

CITY OF CORCORAN
Council Work Session Agenda
January 26, 2023 – 5:30 pm

1. Call to Order / Roll Call
2. Buffer Yard Transition Ordinance*
3. PUD Ordinance Amendment*
4. Unscheduled Items
5. Adjournment

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Press *9 to speak during the Public Comment Sections in the meeting.

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***Includes Materials** - Materials relating to these agenda items can be found in the house agenda packet book located by the Council Chambers entrance, or online at the City's website at www.corcoranmn.gov.

STAFF REPORT

Agenda Item ____.

| | |
|---|---|
| City Council Work Session: January 26, 2023 | Prepared By: Chris Hong through Kendra Lindahl, AICP |
| Topic: Buffer Yard Draft Ordinance (City file 22-034) | Action Required: Review |

1. Description of request

The Council directed staff to draft a buffer yard ordinance for Council review based on the direction at the October 27, 2022 work session.

2. Background

The Council held a work session on May 12, 2022 to review the 2022 Council work plan and priorities related to natural resource ordinance updates. They discussed how buffer yard requirements would be applied, what the standards would be and how to equitably apply it as land develops and redevelops. The Council directed staff to bring back buffer yard requirements from other municipalities to see what options are available.

The Council held a work session on October 27, 2022 to discuss the pertinent questions that arose from staff's research. These included how the buffer yard requirements would be determined, what the standards of the buffer yards would be and who would own and manage them. Staff prepared a revised ordinance to reflect the Council direction.

3. Analysis

Section 1060.070 describes the landscape standards, including screening and buffering. Staff recommends adding the buffer standards to this section as Section 1060.070, Subd. 2.J.1.

The main topics of discussion at the previous Council work session were:

- Ownership of the buffer yard
- Basis for the buffer requirements (land use vs. zoning)
- Buffer yard standards
- Permitted uses within the buffer yard.

Ownership

The Council decided that they prefer flexibility in the ownership of the buffer yard. The draft ordinance allows the ownership to stay in the hands of the original developer or be transferred to a third party as long as maintenance of the buffer yard is maintained by a

restrictive easement and covenants. The ordinance would allow the buffer to be a separate outlot or an easement over the affected parcels.

Basis for Buffer Yard

The Council directed staff to use zoning districts rather than the land use designation to determine the buffer yard requirements. A “Determination of Buffering Level” table was created in the draft ordinance, which pairs the zoning of the proposed development with the zoning of the existing adjacent neighborhood to determine the buffer yard requirement. It also identifies the level of buffering required, which is classified into four buffer yard classes. This is similar to the buffer yard ordinances in Medina, Ramsey and Rochester.

Staff notes that using the zoning district rather than the underlying land use designation does create some challenges when adjacent to the Urban Reserve (UR) district, which was created to “provide a holding zone until a landowner/developer makes application for development, at which time the City may rezone the affected property consistent with its designation in the Comprehensive Plan.” Under the draft ordinance, a single family development proposed in the RSF-2 district would be required to provide an “A” level buffer for the UR property regardless of the underlying land use. The UR land could be over a commercial land use or a residential land use designation.

- *What level of buffering should be required for developments adjacent to the UR district?*
- *Should some consideration be given to the future land use or should it be treated as the current land use, which is likely large lot residential or agricultural use?*
- *Is a buffer required between RR and UR which are essentially the same use? The draft currently requires an “A” buffer between a new RR subdivision and a UR parcel. Is that necessary?*

The PI (Public Institutional) district currently has a relatively high buffering requirement because of the traffic and noise from schools and churches where buffering would be desirable. Cemeteries are also allowed within the PI district but do not produce the same impacts as schools and churches.

- *Does the Council want to exempt cemeteries from the buffering that would be required in the PI district?*

The ordinance does not require buffer yards adjacent to outlots or parcels that are unbuildable (because they are outlots for stormwater or some other permanent restriction).

How would the buffer requirements apply to existing uses that expand the use or further subdivide the property? The buffer yard ordinance in Rochester details the

circumstances in which developments that increase in size or intensity of use are required to increase the width of their buffer yard or the number of plantings within.

- *Should existing developments be required to add buffer yards when they subdivide or expand? For example, should Hope Church and cemetery be required to add a buffer on their existing west property line or only on the perimeter where new development is proposed?*

Buffer Yard Standards

The Council expressed a desire to provide options for developers to use to meet the intended buffer in each class. Developers are allowed different combinations of buffer yard width, overstory trees, understory trees, shrubs and a berm or fence. The “Buffer Yard Options” table in the draft ordinance provides the permitted combinations.

Developers are also given the option to use natural features such as existing topographical features, water bodies and major roadways in place of some of the buffer yard requirements. The draft ordinance gives the City Council discretion on whether or not these features will qualify.

The draft ordinance does not currently allow the width of local roadways to count towards what is required for the buffer yard. However, staff notes that a local street does provide separation from the new use and adjacent uses.

- *Should some credit be given for the local street?*

Additionally, the Council asked staff to include a provision that all new developments to use the rear yard setback as the minimum perimeter setback requirement.

The draft language includes language that exempts parcels within a development from the buffer requirement. If a developer proposes a project with new single family homes adjacent to new townhomes in the project, no buffer yard would be required. The buffer yard is required only on the perimeter of the site.

Permitted Uses

In order to maintain the natural look of buffer yards, Council recommended that the permitted uses will be restricted to temporary structures such as benches. Recreational structures, raised bed gardens, storage sheds and stormwater ponds are not permitted.

Example

To demonstrate what the application of the draft ordinance may look like, we have included an exhibit (Attachment 2). This illustrates how the Hope Community Church development concept plan would need to be revised to allow for the required buffer yards along the north and west edges of the development (the east and west perimeter abuts major roadways and is exempt from the buffer ordinance, but subject to the larger major roadway setbacks).

4. Requested Action

Provide feedback for staff on the draft revisions to Section 1060.070 of the City Code.

If the Council supports the language in the draft ordinance, they should direct staff to schedule a public hearing at the Planning Commission. This could be scheduled for a public hearing at the March 2nd Planning Commission and City Council action on March 23rd.

Attachments

1. Draft Revisions to Section 1060.070 dated December 22, 2022
2. Hope Community Church concept plan with required buffer yards

1060.070 – LANDSCAPING

- Subd. 1. Purpose. The purpose of this Ordinance is to provide for a diversity of landscaping plant materials and design elements within the City through the establishment of minimum standards for landscape plans and maintenance requirements for required landscaping.
- Subd. 2. Required Landscaping and Maintenance. Prior to approval of a building permit, all semi-public, non-residence uses, and residential developments of four units or more, shall be subject to a mandatory landscape plan and specification requirements. Residential developments of less than 4 units shall not require a landscape plan but shall be required to install a minimum number of trees as outlined in this Section, item G.
- A. The landscape plan shall be developed with an emphasis upon the boundary or perimeter of the proposed site at points adjoining other property and the immediate perimeter of the structure.
 - B. Required Ground Cover. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be sodded or seeded and mulched within 30 days of building occupancy or a financial guarantee shall be provided to guarantee said installation.
 - C. Required Plantings. In addition to required ground cover specified in Subd. 2(B) above and exclusive of required buffering or screening, all new development shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one year following the date of building occupancy. Where landscaping is required as part of City approvals, any plant material that is diseased or dies shall be replaced with a like kind of the original size. No landscaped area shall be used for the parking of vehicles or for the storage or display of materials, supplies or merchandise, unless specifically approved by the City.
 - D. Minimum Size Requirements. All plants must at least equal the following minimum size:

| Table 1 – Minimum Plant Size Requirements | |
|--|--|
| | Potted/Bare Root or Balled and Burlapped |
| Shade Trees (overstory) | 2.5-inch diameter |
| Ornamental Trees (understory) | 1.5-inch diameter |
| Evergreen Trees (overstory) | 4-6 feet high |
| Tall Shrubs and Hedge Material (deciduous or coniferous) | 3-4 feet high |
| Low Shrubs (deciduous) | 5 gallon |

- E. Spacing. Plant material centers shall not be located closer than 3 feet from the fence line or property line and shall not be planted to conflict with public plantings based on the judgment of the City staff.
- F. Types of Plantings. The landscape plan shall be reviewed by City staff to ensure that appropriate plant materials are used to accomplish the intent of the landscaping, including screening where required.
- G. Number of TreesPlantings. The minimum number of trees-plantings on any given site shall be as follows:
 - 1. Residential uses shall provide a minimum of one overstory tree per dwelling unit.
 - 2. Non-Residential Uses. Non-residential uses shall contain at a minimum:
 - a. One overstory tree per 1,000 square feet of gross building floor area or one tree per 50 lineal feet of site perimeter, whichever is greater.
 - b. One understory shrub for each 300 square feet of building or one tree per 30 lineal feet of site perimeter, whichever is greater.
 - 3. Understory Trees. Up to 50 percent of the required number of overstory trees may be substituted with the use of understory trees in combination with other design elements. In such cases, not less than 3 understory trees shall be provided for each one required overstory tree substituted.
 - 4. At the sole discretion of the City, a portion of the total number of required trees for any development may be planted at a public location when it is determined by the City that site constraints or existing vegetation limit the ability to plant on site. Cash fees based on the estimated cost of materials and installation of required

materials may be substituted for public location planting at the discretion of the City.

