

Planned Unit Development (PUD) Summary of Procedures

The intent of the of the Planned Unit Development (PUD) overlay zoning district is to provide greater flexibility in the use of land and the placement and size of buildings within the development of residential and nonresidential areas and to achieve desired development outcomes while remaining economically viable and to obtain a higher quality of development. See Article XVIII of the Lake Elmo City Code for complete and accurate information.

When reviewing requests for approval of a PUD, the city shall consider whether one or more of the objectives listed in the City Code will be served or achieved. It is the responsibility of the applicant to demonstrate this. PUDs should not be allowed simply for the purpose of increasing overall density or allowing development that otherwise isn't permitted.

PUD Procedure

1. Pre-Application Conference

Applicants for a PUD shall present a pre-application to staff. The purpose of the city staff review is to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of the comprehensive plan. The applicant must demonstrate the reason why a PUD should be granted and the identified objective(s) that will be met by City Council approval. The applicant shall not construe the city staff review as an approval or denial but rather as information to guide the applicant through the next steps in the city review process.

2. Preliminary PUD

The preliminary PUD application should reflect the guidance provided by staff and be consistent with the pre-application reviewed by staff. After city staff finds that the application is complete the application will be reviewed by all internal and external stakeholders. The Planning Commission will conduct the public hearing and make a recommendation on the application to the City Council. The City Council may conduct a public hearing and will take final action on the application. An application for final PUD must be submitted within 180 days of City Council approval or the preliminary PUD is void.

3. Final PUD

Within 180 days of approval of the preliminary PUD the applicant must submit an application for final PUD. The final PUD application submittal must address all comments and conditions from the preliminary PUD. After city staff finds the application complete the application will be reviewed for consistency with the preliminary PUD by internal and external stakeholders. City staff shall finalize the ordinance to establish the proposed overlay district. The Planning Commission will conduct the public hearing and make a recommendation to the City Council on consistency of the Final PUD and proposed ordinance for consistency with the preliminary PUD. The City Council will take final action on the application. Approval of the application may be conditioned upon the execution of a development agreement for basic improvements, public dedications, security, and other requirements necessary to accommodate the development.

4. Expiration

An approved PUD shall be validated through construction or establishment of the authorized uses within one year of the date of final PUD approval. Failure to validate the PUD within one year shall render it void.

Date Received: _____
Received By: _____
Permit #: _____



651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

PLANNED UNIT DEVELOPMENT (PUD) PRELIMINARY PLAN APPLICATION

Applicant: _____
Address: _____
Phone #: _____
Email Address: _____

Fee Owner: _____
Address: _____
Phone #: _____
Email Address: _____

Engineer: _____
Address: _____
Phone #: _____
Email Address: _____

Property Location (Address): _____
Complete Legal Description: _____

PID#: _____

Detailed Reason for Request:

In signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the Zoning ordinance and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Signature of applicant: _____ Date: _____

Signature of fee owner: _____ Date: _____

PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN APPLICATION REQUIREMENTS¹

This handout is intended to provide guidance on putting together and submitting a Planned Unit Development application for a unified development of property in Lake Elmo. Following a general concept plan, the applicant shall submit a preliminary plan application and preliminary plat, in accordance with the requirements described in LEC Section 105.12.1210.

PUD Preliminary Plan Fees: The City Council has established a **non-refundable fee**² for processing Planned Unit Development applications. In addition, the City requires that the applicant enter into an Escrow Agreement with the City and post an escrow to reimburse the City for all technical planning, engineering, public works and legal review. Please consult the fee schedule for current amounts.

Submission Requirements: The Planned Unit Development Preliminary Plan submissions shall include but are not limited to the items listed below:

Sub: Req:

- ☐ ☐ Preliminary Plat and information outlined in the City Code Section §153.07.

General Information

- ☐ ☐ The landowner's name and address and his/her interest in the subject property.
- ☐ ☐ The applicant's name and address if different from the landowner.
- ☐ ☐ Address labels: A certified list of property owners located within three hundred fifty (350') feet of the subject property obtained from and certified by a licensed abstractor or through Washington County (see attached form).
- ☐ ☐ The names and addresses of all professional consultants who have contributed to the development of the PUD plan being submitted, including but not limited to attorney, land planner, engineer and surveyor.

¹ The information provided in this document is intended to be a correct statement of the law as set forth in the Lake Elmo City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

² Applicant is also responsible for any additional fees incurred by the City (i.e. engineering, planning, postage, legal expenses, et cetera).

