

PROCEDURE FOR AN APPLICATION FOR A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN

Overview: A Planned Unit Development (PUD) is intended to allow greater flexibility in the development of a parcel of land by tailoring the development to the site and the neighborhood. Section 1106 of the Zoning Ordinance outlines the requirements and procedures for the approval of a PUD.

Minimum Requirements: A Planned Unit Development (PUD) shall not alter the permitted land uses in the underlying Use District classification or the application of the Use District regulations except as permitted in Section 1106. Projects available for PUD treatment shall have a site which consists of a parcel or contiguous parcels of land in common ownership 10 acres or more in size. An owner(s) of a tract of land less than 10 acres may apply to the Planning Commission for an exception to the 10-acres requirement pursuant to subsection 1106.405 of the Zoning Ordinance.

Pre-Application Procedure: Before filing an application for approval of a Preliminary PUD plan, the applicant is encouraged to submit a Concept Plan for review and comment by the City staff. Materials and information necessary for a Concept Plan include a map showing the location and size of the property, and any preliminary plans developed for the property. The applicant should be prepared to discuss the following: Comprehensive Plan consistency, relationship of the proposed development to the existing neighborhood, parks and open space, streets, utilities, steep slopes, wetlands and environmentally sensitive issues, and drainage and storm water management. The applicant may request a review of the Concept Plan by the Planning Commission to obtain the Commission's nonbinding comments on its merits.

The applicant is responsible for understanding the requirements of the City Zoning Ordinance, including setbacks, landscaping, parking, required improvements, submittal requirements, signs, and so on. The Planning Staff will also advise you of other potential governmental jurisdiction involvement.

The following must be brought to the pre-application meeting:

- The location of the property; and
- Any preliminary plans developed for the property.

If a decision is made to proceed after the advisory meeting or meetings, a formal application is made.

The Planning staff also suggests the applicant hold a neighborhood meeting prior to the public hearing to discuss plans for the property.

Process: Within fifteen (15) business days of submission of the application, the applicant will receive formal, written notice from the City about whether the application is complete. Within 30 days of receipt of a complete application, the Planning Department will schedule a public hearing for review by the Planning Commission.

Timing: Public hearings are scheduled for the Planning Commission on the 2nd and 4th Mondays of each month. Complete applications must be submitted to the Planning Department at least thirty (30) days prior to the scheduled meeting to allow publication of hearing notice. The Planning Department will

publish notices in the *Prior Lake American* and notify the applicant and other affected property owners of the date and time the proposal will be heard by the Planning Commission. The City will also post a sign on the subject site identifying the proposed application.

Staff Report: The Planning Department will prepare a staff report which: 1) explains the request; 2) reviews how the proposal relates to the Zoning Ordinance requirements and the criteria for a PUD; and 3) provides a recommendation.

Hearing: A public hearing will be held by the Planning Commission. The Commission will review the staff report and hear from the applicant. Public testimony on the request will also be taken. The Planning Commission, after reviewing all of the information, will make a recommendation to the City Council on the application based on the criteria listed in Section 1106 of the Zoning Ordinance.

Applicants are invited to use the overhead projector provided, and the exhibits prepared by Staff. Any additional exhibits submitted by the applicant (at the hearing or prior to the hearing) such as photographs, petitions, etc. must be entered into the public record and submitted to the Planning Department for the file.

City Council Review: The City Council will review the application and the recommendation of the Planning Commission, along with the record of the public hearing and other pertinent information. **The City Council review of this application is not a public hearing, and the Council may or may not choose to hear testimony. In any case, no new evidence may be introduced to the City Council following the close of the public hearing.** The City Council may approve the Preliminary PUD Plan in whole or in part, may approve the Preliminary PUD Plan subject to conditions, may deny the Preliminary PUD Plan, or may continue consideration of the Preliminary PUD Plan for further investigation and hearing at a later date. The City Council shall render a decision regarding the Preliminary PUD Plan application within 60 days of the Council's initial consideration of the Preliminary PUD Plan.

APPLICATION INSTRUCTIONS

No application will be considered until all required information is submitted. The following information, along with the attached checklist, is required for a complete application. The City also reserves the right to request additional information when needed to review an application.