5. No more than 33 percent of the required number of trees shall be of one species.
- H. Irrigation. Underground irrigation shall be required on all new multi-family and non-residential development where municipal water is available.
- I. Landscape Guarantee. All new plants shall be guaranteed for 2 full years from the time planting has been completed. All plants shall be alive and in satisfactory growth at the end of the guarantee period or be replaced per the approved plan. Security in the form of letter of credit or cash shall be provided to guarantee the installation per the approved plan.
- J. Required Screening and Buffering.

1. Buffer Yards.

a. Definition. For the purpose of this Section, a buffer yard shall be a land area containing landscaping, berms, fences, or some combination thereof used to promote orderly transition between developments and to minimize the adverse impacts of differing land uses. Buffer yards may be preserved in perpetuity by an easement or an outlot.

b. Required Buffer Yard. A buffer yard shall be required when a developing property is adjacent to or across a local street from property in a less intensive zoning district.

i. The buffer yard standards only apply to the parcels abutting the conflicting zoning district.

ii. Parcels within the same development are not required to adhere to the buffer yard requirements. The buffer yard requirement applies only to the perimeter of the development.

iii. A buffer yard shall not be required for new developments adjacent to or across a local street from a permanently undevelopable parcel, such as an outlot for stormwater ponds, but shall be required adjacent to outlots that may be developed in the future.

- c. Responsibility. Provision of buffer yards shall be the responsibility of the more intensive use and shall be required at the time of development.
- d. Location of Buffer Yard. Buffer yards, when required, shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line.
- i. Buffer yards shall not be located on any portion of an existing or dedicated public right-of-way or private street easement, unless otherwise specified by this ordinance.
- ii. Buffer yards may be located within required yard setbacks. Structures must comply with both the setbacks in the zoning district and the buffer yard requirements.
- e. Determination of Buffering Level. This subsection applies to proposed developments that are adjacent to an existing residential neighborhood. Matching the development to the adjacent existing neighborhood in the following chart determines the level of buffering required.
- i. If the proposed development is in a PUD zoning district, the underlying zoning district used to establish the PUD shall be used to determine the buffering level.
- ii. A buffer level of “X” denotes a buffer yard is not required.
- iii. Perimeter Setback. For a buffer yard requirement noted with an asterisk (*) in Table 2, the development is required to maintain side and rear setbacks equivalent to the rear setback requirement. No additional buffer plantings are required in the setback.

Table 2 - Determination of Buffering Level

| | | Proposed Development Zoning District | | | | | | | | | | |
|---------------------------------|------------------|--------------------------------------|----|-------|-------|-------|------------------|----|-----|----|----------------|---------|
| | | UR | RR | RSF-1 | RSF-2 | RSF-3 | RMF ₁ | MP | TCR | PI | C ₂ | BP, I-1 |
| Zoning of Existing Neighborhood | UR | * | X | A | A | B | C | C | D | D | D | D |
| | RR | X | * | A | A | B | C | C | D | D | D | D |
| | RSF-1 | X | X | * | A | A | B | B | C | C | C | D |
| | RSF-2 | X | X | X | * | A | B | B | C | C | C | D |
| | RSF-3 | X | X | X | X | * | A | B | B | B | B | C |
| | RMF ₁ | X | X | X | X | X | * | A | B | B | B | C |
| | MP | X | X | X | X | X | X | * | B | B | B | B |

¹ Zoning district RMF includes RMF-1, RMF-2, and RMF-3

² Zoning district C includes DMU, GMU, CR, C-1, and C-2

f. Options for Buffer Yard Classes. The following table is used to list appropriate landscape buffer options to fulfill the requirements of the buffer yard classes in Table 2 of this Section. Proposed alternatives must be approved by City Council.

Table 3 – Buffer Yard Options

| <u>Buffer Yard Class</u> | <u>Width</u> | <u>Overstory Plantings₁</u> | <u>Understory Plantings₁</u> | <u>Shrubs₁</u> | <u>Structures₂</u> |
|--------------------------|----------------|--|---|---------------------------|-------------------------------|
| <u>A</u> | <u>10 feet</u> | <u>1</u> | <u>2</u> | <u>0</u> | <u>None</u> |
| | <u>15 feet</u> | <u>1</u> | <u>1.5</u> | <u>0</u> | <u>None</u> |
| | <u>20 feet</u> | <u>0.5</u> | <u>1.25</u> | <u>0</u> | <u>None</u> |
| <u>B</u> | <u>10 feet</u> | <u>1</u> | <u>2</u> | <u>3</u> | <u>Minimum 4-foot fence</u> |
| | <u>20 feet</u> | <u>3</u> | <u>6</u> | <u>9</u> | <u>None</u> |
| | <u>20 feet</u> | <u>1</u> | <u>4</u> | <u>6</u> | <u>Minimum 4-foot fence</u> |
| | <u>30 feet</u> | <u>2</u> | <u>4</u> | <u>12</u> | <u>None</u> |
| | <u>30 feet</u> | <u>1</u> | <u>2</u> | <u>4</u> | <u>Minimum 4-foot berm</u> |
| <u>C</u> | <u>20 feet</u> | <u>3</u> | <u>3</u> | <u>12</u> | <u>Minimum 4-foot fence</u> |
| | <u>30 feet</u> | <u>2</u> | <u>2</u> | <u>9</u> | <u>Minimum 4-foot fence</u> |
| | <u>30 feet</u> | <u>4</u> | <u>6</u> | <u>24</u> | <u>None</u> |
| | <u>40 feet</u> | <u>3</u> | <u>4</u> | <u>18</u> | <u>None</u> |
| | <u>40 feet</u> | <u>2</u> | <u>2</u> | <u>12</u> | <u>Minimum 4-foot berm</u> |
| <u>D</u> | <u>30 feet</u> | <u>6</u> | <u>9</u> | <u>36</u> | <u>Minimum 6-foot fence</u> |
| | <u>40 feet</u> | <u>4</u> | <u>6</u> | <u>24</u> | <u>Minimum 6-foot fence</u> |
| | <u>40 feet</u> | <u>8</u> | <u>12</u> | <u>24</u> | <u>None</u> |
| | <u>50 feet</u> | <u>6</u> | <u>9</u> | <u>18</u> | <u>None</u> |
| | <u>50 feet</u> | <u>3</u> | <u>4</u> | <u>9</u> | <u>Minimum 6-foot berm</u> |

₁ per 100 feet of distance

₂ Fences are subject to requirements in Section 1060.080

g. Planting Requirements. All plantings shall be subject to the size and spacing requirements in Subd. 2(D) and 2(E) of this Section.

h. Natural Buffers. Any of the following buffers may qualify as an acceptable method of attainment for transitioning (in whole or in part) if deemed acceptable by City Council:

i. Existing topographical features on vacant lands such as hills and swales;

ii. Wetlands, lakes, rivers and streams;

iii. Major Roadways. Major Roadways are Principal Arterial, A Minor Reliever, A Minor Expander and A Minor Connector

Roadways as shown on the 2040 Roadway Functional Classification map in the 2040 Comprehensive Plan.

