

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 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 DEVELOPEMENT (PUD) FINAL 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 FINAL 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. In accordance with Section 105.12.1200 of the Lake Elmo City Code. Development stage submissions should depict and outline the proposed implementations of Preliminary Plan stage for the PUD. Information from the general concept and preliminary plan stages may be included for background and to provide a basis for the submitted plan.

PUD Final 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 Final Plan submissions shall include but are not limited to the items listed below:

Sub: Req:

- ☐ ☐ Final Plat and information outlined in the City Code Section 103.00.100
- ☐ ☐ **Three (3) hard copies and one (1) electronic copy of the following:**
Final plans drawn to scale of not less than 1 inch equals 100 feet (or a scale requested by the City Staff) containing at least the following:
 - i. Proposed name of the development (which shall not duplicate nor be similar in pronunciation to the name of any plat heretofore recorded in the county where the subject property is situated);
 - ii. Property boundary lines and dimensions of the property and any significant topographical or physical features of the property;
 - iii. The location, size, use and arrangement including height in stories and feet and total square feet of ground area coverage and floor area of proposed buildings, including manufactured homes, and existing buildings which will remain, if any:

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).

- iv. Location, dimensions of all driveways, entrances, curb cuts, parking stalls, loading spaces and access aisles, and all other circulation elements including bike and pedestrian; and the total site coverage of all circulation elements;
- v. Location, designation and total area proposed to be conveyed or dedicated for public open space, including parks, playgrounds, school sites and recreational facilities;
- vi. The location of applicable site amenities, if any related to any proposed density bonus;
- vii. Proposed lots and blocks, if any and numbering system;
- viii. The location, use and size of structures and other land uses on adjacent properties;
- ix. General grading and drainage plans for the developed PUD; and
- x. Any other information that may have been required by the Planning Commission or Council in conjunction with the approval of the Preliminary Plan.

Sub: Req:

An accurate legal description of the entire area within the PUD for which final development plan approval is sought.

A tabulation indicating the number of residential dwelling units and expected population.

Density calculations, including proposed density bonuses above the base zoning district. To be granted increased density of residential development, the applicant must submit a schedule of site amenities with proposed designs and standards. The applicant must demonstrate that site amenity standards in Table 16-2, in article XVIII of the Lake Elmo Zoning Code have been met to be rewarded additional density.

A tabulation indicating the gross square footage, if any, of commercial and industrial floor space by type of activity (e.g. retail or office).

A detailed site plan, suitable for recording, showing the physical layout, design and purpose of all streets, easements, rights of way, utility lines and facilities, lots, block, public and common open space, general landscaping plan,

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.

- ☐ Preliminary grading and site alteration plan illustrating changes to existing topography and natural site vegetation. The plan should clearly reflect the site treatment and its conformance with the approved concept plan.
- ☐ A soil erosion control plan acceptable to watershed districts, Department of Natural Resources, Natural Resources Conservation Service, or any other agency with review authority, clearly illustrating erosion control measures to be used during construction and as permanent measures.

Sub: Req: Item:

- | | | |
|--------------------------|--------------------------|---|
| ☐ | ☐ | <p>Landscape Plan: Three (3) hard copies and one (1) electronic copy of a Landscape Plan depicting the property in question. Each document shall be at a consistent, readable, and measurable engineering scale, be composed of sheet(s) not smaller³ than 11x17, and be pre folded for distribution.</p> <p>Staff will assist you in determining what is required. The landscape plan will not be considered complete unless all required elements are included.</p> <ul style="list-style-type: none"> ☐ 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 the 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. ☐ 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. <p>Other requirements set forth by the City Engineer</p> |
|--------------------------|--------------------------|---|

³ If your survey or sketch plan must be larger than 11x17 to be fully legible, we ask that two (2) copies of the plan be in the large format, and an additional one (1) be reduced to 11x17.

<u>Sub:</u>	<u>Req:</u>	<u>Item:</u>
☐	☐	Architectural Plans: Three (3) hard copies⁴ and one (1) electronic copy 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.
☐	☐	Electronic file(s) of plan sets. .jpg or .pdf files preferred.
☐	☐	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:

⁴ Number of copies, size, and other such administrative details may also be imposed when requiring additional information.



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.