Sub: Req:

- ☐ ☐ Evidence that the applicant has sufficient control over the subject property to effectuate the proposed PUD, including a statement of all legal, beneficial, tenancy and contractual interests held in or affecting the subject property and including an up to date certified abstract of title or registered property report, and such other evidence as the City Attorney may require to show the status of title or control of the subject property.

Present Status

- ☐ ☐ The address and legal description of the property.
- ☐ ☐ The existing zoning classification and present use of the subject property and all lands within 350 feet of the subject property.
- ☐ ☐ A map depicting the existing development of the subject property and all land within 350 feet of the subject property and showing the location of existing streets, property lines, easements, water mains, and storm and sanitary sewers, with invert elevations on and within 100 feet of the subject property.
- ☐ ☐ A written statement generally describing the proposed PUD and the market which it is intended to serve and its demand showing its relationship to the City's Comprehensive Plan and how the proposed PUD is designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of the City.
- ☐ ☐ A statement of the proposed financing of the PUD.
- ☐ ☐ **Site conditions: 3 copies of the following:** Graphic reproductions of the existing site conditions at a scale of 1 inch equals 100 feet. All the graphics should be at the same scale as the final plan to allow easy cross-reference. The use of overlays is recommended for ease of analysis.
- i. Contours; minimum 2 foot intervals;
 - ii. Location, type and extent of tree cover;
 - iii. Slope analysis;
 - iv. Location and extent of water bodies, wetlands, streams, and flood plains within 300 feet of the subject property;
 - v. Significant rock outcroppings;
 - vi. Existing drainage patterns;
 - vii. Vistas and significant views;
 - viii. Soil conditions as they affect development.

Sub: Req:

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | Schematic drawing of the proposed development concept, at a scale of one inch equals 100 feet, including but not limited to the general location of existing and proposed major circulation elements, public and common open space, residential and other land uses and areas for storm water ponding. |
| ☐ | ☐ | Statement of the estimated total number of dwelling units proposed for the PUD and a tabulation of the proposed approximate allocations of land use expressed in acres and as a percent of the total project area, which shall include at least the following: <ul style="list-style-type: none">i. Area devoted to residential use by building type;ii. Area devoted to common open space;iii. Area devoted to public open space and public amenities;iv. Approximate area devoted to, and number of, off-street parking and loading spaces and related access;v. Approximate area, and floor area, devoted to commercial uses;vi. Approximate area, and floor area, devoted to industrial or office use. |
| ☐ | ☐ | When the proposed PUD includes increases in density of residential development above the base zoning district, a statement describing the site amenities to be included within the PUD, and demonstrating that the proposed site amenities sufficiently achieve the desired density bonus. Applicant is required to demonstrate that all site amenity standards have been met in order to be awarded increased density for residential development. |
| ☐ | ☐ | When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or constructed during each such state and overall chronology of development to be followed from stage to stage. |
| ☐ | ☐ | When the proposed PUD includes provisions for public or common open space or service facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or service facilities. |
| ☐ | ☐ | Any restrictive covenants that are to be recorded with respect to property included in the proposed PUD. |

Sub: Req:

Schematic utilities plans indicating placement of water, sanitary, storm sewers, storm water ponding areas and their connection points to existing utilities.

The City may excuse an applicant from submitting any specific item of information or document required in this stage which it finds to be unnecessary to the consideration of the specific proposal.

A comprehensive sign plan of all proposed exterior signage. Including: a narrative, elevation illustrations of the signs in their proposed locations, site survey depicting sign locations, photometric plans, detailed tabulations of sign area. Flexibility from sign regulations can be reviewed and approved as a part of the PUD. If no flexibility is requested all signage must abide by the sign regulations of the City Code.

The City may require the submission of any additional information or documentation which it may find necessary or appropriate to full consideration of the proposed PUD.