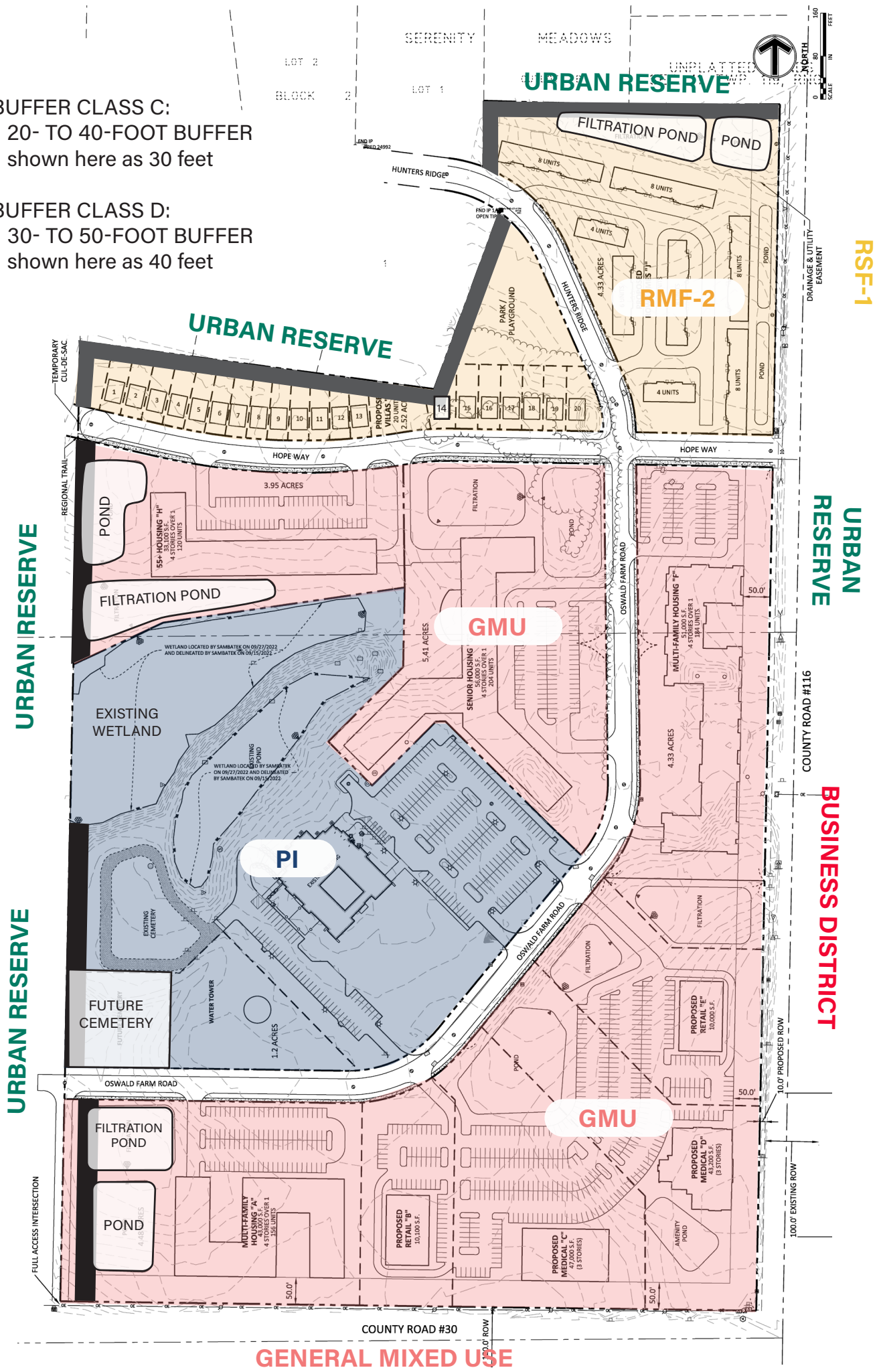
- i. Use of buffer yards. Buffer yards shall be left in a predominantly undeveloped state.
 - i. Plantings in addition to those required by this ordinance are permitted.
 - ii. No passive recreation, paths, storage containers, lighting fixtures, raised planting beds or any permanent structures shall be allowed.
 - iii. Temporary structures such as benches shall be allowed.
 - iv. Paving shall be limited to areas necessary to provide access to the subject property.
 - v. Stormwater ponds and bio-retention ponds are allowed in perimeter setbacks. They are not allowed in buffer yards.
- a.j. Ownership of Buffer Yards. Ownership of the buffer yard will vary depending on whether it is an outlot or an easement. Buffer yards may remain in the ownership of the original developer, or they may be transferred to any consenting grantees, such as adjoining landowners, a homeowners association, or an open-space or conservation group, subject to City approval. Any such conveyance must adequately guarantees the protection and maintenance of the buffer yard for its intended purpose. Easements protecting the buffer shall be recorded against the property and filed at Hennepin County.

2. Screening with the use of landscaping, fencing and walls should be accomplished with the existing topography where possible. When the existing topography prohibits effective screening, berming may be used.
 - a. Planting screens are the preferred method of screening. The planting screen shall consist of hardy trees that will provide a minimum of 80 percent opacity year-round. Planting screens shall contain a mix of overstory and understory plantings and a mix of deciduous and coniferous materials.

- b. Fences or walls may be used in conjunction with landscaping to provide screening. When required for screening, minimum of 80 percent opacity shall be provided. No landscaping or screening shall interfere with driver or pedestrian visibility for vehicles entering or exiting the premises.
 - c. Earth berms may be used for screening when topography requires the earth berm to adequately screen the property. Berms shall not exceed 3:1 slope.
- 3. Parking areas with 4 or more stalls shall be screened from properties guided or zoned residential and from public streets. Screening to a height of at least 3 feet shall be provided to screen vehicle headlights.
- 4. Loading and service areas shall be screened from properties guided or zoned residential and from public streets.
- K. Building Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced up to 40 percent if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.
- L. Parking Setback Flexibility through Additional Landscaping. A reduction in the required front setback adjacent to arterial streets may be approved by the City Council if the applicant provides landscaping beyond the minimum requirements or preserves significant landscaping in this area. The required setback may be reduced to the required front setback from other streets in that district if the applicant provides a minimum of one overstory deciduous tree, one overstory coniferous tree, 2 ornamental trees and 10 understory shrubs per 100 feet of the length of the property line where the flexibility is requested, or preserves the equivalent amount of existing trees and shrubs. These materials must be provided in addition to the minimum landscape requirements.

BUFFER CLASS C:
20- TO 40-FOOT BUFFER
shown here as 30 feet

BUFFER CLASS D:
30- TO 50-FOOT BUFFER
shown here as 40 feet



RSF-1

URBAN RESERVE

BUSINESS DISTRICT

GENERAL MIXED USE



CITY OF CORCORAN

8200 County Road 116 • Corcoran, MN 55340
763-420-2288 • www.corcoranmn.gov

MEMO

Meeting Date: January 26, 2023

To: City Council

From: Natalie Davis McKeown, Planner

Re: City Code Updates – Planned Unit Development Standards

Updating the Planned Unit Development (PUD) ordinance was identified as a priority in 2022. Staff and Council held work sessions to review the PUD ordinance on July 28, 2022 and October 27, 2022. In July, staff was directed to identify basic standards for PUDs, create a points system to aid in the review of public benefits offered by PUD proposals, as well as create a super majority (4/5) threshold for approval of all PUDs. At the October work session, staff was directed to test out the draft points system on the Tavera development and see what options there were for allowing a vote to proceed if only three Council members are seated at a meeting to avoid running up against the review deadline.

Test Case: Tavera

Staff reviewed the Tavera development in detail in relation to the new standards proposed in the draft ordinance as well as the draft points system. Before discussing the points, it is important to note that Tavera would not have been able to proceed under the draft PUD ordinance with the townhomes included as this would be a prohibited use in a low density residential guided area. The twin-homes, villas, and larger single-family homes would be allowed to proceed. Additionally, there is a small area within the development where the roadway and homes run parallel to County Road 116 which is considered a prohibited design feature in the draft ordinance.

For the sake of testing out the points, staff proceeded with an analysis based on the approved development despite the conflicts with the two underlying standards noted above. Staff first determined which points were applicable to the Tavera development before assigning a point value. For the point categories that did not have a clear formula, staff used a scale of not true (0 points), somewhat true (half points), and mostly

true (all points). Staff confirmed with the planners at Maple Grove that they employ a similar scale for these subjective point categories. Overall, staff determined there were 295 points possible for Tavera, but the development only reached 191.6 points. This is a score of 64.9%. Developments will need to score at least 70% in order for the application to be forwarded to Council with a recommendation of approval. In other words, Tavera as it was approved would not have passed the points test.

It is worth noting the following negotiated benefits in Tavera that were not fully captured in the points system:

- Construction of a park parking lot at the developer's expense.
- Grading of the park at the developer's expense.
- Off-site infrastructure improvements at the developer's expense to benefit site and surrounding properties.
- Incorporation of cul-de-sac islands as added by the Planning Commission.
- Offered to provide an entrance monument for Corcoran at Hackamore and County Road 116.
- Provided an opportunity for construction of the planned regional trail and offered to construct the off-road trail if it were to be shifted east into the site.

Super Majority Approval Threshold

In speaking with the City Attorney, he confirmed that the Council would not be able to officially deny or approve the application if only three Council members are seated at the time of the vote if the code is written to require a $\frac{3}{4}$ majority vote of the full Council. He iterated that in the event of only three Council members, the vote would need to be postponed to the next regular meeting or a special meeting would need to be called. If the Council wants to avoid this scenario, his recommendation is to draft the language in code to require a $\frac{3}{4}$ vote of the seated Council at the time of the vote. This would allow a PUD to pass if all three seated members vote for approval, but it would not allow a PUD to pass on a 2-1 vote. The draft has been updated to reflect this new verbiage based on the direction from the Council at the October meeting.

Additional Changes and Topics for Discussion

Staff has continued to vet out the PUD draft since the last meeting in October and recommends the following changes and topics for the Council's consideration.

- a. Further incorporating desired design elements within points system.*

Within the "Intent" section of the draft ordinance (Subd. 2), the following are listed as desired design elements within a PUD:

- Innovative design.
- Integration of historical or rural structures and design elements.
- Utilization of new technologies in building design.
- Special construction materials.
- Additional landscaping.

- Creating parking and pedestrian connections.
- Stormwater management.
- Pedestrian-oriented design.
- Transitions to residential neighborhoods.