- **Application Fee:** Check payable to the "City of Prior Lake". The filing fee is \$500.00 plus \$10.00 per acre.
- **Signed Application:** A completed application form signed by the owner or owners of the property. Include authorization from the property owner on the application form or by attached letter of authorization if an agent signs the application.
- **Application Checklist:** The attached checklist identifies the necessary information. *Failure to provide any of the required information will result in an incomplete application.* The Application Checklist will expedite the review of your application. **Attach the checklist with the application materials.**

PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPLICATION CHECKLIST

PROJECT NAME: _____
DEVELOPER: _____

FILE NUMBER
DATE SUBMITTED
REVIEWED BY

For City Use Only

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
The following data is required as part of a Preliminary Planned Unit Development Plan application according to the City of Prior Lake Zoning Ordinance.	Indicate where this information is provided in the application materials such as sheet #, narrative, or other attached report.	Reviewed by city staff to ensure required materials were submitted.
Application (Zoning Ordinance Section 1106.603)		
1. A complete Application Form, signed by the applicant and the fee owner of the property.		
2. The name, address and telephone number of the owner, the owner's agent, the applicant, surveyor and designer of the project.		
3. A radius map and a list and 2 sets of labels of the names and addresses of the owners of property located within 350' of the subject site. These shall be obtained from and certified by an abstract company.		
4. The required filing fee of \$500.00 plus \$10.00 per acre.		
5. A complete legal description of the property, and a location map showing the location of the proposed development in the City.		
6. Ten (10) full-scale copies of the preliminary PUD plan and supporting data and one 11"X 17" reduction of each sheet.		
General Development Plan (Section 1106.602):		
1. The Comprehensive Land Use Plan designation of the property in question.		
2. The Use District(s) in which the PUD is proposed to be located.		

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
3. All information required for consideration and approval of a preliminary plat, if a plat is necessary.		
4. A general development plan including the following:		
a. Site conditions and existing development on the subject property and immediately adjacent properties.		
b. General location of residential and nonresidential land uses with approximate type and intensities of development.		
c. Overall maximum PUD density range.		
d. The proposed type, size and location of all dwelling units, if dwelling units are proposed.		
e. The general size, location and use of any proposed nonresidential buildings on the site.		
f. All public streets, entrance and exit drives and walkway locations.		
g. Parking areas.		
h. Landscaped areas.		
i. Parks and open spaces, public plazas and common areas.		
j. Site dimensions.		
k. Generalized drainage and utility plans.		
l. Any other information the City may request to determine whether the proposed project meets the requirements of this subsection.		
m. A narrative explaining how the Planned Unit Development will meet the stated purposes and objectives of this subsection.		
5. Generalized phasing plan for the project, including the geographical sequence of construction and the number of dwelling units or square footage of nonresidential property to be constructed in each phase.		

REQUIRED INFORMATION	LOCATION	VERIFIED (for City use only)
6. Traffic study containing, at a minimum, the total and peak hour trip generation from the site at full development, the effect of this traffic on the level of service of nearby and adjacent streets, intersections and total parking requirements.		
7. A statement showing how the Planned Unit Development will meet the stated purposes and objectives of this subsection.		
8. A market study prepared within the 6 months prior to the application identifying the market area of the project and the demand trends within this area.		
9. Any other information the City may request to determine whether the proposed project meets the requirements of this subsection.		
Other information which may be required includes:		
1. A tree preservation and replacement plan, as required by Section 1107.2100 of the Zoning Code.		
2. A lighting plan as required by Section 1107.1800 of the Zoning Code.		
3. A signage plan as required by Section 1107.400 of the Zoning Code.		

PLANNED UNIT DEVELOPMENTS REQUIRED FINDINGS AND CRITERIA

The purpose, definitions, minimum eligibility and required findings and criteria for a planned unit development are summarized below. The full text is included in Section 1106 of the Zoning Ordinance.

1106.100: **PURPOSE.** The purpose of the Planned Unit Development District (PUD) is to offer an alternative to development as outlined in the residential, commercial, and industrial use districts of this Ordinance. The PUD District will and to provide for greater flexibility in the development and redevelopment process as compared to development under the definitive and precise requirements of the conventional use districts. The PUD District must demonstrate that the particular areas to be developed can offer greater value to the community and can better meet the community’s health, welfare, and safety requirements than if those same areas were to be developed in a single purpose zone. The PUD process provides for a joint planning/design effort by developers and City officials. Development in a single purpose Use District establishes maximum limits within which developers must perform. The Planned Unit Development may be multi-purpose in nature so that not only may it be residential, commercial, or industrial, but also it may contain a combination of these uses. It is not the intent of this Section to allow for reductions or waivers to the standard Use District requirements solely for the purpose of increasing overall density, allowing the use of private streets or allowing development that otherwise could not be approved.

1106.200 **FINDINGS.** The City Council finds that the City and its residents will benefit by creating a process which permits Planned Unit Development District which will allow for greater flexibility in the development of a parcel or property by tailoring the development to the site and neighborhood. Such benefits include, but are not limited to:

- (1) Provides a flexible approach to development which is in harmony with the purpose and intent of the City's Comprehensive Plan and Zoning Ordinance.
- (2) More creative, efficient and effective use of land, open space and public facilities through mixing of land uses.
- (3) Create a sense of place and provide more interaction among people;
- (4) Increase economic vitality and expand market opportunities;
- (5) Support long-term economic stability by strengthening the tax base, job market and business opportunities;
- (6) Increase transportation options, such as walking, biking or bussing;
- (7) Provide opportunities for life cycle housing to all ages.