<u>Sub:</u>	<u>Req:</u>	<u>Item:</u>
☐	☐	6. Landscape Plan: Three (3) copies of a Landscape Plan depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, (Preferably 1 inch equals 100 feet) be composed of sheet(s) not smaller ⁶ than 11x17, and be pre-folded for distribution. Staff will assist you in determining what is required.
☐	☐	The landscape plan will not be considered complete unless all required elements are included.
☐	☐	Extent and location of all plant materials and landscape features. Please include a plant material schedule with common and botanical names, symbols, sizes, quantities, and total percentage of each species.
☐	☐	Flower and shrub beds shall be clearly shown and drawn to scaled dimensions. Actual plant quantities must be shown with landscape edge and mulch material identified.
☐	☐	Existing trees must be accurately identified as to location, species, size, and condition; and labeled with intent to remove, protect, or transplant. Transplanted tree locations shall be identified.
☐	☐	Tree protection specifications as defined in Section 23 of Lake Elmo Code shall be included on all landscape plans in written and graphic form.
☐	☐	Proposed treatment of all ground surfaces must be clearly indicated (paving, turf, mulch grading, etc). Grass surfaces must be identified as sod or seed with the blend or mix specified.
☐	☐	Show specific horticultural notes and details insuring the quality, survival, and establishment of plant materials.

⁶ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that that three (2) copies of the plan be in the large format, and an additional one (1) be reduced to 11x17.

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- ☐ Proposed contours if making changes to existing grading.
 - ☐ Retaining walls that are used to provide breaks in slopes, protect trees, or accomplish other landscape objectives.
 - ☐ Any plans to restore, revegetate, or enhance an affected natural area or natural area buffer zone.
 - ☐ Mitigation plans for any proposed natural area disturbance.
 - ☐ Other requirements set forth by the City Engineer

Sub: Req: Item:

- ☐ ☐ 7. **Architectural Plans:** Three copies⁶ of architectural plans for all buildings sufficient to convey the basic architectural intent of the proposed improvements. The plans shall be pre-folded for distribution, and include the following information (please consult with staff to determine if any of these informational requirements can be waived):
 - ☐ Architectural elevations (to a verifiable scale) as they will appear after construction.
 - ☐ Maximum building height/elevation of all structures.
 - ☐ Indication of all typical building dimensions (including doors, windows, eaves, rooflines, pitch, et cetera) on all building elevations.
 - ☐ Specifications as to type, color, and texture of exterior surfaces of proposed structures (include color chips and exterior building materials list).
 - ☐ A detailed lighting plan insuring that all lighting apparatuses are down shielded as to ensure such do not shine or create glare on abutting properties and surrounding areas (include a specification sheet for all wall fixtures and site plan fixtures).
 - ☐ Photometric plan(s) for the site.
 - ☐ Location of utility meters, HVAC equipment, vaults, irrigation boxes, transformers, and other utility service functions (such as conduits, and vents). Show how this equipment will be screened so that the visual and acoustic impacts of these functions are fully contained and out of view of the adjacent properties and public streets.

Sub: Req: Item:

- ☐ ☐ **8. Utilities & Services Plan:** A plan set at a scale of 1 inch equals 100 feet detailing the existing and proposed utility systems including sanitary sewers, storm sewers, storm water ponding areas, water and fire hydrants, electric, gas lines, telephone lines, other small utilities and trash collection areas.
- ☐ ☐ **9. Electronic file(s) of plan sets.** Staff can generally work with most file formats (we would prefer .jpg or .pdf files).
- ☐ ☐ **10. Any *other information*** required by city staff, commissioners, or council members necessary to provide a complete review of the conditional use request. Information deemed critical to the review process not listed in this handout may be requested⁷. Staff will list other requirements below:

The City may require (or the applicant may choose to submit) evidence that is beyond what is required in any section outlined in this handout. Please be advised that the City reserves the right to impose conditions on an approved conditional use if necessary to avoid a detrimental impact on surrounding properties or the City as a whole.

If you have any questions regarding these requirements, please call City Hall at (651) 747-3900. Thank You.

⁷ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



PARCEL SEARCH APPLICATION

PUBLIC WORKS DEPARTMENT

SURVEY DIVISION

11660 Myeron Road North Stillwater, Minnesota 55082
PHONE (651) 430-4300 EMAIL Publicworks@co.washington.mn.us

Parcel Search File No: _____

Checks payable to **WASHINGTON COUNTY**

Payment Date: _____

Payment Type: _____

REQUEST FOR SURROUNDING PROPERTY OWNERS AND ADDRESSES

Applicant Name	Business (if applicable)		
Mailing Address – City, State and Zip		Phone	
Email		Fax (if applicable)	
List of owner names and addresses for parcels located within _____ feet of:			
Parcel Identification Number(s):			
Property Owner (if different)		Physical Address (if different) – City and Zip if unassigned address	
Date needed: _____		Delivery Method:	
# sets of mailing labels _____ (no labels if emailed / faxed)		____ Pick up ____ Email** ____ Mail* ____ Fax**	