Most of these were already captured in the draft points system with the exception of innovative design, utilization of new technologies, and special construction materials. Staff added two categories in the draft points system to encourage these desired features. These new categories are highlighted in yellow in the attached draft points system.

b. Definition of open space

The definition previously used for open space would not have counted land within a conservation easement or otherwise set aside for tree preservation. Staff believes this definition would conflict with the City's goals of preserving open space, so these areas are specifically allowed in the new draft. Additionally, the new definition clarifies that land dedicated as parkland does not count towards the open space requirement if it was already anticipated within the 2040 Comprehensive Plan. This will allow the City to decide to accept proposed parkland when it is determined to be valuable and doubles as open space without penalizing the applicant for offering something above and beyond the minimum requirements.

c. Removal of impervious surface coverage limits

Staff completed a few impervious surface coverage analyses in the recently approved residential PUD developments. It was determined that the developer would easily comply with the maximum impervious surface limit. Unfortunately, it would be the homeowner looking to later add a patio, deck, or more living space that would be denied the ability to do so. Staff does not believe this is the intent of the Council and would like to avoid a series of variance requests to bypass these standards in order for residents to add on reasonable features to their homes. The way the draft ordinance is written, impervious surface limits already called out in the underlying zoning districts (e.g., the I-1 district has an impervious surface limit of 70%) would apply by default unless the Council uses their discretion to grant flexibility.

d. Removal of a prohibited feature and modification related to fire and safety codes

The previous draft specifically called out design standards that violate or compromise fire and safety codes of the City as a prohibited feature/modification. This was determined to be redundant with how developments are reviewed and therefore of little value. The current draft has this verbiage removed.

e. Some flexibility allowed for buffering and screening requirements

The previous draft did not allow any deviations from screening and buffering requirements. However, the Council has since reviewed two industrial PUDs where screening and buffering (which will be made more stringent with the implementation of the buffer yard ordinance) were either nearly impossible to achieve due to site constraints and/or an alternative screening method was proposed that met the intent of the rule and allowed a better design. Staff believes it is best for the Council to keep their discretion to make limited allowances when compelled. Therefore, staff added verbiage that defaults to the screening and buffering requirements as outlined in code *unless* the applicant can show there is a site constraint out of their control that justifies a deviation from these requirements, proposes an alternative screening method that will meet the intent of the requirements, and/or proposes relocating screening methods to a more beneficial location within the development.

f. Tree preservation penalty

It was stated at a previous Council meeting that when developers (unintentionally or otherwise) remove trees that were supposed to be preserved as a benefit of the PUD, they should be required to replace the removed trees on a 1:1 caliper inch basis. This penalty was added as paragraph D under Subd. 7 (PUD Benefits) of the draft ordinance.

g. Neighborhood meetings

Staff continues to discuss the pros and cons of the proposed stage when the neighborhood meeting should occur and would like Council to provide feedback on this topic. Currently, the draft ordinance requires a neighborhood meeting prior to submittal of a PUD sketch plan. Ideally, this would encourage early involvement and communication between existing neighborhoods and proposed developments. However, there are cities that have recently moved away from holding neighborhood meetings at this stage and instead require it prior to submittal of the preliminary PUD/plat application. This may be beneficial as many times concept plans include policy questions for the Council, and it may cause unnecessary confusion and upset to hold a neighborhood meeting before the Council has a chance to learn about the project and provide any feedback. A project that receives unfavorable feedback from the Council is unlikely to proceed if it would require a significant departure from established code or policy. In this event, the neighborhood meeting before the submittal of a concept/sketch plan seems premature. Would the Council like to change the neighborhood meeting requirement so that it happens prior to submittal of the preliminary PUD/plat application? Or should the draft stay as currently written?

It is also important to note that the lack of available meeting spaces in Corcoran may mean that developers will request to hold neighborhood meetings at City Hall. This was done just recently for Pioneer Trail Industrial Park. Staff believes reserving the first Thursday of each month between 5-6:30 for neighborhood meetings will allow for these requests to be accommodated as planning staff is typically at City Hall during these hours already.

Comments from Planning Chair

At the October meeting, the Council asked Planning Chair Lanterman to provide his thoughts on the proposed changes to the PUD ordinance. His comments are attached to this report for review. He states his concerns that the PUD point system limits flexibility, creativity, and has areas of subjectivity. There is no arguing that some point categories are more subjective than others, and there may be instances where someone will disagree with staff's determination of point assignments. It is important to remember that the points are an exercise to see if an application includes desired features that justify flexibility from our standard zoning districts. In instances where the Planning Commission or City Council disagree with how points have been assigned, they will continue to have their chance to review staff's analysis and articulate why they believe the application does not meet the threshold for approval.

The letter also included questions regarding the City Attorney's opinion of super majority votes in general. Since the direction from Council is to proceed with a super majority threshold, it seems unnecessary to further explain the City Attorney's standpoint on the topic at this time. However, staff is prepared to speak to it at the work session should the Council want to further discuss the pros and cons of a super majority approval threshold. As for the question on whether a PUD application would be approved by default due to two or more abstentions, verbiage was added to the draft that clarifies failure to achieve requisite votes (3/4 of the seated Council at the time of the vote) is a denial.

Next Steps

The Council is asked to provide staff feedback on the work completed to date. If the Council is generally satisfied with the drafts with fairly minor changes proposed, the Zoning Ordinance Amendment can be scheduled for a public hearing at the March Planning Commission meeting. If extensive changes and/or additional review is desired, staff and Council should discuss adjustments to the anticipated timeline.

Attachments

1. Draft Ordinance
2. Draft Points System
3. Test Case: Tavera
4. Comments from Planning Chair Lanterman

1040.140 – PUD (PLANNED UNIT DEVELOPMENT)

- Subd. 1. Purpose. In return for greater flexibility in site design requirements, the Planned Unit Development (PUD) district is expected to deliver creative community designs of exceptional quality. PUDs shall honor the rural character of Corcoran by prioritizing nature through preservation, restoration, and/or enhancement of the natural systems that sustain the City. PUDs will include a combination of public benefits such as above-average open space amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. The purpose of the PUD, Planned Unit Development District, is to promote creative and efficient use of land by providing design flexibility. A PUD can be used in the development of residential neighborhoods and/or nonresidential areas in a manner that would not be possible under a conventional zoning district. The decision to zone property to PUD is a public policy decision for the City Council to make in its legislative capacity.
- Subd. 2. Intent. The intent of this district is to include most of the following:
- I. Provide for the establishment of PUD districts in appropriate settings and situations to create or maintain a development pattern that is consistent with the City's Comprehensive Plan.
 - II. Potentially Allow for the mixing of land uses within a development when such mixing of land uses is determined to be compatible with the surrounding area and could not otherwise be accomplished under the existing zoning and subdivision regulations.
 - III. Provide for variations to the strict application of the land use regulations to improve site design and operation, while at the same time incorporating design elements, ~~e.g. construction materials, landscaping, lighting, etc.~~, that exceed the City's standards to offset the effect of any variations. Desired design elements may include the following: innovative design, integration of historical or rural structures and design elements, utilization of new technologies in building design, special construction materials, additional landscaping, creating parking and pedestrian connections, stormwater management, pedestrian-oriented design, or transitions to residential neighborhoods.
 - IV. Promote more creative and efficient approach to land use within the City, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the City.

- V. Preserve and enhance natural features, ~~and~~ open spaces, trees, and scenic views.
- VI. Maintain or improve the efficiency of public streets and utilities.
- VII. Ensure appropriate transitions between differing land uses.
- VIII. Ensure high quality of design and designs that are compatible with surrounding land uses, including existing and planned.

Subd. 3. ~~Application Applicability.~~ A PUD district shall not be established for parcels guided in the Comprehensive Plan for Rural/Ag Residential and Rural Service/Commercial, except where allowed for an Open Space Preservation Plat. ~~It will be used in areas guided Mixed Use or Mixed Residential on the Land Use Plan and in other areas where~~ A PUD district can be established for parcels guided in the Comprehensive Plan as any other land use designation than those stated above when the City finds that the proposal meets the intent of ~~this~~ the PUD district.

Subd. 4. Allowed Uses. ~~All permitted uses, permitted accessory uses, conditional uses, and interim uses contained in the underlying zoning districts shall be treated as potentially allowable uses within a PUD district. Uses within the PUD will generally be limited to those uses considered associated with the general land use category shown for the area on the City's Comprehensive Plan.~~

A. Low Density Residential. PUDs located on land that is guided for existing and low density residential shall be limited to permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permit as contemplated with the following single-family residential districts: RSF-1, RSF-2, and RSF-3.

B. Presumption of Underlying Zoning District.

I. PUDs located on land that is guided as one of the land use designations in the table below will be presumed to include permitted and accessory uses in addition to uses allowed by conditional, interim, and/or administrative permits of the underlying zoning district(s) associated with the land use designation.

| <u>Land Use Designation in Comprehensive Plan</u> | <u>Underlying Zoning District</u> |
|---|-----------------------------------|
| <u>Medium Density Residential</u> | <u>RMF-1</u> |
| <u>Mixed Residential</u> | <u>RMF-2</u> |
| <u>High Density Residential</u> | <u>RMF-3</u> |

| | |
|---------------------------|--------------------|
| <u>Mixed Use</u> | <u>GMU and DMU</u> |
| <u>Commercial</u> | <u>C-1 and C-2</u> |
| <u>Business Park</u> | <u>BP</u> |
| <u>Light Industrial</u> | <u>I-1</u> |
| <u>Public/Semi-Public</u> | <u>PI</u> |

II. Additional uses not contemplated in the underlying zoning district may be approved by Ordinance if the Council determines such uses to be compatible with the intent of the underlying zoning district.

C. Mixed Use. PUDs located on land guided as mixed use are expected to include a combination of residential and commercial uses.

Subd. 5. **Presumptive Performance Standards. Lot Dimensions, Setbacks and Building Heights.** The district regulations (e.g., minimum lot dimensions, building height, and building coverage ratio) of the most closely related underlying zoning district shall be considered presumptively appropriate, but may be departed from to accomplish the purpose and intent described in this Section.