- (8) Provide more efficient and effective use of streets, utilities, and public facilities that support high quality land use development at a lesser cost.
- (9) Enhanced incorporation of recreational, public and open space components in the development which may be made more useable and be more suitably located than would otherwise be provided under conventional development procedures. The PUD district also encourages the developer to convey property to the public, over and above required dedications, by allowing a portion of the density to be transferred to other parts of the site.
- (10) Preserves and enhances desirable site characteristics and open space, and protection of sensitive environmental features including, but not limited to, steep slopes, wetlands, and trees. Where applicable, the PUD should also encourage historic preservation, re-use and redevelopment of existing buildings.
- (11) High quality of design compatible with surrounding land uses, including both existing and planned.

1106.300 **DEFINITION.** A planned unit development (PUD) is a development of land that is under unified control and is planned and developed as a whole in a single development operation or in a programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. A planned unit development is built according to a detailed final development plan, as approved by the City Council.

1106.400 **AUTHORIZATION.** Approval of a Planned Unit Development District may allow:

- (1) **Variety:** Within a comprehensive site design concept a mixture of land uses, housing types and densities.
- (2) **Sensitivity:** Through the departure from the strict application of required setbacks, yard areas, lot sizes, minimum house sizes, minimum requirements, and other performance standards associated with traditional zoning, planned unit development can maximize the development potential of land while remaining sensitive to its unique and valuable natural characteristics.
- (3) **Efficiency:** The consolidation of areas for recreation and reductions in street lengths and other utility-related expenses.
- (4) **Density Transfer:** The project density may be clustered, basing density on number of units per acre versus specific lot dimensions.
- (5) **District Integration:** The combination of uses which are allowed in separate zoning districts, such as:
 - a. Mixed residential allows both densities and unit types to be varied within the project.

- b. Mixed residential with increased density acknowledging the greater sensitivity of PUD projects, regulation provides increased density on the property if a PUD is utilized.
- c. Mixed land uses with the integration of compatible land uses within the project.

1106.500 **ALLOWED USES.** Uses within a PUD District may include only those uses generally considered associated with the general land use category shown for the area on the official Comprehensive Land Use Plan Map. Specific allowed uses and performance standards for each PUD shall be delineated in an ordinance and development plan. The PUD development plan shall identify all the proposed land uses and those uses shall become permitted uses with the approval of the development plan by the City Council. Any change in list of uses presented in the development plan will be considered an amendment to the PUD and will follow the procedures specified in Section 1106.711 of this Ordinance.

1106.501 **Required Standards.** The City shall consider a proposed PUD District from the point of view of all standards and purposes of the Comprehensive Land Use Plan to achieve a maximum coordination between the proposed development and the surrounding uses, the conservation of woodland and the protection of health, safety and welfare of the community and residents of the PUD. To these ends, the City Council shall consider the location of the buildings, compatibility, parking areas and other features with respect to the topography of the area and existing natural features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green areas; the adequacy, location and screening of parking areas; and such other matters as the City Council may find to have a material bearing upon the stated standards and objectives of the Comprehensive Land Use Plan. In reviewing a PUD plan, the City Council must also consider the compatibility of the development with the Shoreland and Flood Plain district requirements.

1106.600: **MINIMUM PUD ELIGIBILITY REQUIREMENTS.** Projects available for PUD treatment shall have a site which consists of a parcel or contiguous parcels of land in common ownership 10 acres or more in size. An owner(s) of a tract of land less than 10 acres may apply to the Planning Commission for an exception to the 10-acres requirement pursuant to subsection 1106.601 below.

The City Council may impose additional restrictions or requirements on land developed under the PUD process. The City Council shall make specific findings that the restrictions or requirements being imposed furthers, addresses, promotes or protects the general welfare, public safety, aesthetics, neighborhood character, environmental features or property values. These additional requirements may include, but are not limited to, traffic, traffic signals, parking, bufferyards, landscaping, noise, lighting, hours of operation, architectural design and off-site road and utility improvements.

1106.601 **Exception to 10-Acres Requirement.** In the case of a project where the applicant is seeking an exception to the 10-acres requirement, the applicant must submit a Concept Plan for review and approval by the Planning Commission. The Planning Commission shall decide, based upon the criteria set forth below, whether to authorize the City staff to

accept and process an application for a Preliminary PUD Plan for a project less than 10 acres:

- (1) The proposed project meets all other criteria for a PUD except the acreage requirement.
- (2) There are unique circumstances that prohibit the applicant from assembling 10 contiguous acres.
- (3) The proposed project is consistent with the goals and objectives of the Comprehensive Plan.
- (4) The applicant intends to provide for greater parks, open space, trails or public areas than required by this Ordinance.

All preliminary PUD Plan applications permitted under this subsection shall be reviewed based on the standards and criteria for a PUD set forth in this Ordinance.