Parcel Search Fees (to be completed by Survey Division – based upon results of search)

1st 25 parcels, including subject parcel (\$50.00) \$ _____
Non-Radius / Labor per hour after first (\$93.00) \$ _____
of additional parcels _____ x \$.50 \$ _____
Sheet(s) of labels (up to 30/sheet) _____ x \$1.00 \$ _____
Extra set(s) of labels (\$1.00 per page) \$ _____

*Postage Fee \$2.00 \$ _____
**Email / Fax (no printed labels) \$2.00 \$ _____

Amount due: \$ _____

Total # of parcels _____
Total # of labels _____
Completion date _____
Service Rep _____

THIS INFORMATION WAS COMPILED FROM WASHINGTON COUNTY SURVEYOR MAPS AND COUNTY ASSESSOR DATA FILES.
THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY INACCURACIES IN THE INFORMATION RELIED UPON IN THIS PARCEL SEARCH.



City of Lake Elmo
Escrow Agreement for Municipal Review Services
Deposit Agreement

THIS AGREEMENT is made this ____ day of _____ 20____, by the Applicant and Owner (hereinafter individually and collectively referred to as “Applicant”) in favor of the City of Lake Elmo, a municipal corporation of Minnesota (hereinafter referred to as “City”).

A. “Applicant” whose name and address is:

B. “Owner” whose name and address is:

RECITALS

WHEREAS, the Applicant has applied to the City for approval for one or more of the following: (Select All That Apply)

Plat (Sketch, Preliminary, Final)	Variance
PUD/OP-PUD (Pre-Application, Preliminary, Final)	Minor Subdivision
Vacation	EAW Review
Conditional Use Permit	Zoning Text or Map Amendment
Interim Use Permit	Wind Generator
Comprehensive Plan Amendment	Wireless Communication Permit (co-location)

WHEREAS, the Applicant acknowledges the receipt of benefit to the property, from the City’s technical and compliance review of the application; and

WHEREAS, under authority granted to it, including Minnesota Statutes Chapters 412 and 462, the City will process the application on the condition that the Applicant enter into this Deposit Agreement, which agreement defines certain duties and responsibilities of the Applicant, as well as the City; and the Applicant shall provide cash to the City in the amount satisfactory to the City; and provide security to the City for the payment of all review costs incurred by the City.

NOW THEREFORE, the City and Applicant agree as follows:

1. **Requirement.** The Applicant is required to make the necessary deposits prior to the process of municipal planning, public works, legal & engineering review commences.
2. **Review Process.** Applicant acknowledges and agrees that the City shall commence to review and process the review request checked above at such a time that this Agreement is executed by all parties and the cash required for the specific review is deposited and posted by the City's Finance Department. The City may provide a review completion schedule to the Applicant at the time of deposit. The City reserves the right to modify the schedule based on the completeness of the application, the need for additional information for review, or revisions to the application that may occur during the scheduled review.
3. **Use of Deposited Funds.** The City may draw upon the deposits to pay the costs it incurs in connection with reviewing the application. The City shall determine all of its costs, including both administrative and consulting services, at the rates charged by the City or its consultants, determined according to the City's adopted fee schedule. A copy of the current administrative and consulting rates is attached as Exhibit "A", which rates are subject to change by the City, without notice to the Applicant. Exhibit "A" should not be construed as an exhaustive list of consultants and Applicants shall be responsible for all other consulting fees related to the application. The City shall provide Applicant with the applicable rates for consultants used in the review prior to commencement. This Agreement does not pertain to ancillary charges incurred by reviewing of other governmental bodies, including but not limited to, Soil & Water Conservation Districts, Washington County Government, Water Shed, or any other unit of government that may, by right, have review authority.
4. **Conditions of Deposit.** The following stipulations and conditions shall apply to the deposit account for review services contemplated under this Agreement.
 - a. Payment shall be made to City consultants, included but not limited to legal and planning, in the amounts billed to the City, according to consulting rates in effect at the time of the execution of the agreement. Such consulting deemed necessary for the proper review of the application shall be at a usual and customary rate as it relates to the subject matter of the application for payment as determined by the City.
 - b. The City shall reimburse itself from deposit accounts for all costs and expense incurred by the City in connection with the implementation and enforcement of this Agreement. Reimbursement shall occur on a monthly basis and the City's Finance Department shall notify Applicant of the reimbursement via account reconciliation report.
 - c. The City shall not be responsible for paying any interest on the money deposited under the Agreement.
 - d. If in the discretion of both the City's Finance Department and the Community Development Department, there is deemed to be an inadequate balance in the deposit account to pay for all fees and costs incurred by the City, the City will notify the Applicant for the need for an additional deposit. The total of the additional deposit shall be calculated by City staff based on the amount of work yet to be completed in the review of the application. Applicant