Subd. 6. **Design Standards.** The PUD plan establishes the requirements for a PUD and shall govern land uses and design. The following is a list of minimum standards required of PUDs:

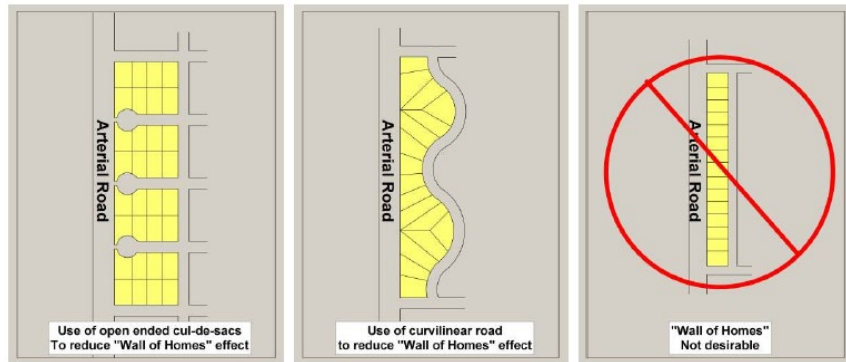
A. Appropriate Integration. PUDs shall be appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through continuation of existing land use types, architectural transitions, landscaping buffering, or other means.

B. Variety and Enhanced Design. Since PUDs are expected to exceed standards, most residential PUDs should include a wide variety of styles. Style refers to the exterior image and footprint, not the floor plan. Where a wide variety of styles does not make sense, the PUD should include enhanced building design that exceeds underlying standards.

I. PUDs with detached homes must provide house elevations for approval. There should be no less than 5 styles of detached homes.

II. PUDs with attached homes (not including apartment buildings) must include no less than 2 styles.

- III. For PUDs without a residential component, applicants must provide material boards with renderings for design evaluation.
- C. Open Space. A PUD which includes dwellings shall provide at least 15% of the project area as open space. If the PUD is to be developed in phases, the applicant must include the entire site in the plat of the first phase of development and designate as open space. Open space is a landscaped area of areas available for the common use of and is accessible by all residents or occupants of the buildings within the PUD. Open space shall consist of upland and be calculated on a net basis which excludes private yards, private streets from back of curb to back of curb, public rights-of-way, or any other non-recreational impervious surface area. Areas within an easement shall not be used in calculating open space unless it is a conservation easement and/or a designated tree preservation area. Dedicated parkland shall not be used in calculating open space for a development if it is anticipated in the 2040 Comprehensive Plan. The applicant shall be required to submit an open space plan along with the PUD development plan. The open space plan will illustrate the use and/or function of the open space area or areas. The open space plan shall include any proposed improvements and/or design of the open space area.
- D. Perimeter Buffer. PUDs shall provide a landscaping buffer to screen homes from arterial and major collector roads.
- E. Public Accessibility. When a PUD includes natural features such as creeks, streams, ponds, and lakes, the PUD shall provide public access to these features.
- F. Discretionary Standards. In addition to the above standards, the City Council may impose such other standards for a PUD project as are reasonable and as the Council deems are necessary to protect and promote the general health, safety, and welfare of the community and surrounding areas.
- G. Prohibited Features and Modifications.
- I. The City will not grant side setbacks that result in less than a 15-foot minimum required separation between two detached dwellings.
 - II. PUDs with detached homes shall be designed to avoid interior perimeter roads that are parallel to arterial roadways. Roadways should be curvilinear wherever feasible with a variety of building orientation along arterial roadways.



III. PUDs cannot request flexibility from meeting the minimum required screening and/or buffering standards otherwise required in the Zoning Ordinance unless the applicant can show there is a site constraint out of their control that justifies a deviation from these requirements, proposes an alternative screening method that will meet the intent of the requirements, and/or proposes relocating screening methods to a more beneficial location within the development.

Subd. 7.

PUD Benefits. PUDs are expected to provide a combination of public benefits in exchange for flexibility in Zoning Ordinance requirements.

- A. All new PUDs of 30 or more acres that have not submitted a PUD sketch plan for City Council review prior to January 1, 2023 shall be reviewed against Corcoran's PUD Point System, which is on file at City offices and is hereby made a part of this Section. Projects of 30 acres or more must receive a minimum score of 75% of the applicable and attainable points for the project in order for the City Council to consider approval of the PUD.
- B. An applicant may petition for credit of a proposed PUD benefit that is not captured by Corcoran's PUD Point System and is not otherwise required in the underlying zoning district. If the petition is granted, the PUD benefit shall only be allotted up to 10 points.
- C. Projects less than 30 acres shall provide at least three public benefits contemplated within Corcoran's PUD Point System. An applicant may petition for credit of a proposed PUD benefit that is not captured by Corcoran's PUD Point System. If the petition is granted, the remaining two PUD benefits must be based on the PUD Point System.

D. A PUD that offers tree preservation as a public benefit will be required to replace any removed trees that were intended for preservation on a 1:1 caliper inch basis.

Subd. ~~6~~8. **Processing Procedures.** The general sequence for application, review and action on a PUD shall be according to the following procedures:

A. Pre-application Conference

Prior to filing of an application or submittal of a sketch plan the applicant shall arrange for and attend a conference with the Zoning Administrator. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area and its conformity to the provisions of this district prior to incurring substantial expenditures in the preparation of plans, surveys, and other data.

B. Neighborhood Meeting

Prior to filing an application or submittal of a PUD sketch plan, the applicant shall arrange and conduct a neighborhood meeting with notice provided to property owners within at least 350 feet of the desired site's perimeter. The primary purpose of this meeting shall be to provide information on a proposed development to surrounding neighborhoods and allow feedback to be provided and incorporated early in the process.

C. PUD Sketch Plan

Prior to filing a preliminary PUD development plan application, the applicant shall submit a sketch plan of the project to the Zoning Administrator prior to submission of a formal application. The Zoning Administrator shall refer the sketch plan to the City Council for discussion, review and informal comment. Any opinions or comments provided to the applicant shall be considered advisory only and shall not constitute a binding decision on the request.

The purpose of the sketch plan is to inform the City of the applicant's intentions and to inform the applicant as to the general acceptability of the proposal before extensive costs are incurred.

The PUD Sketch Plan shall be conceptual in nature but shall be drawn to scale and shall contain at a minimum the following:

1. Location map showing the location within the City and more detailed locations on half-section plat maps showing all perimeter property lines.

2. Aerial photograph of the area.
3. General location of all identified natural resources and wetland inventories on and abutting the premise.
4. General location of existing and proposed structures.
5. Tentative access, circulation and street arrangements, both public and private.
6. Amenities to be provided such as recreational areas, open space, walkways, parking, landscaping, etc.
7. A representative example of the style of structures to be constructed.
8. Proposed public sanitary sewer, water and storm drainage.
9. A general statement of concept, identifying the intent of the project and compatibility with the surrounding area.
10. Extent of and any proposed modifications to land within the Overlay Districts as described and regulated in Section 1050.
11. Any other items as may be deemed necessary by City staff.

(Ord. 286, passed 9-25-14)

D. Preliminary PUD Development Plan

The purpose of the preliminary PUD development plan is to establish the intent, density, and intensity of the proposed development. Upon receipt of the complete application for rezoning to PUD and the preliminary PUD development plan, the item shall be scheduled for a public hearing at the Planning Commission. The Planning Commission shall conduct a public hearing in accordance with the provisions of the City's Code. Upon due consideration, the Planning Commission shall make a recommendation to the City Council.

Following the Planning Commission recommendation, the City Council shall consider the rezoning request and preliminary PUD development plan. At this meeting the City Council shall receive the recommendation from the Planning Commission and a report from the City Staff. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If a preliminary development plan has been denied by the City Council, the owner or applicant may not reapply for the same or similar on the same property for a six (6) month period following the date of the denial.

E. Final PUD Development Plan

The applicant shall submit a final PUD development plan to the City. The Planning Commission shall review the final plan in accordance with the provisions of this Section. The Planning Commission shall review the application to ensure that the proposed final PUD development plan is in substantial conformance with the approved preliminary PUD development plan. Upon due consideration the Planning Commission shall make their recommendation to the City Council.

Following the Planning Commission recommendation, the City Council shall consider the final development plan. Upon due consideration the City Council shall approve, disapprove, or approve with specified modifications and/or conditions by majority vote.

If the applicant desires, and the City Council concurs, the preliminary and final development plans may be processed concurrently, provided all items required for both applications are submitted.

The rezoning of the property defined in the development plan shall not become effective until such time as the City Council approves an ordinance reflecting said amendment, which shall take place at the time that the City Council approves the final development plan.

Subd. **7.9**. Required Findings. The Planning Commission and the City Council shall find the following prior to the approval of a preliminary development plan or final development plan:

- A. The planned development is not in conflict with the Comprehensive Plan.
- B. The planned development is not in conflict with the intent of the underlying zoning district and is compatible with surrounding land uses.
- C. The planned development is not in conflict with other applicable provisions of the City's Zoning Ordinance.
- D. The planned development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and/or operation is feasible as a complete unit without dependence upon any other subsequent unit or phase.

