference all the approved plans and specify permitted uses; allowable densities; development phasing if applicable; required public improvements; construction commencement and completion dates of the minimum improvements; an irrevocable letter of credit, or cash deposit in an amount sufficient to ensure the provision or development of public improvements; and any other requirements determined by the Zoning Administrator to be necessary. The Physical Development Contract shall be signed by the applicant or an authorized representative within sixty (60) days after its approval by City Council.

(8) *Time Limits.* An established PUD District shall be validated by the construction commencement of the minimum improvements pursuant to the Physical Development Contract. If the construction commencement fails to meet the deadline specified in the Physical Development Contract, the approval of the PUD District plan by the City Council shall be rendered invalid and void. Notwithstanding the construction commencement time limitations, the City Council may, at its own discretion, approve an extension by approval of an Amendment to the Physical Development Contract if requested by the applicant in writing.

(C) *Areas of Flexibility.* Development flexibility provided through the establishment of a PUD District will not be approved in avoidance of the regulations set forth by the primary zoning district. However, if a development is able to achieve a higher quality of design, efficiency, and technology than what current market conditions allow, the establishment of a PUD District will provide flexibility to the following areas:

- (1) Building Heights.
- (2) Building Materials
- (3) Building and Parking Setbacks.
- (4) Landscaping Requirements.
- (5) Multiple Building Placement.

(6) Parking and Vehicular Requirements.

(7) Public Art Requirements.

(8) Public Spaces.

(9) Signage Requirements.

(10) Site Density.

(D) *Review Procedure.*

(1) *Pre-application meeting.* Prior to filing an application to the Zoning Administrator for the establishment of a PUD District, the applicant shall meet with City staff for a pre-application meeting. The primary purpose of the pre-application meeting is to allow the applicant and City staff to discuss land use controls, appropriate uses of the site, specific development design standards, the application process, and required information that shall be submitted with an application, as well as evaluate how the development will achieve a higher quality of design, efficiency and technology.

(2) *Development Review Committee.* After filing a completed application, the Development Review Committee, comprised of the Zoning Administrator, Building Official, Fire Chief, City Engineer, and his/her appointee, shall conduct an administrative review of the application. All findings and determinations by the Development Review Committee shall be forwarded to the Planning Commission.

(3) *Neighborhood Meeting.* Prior to the consideration of a PUD District plan or a major amendment to a PUD District plan by the Planning Commission, the applicant shall hold a Neighborhood Meeting within City limits, and mail a notification of the Neighborhood Meeting to all property owners and tenants within three hundred and fifty (350) feet surrounding the proposed PUD District. The purpose of the meeting is to inform the neighborhood of the proposed development and obtain input from the affected property owners and tenants.

(4) *Planning Commission.*

(a) *Informal Public Hearing.* The Planning Commission shall hold an informal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section. The Planning Commission shall make the following findings of fact before approving the establishment of a PUD District:

(i) The PUD District plan conforms to all applicable requirements of this article.

(ii) The PUD District plan is consistent with the applicable provisions of the Comprehensive Plan.

(iii) The PUD District plan is consistent with any applicable area plan.

(iv) The PUD District plan minimizes any adverse impacts on property in the immediate vicinity and the public right-of-way.

(b) *Recommendation.* The findings and recommendation of the Planning Commission shall be forwarded to the City Council. The Planning Commission may impose conditions of recommended approval or modifications to any PUD District plan, and require guarantees deemed necessary to ensure compliance with the requirements of this section.

(5) *City Council.*

(a) *Formal Public Hearing.* The City Council shall hold a formal public hearing for the consideration of a completed application for the establishment of a PUD District in accordance with the requirements of this section.

(b) *Action.* The City Council shall review and consider the recommendations of the Planning Commission, the Development Review Committee, and the public before approval or denial, in whole or in part, is made for establishment of the PUD District. A denial shall only be based on findings of fact that the PUD District plan is not in substantial compliance with the provisions of this section or City Council determines that the proposed benefits of the development do not justify the requested flexibilities of a PUD District.

(E) *Amendments.* An approved PUD District plan may not be changed or modified without prior approval by City Council. A request for an amendment to an approved PUD District plan shall be submitted and reviewed by the Zoning Administrator to determine if it is a minor or major amendment.

(a) *Minor Amendments.*

(i) An amendment shall be deemed minor in nature if a change or modification to the approved PUD District plan increases or decreases a provision to be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by less than equal to ten percent (10%); demolishes or adds an accessory structure; significantly alters the original intent of the landscape plans or elevation views; or is not determined by the Zoning Administrator to be major in nature.

(ii) A minor amendment shall be placed on the Consent Agenda of City Council without the review by the Planning Commission. The City Council may remove the minor amendment from the Consent Agenda for discussion before approval or denial.

(b) *Major Amendments.*

(i) An amendment shall be deemed major in nature if a change or modification to the approved PUD District plan increases or decreases a provision to not be in conformance with the primary zoning district; increases the density of units per acre or gross floor area in any structure by more than ten percent (10%); demolishes or adds a principle structure; alters the placement of

buildings or roads; introduces a new use; decreases the amount of public spaces by more than equal to three percent (3%) or alter it in such a way to change its original intent; creates a conflict with the original conditions of recommended approval; eliminates, substantially diminishes, or compromises the original intent of the PUD District as prescribed in subdivision (A) of this section; or is not determined by the Zoning Administrator to be minor in nature.

(ii) A major amendment shall require the submittal of a revised PUD District plan to the Zoning Administrator for full review and approval in accordance with the provisions of this section.


(F) *Cancellations.* An approved PUD District plan shall be cancelled and revoked only upon City Council approving a resolution rescinding the PUD District. Cancellation of a PUD District plan shall include findings of fact that demonstrate that the district is no longer necessary due to changes in local regulations; becomes inconsistent with the Comprehensive Plan of the City; threatens public safety, health, or welfare; or at the request of the applicant or assignee in writing.

This ordinance shall be in full force and effect from and after 30 days after its passage.

First Reading: June 11, 2018
Offered by: Councilmember Buesgens
Seconded by: Councilmember Novitsky
Roll Call: All Ayes

Second Reading: June 25, 2018
Offered by: Councilmember Buesgens
Seconded by: Councilmember Williams
Roll Call: All Ayes

Date of Passage: June 25, 2018


Donna Schmitt, Mayor

Attest:


Katie Bruno, City Clerk/Council Secretary