agrees to make the additional deposit within (10) days of a receipt of such notice. For purposes hereof, receipt of notice shall be deemed made upon the depositing of the notice in the U.S. Mail, postage paid. In the event, the Applicant fails to make the additional deposit with (10) days of receipt of the notice, the City will terminate its review process and not re-commence until the appropriate deposit is made and posted by the City's Finance Department.

e. No applications will be processed or forwarded to the appropriate governing reviewing body by the City until all amounts due under this Agreement have been paid in full.

5. **Positive Balance in Escrow Accounts.** Upon the happening of any of the following events, the balance in the deposit account less outstanding fees shall be paid to the Applicant within (90) days of receipt by the City of a written request by the Applicant for payment: (1) completion of the development process; or (2) the application is withdrawn by the Application; (3) the applicant is denied by the City for any reason.
6. **Deposit Amounts.** The initial deposit amount contemplated for each the purposes described under the Agreement, which may be revised by the City from time to time, are set forth for Exhibit "B" attached hereto.
7. **Accounting.** If there has been activity in the account, the City will provide a monthly accounting of all expenses charged against the account or when requested by the Applicant. An accounting will also be provided when the City notices the need for an additional escrow deposit.
8. **Terms of Breach.** In the event of any terms of this Agreement are breached by the Applicant, including, but not limited to failure to make additional deposits when required by the City, the City may cease processing any application submitted by the Applicant or order the Applicant to cease any further development or progress under the terms of this Agreement, or both. Applicant indemnifies and holds the City harmless from any liability, claim, action or suit by or any obligation to the Applicant arising from or in connection with the City exercising or enforcing the terms and conditions of this Agreement or action on the Application. The Applicant shall pay all costs and expenses, including reasonable attorney fees and suit costs, incurred by the City arising from or in connection with the City any terms and conditions of this Agreement.
9. **Validity.** If any portion, section, subsection, sentence, clause, paragraph or phrase of this Agreement is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portion of this Agreement.
10. **Binding Agreement.** The parties mutually recognize and agree that all terms and conditions of this Agreement shall run with the land herein described and shall be binding upon the heirs, successors, administrators and assigns of the parties referenced in this Agreement.
11. **Amendments.** The terms of this Agreement shall not be amended without the written consent of the City and all parties hereto.

[Signature Page Follows]

IN WITNESS WHEREOF, we have hereunto set our hands and seals.

APPLICANT

OWNER:

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

By: _____
Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

On this ____ day of _____, 20____, before me a Notary Public within and for said County, personally appeared _____ and _____ to me personally known, to be the person described in and who executed the foregoing instrument and acknowledged that he / she/ they executed that same as his / her / their free act and deed.

Notary Public



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

ACKNOWLEDGEMENT OF RESPONSIBILITY

This is to certify that I am making application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application.

I have read and understand the instructions supplied for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge. I will keep myself informed of the deadlines for submission of material and of the progress of this application.

I understand that this application may be reviewed by City staff and consultants. I further understand that additional information, including, but not limited to, traffic analysis and expert testimony may be required for review of this application. I agree to pay to the City upon demand, expenses, determined by the City, that the City incurs in reviewing this application and shall provide an escrow deposit to the City in an amount to be determined by the City. Said expenses shall include, but are not limited to, staff time, engineering, legal expenses and other consultant expenses.

I agree to allow access by City personnel to the property for purposes of review of my application.

Signature of applicant _____ Date _____

Name of applicant _____ Phone _____
(Please Print)

Name and address of Contact (if other than applicant) _____



Lake Elmo City Hall
651-747-3900
3800 Laverne Avenue North
Lake Elmo, MN 55042

AFFIRMATION OF SUFFICIENT INTEREST

I hereby affirm that **I am the fee title owner** of the below described property or that I have written authorization from the owner to pursue the described action.

Name of applicant _____
(Please Print)

Street address/legal description of subject property _____

Signature Date

If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.

If a corporation is fee title holder, attach a copy of the resolution of the Board of Directors authorizing this action.

If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.