- E. The planned development will not create an excessive burden on parks, ~~schools~~, streets and other public facilities and utilities which serve or are proposed to serve the planned development.
- F. The planned development will not have an undue and adverse impact on the reasonable enjoyment of the neighborhood property.
- G. The quality of the building and site design proposed by the PUD plan shall substantially enhance the aesthetics of the site, shall demonstrate higher standards, more efficient and effective uses of streets, utilities and public facilities, it shall maintain and enhance any natural resources within the development, and create a public benefit that is greater than what would be achieved through the strict application of the primary zoning regulations.

Subd. ~~8~~ 10. Preliminary Development Plan Content. The intent of the preliminary development plan is to allow City review of site plan and general development issues, without the need for detailed architectural plans. The applicant shall submit preliminary development plans which include the following:

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1" = 100' scale which indicates topography in two-foot contours; building outlines; location of significant vegetation; water bodies and wetlands; location of streets, drives and parking areas; and other significant features.
- C. A site plan showing all proposed structure and building locations including signs. Plans shall note structure height, general architectural design features and anticipated exterior materials.
- D. A preliminary circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access and screening for receiving material and trash removal.
- E. Preliminary drainage, grading, utility and erosion control plans.
- F. A concept landscaping plan illustrating preservation of existing vegetation, and new landscaping and buffer areas.
- G. A written report which describes the proposed uses, indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development

proposal, and statement of which primary zoning district provisions are being modified by the planned development.

- H. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of “Commercial” guiding and three acres of “Medium Density Residential” guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the Medium Residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.
- I. Any other information deemed necessary by the City Staff in order to evaluate plans.
- J. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- K. Five copies of the above information shall be submitted on 24 x 36 inch sheets.
- L. For City initiated rezonings to Planned Unit Development District, the preliminary development plan may consist of any information deemed necessary to identify and protect the public interest.

Subd. ~~9~~ 11. Final Development Plan Content. The final development plan shall include all of the information required for submission of the preliminary development plan plus architectural plans, detailed site, landscaping, grading and utility plans and all additional information which was requested by the planning commission as a result of its review of the preliminary plan. The final plan shall incorporate all recommendations of the planning commission and City Council, or shall indicate how the final plan fails to incorporate the commission's recommendations. The final plan shall also include and reflect all changes in preliminary plan data since the submission of the preliminary plan. The applicant shall submit final development plans which include the following information:

- A. A location map which indicates existing and future land uses.
- B. Maps of existing and proposed site features and uses at a minimum scale of 1”=100’ scale which indicate topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives and parking areas; and other significant features.

- C. Detailed drawings of all proposed structure elevations, including scaled elevations and exterior building materials of all buildings and signs. Samples of all proposed materials which will be used on the exterior of structures may be required with the elevation drawings.
- D. Proposed floor plans for all floor levels of multi-family and non-residential buildings, including locations of electrical, mechanical and gas metering equipment, and storage areas for trash and recyclable materials.
- E. A landscape plan indicating tree, shrub and ground cover species, size, provisions for plant material watering.
- F. A final circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving and trash/recycling removal.
- G. A lighting plan showing foot-candle levels, luminaire location, fixture type and height.
- H. Rooftop equipment and screening plan and elevation drawings of rooftop equipment and screening of views from adjacent streets and property.
- I. A final drainage, grading, utility, and erosion and sedimentation control plan. Such plans shall comply with the requirements of this Ordinance.
- J. Identification and delineation of all wetlands on the site including preservation and filling and mitigation.
- K. A written report which completely describes the proposal and indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which has resulted in the planned development proposal, describes any changes from the approved preliminary development plan, and statement of which primary zoning district provisions are being modified by the planned development.
- L. A shift of density or intensity of the plan, if applicable. For example, a ten-acre site with seven acres of "Commercial" guiding and three acres of "Urban Residential" guiding could be developed with 70 percent of the land area commercial and 30 percent of the land area at the urban residential density identified in the Comprehensive Plan. This type of shift would only be allowed as part of a PUD and the location of uses within the site would be determined as part of the PUD process. This implementation technique would not require an amendment to the Land Use Guide Plan Map.

- M. Any other information deemed necessary by the City Staff in order to evaluate plans.
- N. Twenty copies of the above information shall be submitted no larger than 11 x 17 inches.
- O. Five copies of the above information shall be submitted on 24 x 36 inch sheets.

Subd. ~~10~~ 12. Performance Guarantees

- A. The City Council shall require the owner and developer of a PUD to execute a development agreement which may include, but not be limited to, the approved development plan, conditions of approval, association and maintenance agreements, and a time table for construction.
- B. The City Council shall require an applicant for PUD rezoning/development plan to provide a financial guarantee in accordance with Section 1070.050 of this Chapter to insure that the development will be executed in performance with the approved final PUD development plan.
- C. The City Council is empowered to require that all required improvements be constructed and completed prior to the issuance of any occupancy permits.
- D. Construction of each PUD development shall be commenced within one year after the effective date of the PUD rezoning by the City Council. Upon good cause shown, the City Council may extend the time for one additional year. If construction is not commenced within these time periods, any building permits issued for the PUD shall be void and the Planning Commission may initiate proceeding to rezone the subject property.
- E. Any building permit issued for construction pursuant to PUD rezoning shall be valid only so long as there is compliance with the final development plan as accepted by the City Council.

Subd. ~~11~~ 13. Changes To Final Development Plans. Minor changes to final development plans adopted by the City Council may be approved by the City Administrator, provided that the changes do not involve the following:

- A. Increase in floor area of structures or number of dwelling units.
- B. Change in exterior building material.

- C. Alteration of any condition attached or modification to the final development plan made by the City Council.
- D. A major change to a final development plan which is at variance with any standards of the City Code or is less restrictive than any conditions of approval for the initial final development plan, shall require approval by a majority vote of all members of the City Council.

(Ord 348, passed 05-25-17, Ord. 378, passed 09-13-18)

SECTION 1070 – ADMINISTRATION, PERMITS AND PROCEDURES

1070.010 – ZONING AMENDMENTS (TEXT AND MAP)

- Subd. 1. Procedure. An application for an amendment to the Zoning Ordinance or Zoning Map shall be approved or denied, pursuant to Minnesota Statutes 15.99. Additional City requirements are as follows:
- A. Request for rezoning (text or map) shall be filed with the Zoning Administrator on an official application form. A non-refundable fee as set forth in the City Code shall accompany such application. Detailed written and graphic materials, the number and size as prescribed by the Zoning Administrator, fully explaining the proposed change, development, or use, shall also accompany such application. The application shall be considered as being officially submitted and complete when the applicant has complied with all the specified information requirements.
 - B. Upon completion of preliminary staff analysis of the application and request, the Zoning Administrator, when appropriate, shall set a public hearing following proper hearing notification. The Planning Commission shall conduct the hearing and report its findings and make recommendations to the City Council.
 - C. Notice of said hearing shall be mailed to all owners of land within 350 feet of the boundary of the property in question. This provision shall not apply in the case of a rezoning if the amendment affects an area greater than five (5) acres pursuant to Minnesota Statutes §462.357.
 - D. Failure of a property owner to receive said notice(s) shall not invalidate any such proceedings as set forth within this Chapter.
 - E. Notice of said hearing shall also be published in the official newspaper at least 10 days prior to the hearing and consist of:
 1. Legal property description.
 2. Description of request.
 3. Map detailing property location.
 - F. The Planning Commission and City staff shall have the authority to request additional information from the applicant concerning operational factors or to retain expert testimony with the consent and at the expense of the applicant concerning operational factors, said information to be declared necessary to establish performance conditions in relation to all pertinent sections of this Chapter.

- G. The applicant or a representative thereof may appear before the Planning Commission in order to present information and answer questions concerning the proposed request.
- H. The Planning Commission shall make findings of fact and a recommendation on the request. Such recommendations shall be accompanied by the report and recommendation of the City staff.
- I. The City Council shall not act upon an amendment until they have received a report and recommendation from the Planning Commission and the City staff.
- J. Upon receiving said reports and recommendations of the Planning Commission and the City staff, the City Administrator shall schedule the application for consideration by the City Council. Such reports and recommendations shall be entered in and made part of the permanent written record of the City Council meeting.
- K. Upon receiving said reports and recommendations, the City Council shall have the option to set and hold a public hearing if deemed necessary.
- L. The applicant or a representative thereof may appear before the City Council in order to present information and answer questions concerning the proposed request.
- M. For any application that changes all or part of the existing classification of a zoning district from residential to either commercial or industrial, approval shall require passage by a two-thirds vote of the full City Council. Approval of any other proposed amendment shall require passage by a majority vote of the full Council.
- N. For any application requesting a rezoning to a Planned Unit Development District, approval shall require passage by a two-thirds vote of the seated City Council at the time of the vote. Approvals of a proposed amendment shall require passage by a majority vote of the seated Council. A vote that fails due to failure of requisite votes is deemed a denial.
- O. The amendment shall not become effective until such time as the City Council approves an ordinance reflecting said amendment.
- P. Whenever an application for an amendment has been considered and denied by the City Council, the Planning Commission or City Council shall not consider a similar application for an amendment affecting substantially the same property again for at least 6 months from the date of its denial. A subsequent application affecting substantially the same

property shall likewise not be considered again by the Planning Commission or City Council for an additional 6 months from the date of the second denial unless a decision to reconsider such matter is made by not less than a majority of the full City Council.

Corcoran PUD Points System

1. Placement of uses so as to integrate with adjacent uses.

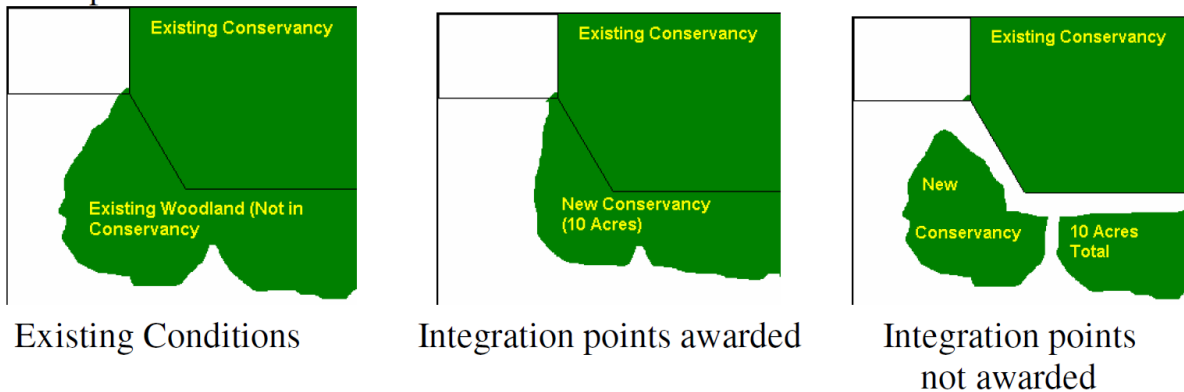
Purpose: To reward developments that make connections to adjacent properties and uses.

Criteria: Points will be awarded if there is an opportunity to connect adjacent uses and such connections are made. If no opportunities exist, the category will be eliminated.

25 points maximum for the following:

- *5 points* will be awarded for placing features, such as private parks and conservation areas, contiguous to existing or planned private parks or conservation areas (as long as there was a choice to put it somewhere else.)
- *10 points* will be awarded if there are no restrictions for public access to these areas. Public parks are not eligible.
- *5 points* will be awarded if there is a conscious effort to link the neighborhood to public or semi-public uses (schools, religious institutions, etc.).
- *5 points* will also be awarded for developers who give adjacent development the opportunity to link to the development in question.

Example:



2. Collaboration with adjoining landowner(s).

Purpose: To encourage an open dialogue between many landowners.

Criteria: Points will be awarded on a case-by-case basis when collaboration is demonstrated.

10 points maximum

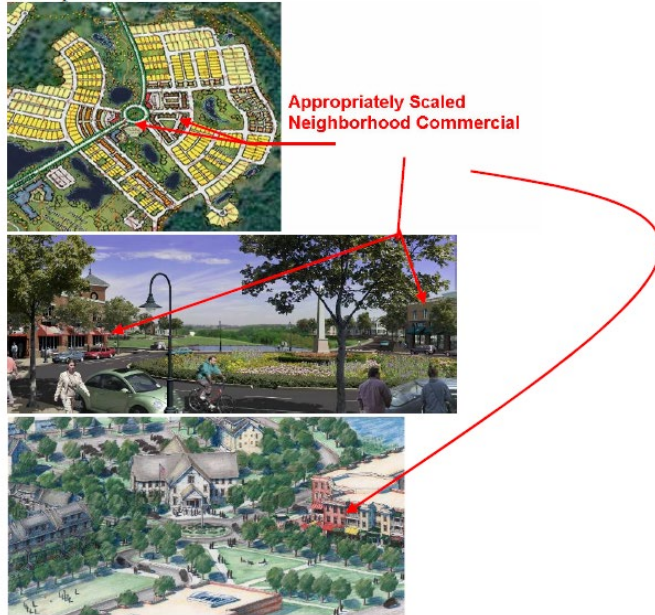
Applicants must host a neighborhood meeting early in the process as part of the PUD process. Applicants will get collaboration points if they demonstrate that they incorporated feedback and continued ongoing discussions in an effort to work with neighboring property owners to create a more unified plan for the larger neighborhood. Collaboration may also offer a better chance to gain points in other categories.

3. Appropriately located neighborhood scale commercial/office uses.

Purpose: To reward developments that provide small scale commercial/office uses.

Criteria: Points will be awarded on a case-by-case basis. Category will be considered on a very limited basis. This category is typically not applied to land guided as low-density residential in the City's Comprehensive Plan; however, consideration will be given to appropriately located non-residential uses contemplated in RSF-1, RSF-2, or RSF-3 (e.g., daycare facilities, educational facilities, and places of worship).

Examples:



10 points maximum

4. Percentage of units within ¼ mile of an identifiable neighborhood focal point.

Purpose: Encouragement to give new neighborhoods a unique identity and to serve as an ordering device.

Criteria: Percentage of units / 2

50 points maximum

Examples include the following: parks, greens, squares, monuments, historic structures (silos, barns, granaries, foundations, community gardens, etc.).



5. Distribution of attached units.

Purpose: Encourage smaller clusters of attached units.

Criteria: Points = (50 - A)

A = the largest percentage of attached units in any one group.

40 points maximum

Example: If there are 100 attached units in a project, and the largest group has 30 units in it, then 20 points would be awarded.

Under this criterion, a PUD must have at least 3 groups of attached units to get any points.

6. Creation of open space using multi-story buildings.

Purpose: Promote the creation of open using multi-story buildings.

Criteria: Points will be awarded if it was demonstrated that the applicant had purposefully used multi-story buildings for the purpose of creating open space.

10 points maximum

This criterion wouldn't apply to PUDs for land guided as existing residential or low density residential in the City's Comprehensive Plan.



7. Visual Termini

Purpose: Encourage the placement of monuments, statues, gazebos, or other landmarks at the end of streets.

Criteria: Points will be awarded if visual termini are provided.

5 points maximum



8. Attached units are embedded.

Purpose: Reduce the amount of attached units visible from major roadways.

Criteria: Points = (50 – A) / 2

Where A = (% of the perimeter roadway in linear feet with attached units).

25 points maximum

Examples: A development has 1,000 linear feet of arterial roadway and 200 feet of the arterial roadway has attached units adjacent to it.

“A” = 20 so

$$\text{Points} = (50 - 20) / 2 = 15$$

Only areas where there is an opportunity to build units will be included in the total perimeter measurement. Wetlands or otherwise unbuildable areas will not be included.

Attached units are not considered to abut the ROW if there is an outlot or feature between them and the ROW if the area is landscaped and/or has a setback exceeding 60 feet.

If the percentage of ROW with abutting attached units is over 50%, the development will get zero points in this category.

This criterion is only applicable to proposals with land guided as low-density, medium-density, or mixed residential and detached units are a component of the proposed development. Areas guided for high-density and mixed use are not subject to this criterion.

9. Exceptional landscaping to buffer homes major roads.

Purpose: Buffer homes from major roadways.

Criteria: Score will be based on criteria below:

- At least 70% evergreen trees but no more than 85% (10 points)
- Undulating berms (10 points)
- Decorative open fencing (10 points)
- Understory trees and shrubs (10 points)
- All vegetation must be salt tolerant. (10 points)
- Retention of existing woods may qualify as well and can be awarded up to 10 bonus points in this category.



50 points maximum

10. Percentage of units within 1,000 feet walk from a park.

Purpose: Promote location of parks within a short walk from people's homes.

Criteria: Percentage / 10

10 points maximum

Measured along roadways and/or trails.

11. Internal Trail Connections

Purpose: Encourage the creation of off-road trails within a neighborhood.

Criteria: Points will be awarded for the creation of internal trails to provide pedestrian and/or bicycle movement within a development.

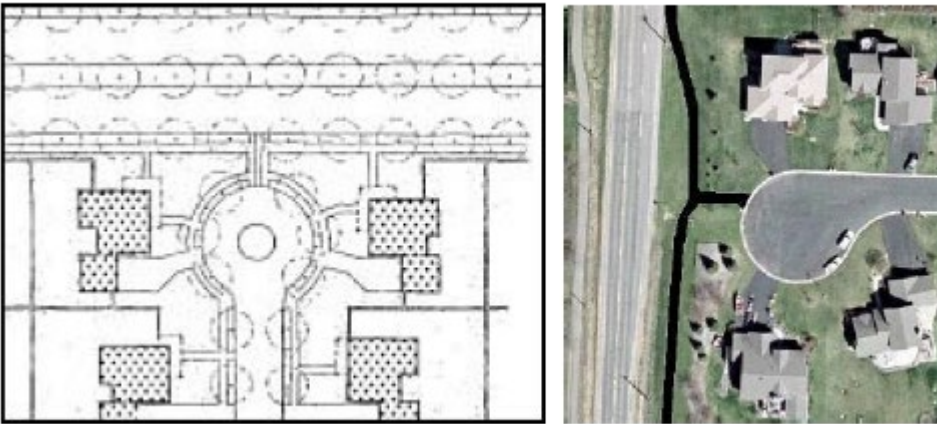
10 point maximum

12. Cul-de-sacs are open ended

Purpose: Foster the creation of pedestrian and bicycle connections or trail systems along arterial and collector roadways.

Criteria: Points = (% of cul-de-sacs that are open ended) / 20

5 points maximum



Cul-de-sac with a trail connection to the arterial at the end.

13. Open Space is consolidated and usable.

Purpose: Create open space areas that can be usable to the neighborhood, either passively or actively.

Criteria: Points will be awarded based on the following guidelines:

- Buildings should be organized around the open space.
- Open space should be a framing and organizing feature.
- Open space should be accessible to the local population (within the neighborhood).

- Open space should be designed in such a way that it doesn't appear like it is someone's backyard.
- Stormwater ponds should be incorporated as a design feature.

25 points maximum



14. Open space is connected with green (natural) corridors.

Purpose: Connect open spaces and reduce the occurrence of isolated open space areas.

Criteria: Points will be awarded for linking open space areas with natural corridors.

10 points maximum

Combining open space areas, trails, and storm ponds is a good way to get points in this category.

15. Viable open space master plan is created.

Purpose: Encourage developers to create a unified open space plan for their proposed neighborhoods and to use that open space as an organizing device for the neighborhood.

Criteria: Points will be awarded for providing a plan that highlights open space areas and the pedestrian corridors and connections between them.

5 points maximum

16. Natural resources and features are retained.

Purpose: Encourage the preservation significant or unique natural resources and/or topographical features if they exist.

Criteria: Points will be awarded if significant and unique natural features are retained. (Examples include trees, ravines, hilltops)

20 points maximum

17. Extensive internal landscaping.

Purpose: Encourage a larger amount of landscaping than required by code.

Criteria: (% of landscaping units above minimum) / 10

10 points maximum

Examples: 100 units required, 120 units provided = 2 points

18. Use of native plants in landscaping.

Purpose: Use vegetation that is better adapted to our climate to reduce water consumption and required maintenance.

Criteria: Points will be awarded if landscaping incorporates appropriate use of native plants.

5 points maximum

19. Existing rural structures are retained and/or reused

Purpose: Preserve existing structures that are in good condition and have historical value.

Criteria: 10 points awarded if a structure is retained

5 bonus points are awarded for the preservation of a silo (for a total of 15 points in this category).

10 points maximum with an additional 5 bonus points.

Incorporation of existing structures, foundations, etc., into the development for aesthetic and historic preservation purposes.

Examples are barns, silos, foundations, etc., If structures are structurally unsound and removal is advised, a developer would not be penalized for their removal.

Historic structures can be used as identifiable neighborhood centers if integrated into park/open space.

20. Higher Architectural Standards

Purpose: Encourage a higher architectural standard within PUD proposals.

Criteria: Points will be awarded where the developer goes above and beyond the architectural standards required in code. Points will be awarded when plans for residential developments that include recommended architectural styles and elements noted in the Southeast District Plan.

10 points maximum

Bonus Categories

21. Natural restoration work

Purpose: Reward developments that restore wooded areas, prairies, wetlands, soils, etc.

Criteria: 1 point per acre of restoration

10 points maximum

Buckthorn removal would qualify.

22. Extraordinary environmental protection

Purpose: Reward any other unregulated environmental protection that has not already been addressed.

Criteria: Points would be awarded for other extraordinary environmental protection that hasn't been addressed.

10 point maximum

23. Areas of parkland, woodland, or other open space (above minimum)

Purpose: Encourage creation of open space areas in a development, whether they are active park areas in a development, whether they are active park areas or passive woodland areas or other open space.

Criteria: 1 point per acre of dedicated parkland (acceptable to the City) or other open space areas that are in outlots or conservation easements.

No maximum points.

Wetlands and areas on steep slopes would not count.

Open space areas must be 50 feet or larger in the smallest dimension to be counted in this category.

24. Innovation and Utilization of New Technologies and Materials

Purpose: Reward innovative proposals that include new and creative design approaches and/or utilize new technologies and/or building materials within the overall site layout, buildings, and/or other development features.

Criteria: Points will be awarded where the applicant's plans feature creative and efficient methods of design or incorporate new technologies or materials. For example, the use of building-integrated solar technology (AKA solar skins) for a development that provides high energy efficiency while being aesthetically compatible with the surrounding neighborhood.

10 point maximum

Test Case: Tavera

| Criteria | Points Possible | Points Awarded |
|---|------------------------|-----------------------|
| 1. Placement of uses so as to integrate with adjacent uses. | | |
| a. Placing features such as parks and conservation areas contiguous to existing or planned private parks or conservation areas. | N/A | N/A |
| b. No restrictions for public access to private parks or conservation areas. | 10 | 5 |
| c. Effort to link neighborhood to public/semi-public uses. | N/A | N/A |
| d. Opportunity for adjacent development to link to the proposed development | 5 | 5 |
| 2. Collaboration with adjoining landowners | 10 | 0 |
| 3. Appropriately located neighborhood scale commercial/office uses. | N/A | N/A |
| 4. Percentage of units within ¼ mile of an identifiable neighborhood focal point. | 50 | 19 |
| 5. Distribution of attached units. | 40 | 0 |
| 6. Creation of open space using multi-story buildings. | N/A | N/A |
| 7. Visual termini | 5 | 5 |
| 8. Attached units are embedded | 25 | 25 |
| 9. Exceptional landscaping to buffer homes from major roadways. | | |
| a. At least 70% evergreen trees but no more than 85% | 10 | 5 |
| b. Undulating berms | 10 | 0 |
| c. Decorative open fencing | 10 | 0 |
| d. Understory trees and shrubs | 10 | 0 |
| e. Salt tolerant vegetation | 10 | 5 |
| f. Retention of existing woods may qualify as well | Bonus | 10 |
| 10. Percentage of units within 1,000 feet walk from a park. | 10 | 2.6 |
| 11. Internal trail connections. | 10 | 10 |
| 12. Cul-de-sacs are open-ended | 10 | 5 |
| 13. Open space is consolidated and usable | 10 | 10 |
| 14. Open space is connected with green (natural corridors) | 10 | 10 |
| 15. Viable open space master plan | 5 | 5 |
| 16. Natural resources are retained | 20 | 20 |
| 17. Extensive internal landscaping | 10 | 10 |
| 18. Use of native plants in landscaping. | 5 | 5 |
| 19. Existing rural structures with historical value are retained and/or reused. | N/A | N/A |
| 20. Higher Architectural Standards | 10 | 5 |
| Bonus Categories | | |
| 21. Natural restoration work | Bonus | N/A |
| 22. Extraordinary environmental protection | Bonus | N/A |

| | | |
|--|--------------|-------|
| 23. Areas of parkland, woodland, or other open space (above minimum) | Bonus | 30 |
| 24. Innovation and utilization of new technologies and materials | Bonus | N/A |
| Total points | 295 | 191.6 |
| Score | 64.9% | |

The PUD ordinance in Corcoran, in my view, has proven itself to be the most controversial part of our City's Code.

The PUD is a statutory tool to carry out the Comprehensive Plan. While I agree that planning is critical, as we just saw with the Northeast District requirements, sometimes plans change. With the Northeast District, we saw a plan, and we saw that there were things that we hadn't thought about when making it. So, we changed it. I think that our Comprehensive Plan should be modified to reflect a lower level of development. I am not aware of any authority that would prevent this.

We have granted numerous PUDs, we have increased the number of housing units available by, and I do not have the figures handy, but at least 30%? I think the question becomes—when does the development stop? Does it stop once there is nothing left to develop? Is Corcoran going to be blanketed in 3-5 homes per acre?

As to the two proposed changes:

The formula for analysis with the point system, I think, would effectively bind this Council in 2022 and all future Councils. I think that the points system is too rigid, and introduces the same problem I was talking about before—it offers no flexibility for the City or future Councils if its plans change. Basically, what is important to this Council, this specific group of five, becomes binding to future Councils whether they agree with you or not. I think that is anti-democratic.

On the other hand, I think that there is value to setting forth objective principles to follow. But, I still think that as written, the points system is only a thin veneer of objectivity. Indeed some only grant the points on a "case-by-case basis", other say you get X points, but how those points are calculated aren't clear. For example, under "Natural Resources and features are retained" it says "Points will be awarded if significant and unique natural features are retained. (Examples include trees, ravines, hilltops) 20 points maximum" How is the calculation of the points there objective?

Moreover, the whole purpose of the PUD is to facilitate creative land use. What is so creative about telling developers, "here is my rubric. you get points if you do it this way"?

For this reason, I generally find it difficult to support the measure, even though I am generally in favor of objectivity in the law.

For the super majority requirement, I guess I would like to know what the City Attorney means by "requiring a 4/5 majority vote can create situations where the City may need to defend a decision based on findings of fact opined by the minority of the Council." I suppose, this could also apply to any vote that isn't unanimous, right? And the City only requires a simple majority now—so I do not understand how this would be anymore detrimental to the City's ability to defend a decision. I want to understand this concern a little more.

With that said, my instinct is that the super majority requirement would be beneficial, specifically because it would inherently mean that there would need to be more consensus among the Council persons. This is why the United States Constitution requires super majorities for big things like Constitutional Amendments and in order to get legislation passed after a veto. For PUD's because it is essential an ask for license to change the City Code, I think that it is important that consensus to a higher degree will mean better results.

On the other hand, what if we have two or more abstentions? Does the application simply get approved by default?